

# Legislative Analysis



## NOTIFICATION TO LEGISLATURE OF CERTAIN ORDERS

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

**House Bill 6203 as reported from committee**  
**Sponsor: Rep. Steven Johnson**

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

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

**House Bill 6207 as reported**  
**Sponsor: Rep. Andrew W. Beeler**

**House Bill 6208 as reported**  
**Sponsor: Rep. Beau Matthew LaFave**

**Committee: Oversight**  
**Complete to 6-29-22**

### SUMMARY:

The bills would amend 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, as described below.

**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 to notify the Senate and House of Representatives in writing within 24 hours after issuing such an emergency order. 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 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 to the Senate and House standing committees with primary responsibility for agricultural, environmental, and natural resources issues.

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

In addition, the director of MDARD or the DNR may now 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 Senate and House standing committees 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.

Finally, the bill would prohibit the applicable 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 Part 801 (Marine Safety) to require the DNR to notify the Senate and House 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 related 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 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 in writing within 24 hours after issuing such an order.

MCL 32463417

#### **FISCAL IMPACT:**

The bills are unlikely to affect costs or revenues for the applicable department or for local units of government. Any potential cost increase for the department under the bills is likely to be negligible, as the department is already providing written notifications and reports to the legislature.

#### **POSITIONS:**

A representative of the Mackinac Center for Public Policy testified in support of the bills. (6-15-22)

NFIB indicated support for House Bills 6204, 6207, and 6208. (6-21-22)

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Austin Scott

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■ 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.