



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 122 and 123 (as reported without amendment)
Sponsor: Senator Joe Hune
Committee: Agriculture

CONTENT

Senate Bill 122 would amend the Natural Resources and Environmental Protection Act (NREPA) to do all of the following:

- Excuse a farm verified under the Michigan Agriculture Environmental Assurance Program (MAEAP) from civil fines for an unintentional water discharge, and specify that the discharge would be considered nonpoint source pollution, if the owner or operator met requirements to correct and report the discharge.
- Allow nonpoint source pollution prevention and control grants for projects that promoted MAEAP verification.
- Allow the expenditure of money from the Clean Water Fund for MAEAP promotion and activities.

Senate Bill 123 would amend NREPA to do all of the following:

- Require the Michigan Department of Agriculture and Rural Development (MDA) Director, in consultation with an advisory council, to implement a Michigan Agriculture Environmental Assurance Program.
- Establish requirements for the verification of farms under MAEAP.
- Replace the groundwater advisory council with an environmental assurance advisory council, and specify council membership and activities.
- Require the MDA to establish a MAEAP grants program.
- Allow the MDA Director to establish environmental assurance teams, rather than regional groundwater stewardship teams, for the implementation of programs under Part 87 (Groundwater and Freshwater Protection).
- Revise requirements related to groundwater stewardship, and refer instead to conservation.
- Allow the MDA Director, in consultation with the environmental assurance advisory council, to develop and establish priorities, procedures, and protocols for the implementation of a surface water quality monitoring program.
- Require the MDA and the Department of Environmental Quality (DEQ) to enter into a memorandum of understanding to formalize a commitment to promote MAEAP and to clarify the application of State and Federal environmental laws to farms.
- Delay the sunset date for fees collected under Part 87, from December 31, 2013, to December 31, 2015.

The bills are tie-barred.

MCL 324.8801 et al. (S.B. 122)
324.8702 et al. (S.B. 123)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 122 would have no fiscal impact on State or local government.

Senate Bill 123 would have a minimal fiscal impact on the Department of Agriculture and Rural Development as its provisions would largely codify activities already in practice. The bill also would establish a MAEAP grants program, to be paid for from funds generated under Section 8715 of the Act (which imposes fees related to groundwater protection, pesticides, and fertilizers). The revenue produced under the section is approximately \$3.8 million annually. These funds are allocated fully in the FY 2010-11 budget for various environmental programs within the department and none of these funds have yet to be appropriated for what has been titled "MAEAP Grants".

Date Completed: 2-14-11

Fiscal Analyst: Bruce Baker
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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.