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BILL ANALYSIS

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House Bill 5055 (Substitute S-3 as reported by the Committee of the Whole)  
Sponsor: Representative Chris Ward  
House Committee: Land Use and Environment  
Senate Committee: Natural Resources and Environmental Affairs

### **CONTENT**

The bill would amend Part 91 (Soil Erosion and Sedimentation Control) of the Natural Resources and Environmental Protection Act to do the following:

- Specify that the owner of property subject to an earth change permit would be responsible for compliance with the terms of the permit.
- Provide that when property subject to an earth change permit was transferred, the permit, including permit obligations and conditions, as well as responsibility for any violations of the permit existing at the time of the transfer, also would be transferred.
- Require a person proposing to transfer property subject to a permit, to give the transferee written notice of the permit, as well as the transfer of obligations and responsibility; require both parties to sign the notice; and require the transferor to submit the signed notice to the county or municipal enforcing agency before the transfer.
- Allow a county or municipal enforcing agency to charge a fee for the transfer of a permit; limit the fee to the administrative costs of transferring the permit; and allow fee revenue to be used only for the agency's enforcement and administration of Part 91.

("Earth change" means a human-made change in the natural cover or topography of land, including cut and fill activities, that may result in or contribute to soil erosion or sedimentation of the waters of the State. The term does not include plowing and tilling soil for the purpose of crop production.)

MCL 324.9112

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

The bill would have no fiscal impact on the State. Soil erosion permits are issued by county governments, which may charge permit fees. The bill could result in slightly less revenue for those counties that do not currently allow earth change permits to be transferred, but require new owners to acquire a new permit.

Date Completed: 12-7-04

Fiscal Analyst: Jessica Runnels