



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 965 (as introduced 4-26-18)
Sponsor: Senator Joe Hune
Committee: Natural Resources

Date Completed: 5-22-18

CONTENT

The bill would amend Part 91 (Soil Erosion and Sedimentation) of the Natural Resources and Environmental Protection Act to allow two or more municipalities to provide for joint administration and enforcement of Part 91.

Part 91 prohibits a person from undertaking or maintaining an earth change except in accordance with the part and rules promulgated under it or with the applicable local ordinance, and except as authorized by a permit issued by the appropriate county or municipal enforcing agency. ("Earth change" means a human-made change in the natural cover or topography of land that may result in or contribute to soil erosion or sedimentation of the waters of the State. The term does not include plowing and tilling soil for crop production, and a permit is not required for logging, mining, or other specified activities.)

Counties are responsible for the administration and enforcement of Part 91 except within a municipality that has assumed the responsibility for soil erosion and sedimentation control, and with regard to earth changes of authorized public agencies.

Part 91 allows a municipality to provide by ordinance for soil erosion and sedimentation control on public and private earth changes within its boundaries, although a township ordinance is not applicable within a village that has such an ordinance in effect. ("Municipality" means a city; a village; a charter township; or a general law township located in a county with a population of 200,000 or more.)

The bill would allow two or more municipalities to provide for joint administration and enforcement of Part 91 and the rules promulgated under it by entering into a written interlocal agreement pursuant to the Urban Cooperation Act. However, if all of the municipalities were not located, in whole or in part, in the same county, the agreement would not take effect unless the Department of Environmental Quality approved the agreement in writing. The Department would have to approve the agreement if it determined that the agreement would promote the effective administration and enforcement of Part 91 and the rules promulgated under it.

(The Urban Cooperation Act allows a public agency of Michigan to exercise jointly with any other public agency of Michigan, any other state, Canada, or the U.S. government, any power, privilege, or authority that the agencies share in common and that each might exercise separately.)

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

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

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.