

# HOUSE BILL NO. 5205

October 24, 2023, Introduced by Reps. Dievendorf, Miller, Byrnes, Paiz, McFall, Price, Edwards, Hood, Rheingans, Wilson, Pohutsky, Andrews and McKinney and referred to the Committee on Natural Resources, Environment, Tourism and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 3103 (MCL 324.3103), as amended by 2005 PA 33.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 3103. (1) The department shall protect and conserve the  
2 water resources of ~~the~~**this** state and ~~shall~~ have control of the  
3 pollution of surface ~~or~~**and** underground waters of the state and the  
4 Great Lakes, which are or may be affected by waste disposal of any  
5 person. The department may make or cause to be made surveys,

1 studies, and investigations of the uses of waters of the state,  
2 both surface and underground, and cooperate with other governments  
3 and governmental units and agencies in making the surveys, studies,  
4 and investigations. The department shall assist in an advisory  
5 capacity a flood control district that may be authorized by the  
6 legislature. The department, in the public interest, shall appear  
7 and present evidence, reports, and other testimony during the  
8 hearings involving the creation and organization of flood control  
9 districts. The department shall advise and consult with the  
10 legislature on the obligation of ~~the~~**this** state to participate in  
11 the costs of construction and maintenance as provided for in the  
12 official plans of a flood control district or intercounty drainage  
13 district.

14 (2) The department shall enforce this part and may promulgate  
15 rules as it considers necessary to carry out its duties under this  
16 part. ~~However, notwithstanding any rule-promulgation authority that~~  
17 ~~is provided in this part, except for rules authorized under section~~  
18 ~~3112(6), the department shall not promulgate any additional rules~~  
19 ~~under this part after December 31, 2006.~~

20 (3) The department may promulgate rules and take other actions  
21 as may be necessary to comply with the federal water pollution  
22 control act, 33 USC 1251 to ~~1387,~~**1389**, and to expend funds  
23 available under ~~such~~**that** law for extension or improvement of the  
24 state or interstate program for prevention and control of water  
25 pollution. This part ~~shall~~**is** not ~~be~~ construed as authorizing the  
26 department to expend or ~~to~~ incur any obligation to expend any state  
27 funds for ~~such~~**that** purpose in excess of any amount that is  
28 appropriated by the legislature.

29 ~~(4) Notwithstanding the limitations on rule promulgation under~~

1 ~~subsection (2), rules promulgated under this part before January 1,~~  
2 ~~2007 shall remain in effect unless rescinded.~~