

Act No. 112
Public Acts of 2024
Approved by the Governor
July 23, 2024
Filed with the Secretary of State
July 23, 2024
EFFECTIVE DATE: Sine Die
(91st day after final adjournment of the 2024 Regular Session)

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2024**

Introduced by Senators Bayer, Chang, Shink and Geiss

ENROLLED SENATE BILL No. 662

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 30701, 30711, 30716, and 30717 (MCL 324.30701, 324.30711, 324.30716, and 324.30717), sections 30701 and 30711 as added by 1995 PA 59, section 30716 as amended by 2002 PA 216, and section 30717 as amended by 2002 PA 217.

The People of the State of Michigan enact:

Sec. 30701. As used in this part:

(a) “Commissioner” means the county drain commissioner, or the board of county road commissioners in counties not having a drain commissioner. However, if more than 1 county is involved, commissioner means the drain commissioner or board of county road commissioners, as applicable, for each county.

(b) “County board” means the county board of commissioners. However, if more than 1 county is involved, county board means the county board of commissioners of each of those counties.

(c) “Court” means a circuit court. However, if more than 1 judicial circuit is involved, court means the circuit court designated by the county board or otherwise authorized by law to preside over an action.

(d) “Dam” means an artificial barrier, structure, or facility, and appurtenant works, used to regulate or maintain the level of an inland lake.

(e) “Delegated authority” means the county drain commissioner or any other person designated by the county board to perform duties required under this part.

(f) “Department” means the department of environment, Great Lakes, and energy.

(g) “Inland lake” means a natural or artificial lake, pond, impoundment, or a part of 1 of those bodies of water. Inland lake does not include the Great Lakes or Lake St. Clair.

(h) “Interested person” means the department and a person who has a record interest in the title to, a right of ingress to, or a reversionary right to land that would be affected by a permanent change in the natural or normal level of an inland lake.

(i) “Normal level” means the target level or levels of the water of an inland lake, around which actual levels may fluctuate, that provide the most benefit to the public; that best protect the public health, safety, and welfare; that best preserve the natural resources of this state; and that best preserve and protect the value of property around the inland lake. A normal level shall be measured and described as an elevation or elevations based on a geodetic vertical datum including ranges based on tolerance, operational or weather conditions, seasonality, or other similar natural and regional considerations. An inland lake shall be considered to be maintained at its normal level during temporary water level fluctuations resulting from weather or natural events, during construction activities authorized by the department, or if a county or its delegated authority operates lake level infrastructure in a manner that may affect water levels but is reasonably intended to maintain a normal level. The application of this definition includes, but is not limited to, all normal levels established before the effective date of the amendatory act of the 2023-2024 legislative session that amended this section.

(j) “Normal level project” means a project to establish or maintain a normal level.

Sec. 30711. (1) The county board may determine by resolution that the whole or a part of the cost of a project to establish and maintain a normal level for an inland lake shall be defrayed by special assessments against the following that are benefited by the project: privately owned parcels of land, political subdivisions of this state, and state owned lands under the jurisdiction and control of the department of natural resources. If the county board determines that a special assessment district is to be established, the delegated authority shall compute the cost of the project and prepare a special assessment roll.

(2) If the revenues raised pursuant to the special assessment are insufficient to meet the computation of cost under section 30712, or if these revenues are insufficient to meet bond obligations, the special assessment district may be reassessed without hearing using the same apportioned percentage used for the original assessment.

Sec. 30716. (1) With approval of the county board and pursuant to section 30705, the district may issue bonds or notes that are payable by special assessments under this part. Except as provided in subsection (2) and section 30717(3), the issuance of the bonds and notes is subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. Bonds or notes shall not be issued exceeding the cost of the lake level project that is being financed.

(2) Notwithstanding any other provision of this part, bonds, notes, and other obligations issued under this part are exempt from section 505 of the revised municipal finance act, 2001 PA 34, MCL 141.2505.

Sec. 30717. (1) A special assessment district under this part may borrow money or accept an advance of work, material, or money from a public or private corporation, a partnership, an association, an individual, or the federal government or any agency of the federal government for payment of financing of any costs in connection with a normal level project, including all of the following:

- (a) Costs of easement and land acquisition.
- (b) Engineering fees.
- (c) Financing costs.
- (d) Legal fees.
- (e) Costs of a preliminary, feasibility, practicability, environmental assessment, or impact study.
- (f) Any other permissible costs under this part.

(2) The special assessment district shall pay or provide reimbursement for the obligations under subsection (1), with or without interest as may be agreed, when funds are available. The obligation of the special assessment district under this subsection may be evidenced by a contract or note. The contract or note may pledge the full faith and credit of the special assessment district and may be made payable out of any of the following:

- (a) Assessments made or to be made against public corporations at large or against lands in the special assessment district.
- (b) The proceeds of lake level orders, notes, or bonds issued by the special assessment district pursuant to this act.
- (c) Any other available funds.

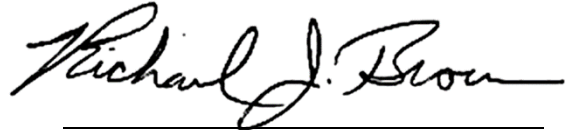
(3) A contract or note described in subsection (2) is not subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, unless the principal amount of the obligation is more than \$600,000.00. However, if the principal amount of the obligation is \$600,000.00 or less, the contract or note is subject to the agency financing reporting act, 2002 PA 470, MCL 129.171 to 129.177. Projects in which advances or loans are made by any public corporation, the federal government, or any agency of the federal government are not subject to either the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, or the agency financing reporting act, 2002 PA 470, MCL 129.171 to 129.177.

(4) The county board of commissioners by a majority vote of its members may pledge the full faith and credit of the county for the payment of a contract or note of the special assessment district.

(5) All notes previously issued under this section shall be considered to have been validly issued.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor