

# Legislative Analysis



## FLOODING AND EROSION CONTROL TASK FORCE

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5485 as introduced**  
**Sponsor: Rep. Jack O'Malley**  
**Committee: Natural Resources and Outdoor Recreation**  
**Complete to 9-20-20**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 5485 would create a new act to establish the Flooding and Erosion Control Task Force in the Department of Natural Resources to perform a variety of tasks related to weather, flooding, and soil erosion in Michigan.

#### Members

The task force would consist of the following 11 members, appointed by the governor:

- One individual from the Department of Environment, Great Lakes, and Energy, who would be responsible for calling the first meeting of the task force within 30 days after the first members were appointed.
- One individual from the Department of Transportation.
- One individual from the Emergency Management and Homeland Security Division of the Department of State Police.
- One county administrator who represents a county located on Lake Michigan.
- One county administrator who represents a county located on either Lake Superior or Lake Huron.
- One county drain commissioner who represents a county located on Lake Michigan, Lake Superior, or Lake Huron.
- One individual representing a city located on Lake Michigan, Lake Superior, or Lake Huron.
- One individual representing a township located on Lake Michigan, Lake Superior, or Lake Huron.
- One individual representing a homeowners' association that represents Lake Michigan, Lake Superior, or Lake Huron lakeshore residential property owners.
- One individual who has experience working with the Army Corps of Engineers on water management projects.
- One individual who has experience working with the National Weather Service on flooding events and emergency management issues or projects.

Each task force member would be required to have education or experience in one or more of the following areas:

- Emergency management for Michigan.
- Road erosion management or prevention.
- Great Lakes management or conservation.
- Water management.
- Coastal, environmental, water resources, or structural engineering.
- Land use or zoning.

Members first appointed would have to be appointed within 60 days after the effective date of the bill and would serve for two years. A vacancy would be filled in the same manner as the original appointment, and a member appointed to fill a vacancy would serve for the balance of the unexpired term. The governor could remove a member for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

Although members would serve without compensation, they could be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

### **Meetings**

At the first meeting, the task force members would have to select from among themselves a chairperson and other officers as they considered necessary or appropriate. After the initial meeting, the task force would meet at the call of the chairperson or if requested by five or more members. A majority of the members would constitute a quorum for the transaction of business and would be required for official action of the task force.

The task force would have to call at least two public meetings per year and comply with the Open Meetings Act. The locations of the meetings would have to be at least a four-hour drive apart and located in a *lakeshore county or community*.

*Lakeshore county or community* would mean a county, city, village, or township that shares a border with Lake Michigan, Lake Superior, or Lake Huron.

A writing prepared, owned, used, possessed, or retained by the task force in the performance of an official function would be subject to the Freedom of Information Act.

### **Duties**

The task force would have to do all of the following:

- Conduct a comprehensive review both of weather data as it relates to past flooding events in Michigan and of how lakeshore counties and communities respond to, address, and mitigate flooding events and soil erosion.
- Meet and engage with residents and professionals from other Great Lakes states (including Illinois, Indiana, Ohio, and Wisconsin) to identify how flooding events and soil erosion along the lakeshores are responded to, addressed, and mitigated.
- Perform cost-benefit analysis to assist lakeshore counties and communities in responding to and preparing for flooding events and soil erosion.
- Within one year after the effective date of the bill, and every year thereafter, prepare and present a report that contains the following recommendations to the House and Senate standing committees that primarily address legislation relating to the environment, water, and natural resources:
  - Legislative and administrative actions to improve land use policy decisions, zoning, and state and local response to flooding events and soil erosion.
  - County and community developments to prevent and protect against damages to infrastructure caused by flooding events and soil erosion, including building sea walls, improving lakeshore development, and creating setbacks.

**FISCAL IMPACT:**

House Bill 5485 is not likely to affect costs or revenues for the Department of Natural Resources; the Department of Environment, Great Lakes, and Energy; or local governments

Legislative Analyst: Emily S. Smith  
Fiscal Analyst: Austin Scott

---

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.