



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



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4444 (Substitute H-4 as passed by the House)

Sponsor: Representative Phillip Pavlov

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

Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 6-6-05

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.)

Part 91 allows an agent appointed by the Department of Environmental Quality, a county enforcing agency (i.e., an officer, board, commission, department, or other entity of county government, or a conservation district designated by a county board of commissioners), or a municipal enforcing agency (an agency designated by a municipality to enforce a local ordinance) to enter upon any private or public property at any reasonable time to inspect and investigate conditions or practices that may be in violation of Part 91. The bill specifies that such an investigation or inspection would have to comply with the U.S. and State Constitutions.

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.

Fiscal Analyst: Jessica Runnels

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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.