

HOUSE BILL No. 5565

March 6, 1990, Introduced by Reps. Knight, Emerson, Ostling,
Perry Bullard and Scott and referred to the Committee on Appropriations.

A bill to amend the title and section 11 of Act No. 245 of
the Public Acts of 1970, entitled
"Shorelands protection and management act of 1970,"
being section 281.641 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 11 of Act No. 245 of the
2 Public Acts of 1970, being section 281.641 of the Michigan
3 Compiled Laws, are amended to read as follows:

4 TITLE

5 An act to provide for the protection and management of
6 shorelands; to provide for zoning and zoning ordinances; to pro-
7 vide certain powers and duties; to authorize certain studies; to
8 provide for development of certain plans; to promulgate rules; TO
9 PROVIDE FOR CERTAIN FEES; and to provide for certain remedies for
10 violations of rules.

1 Sec. 11. (1) The commission, in order to regulate the uses
2 and development of high risk areas, flood risk areas, and envi-
3 ronmental areas and to implement the purposes of this act, shall
4 promulgate rules pursuant to THE ADMINISTRATIVE PROCEDURES ACT OF
5 1969, Act No. 306 of the Public Acts of 1969, as amended, being
6 sections 24.201 to ~~24.315~~ 24.328 of the Michigan Compiled
7 Laws. IF PERMITS ARE REQUIRED, A FEE OF \$500.00 SHALL BE
8 REQUIRED FOR EACH PERMIT APPLICATION FOR EACH PARCEL OF
9 PROPERTY. THE COMMISSION MAY ALSO ESTABLISH A MINOR PERMIT
10 APPLICATION FEE OF \$50.00 FOR PROJECTS THAT HAVE ONLY MINOR
11 IMPACT ON FISH AND WILDLIFE RESOURCES IN ENVIRONMENTAL AREAS OR
12 THAT MODIFY EXISTING STRUCTURES IN HIGH RISK AREAS AND FLOOD RISK
13 AREAS.

14 (2) A PROJECT THAT REQUIRES REVIEW AND APPROVAL UNDER THIS
15 ACT AND 1 OR MORE OF THE FOLLOWING ACTS SHALL BE CHARGED ONLY 1
16 PERMIT FEE THAT SHALL BE THE HIGHEST OF THE PERMIT FEE REQUIRED
17 UNDER THIS ACT OR THE HIGHEST PERMIT FEE REQUIRED UNDER 1 OF
18 THESE ACTS:

19 (A) THE INLAND LAKES AND STREAMS ACT OF 1972, ACT NO. 346 OF
20 THE PUBLIC ACTS OF 1972, BEING SECTIONS 281.951 TO 281.965 OF THE
21 MICHIGAN COMPILED LAWS.

22 (B) THE GOEMAERE-ANDERSON WETLAND PROTECTION ACT, ACT
23 NO. 203 OF THE PUBLIC ACTS OF 1979, BEING SECTIONS 281.701 TO
24 281.722 OF THE MICHIGAN COMPILED LAWS.

25 (C) THE GREAT LAKES SUBMERGED LANDS ACT, ACT NO. 247 OF THE
26 PUBLIC ACTS OF 1955, BEING SECTIONS 322.701 TO 322.715 OF THE
27 MICHIGAN COMPILED LAWS.

1 (3) THE FEE FOR AN APPLICATION UNDER THIS ACT SHALL BE
2 DEPOSITED IN THE STATE TREASURY TO THE CREDIT OF THE GENERAL FUND
3 AND SHALL BE AVAILABLE FOR APPROPRIATION TO THE DEPARTMENT TO BE
4 USED TO DEFRAY THE COST OF REVIEWING PLANS AND SPECIFICATIONS AND
5 FIELD INSPECTIONS TO DETERMINE COMPLIANCE WITH PERMITS ISSUED
6 UNDER THIS ACT.

7 (4) ~~-(2)-~~ A circuit court upon petition and a showing by the
8 commission that a violation of a rule promulgated under subsec-
9 tion (1) exists, shall issue any necessary order to the defendant
10 to correct the violation or to restrain the defendant from fur-
11 ther violation of the rule.