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House Bill 4043 (Substitute H-2 as passed by the House)
Sponsor: Representative Greg MacMaster
House Committee: Regulatory Reform
Senate Committee: Economic Development

Date Completed: 11-1-11

CONTENT

The bill would amend Part 15 (Enforcement) of the Natural Resources and Environmental Protection Act to require a department, before initiating a civil enforcement action against a person holding a permit, to give the person an opportunity for a meeting with the department.

The bill would define "department" as the department, agency, or officer authorized by the Act to approve or deny an application for a permit. "Permit" would mean a permit or operating license issued under the Act. (The departments that issue permits under the Act include the Department of Environmental Quality, the Department of Natural Resources, and the Department of Agriculture and Rural Development.)

Specifically, subject to the exceptions described below, the bill would require a department, before initiating a civil enforcement action under the Act against a person holding a permit, to contact the person and extend an offer for staff of the department to meet with the person and discuss the potential civil enforcement action and potential resolution of the issue.

If the person agreed to meet with the department, it could not initiate a civil enforcement action until after the meeting was held, unless the meeting were not held within a reasonable time as determined by the department.

These provisions would not apply if the enforcement action were a civil infraction action. The provisions also would not apply if the department determined that the violation that was the subject of the potential enforcement action constituted an imminent and substantial endangerment of the public health, safety, or welfare or the environment.

Proposed MCL 324.1511

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would likely result in some small additional administrative costs for a department due to the requirement to offer a meeting with the subject of a civil enforcement action. To the extent that these meetings resulted in problems being corrected before the matter went to court, some of these costs could be mitigated by savings on legal fees from the Attorney General.

Fiscal Analyst: Josh Sefton

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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.