

SENATE BILL NO. 398

June 21, 2023, Introduced by Senators MCCANN, CHANG, CAVANAGH, MCDONALD RIVET, GEISS, MCMORROW and SHINK and referred to the Committee on Natural Resources and Agriculture.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 30111d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 30111d. (1) The director of the department may issue a**
2 **written emergency order that requires the owner of a structure or**
3 **fill located on bottomlands to immediately repair or remove the**
4 **structure or fill, or take any other action that the director of**
5 **the department determines necessary, if the structure or fill is in**

1 imminent danger of failure or is causing or threatening to cause
2 significant harm to public health, safety, welfare, property, or
3 natural resources or the public trust in natural resources. If an
4 owner fails to comply with an order, or is unavailable or unable to
5 be contacted, the department may take the action necessary and may
6 recover the costs incurred from the owner in a civil action in a
7 court of competent jurisdiction. The director of the department may
8 modify an emergency order. The director of the department may
9 terminate an emergency order upon a determination in writing that
10 all necessary emergency actions have been completed and that an
11 emergency no longer exists.

12 (2) Within 15 days after the director of the department issues
13 an emergency order under subsection (1), the department shall
14 provide the owner with an opportunity for a hearing pursuant to
15 chapter 4 of the administrative procedures act of 1969, 1969 PA
16 306, MCL 24.271 to 24.288. At the hearing, the director of the
17 department shall determine, based on information and fact, if the
18 emergency order must be continued, modified, suspended, or
19 terminated as necessary for or consistent with the protection of
20 public health, safety, welfare, property, or natural resources or
21 the public trust in natural resources.