

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2024**

Introduced by Senators McCann, Chang, Cavanagh, McDonald Rivet, Geiss, McMorrow and Shink

ENROLLED SENATE BILL No. 398

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding section 30111d.

The People of the State of Michigan enact:

Sec. 30111d. (1) The director of the department may issue a written emergency order that requires any person that the department determines to be in violation of this part to take emergency action necessary to prevent significant harm to public health, safety, welfare, property, or natural resources or the public trust in natural resources. The emergency action may include, but is not limited to, immediate repair or removal of a structure or fill owned by the person and located on bottomlands. This subsection does not expand the department’s authority under part 315 as limited by section 31506(2)(a). If a person fails to comply with an order under this subsection, or is unavailable or unable to be contacted, the department may take the action necessary and may recover the costs incurred from that person in a civil action in a court of competent jurisdiction. The director of the department may modify an emergency order. The director of the department may terminate an emergency order upon a determination in writing that all necessary emergency actions have been completed and that an emergency no longer exists.

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

(3) Before taking action to recover costs incurred under subsection (1), the department shall consider any evidence, provided by the person liable for the costs, that the person is unable to pay the costs.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor