



Senate Fiscal Agency
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**BILL ANALYSIS**

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House Bill 4444 (Substitute H-4 as reported without amendment)

Sponsor: Representative Phillip Pavlov

House Committee: Natural Resources, Great Lakes, Land Use and Environment

Senate Committee: Natural Resources and Environmental Affairs

CONTENT

The bill would amend Part 91 (Soil Erosion and Sedimentation Control) of the Natural Resources and Environmental Protection Act to define the terms "gardening" and "seawall", and to require an inspection or investigation of a possible violation of Part 91 to comply with the United States and State Constitutions.

Under the bill, "gardening" would mean activities necessary to the growing of plants for personal use, consumption, or enjoyment. "Seawall maintenance" would mean an earth change activity landward of the seawall.

(Part 91 requires a permit for any earth change that disturbs one or more acre, or is within 500 feet of a lake or stream. "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.)

The bill is tie-barred to Senate Bill 282, which would create exemptions from the permit requirements of Part 91 for a residential property owner engaging in specified earth change activities, including gardening and (under Substitute H-3) seawall maintenance. Senate Bill 282 (H-3) has passed the House and is tie-barred to House Bill 4444.

MCL 324.9101 et al.

Legislative Analyst: Julie Koval

FISCAL IMPACT

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

Date Completed: 6-8-05

Fiscal Analyst: Jessica Runnels