



# SENATE BILL No. 245

January 26, 1993, Introduced by Senator EHLERS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend section 12562 of Act No. 368 of the Public Acts of 1978, entitled as amended  
"Public health code,"  
being section 333.12562 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 12562 of Act No. 368 of the Public Acts  
2 of 1978, being section 333.12562 of the Michigan Compiled Laws,  
3 is amended to read as follows:

4       Sec. 12562. (1) The application of necessary chemicals in  
5 powder, crystal, or solution form to the waters of ~~this~~ THE  
6 state for the control of aquatic nuisances, such as swimmers'  
7 itch and aquatic plants, is lawful and not in contravention of  
8 the private or public rights to the use and enjoyment of abutting  
9 property by the owners or occupants of that property ~~when~~ IF

1 the application is made in accordance with sections 12561 to  
2 12563 and rules promulgated under section 12561.

3       (2) The necessary control work AUTHORIZED PURSUANT TO THIS  
4 SECTION may be conducted by the state or a political subdivision  
5 or by an organized lake or improvement association on behalf of  
6 its members, or by the owner of property abutting on the waters  
7 of the state, or by an aquatic pest control applicator licensed  
8 under THE PESTICIDE CONTROL ACT, Act No. 171 of the Public Acts  
9 of 1976, being sections 286.551 to 286.581 of the Michigan  
10 Compiled Laws, after obtaining a permit from the department of  
11 natural resources. ~~The permit shall be issued at no charge to~~  
12 ~~the applicant, and, unless~~ A PERMIT MAY BE OBTAINED BY APPLICA-  
13 TION TO THE DEPARTMENT OF NATURAL RESOURCES. UNLESS revoked,  
14 ~~shall expire~~ A PERMIT ISSUED UNDER THIS SECTION EXPIRES on  
15 December 31 of the calendar year in which IT WAS issued.

16       (3) The necessary CONTROL work AUTHORIZED PURSUANT TO THIS  
17 SECTION shall be conducted at those times, under those condi-  
18 tions, and with those safeguards, as the department of natural  
19 resources requires. The department of natural resources may pro-  
20 vide permits, UPON APPLICATION, for the suppression of swimmers'  
21 itch and aquatic plants, if applicants provide at their own  
22 expense chemicals and other equipment and services called for in  
23 the rules promulgated by the department of natural resources.

24       (4) EXCEPT AS PROVIDED IN SUBSECTION (5), AN APPLICATION FOR  
25 A PERMIT UNDER THIS SECTION SHALL BE ACCOMPANIED BY THE FOLLOWING  
26 FEE:

1 (A) FOR TREATMENT OF AREAS OF 1/2 ACRE OR MORE AND LESS THAN  
2 2 ACRES, \$50.00.

3 (B) FOR TREATMENT OF AREAS OF 2 ACRES OR MORE, \$150.00.

4 (5) A FEE IS NOT REQUIRED UNDER THIS SECTION FOR OWNERS OF A  
5 SINGLE PROPERTY TREATING WATERS ABUTTING THEIR PROPERTY WHERE THE  
6 TREATMENT AREA IS LESS THAN 1/2 ACRE, OR FOR WATER BODIES IN  
7 SINGLE OWNERSHIP.

8 (6) THE DEPARTMENT OF NATURAL RESOURCES SHALL FORWARD FEES  
9 COLLECTED UNDER THIS SECTION TO THE STATE TREASURER FOR DEPOSIT  
10 IN THE LAND AND WATER MANAGEMENT PERMIT FEE FUND CREATED IN SEC-  
11 TION 16 OF THE INLAND LAKES AND STREAMS ACT OF 1972, ACT NO. 346  
12 OF THE PUBLIC ACTS OF 1972, BEING SECTION 281.966 OF THE MICHIGAN  
13 COMPILED LAWS.

14 Section 2. This amendatory act shall not take effect unless  
15 Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
16 no. 00581'93) of the 87th Legislature is enacted into law.