



HOUSE BILL No. 4893

May 25, 1995, Introduced by Rep. Middaugh and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 12562 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

as amended by Act No. 153 of the Public Acts of 1993, 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, as amended by Act No. 153 of the Public Acts of 1993,
3 being section 333.12562 of the Michigan Compiled Laws, is amended
4 to read as follows:

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

1 the owners or occupants of that property if the application is
2 made in accordance with sections 12561 to 12563 and rules promul-
3 gated under section 12561.

4 (2) The necessary control work authorized pursuant to this
5 section may be conducted by the state or a political subdivision
6 or by an organized lake or improvement association on behalf of
7 its members, or by the owner of property abutting on the waters
8 of the state, or by an aquatic pest control applicator licensed
9 under ~~the pesticide control act~~ PART 83 OF THE NATURAL
10 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. ~~+7+~~ 451 of
11 the Public Acts of ~~+1976-~~ 1994, being sections ~~286.55+~~ to
12 ~~286.58+~~ 324.8301 TO 324.8336 of the Michigan Compiled Laws,
13 after obtaining a permit from the department of natural
14 resources. A permit may be obtained by application to the
15 department of natural resources. Unless revoked, a permit issued
16 under this section expires on December 31 of the calendar year in
17 which it was issued.

18 (3) The necessary control work authorized pursuant to this
19 section shall be conducted at those times, under those condi-
20 tions, and with those safeguards, as the department of natural
21 resources requires. The department of natural resources may pro-
22 vide permits, upon application, for the suppression of swimmers'
23 itch and aquatic plants, if applicants provide at their own
24 expense chemicals and other equipment and services called for in
25 the rules promulgated by the department of natural resources.

1 (4) Except as provided in subsection (5), until October 1,
2 ~~1995~~ 1997, an application for a permit under this section shall
3 be accompanied by the following fee:

4 (a) For treatment of areas of 1/2 acre or more and less than
5 2 acres, \$50.00.

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

7 (5) A fee is not required under this section for owners of a
8 single property treating waters abutting their property where the
9 treatment area is less than 1/2 acre, or for water bodies in
10 single ownership.

11 (6) The department of natural resources shall forward fees
12 collected under this section to the state treasurer for deposit
13 in the land and water management permit fee fund created in sec-
14 tion 16 of the inland lakes and streams act of 1972, Act No. 346
15 of the Public Acts of 1972, being section 281.966 of the Michigan
16 Compiled Laws.