

HOUSE BILL NO. 6203

June 09, 2022, Introduced by Reps. Steven Johnson, Tisdell, Bollin, Beeler, Meerman, Calley, Rendon, Bellino, Hoitenga, Clements, Lightner, Eisen, Allor, Outman and Alexander and referred to the Committee on Oversight.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 31521 (MCL 324.31521), as added by 1995 PA 59.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 31521. (1) The department may issue emergency orders as
2 provided in this section. The department may, by written notice,
3 order an owner to immediately repair, draw down, breach, or cease
4 operation of a dam where a dam is in imminent danger of failure and
5 is causing or threatening to cause harm to public health, safety,

1 welfare, property, or the natural resources or the public trust in
 2 those natural resources. If an owner fails to comply with an order,
 3 or is unavailable or unable to be contacted, then the department
 4 may undertake immediate repair, drawdown, breaching, or cessation
 5 of operation, as may be necessary to alleviate the danger, and may
 6 recover from the owner the costs incurred in a civil action.
 7 ~~commenced in a court of competent jurisdiction.~~ The department may
 8 terminate an emergency order upon a determination in writing that
 9 all necessary emergency actions have been complied with by the
 10 owner and that an emergency no longer exists.

11 (2) When ~~ordering~~ **issuing an** emergency actions ~~order~~ under
 12 subsection (1), the department may specify maximum drawdown level
 13 and discharge rates and require sediment surveys, water quality
 14 sampling, monitoring, or any other action determined necessary by
 15 the department to ensure adequate protection of the public health,
 16 safety, welfare, property, or natural resources or the public trust
 17 in those natural resources. The department may modify the
 18 requirements of an emergency order if, during the conduct of
 19 ordered actions, ~~it~~ **the department** determines that the modification
 20 is necessary to protect the public health, safety, welfare,
 21 property, or natural resources or the public trust in those natural
 22 resources.

23 (3) Upon the issuance of an emergency order, the department
 24 shall provide the owner with an opportunity for a hearing pursuant
 25 to the administrative procedures act of 1969 within 15 days of the
 26 date of its issuance. At the hearing, the department shall
 27 determine, based on information and fact, if the emergency order
 28 ~~shall~~ **will** be continued, modified, or suspended as necessary to
 29 protect public health, safety, welfare, property, or natural

1 resources or the public trust in those natural resources.

2 (4) Within 24 hours after issuing an emergency order under
3 subsection (1), the department shall notify the senate and house of
4 representatives in writing. If an emergency order is continued or
5 modified under subsection (3), the department shall notify the
6 senate and house of representatives in writing within 24 hours and
7 include an explanation for the continuation or modification of the
8 emergency order.