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BILL ANALYSIS

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House Bill 4212 (Substitute H-2 as reported without amendment)

Sponsor: Representative Kevin Daley

House Committee: Agriculture

Senate Committee: Agriculture

CONTENT

The bill would amend Part 87 (Groundwater and Freshwater Protection) of the Natural Resources and Environmental Protection Act to do the following:

- Require the Michigan Department of Agriculture and Rural Development (MDA) Director, in consultation with an advisory council, to implement a Michigan Agriculture Environmental Assurance Program (MAEAP).
- Establish requirements for the verification of farms under MAEAP.
- Require the MDA to establish a MAEAP grants program.
- Replace the groundwater advisory council with an environmental assurance advisory council, and specify council membership and activities.
- Allow the MDA Director to establish environmental assurance teams, rather than regional groundwater stewardship teams, for the implementation of programs under Part 87.
- Revise requirements related to groundwater stewardship, and refer instead to conservation.
- Allow the MDA Director, in consultation with the advisory council, to establish priorities, procedures, and protocols for a surface water quality monitoring program.
- Allow the Freshwater Protection Fund to be used for verification and other MAEAP-related activities.
- Require the MDA and the Department of Environmental Quality to enter into a memorandum of understanding to formalize a commitment to promote MAEAP and to clarify the application of State and Federal environmental laws to farms.
- Delay the sunset date for fees collected under Part 87.

The bill is tie-barred to Senate Bill 122. (Senate Bill 122 (S-1), as passed by the Senate, would amend the Act to excuse MAEAP-verified farms from civil fines for water discharges, and specify that discharges would be nonpoint source pollution, under certain circumstances; allow nonpoint source pollution prevention and control grants for projects that promoted MAEAP verification; and allow the expenditure of money from the Clean Water Fund for MAEAP-related activities. The bill is tie-barred to House Bill 4212.)

MCL 324.8702 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a minimal fiscal impact on the Department of Agriculture and Rural Development as its provisions would largely codify activities already in practice. The bill also would establish a MAEAP grants program, to be paid for from funds generated under Section 8715 of the Act. The revenue produced under the section is approximately \$3.8 million annually. These funds are allocated fully in the FY 2010-11 budget for various environmental programs within the department and none of these funds have yet to be appropriated for what has been titled "MAEAP Grants".

Date Completed: 2-24-11

Fiscal Analyst: Bruce Baker

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Bill Analysis @ www.senate.michigan.gov/sfa

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.

