

Legislative Analysis



NOTIFICATION TO LEGISLATURE OF CERTAIN ORDERS UNDER NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT

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

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

House Bill 6203 as introduced
Sponsor: Rep. Steven Johnson

House Bills 6204 and 6205 as introduced
Sponsor: Rep. Jack O'Malley

House Bill 6208 as introduced
Sponsor: Rep. Beau Matthew LaFave

House Bill 6207 as introduced
Sponsor: Rep. Andrew W. Beeler

House Bill 6211 as introduced
Sponsor: Rep. Sara Cambensy

Committee: Oversight
Complete to 6-15-22

SUMMARY:

The bills would each amend provisions in the Natural Resources and Environmental Protection Act (NREPA) to require that, when certain orders are issued by a regulatory body, a notice that an order has been issued also be provided within 24 hours to certain legislative entities.

House Bill 6203 would amend a provision in Part 315 (Dam Safety) that authorizes the Department of Environment, Great Lakes, and Energy (EGLE) to issue emergency orders to an owner to repair, draw down, breach, or cease operation of a dam that is in imminent danger of failure and that is causing or threatening to cause harm to public health, safety, welfare, property, or natural resources.

The bill would require EGLE, within 24 hours after issuing such an emergency order, to notify the Senate and House of Representatives in writing. If an emergency order is continued or modified, EGLE would again have to notify the Senate and House in writing within 24 hours and would have to include an explanation for the continuation or modification of the order.

MCL 324.31521

House Bill 6204 would amend provisions in Part 413 (Transgenic and Nonnative Organisms). Currently, the Commission of Agriculture and Rural Development or the Natural Resources Commission may issue an order to add to or delete a species from the list of restricted or prohibited species. A copy of the proposed order must be submitted to the legislature and the standing committees of the Senate and House of Representatives with primary responsibility for agricultural, environmental, and natural resources issues.

The bill would additionally require that, within 24 hours after issuing an order, the Department of Agriculture and Rural Development (MDARD) or the Department of Natural Resources (DNR), as applicable, must notify the Senate and House in writing.

The director of MDARD or the DNR may also issue an emergency order designating an organism as a prohibited or restricted species if it has the potential to harm human health or to severely harm natural, agricultural, or silvicultural resources. A copy of the proposed emergency order must be provided to each member of the standing committees of the Senate and House that consider legislation pertaining to conservation, the environment, recreation, tourism, or natural resources.

The bill would additionally require that the Senate and House be notified of the final emergency order, in writing, within 24 hours after the order is issued.

In addition, the bill would prohibit the relevant director from issuing an emergency order designating an organism as a prohibited or restricted species if the same organism had previously been designated as such by emergency order.

MCL 324.41302 and 324.41303

House Bill 6205 would amend a provision in Part 801 (Marine Safety) to require that the DNR notify the Senate and House of Representatives in writing within 24 hours after it establishes an emergency temporary reduced maximum vessel speed limit on waters of the state within the jurisdiction of a particular local unit of government to protect life and property during emergency conditions.

MCL 324.80146

House Bill 6207 would amend a provision regarding violations pertaining to nonferrous metallic mineral mining. EGLE may issue an emergency order without a public hearing to require an operator to suspend operations or take other corrective actions if it finds that emergency action is required to protect the public health, safety, or welfare or the environment. The bill would require EGLE to notify the Senate and House of Representatives in writing within 24 hours after issuing such an emergency order.

MCL 324.63221

House Bill 6208 would amend a provision in Part 634 (Small Native Copper Mines). EGLE may order immediate suspension of any mining activities if it finds that there exists an emergency endangering the public health or safety or an imminent threat to the state's natural resources. The bill would require EGLE to notify the Senate and House of Representatives in writing within 24 hours after issuing such an order.

MCL 32463417

House Bill 6211 would amend a provision in Part 35 (Use of Water in Mining Low-Grade Iron Ore) to require EGLE to notify the Senate and House of Representatives in writing within 24 hours after issuing an emergency order for abatement after determining that a violation of the conditions of a permit threatens the public interest in the waters involved as to require abatement.

MCL 324.3506

FISCAL IMPACT:

House Bill 6203 is unlikely to affect costs or revenues for the department or local units of government. Any potential cost increase under the bill realized by the department are likely to be negligible, as the department is already providing written notifications and reports to the legislature.

House Bill 6204 is unlikely to affect costs or revenues for the department or local units of government. Any potential cost increase under the bill realized by the department are likely to be negligible, as the department is already providing written notifications and reports to the legislature.

House Bill 6205 is unlikely to affect costs or revenues for the department or local units of government. Any potential cost increase under the bill realized by the department are likely to be negligible, as the department is already providing written notifications and reports to the legislature.

House Bill 6207 is unlikely to affect costs or revenues for the department or local units of government. Any potential cost increase under the bill realized by the department are likely to be negligible, as the department is already providing written notifications and reports to the legislature.

House Bill 6208 is unlikely to affect costs or revenues for the department or local units of government. Any potential cost increase under the bill realized by the department are likely to be negligible, as the department is already providing written notifications and reports to the legislature.

House Bill 6211 is unlikely to affect costs or revenues for the department or local units of government. Any potential cost increase under the bill realized by the department are likely to be negligible, as the department is already providing written notifications and reports to the legislature.

Legislative Analyst: Susan Stutzky
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.