



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



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

Senate Bill 663 (as reported without amendment)
Sponsor: Senator Sue Shink
Committee: Energy and Environment

CONTENT

The bill would amend Part 31 (Water Resources Protection) of the Natural Resources and Environmental Protection Act to delete a provision prohibiting the Department of Environment, Great Lakes, and Energy (EGLE) from promulgating rules to carry out its duties under Part 31 after December 31, 2006.

Generally, Part 31 requires EGLE to protect and conserve Michigan's water resources and control the pollution of the State's surface or underground water, as well as the Great Lakes. The Department may promulgate rules as it considers necessary to carry out its duties; however, the Act prohibits EGLE from promulgating any additional rules under Part 31 after December 31, 2006. Rules promulgated under Part 31 before January 1, 2007, have and will remain in effect unless rescinded. The bill would delete these provisions.

BRIEF RATIONALE

According to testimony, EGLE has not been able to promulgate rules under Part 31 since legislation was passed to prevent it from doing so in 2007. Some have argued that this prohibition on rulemaking has left EGLE unable to fulfill its statutorily imposed purpose to protect the State's waters and has left the State unaligned with Federal standards, creating a negative impact on public health. The rulemaking process requires consideration of stakeholder input and legislative oversight from the Joint Committee on Administrative Rules, and so EGLE should have the authority to promulgate rules.

MCL 324.3103

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

As the language of the bill is permissive, there would be no mandatory fiscal impact on the State or local units of government.

Date Completed: 3-11-24

Fiscal Analyst: Jonah Houtz