



**Senate Fiscal Agency**  
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**BILL ANALYSIS**

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Senate Bill 965 (as enacted)  
Sponsor: Senator Joe Hune  
Senate Committee: Natural Resources  
House Committee: Natural Resources

**PUBLIC ACT 419 of 2018**

Date Completed: 2-25-19

**CONTENT**

**The bill amends 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.**

The bill will take effect March 20, 2019

The Act prohibits a person from undertaking or maintaining an earth change except in accordance with Part 91 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 allows 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 are not located, in whole or in part, in the same county, the agreement does not take effect unless the Department of Environmental Quality approves it in writing. The Department must approve the agreement if it determines that the agreement will 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.)

**FISCAL IMPACT**

The bill will 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.