

Act No. 92
Public Acts of 1992
Approved by the Governor
June 4, 1992
Filed with the Secretary of State
June 4, 1992

**STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1992**

Introduced by Reps. Alley, Middaugh, DeBeaussaert, Hickner and Sikkema

ENROLLED HOUSE BILL No. 5844

AN ACT to amend sections 2 and 3a of Act No. 17 of the Public Acts of 1921, entitled as amended "An act to provide for the protection and conservation of the natural resources of the state; to provide and develop facilities for outdoor recreation; to create a conservation department; to define the powers and duties thereof; to provide rules and regulations concerning the use and occupancy of lands and property under its control and penalties for the violation thereof; to provide for the transfer to said department of the powers and duties now vested by law in certain boards, commissions and officers of the state; and for the abolishing of the boards, commissions and offices the powers and duties of which are hereby transferred," section 2 as amended by Act No. 75 of the Public Acts of 1986, being sections 299.2 and 299.3a of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 2 and 3a of Act No. 17 of the Public Acts of 1921, section 2 as amended by Act No. 75 of the Public Acts of 1986, being sections 299.2 and 299.3a of the Michigan Compiled Laws, are amended to read as follows:

Sec. 2. (1) The powers and duties previously vested by law in the public domain commission; the state game, fish, and forest fire commissioner and the state board of fish commissioners; the geological survey; and the Michigan state park commission are transferred to and vested in the department of natural resources. Whenever, in a law of this state, reference is made to a board, commission, or officer whose powers and duties are transferred by this section, reference shall be considered to be made to the department of natural resources.

(2) The commission of natural resources may promulgate rules, not inconsistent with law, governing its organization and procedure, and the administration of this act, as considered expedient. The commission may promulgate and enforce reasonable rules concerning the use and occupancy of lands and property under its control in accordance with section 3a; may provide and develop facilities for outdoor recreation; may conduct investigations it considers necessary for the proper administration of this act; may remove and dispose of forest products as required for the protection, reforestation, and proper development and conservation of the lands and property under its control; and may require the payment of a fee as provided by law for a daily permit or other authorization which allows the person to hunt and take waterfowl on a public hunting area managed and developed for waterfowl. The commission may require the wearing of a special tag or license as a condition of issuing a permit under this section.

(3) Except as provided in subsection (4), the commission may enter into contracts with persons, sole proprietorships, partnerships, associations, and corporations for the taking of coal, oil, gas, and other mineral products from state owned lands, upon a royalty basis or upon another basis, and upon the terms the commission considers just and equitable. This contract power includes authorization to enter into contracts for the storage of gas or other mineral products in or upon state owned lands, if the consent of the state agency having jurisdiction and control of the state owned land is first obtained. A contract permitted under this section

for the taking of coal, oil, gas, or metallic mineral products, or for the storage of gas or other mineral products, is not valid unless the contract is approved by the state administrative board. Money received from a contract permitted under this subsection, except money received from lands acquired with money from the game and fish protection fund, shall be transmitted to the state treasurer for deposit in the general fund of the state to be used for the purpose of defraying the expenses incurred in the administration of this act and other purposes provided by law. However, the money received from the payment of service charges by a person using areas managed for waterfowl shall be credited to the game and fish protection fund and used only for the purposes provided by law. Money received from bonuses, rentals, delayed rentals, royalties, and the direct sale of resources, including forest resources, from lands acquired with money from the game and fish protection fund shall be credited to the game and fish protection trust fund, except as otherwise provided by law.

(4) The commission shall not enter into a contract that permits drilling operations for the taking of oil or gas from the lake bottomlands of the Great Lakes or connecting or connected bays, harbors, or waterways, unless all drilling operations originate from locations above and inland of the ordinary high-water mark. The commission shall not enter into a contract for exploration of the lake bottomlands of the Great Lakes or connecting or connected bays, harbors, or waterways that permits drilling operations unless all drilling operations originate from locations above and inland of the ordinary high-water mark.

(5) This section does not permit a contract for the taking of gravel, sand, coal, oil, gas, or other metallic mineral products that does not comply with applicable local ordinances and state law.

Sec. 3a. (1) The commission of natural resources shall promulgate rules for the protection of the lands and property under its control against wrongful use or occupancy as will insure the carrying out of the intent of this act to protect the lands and property from depredations and to preserve the lands and property from molestation, spoilation, destruction or any other improper use or occupancy. This section does not allow the commission of natural resources to promulgate any rule that applies to commercial fishing except as otherwise provided by law. Rules affecting the use and occupancy of lands and property shall be promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. The director of the department of natural resources shall issue orders necessary to implement rules promulgated under this section. These orders shall be effective upon posting.

(2) A person who violates a rule promulgated under this section or an order issued under this section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or community service of not more than 30 days, or by a fine of not more than \$500.00, or both.

(3) On and after the date the civil procedures act is enacted into law, a person who violates a rule promulgated under this section or an order issued under this section is responsible for a civil infraction and subject to a civil fine of not more than \$500.00.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.