



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4604 (as passed by the House)
Sponsor: Representative Brett Roberts
House Committee: Agriculture
Senate Committee: Natural Resources

Date Completed: 12-2-15

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.

("Earth change" means a human-made change in the natural cover or topography of land, including cut and fill activities, which 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.)

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. Part 91 contains an exception to the permit requirement for a number of earth change activities conducted by a residential property owner on his or her individual property, as long as they do not result in or contribute to soil erosion or sedimentation of the waters of the State or a discharge of sediment off-site.

The bill would make an additional 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 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.

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.