



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 444 (Substitute S-2 as reported by the Committee of the Whole)
Sponsor: Senator Tom Casperson
Committee: Natural Resources, Environment and Great Lakes

CONTENT

The bill would amend Part 33 (Aquatic Nuisance Control) of the Natural Resources and Environmental Protection Act to do the following:

- Move a sunset on the application fee requirement for a permit or certificate of coverage to chemically treat a body of water for aquatic nuisance control, from October 1, 2015, to October 1, 2014.
- Create the "Aquatic Nuisance Control Fund" and require the Department of Environmental Quality (DEQ) to spend Fund money, upon appropriation, for the administration of Part 33.
- Eliminate a requirement that fees collected under Part 33 be deposited in the Land and Water Management Permit Fee Fund, and require the DEQ to forward all of the fees (including required annual fees and fees associated with expanding an approved treatment area, as described below) for deposit into the proposed Fund.

Beginning with State fiscal year 2014-15, and subject to the fee limits prescribed in Part 33, the bill would require the DEQ annually to adjust certificate and permit application fees for inflation; and to achieve a target in fee revenue, set so that the annual cumulative total of that amount, plus of all of the following, would equal approximately \$900,000: the total amount of required annual fees paid for a multiyear permit, the amount of General Fund money appropriated to the program under Part 33, and the amount in the Aquatic Nuisance Control Fund in excess of \$100,000 carried forward from the previous fiscal year.

The bill also would do the following:

- Revise the time frame for the DEQ to process an application for a permit or certificate of coverage; and require an application to be considered approved under certain circumstances, if the DEQ failed to comply with the prescribed time frame.
- Prescribe a minimum permit or certificate term of three years, unless the applicant requested a shorter term; and require a permit to authorize chemical treatment in each year of its term.
- Require a permittee to pay an annual fee to the DEQ for the second and each subsequent year of a permit, and require suspension of a permit if the fee were not paid on time.
- Prohibit the DEQ from charging a fee for a request for permit revisions or for an amendment to an application; and require the DEQ to approve or deny a request for revisions within three business days after receiving it.
- Require the DEQ to transfer a permit, under certain circumstances.
- Allow a permittee to expand the area of impact beyond that originally authorized in the permit or certificate, if certain conditions were met and subject to specified limitations.

- Require the DEQ to post and maintain an internet registry of waterbodies infested with aquatic invasive species.
- Authorize a local unit of government to adopt an ordinance for the prevention, control, or eradication of aquatic nuisances in a waterbody within its boundaries.
- Allow the ordinance to provide for the imposition of fees; and require an exemption from the fees to be granted under certain circumstances and allow an exemption under others.
- Require fees collected under a local ordinance to be deposited in a restricted fund exclusively for aquatic nuisance control purposes.
- Prescribe criteria to be met in order for an aquatic nuisance ordinance to be enforceable.

Additionally, the bill would exempt hand-pulling of aquatic nuisance plant species without using a powered or mechanized tool from the permit requirement of Part 301 (Inland Lakes and Streams) and regulation under Part 325 (Great Lakes Submerged Lands).

MCL 324.3301 et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have a neutral fiscal impact on State government and no fiscal impact on local units of government. The bill would change the sunset date for the current certificate of coverage fees from October 1, 2015, to October 1, 2014. These fees directly support the processing of certificates of coverage and range between \$75 and \$1,500, depending on the number of acres to be treated.

After October 1, 2014, the fees would be adjusted so that the amount collected in each fiscal year was \$900,000, which would be adjusted for inflation annually. This amount would be sufficient to run the Aquatic Nuisance Control program at its current level.

Date Completed: 10-28-13

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.