



Senate Fiscal Agency
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Senate Bill 398 (as introduced 6-21-23)
Sponsor: Senator Sean McCann
Committee: Energy and Environment

Date Completed: 2-14-24

CONTENT

The bill would add Section 30111d to Part 301 (Inland Lakes and Streams) of the Natural Resources and Environmental Protection Act to require the owner of a structure or fill located on bottomlands to immediately repair or remove the structure or fill upon emergency order from the Director of the Department of Environment, Great Lakes, and Energy (EGLE).

Specifically, the bill would allow EGLE's Director to issue a written emergency order that would require the owner of a structure or fill located on bottomlands¹ to immediately repair or remove the structure or fill, or take any other action that the Director determined necessary, if the structure or fill were in imminent danger of failure or was causing or threatening to cause significant harm to public health, safety, welfare, property, or natural resources or the public trust in natural resources.

If an owner failed to comply with an order or was unavailable or unable to be contacted, EGLE could take the action necessary and could recover the costs incurred from the owner in a civil action in a court of competent jurisdiction. The Director could modify an emergency order. The Director also could terminate an emergency order upon a determination in writing that all necessary emergency actions had been completed and that an emergency no longer existed.

Within 15 days after the Director issued an emergency order, EGLE would have to provide the owner with an opportunity for a hearing pursuant to the Administrative Procedures Act. At the hearing, the Director would have to determine, based on information and fact, if the emergency order would have to 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.

Proposed MCL 324.30111d

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

This bill would have a minimal negative fiscal impact on EGLE. The impact would be determined by the frequency with which these emergency orders were issued and the number of hearings held. Costs associated with any cleanup actions taken by EGLE could be recuperated through civil action. The costs to EGLE would be limited to the administrative costs of holding any necessary hearings.

Fiscal Analyst: Jonah Houtz

¹ "Bottomland" means the land area of an inland lake or stream that lies below the ordinary high-water mark and that may or may not be covered by water.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.