

HOUSE BILL No. 5844

May 13, 1992, Introduced by Reps. Alley, Middaugh, DeBeaussiaert, Hickner and Sikkema and referred to the Committee on Conservation, Recreation and Environment.

A bill 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:

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

1 Sec. 2. (1) The powers and duties ~~now~~ PREVIOUSLY vested
2 by law in the public domain commission; the state game, fish, and
3 forest fire commissioner and the state board of fish commis-
4 ers; the geological survey; and the Michigan state park commis-
5 sion are transferred to and vested in the department of natural
6 resources. Whenever, in a law of this state, reference is made
7 to a board, commission, or officer whose powers and duties are
8 transferred by this section, reference shall be considered to be
9 made to the department of natural resources.

10 (2) The commission of natural resources may promulgate
11 rules, not inconsistent with law, governing its organization and
12 procedure, and the administration of this act, as considered
13 expedient. The commission may promulgate and enforce reasonable
14 rules concerning the use and occupancy of lands and property
15 under its control IN ACCORDANCE WITH SECTION 3A; may provide and
16 develop facilities for outdoor recreation; may conduct investiga-
17 tions it considers necessary for the proper administration of
18 this act; may remove and dispose of forest products as required
19 for the protection, reforestation, and proper development and
20 conservation of the lands and property under its control; and may
21 require the payment of a fee as provided by law for a daily
22 permit or other authorization which allows the person to hunt and
23 take waterfowl on a public hunting area managed and developed for
24 waterfowl. The commission may require the wearing of a special
25 tag or license as a condition of issuing a permit under this
26 section.

(3) Except as provided in subsection (4), the commission may ~~make~~ 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. ~~The~~ THIS contract power ~~shall include the making of~~ 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, ~~shall~~ IS not ~~be~~ 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 ~~funds~~ 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 ~~funds~~

1 FUND shall be credited to the game and fish protection trust
2 fund, except as otherwise provided by law.

3 (4) The commission shall not ~~make~~ ENTER INTO a contract
4 ~~which~~ THAT permits drilling operations for the taking of oil or
5 gas from the lake bottomlands of the Great Lakes or connecting or
6 connected bays, harbors, or waterways, unless all drilling opera-
7 tions originate from locations above and inland of the ordinary
8 high-water mark. The commission shall not ~~make~~ ENTER INTO a
9 contract for exploration of the lake bottomlands of the Great
10 Lakes or connecting or connected bays, harbors, or waterways
11 ~~which~~ THAT permits drilling operations unless all drilling
12 operations originate from locations above and inland of the ordi-
13 nary high-water mark.

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

18 Sec. 3a. (1) The commission of ~~conservation~~ NATURAL
19 RESOURCES shall ~~make such~~ PROMULGATE rules for THE protection
20 of the lands and property under its control against wrongful use
21 or occupancy as will insure the carrying out of the intent of
22 this act to protect the ~~same~~ LANDS AND PROPERTY from depreda-
23 tions and to preserve ~~such~~ THE lands and property from molesta-
24 tion, spoilation, destruction or any other improper use or
25 occupancy. ~~Nothing herein contained shall be deemed as~~
26 ~~allowing~~ THIS SECTION DOES NOT ALLOW the commission of
27 ~~conservation~~ NATURAL RESOURCES to ~~make~~ PROMULGATE any rule

1 ~~which~~ THAT applies to commercial fishing except as OTHERWISE
2 provided by law. Rules affecting the use and occupancy of ~~such~~
3 lands and property shall be promulgated ~~in accordance with Act~~
4 ~~No. 88 of the Public Acts of 1943, as amended, being sections~~
5 ~~24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act~~
6 ~~No. 197 of the Public Acts of 1952, as amended, being sections~~
7 ~~24.101 to 24.110 of the Compiled Laws of 1948~~ PURSUANT TO THE
8 ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC
9 ACTS OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN
10 COMPILED LAWS. THE DIRECTOR OF THE DEPARTMENT OF NATURAL
11 RESOURCES SHALL ISSUE ORDERS NECESSARY TO IMPLEMENT RULES PROMUL-
12 GATED UNDER THIS SECTION. THESE ORDERS SHALL BE EFFECTIVE UPON
13 POSTING.

14 (2) A violation of ~~any such~~ A rule PROMULGATED UNDER THIS
15 SECTION OR AN ORDER ISSUED UNDER THIS SECTION is a misdemeanor.