



Senate Fiscal Agency
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House Bill 4729 (Substitute S-1 as reported by the Committee of the Whole)
House Bill 4730 (Substitute S-4 as reported by the Committee of the Whole)
Sponsor: Representative John J. Gleason (H.B. 4729)
Representative John P. Stakoe (H.B. 4730)
House Committee: Great Lakes and Tourism
Senate Committee: Natural Resources and Environmental Affairs

CONTENT

House Bill 4730 (S-4) would add Part 33 (Aquatic Nuisance Control) to the Natural Resources and Environmental Protection Act to do the following:

- Require that a person obtain a permit or certificate of coverage from the Department of Environmental Quality (DEQ) for the chemical treatment of some State waters and bottomlands of the Great Lakes and Lake St. Clair for the purposes of controlling aquatic nuisance species.
- Allow the chemical treatment of other State waters without a permit, for the purposes of aquatic nuisance control, if the body of water met certain conditions.
- Allow a permit applicant to provide scientific documentation to support a proposed pesticide, application rate, or means of application for a whole lake treatment, including the use of fluridone at rates exceeding 6 parts per billion.
- Prescribe annual permit application fees.
- Require the DEQ to pay an applicant 15% of the application fee if the Department failed to issue a permit by May 1 or within 30 working days after receiving a complete application, whichever was later.
- Authorize the DEQ to impose various permit conditions.

The bill also would repeal sections of the Public Health Code that presently require a permit from the DEQ for the application of chemicals to water for the control of aquatic nuisances.

House Bill 4729 (S-1) would amend Part 33 to provide that a person who violated Part 33 would be guilty of a misdemeanor. As shown below, the penalties would depend on whether a violation resulted in harm to or posed a substantial threat to natural resources, the environment, or human health; whether it was committed by a corporate officer who had advance knowledge of the violation and failed to prevent it; whether the violation resulted in serious harm or posed a substantial and imminent threat and the violator knew or should have known that it could have that result; and whether the violator made a false statement in a permit application or report.

Violation	Maximum Imprisonment	Minimum Fine	Maximum Fine
No harm or threat	NA	NA	\$500
Harm or threat, or corporate violator	6 months	\$1,000	\$2,500
Repeat offense	1 year	\$2,500	\$5,000
Serious harm or imminent and substantial threat; with knowledge	1 year	\$5,000	\$10,000
Repeat offense	2 years	\$7,000	\$15,000
False statement	NA	\$1,000	\$2,500
Repeat offense	1 year	\$2,000	\$5,000

The Attorney General could commence a civil action for appropriate relief, including an injunction restraining a violation or ordering restoration of natural resources affected and a civil fine of up to \$25,000.

The bills are tie-barred to each other, and would take effect on October 1, 2004.

Proposed MCL 324.3313 (H.B. 4729)
MCL 324.30113 et al. (H.B. 4730)

Legislative Analyst: Claire Layman

FISCAL IMPACT

Fees; Administration. The fees that would be established in House Bill 4730 (S-4) are already set in statute at the same rates with the same sunset date. The bill would require the Department of Environmental Quality to grant or deny an application for a certificate of coverage before May 1 or within 15 days, and an application for a permit before May 1 or within 30 working days of receipt of a completed application. Since the chemicals are applied primarily during the summer months, almost all of the permit applications are submitted in the spring. The deadline proposed in the bill is currently being met by the DEQ for these applications. Since the DEQ currently is meeting this deadline for application review, the provision in House Bill 4730 (S-4) that would require the Department to pay the applicant 15% of the application fee if the deadline is not met would not have a large effect. Loss of revenue from this proposal would be minimal.

Corrections. The bills would have an indeterminate fiscal impact on State and local government.

There are no data to indicate how many offenders are currently convicted of a violation of the related sections of the Public Health Code, which House Bill 4730 (S-4) would repeal. Nor are there data to indicate how many more offenders would be convicted of violating the proposed misdemeanors. Local governments incur the cost of misdemeanor probation and incarceration, the costs of which vary by county. Public libraries would receive the fine revenue.

Date Completed: 7-02-04

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