



Senate Fiscal Agency
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**BILL ANALYSIS**

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House Bill 5055 (Substitute H-2 as passed by the House)
Sponsor: Representative Chris Ward
House Committee: Land Use and Environment
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 9-21-04

CONTENT

The bill would amend Part 91 (Soil Erosion and Sedimentation Control) of the Natural Resources and Environmental Protection Act to allow the transfer of a permit to maintain or undertake an earth change. The present and proposed permit holders jointly would have to give the appropriate county enforcing agency or municipal enforcing agency prior written notice of the proposed transfer.

The bill specifies that the current permit holder would be responsible for all violations of Part 91, the rules promulgated under it, an applicable local ordinance, or the permit, on the relevant property on which the earth change was taking place or had taken place.

Part 91 prohibits a person from maintaining or undertaking an earth change governed by that part, the rules promulgated under it, or an applicable local ordinance, without a permit approved by the appropriate county enforcing agency or municipal enforcing agency. "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 the practice of 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.

Fiscal Analyst: Jessica Runnels

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.