

# HOUSE BILL NO. 5485

February 11, 2020, Introduced by Reps. O'Malley, Paquette, Slagh, Lilly, Sowerby, Sabo, Tate, Yaroeh, Hertel, Tyrone Carter and Schroeder and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to create the flooding and soil erosion task force within the department of natural resources and to prescribe its powers and duties; and to prescribe the powers and duties of certain state departments and officers.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1           Sec. 1. As used in this act:
- 2           (a) "Lakeshore county or community" means a county, city,
- 3 village, or township that shares a border with Lake Michigan, Lake



1 Superior, or Lake Huron.

2 (b) "Task force" means the flooding and erosion control task  
3 force created in section 3.

4 Sec. 3. (1) The flooding and erosion control task force is  
5 created within the department of natural resources.

6 (2) The task force consists of the following members appointed  
7 by the governor:

8 (a) One individual from the department of transportation.

9 (b) One individual from the department of environment, Great  
10 Lakes, and energy.

11 (c) One individual from the emergency management and homeland  
12 security division of the department of state police.

13 (d) One county administrator who represents a county located  
14 on the Lake Michigan lakeshore.

15 (e) One county administrator who represents a county located  
16 on either the Lake Superior or Lake Huron lakeshore.

17 (f) One county drain commissioner who represents a county  
18 located on the Lake Michigan, Lake Superior, or Lake Huron  
19 lakeshore.

20 (g) One individual who is a representative from a city located  
21 on the Lake Michigan, Lake Superior, or Lake Huron lakeshore.

22 (h) One individual who is a representative from a township  
23 located on the Lake Michigan, Lake Superior, or Lake Huron  
24 lakeshore.

25 (i) One individual who is a representative from a homeowners'  
26 association that represents Lake Michigan, Lake Superior, or Lake  
27 Huron lakeshore residential property owners.

28 (j) One individual who has experience working with the Army  
29 Corps of Engineers on water management projects.



1 (k) One individual who has experience working with the  
2 National Weather Service on flooding events and emergency  
3 management issues or projects.

4 (3) Each member of the task force appointed under subsection  
5 (2) must have education or experience in 1 or more of the following  
6 areas:

7 (a) Emergency management for this state.

8 (b) Road erosion management or prevention.

9 (c) Great Lakes management or conservation.

10 (d) Water management.

11 (e) Coastal, environmental, water resources, or structural  
12 engineering.

13 (f) Land use or zoning.

14 (4) Members first appointed to the task force must be  
15 appointed within 60 days after the effective date of this act.

16 (5) Members of the task force shall serve for 2 years.

17 (6) A vacancy on the task force must be filled in the same  
18 manner as the original appointment. A member appointed to fill a  
19 vacancy must be appointed for the balance of the unexpired term.

20 (7) The governor may remove a member of the task force for  
21 incompetence, dereliction of duty, malfeasance, misfeasance, or  
22 nonfeasance in office, or any other good cause.

23 (8) The member representing the department of environment,  
24 Great Lakes, and energy shall call the first meeting of the task  
25 force within 30 days after the first members are appointed. At the  
26 first meeting, the task force shall elect from among its members a  
27 chairperson and other officers as it considers necessary or  
28 appropriate. After the first meeting, the task force shall meet at  
29 the call of the chairperson or if requested by 5 or more members.



1 (9) The task force shall call at least 2 public meetings  
2 annually. The locations of the public meetings must be at least a  
3 4-hour drive apart and located within a lakeshore county or  
4 community.

5 (10) A majority of the members of the task force constitute a  
6 quorum for the transaction of business at a meeting of the task  
7 force. A majority of the members present and serving are required  
8 for official action of the task force.

9 (11) The business that the task force may perform must be  
10 conducted at a public meeting of the task force held in compliance  
11 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

12 (12) A writing prepared, owned, used, in the possession of, or  
13 retained by the task force in the performance of an official  
14 function is subject to the freedom of information act, 1976 PA 442,  
15 MCL 15.231 to 15.246.

16 (13) Members of the task force shall serve without  
17 compensation. However, members of the task force may be reimbursed  
18 for their actual and necessary expenses incurred in the performance  
19 of their official duties as members of the task force.

20 Sec. 5. The task force shall do all of the following:

21 (a) Conduct a comprehensive review of weather data as it  
22 relates to past flooding events in this state.

23 (b) Conduct a comprehensive review of how lakeshore counties  
24 and communities respond to, address, and mitigate flooding events  
25 and soil erosion.

26 (c) Meet and engage with residents and professionals from  
27 other Great Lakes states, including Illinois, Indiana, Ohio, and  
28 Wisconsin, to identify how flooding events and soil erosion along  
29 the lakeshores are responded to, addressed, and mitigated.



1 (d) Perform cost-benefit analysis to assist lakeshore counties  
2 and communities in responding to and preparing for flooding events  
3 and soil erosion.

4 (e) Not more than 1 year after the effective date of this act,  
5 and each year thereafter, prepare and present a report that  
6 contains the following recommendations to the house of  
7 representatives and senate standing committees that primarily  
8 address legislation relating to the environment, water, and natural  
9 resources:

10 (i) Legislative and administrative actions to improve land use  
11 policy decisions, zoning, and state and local response to flooding  
12 events and soil erosion.

13 (ii) County and community developments to prevent and protect  
14 against damages to infrastructure caused by flooding events and  
15 soil erosion, including, but not limited to, building sea walls,  
16 improving lakeshore development, and creating setbacks.

