

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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Senate Bill 19 (Substitute S-1 as enrolled)
Sponsor: Senator Dan L. DeGrow
Committee: Natural Resources and Environmental Affairs

Date Completed: 3-4-97

RATIONALE

Under Part 323 of the Natural Resources and Environmental Protection Act (NREPA), the Department of Environmental Quality may promulgate rules to regulate the use and development of a Great Lakes shoreland area that is determined to be subject to erosion, known as a "high-risk area". The rules require a building in a high-risk area to be a "readily moveable structure", which means, in part, that above-grade walls must be "stud wall construction" (R 281.21 and 281.22). The rules specify that above-grade walls that are constructed of masonry, including stone walls, concrete poured or concrete block walls, and brick veneer walls, do not meet this criterion. In other words, the part of a building that is above the ground level must be a wood frame structure. This enables the structure to be moved back on the property, or to different property, in the event of erosion.

Apparently, there is a type of construction involving interlocking brick, or the combined use of interlocking brick and stud walls, that also produces an easily moveable structure. When shoreland residents wish to renovate and remodel their dwellings, however, they reportedly have been told that they may not use this material because it would violate the administrative rules. According to the Department, it is in the process of revising the rules in order to permit this type of construction. It has been suggested that the NREPA also should be amended to allow the use of moveable brick.

CONTENT

The bill would amend Part 323 (Shorelands Protection and Management) of the NREPA to specify that, notwithstanding any other provision of Part 323 or the rules promulgated under it, the Department of Environmental Quality would have to allow above-grade walls to be constructed with

moveable brick.

Proposed MCL 324.32312a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

By making it clear in statute that structures in high-risk areas could use moveable brick, the bill would enable shoreland property owners to remodel or construct homes with this material. Although the Department is revising its rules, the process of promulgating and changing rules can be time-consuming, while a statutory amendment could take effect immediately. Although some communities apparently have ordinances that are consistent with the current rules, these local units could modify their ordinances to conform to the bill.

Legislative Analyst: S. Margules

FISCAL IMPACT

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

Fiscal Analyst: G. Cutler

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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.