

# HOUSE BILL No. 4142

February 4, 2003, Introduced by Rep. Ward and referred to the Committee on Great Lakes and Tourism.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 12562 (MCL 333.12562), as amended by 1999  
PA 41.

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

1       Sec. 12562. (1) The application ~~of necessary chemicals in~~  
2 ~~powder, crystal, or solution form~~ to the waters of the state **of**  
3 **chemicals that are necessary** for the control of aquatic  
4 nuisances, such as swimmers' itch and aquatic plants, is lawful  
5 and not in contravention of the private or public rights to the  
6 use and enjoyment of abutting property by the owners or occupants  
7 of that property if the application is made in ~~accordance~~  
8 **compliance** with sections 12561 to 12563 and rules promulgated  
9 under section 12561.

10       (2) The ~~necessary~~ control work authorized ~~pursuant to this~~

1 ~~section~~ **under subsection (1)** may be ~~conducted~~ **undertaken** by  
2 the state or a political subdivision **of the state** or by an  
3 organized lake or improvement association on behalf of its  
4 members, or by the owner of property abutting on the waters of  
5 the state, or by an aquatic pest control applicator licensed  
6 under part 83 of the natural resources and environmental  
7 protection act, 1994 PA 451, MCL 324.8301 to 324.8336, after  
8 obtaining a permit from the department of environmental quality.  
9 A permit may be obtained by application to the department of  
10 environmental quality. **If the department does not approve or**  
11 **disapprove a completed permit application within 14 days after**  
12 **the application is received, the permit application shall be**  
13 **considered to be approved.** Unless revoked, a permit issued under  
14 this section expires on December 31 of the calendar year in which  
15 it was issued.

16 (3) The ~~necessary~~ control work authorized ~~pursuant to this~~  
17 ~~section~~ **under subsection (1)** shall be conducted at ~~these~~  
18 times, under ~~these~~ conditions, and with ~~these~~ safeguards ~~—~~  
19 **as required by** the department of environmental quality.  
20 ~~requires. The department of environmental quality may provide~~  
21 ~~permits, upon application, for the suppression of swimmers' itch~~  
22 ~~and aquatic plants, if applicants provide at their own expense. A~~  
23 **person issued a permit under this section shall provide** chemicals  
24 and other equipment and services called for in the rules  
25 promulgated by the department of environmental quality.

26 (4) Except as provided in subsection (5), until October 1,  
27 2003, an application for a permit under this section shall be

1 accompanied by the following fee:

2 (a) For treatment of areas of 1/2 acre or more and less than  
3 2 acres, \$50.00.

4 (b) For treatment of areas of 2 acres or more, \$150.00.

5 (5) A fee is not required under this section for **a permit for**  
6 **control work to be performed for either of the following:**

7 (a) **The owner or owners** of a single property treating waters  
8 abutting their property where the treatment area is less than 1/2  
9 acre. ~~—, or for water bodies~~

10 (b) **The owner or owners of a water body** in single ownership.

11 (6) The department of environmental quality shall forward  
12 fees collected under this section to the state treasurer for  
13 deposit in the land and water management permit fee fund created  
14 in section 30113 of the natural resources and environmental  
15 protection act, 1994 PA 451, MCL 324.30113.