

Legislative Analysis



TRANSFER OF CERTAIN DEQ RESPONSIBILITIES TO BUREAU OF FIRE SERVICES

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5366

Sponsor: Rep. Andy Neumann

Committee: Regulatory Reform

Complete to 12-8-09

A SUMMARY OF HOUSE BILL 5366 AS INTRODUCED 9-15-09

The bill would transfer various duties currently assigned in statute to the Department of Environmental Quality or the director of the department to the Bureau of Fire Services or to the State Fire Marshal. The bill would also specify that such transfers do not abate civil actions brought by or against the DEQ or a criminal action brought by the state.

Under Executive Order 2009-45, the Departments of Environmental Quality and Natural Resources will be abolished and merged into the new Department of Natural Resources and Environment. Some of the responsibilities of the DEQ will be transferred to other departments, agencies, or bureaus.

House Bill 5366 would amend the Fire Protection Code to transfer some duties of the DEQ or director of the DEQ to the Bureau of Fire Services or the State Fire Marshal as well as change numerous statutory references. Specifically, the bill would do the following:

**** Transfer from the DEQ to the Bureau of Fire Service and from the director of the DEQ to the State Fire Marshal responsibilities related to aboveground storage containers for flammable liquids and hazardous wastes and dry cleaning operations using flammable liquids.**

**** Specify that the transfers of power and duties under the bill would not abate an action or proceeding commenced by or against the department or the director in his or her official capacity under the Fire Prevention Code. However, a court could allow the action or proceeding to be maintained by or against the Bureau or State Fire Marshal, respectively.**

**** Specify that the bill would not abate a criminal action commenced by the state.**

**** Require that orders, certificates, approvals, or authorizations issued by the DEQ or director under the code prior to the bill's effective date would continue in effect until it expired or was amended, suspended, or revoked by the Bureau or Fire Marshal, respectively.**

****** As applicable under the bill, transfer all records, personnel, and unexpended balances of appropriations or other funds associated with a power or duty transferred under the bill to be transferred with that power or duty.

****** Make numerous changes of an editorial or technical nature, such as changing numerous references to the DEQ or director to the Bureau of Fire Services or State Fire Marshal, respectively.

****** Give authority to the Bureau to make and administer rules to regulate dry cleaning establishments that use flammable liquids.

MCL 29.3b et al.

FISCAL IMPACT:

Overall, the bill would have no apparent, significant fiscal impact on the state, as certain regulatory functions would simply be transferred from one department to another. However, the exact nature of staffing and program resources that would be transferred from the Department of Environmental Quality to the Department of Energy, Labor, and Economic Growth is still being reviewed by the HFA and the departments. As such, the budgetary and programmatic impact on the individual departments is not yet known.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Mark Wolf
Viola Bay Wild

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