



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4604 (Substitute S-2 as reported by the Committee of the Whole)

Sponsor: Representative Brett Roberts

House Committee: Agriculture

Senate Committee: Natural Resources

CONTENT

The bill would amend Part 91 (Soil Erosion and Sedimentation Control) of the Natural Resources and Environmental Protection Act to exempt earth change activities associated with certain agricultural practices from a county or municipal permit requirement, as long as the activities did not result in or contribute to soil erosion, sedimentation, or an off-site discharge of sediment.

The Act provides that a county is responsible for the administration and enforcement of Part 91 and the rules promulgated under it throughout the county, except within a municipality that has assumed responsibility for soil erosion and sedimentation control. A municipality (i.e., a city, village, or charter township, or a general law township located in a county with a population of at least 200,000) also may provide by ordinance for soil erosion and sedimentation control on public and private earth changes within its boundaries.

A person may not maintain or undertake an earth change governed by Part 91, rules promulgated under it, or an applicable local ordinance except as authorized by a permit issued by the appropriate county or municipal enforcing agency.

The bill would make an exemption from the permit requirement for earth changes associated with the following agricultural practices, if the earth change activities did not result in or contribute to soil erosion or sedimentation of the waters of the State or a discharge of sediment off-site:

- The construction, maintenance, or removal of fences and fence lines.
- The removal of tree or shrub stumps or roots.
- The installation of drainage tile, irrigation, or electrical lines.
- The construction or maintenance of ponds, if the associated earth change were less than five acres, did not result in a discharge of storm water into the waters of the State, and were not part of a larger plan of development.

The bill would take effect 90 days after it was enacted.

MCL 324.9115a

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would reduce administrative costs and fee revenue to local governmental units that currently assess permit fees for the activities that the bill would exempt from permit requirements. The amount of the change would vary by local government based on local costs, fee amounts, and the change in the number of permit applications due to the bill.

Date Completed: 12-16-15

Fiscal Analyst: Elizabeth Pratt

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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.