

HOUSE BILL NO. 5661

December 29, 2021, Introduced by Rep. Rogers and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 30111d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 30111d. (1) The department may issue a written emergency**
2 **order that requires the owner of a structure or fill located on**
3 **bottomlands to immediately repair or remove the structure or fill,**
4 **or take any other action determined necessary by the department, if**
5 **the structure or fill is in imminent danger of failure or is**

1 causing or threatening to cause harm to public health, safety,
2 welfare, property, or the natural resources or the public trust in
3 those natural resources. The department may modify the requirements
4 of an emergency order. The department may terminate an emergency
5 order upon a determination in writing that all necessary emergency
6 actions have been completed and that an emergency no longer exists.

7 (2) Within 15 days after the department issues an emergency
8 order under subsection (1), the department shall provide the owner
9 with an opportunity for a hearing pursuant to chapter 4 of the
10 administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to
11 24.288. At the hearing, the department shall determine, based on
12 information and fact, if the emergency order must be continued,
13 modified, suspended, or terminated as necessary for or consistent
14 with the protection of public health, safety, welfare, property, or
15 natural resources or the public trust in those natural resources.