

# HOUSE BILL No. 6135

September 24, 1992, Introduced by Reps. Trim, Middleton, Porreca, Griffin, Weeks, Webb, Gilmer, Allen, Keith and Stopczynski and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend sections 3, 10, and 23 of Act No. 345 of the Public Acts of 1966, entitled

"Inland lake improvement act of 1966,"

being sections 281.903, 281.910, and 281.923 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 3, 10, and 23 of Act No. 345 of the  
2 Public Acts of 1966, being sections 281.903, 281.910, and 281.923  
3 of the Michigan Compiled Laws, are amended to read as follows:

4       Sec. 3. (1) The local governing body of any local unit in  
5 which the whole or any part of the waters of any public inland  
6 lake is situated, upon its own motion or by petition of 2/3 of  
7 the ~~freeholders~~ LANDOWNERS owning lands abutting the lake, for  
8 the protection of the public health, welfare, and safety and the  
9 conservation of the natural resources of this state, or to

1 preserve property values around a lake, may provide for the  
2 improvement of a lake, or adjacent ~~swampland~~ WETLAND, and may  
3 take steps necessary to remove and properly dispose of undesir-  
4 able accumulated materials from the bottom of the lake or ~~swamp~~  
5 WETLAND by dredging, ditching, digging, or other related work IN  
6 COMPLIANCE WITH OTHER APPLICABLE LAW.

7 (2) Upon receipt of the petition UNDER SUBSECTION (1), or  
8 upon its own motion, the local governing body of a local unit  
9 within 60 days shall ~~set up~~ ESTABLISH a lake board as provided  
10 in section 4, which shall proceed with the necessary steps for  
11 improving the lake or to ~~void~~ DISAPPROVE the proposed  
12 IMPROVEMENT project.

13 (3) THE LOCAL GOVERNING BODY OF A LOCAL UNIT THAT ESTAB-  
14 LISHED A LAKE BOARD PURSUANT TO THIS ACT MAY, ON ITS OWN MOTION,  
15 DISSOLVE THE LAKE BOARD. ADDITIONALLY, THE LOCAL GOVERNING BODY  
16 OF A LOCAL UNIT THAT ESTABLISHED A LAKE BOARD PURSUANT TO THIS  
17 ACT, UPON PETITION OF 2/3 OF THE LANDOWNERS OF LANDS ABUTTING THE  
18 LAKE, SHALL DISSOLVE THE LAKE BOARD.

19 Sec. 10. (1) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (4), A  
20 lake board ESTABLISHED PURSUANT TO THIS ACT shall retain a  
21 ~~registered~~ LICENSED professional engineer to prepare an engi-  
22 neering feasibility report. ADDITIONALLY, THE LAKE BOARD SHALL  
23 HAVE PREPARED an economic study report and an estimate of cost  
24 FOR THE PROPOSED IMPROVEMENT PROJECT.

25 (2) The ENGINEERING FEASIBILITY report PREPARED UNDER  
26 SUBSECTION (1) shall include ~~, when~~ ALL OF THE FOLLOWING:

1 (A) IF applicable, recommendations for normal lake levels  
2 and the methods for maintaining such levels.

3 (B) ~~(2) The engineering feasibility report shall include~~  
4 ~~the~~ methods proposed to carry out the recommended improvements,  
5 such as dredging, removal, disposal, and THE disposal areas TO BE  
6 UTILIZED for undesirable materials from the lake. ~~The report~~  
7 ~~shall include.~~

8 (C) IF APPROPRIATE, an investigation of the ~~ground water~~  
9 GROUNDWATER conditions and possible effects on lake levels from  
10 removal of bottom materials.

11 (D) A study of existing nutrients ~~and an~~ IN THE LAKE.

12 (E) AN estimate of possible future conditions ~~shall be~~  
13 ~~included. Estimate of~~ AS A RESULT OF THE PROPOSED IMPROVEMENT  
14 PROJECT.

15 (F) AN ESTIMATE of THE costs of ~~right~~ OBTAINING  
16 RIGHTS-of-way. ~~shall be included.~~

17 (3) The estimate of costs PREPARED UNDER SUBSECTION (1)  
18 shall show probable assessments for the project. The economic  
19 STUDY report PREPARED UNDER SUBSECTION (1) shall analyze the  
20 existing local tax structure and the effects of the proposed  
21 assessments on the local units involved. A copy of ~~the~~ EACH  
22 report AND THE ESTIMATE OF COSTS PREPARED UNDER THIS SECTION  
23 shall be furnished to each member of the lake board.

24 (4) IF THE PROPOSED IMPROVEMENT PROJECT TO BE UNDERTAKEN BY  
25 THE LAKE BOARD UNDER THIS ACT IS ONLY FOR AQUATIC PLANT MAINTENANCE  
26 SUCH AS HERBICIDE TREATMENTS OR MECHANICAL HARVESTING, THE  
27 LAKE BOARD MAY RETAIN A LIMNOLOGIST, AQUATIC BIOLOGIST, OR OTHER

1 SUITABLE PROFESSIONAL TO PREPARE THE ENGINEERING FEASIBILITY  
2 REPORT REQUIRED UNDER SUBSECTION (1).

3       Sec. 23. ~~The~~ A lake board ESTABLISHED PURSUANT TO THIS  
4 ACT may borrow money and issue lake level orders or the bonds of  
5 the special assessment district ~~therefor~~ in anticipation of the  
6 collection of special assessments to defray the cost of any  
7 improvement made under this act after the special assessment roll  
8 has been confirmed. The bonds or lake level orders shall not  
9 exceed the amount of the special assessments in anticipation of  
10 the collection of which they are issued and shall bear interest  
11 at a rate not exceeding ~~5% per annum~~ CURRENT MARKET RATES.  
12 Collections on special assessments to the extent pledged for the  
13 payment of bonds or lake level orders shall be set aside in a  
14 special fund for the payment of the bonds or lake level orders.  
15 The issuance of special assessments bonds or lake level orders  
16 shall be governed by the provisions of the APPLICABLE general  
17 laws of the state ~~applicable thereto~~ and in accordance with THE  
18 MUNICIPAL FINANCE ACT, Act No. 202 of the Public Acts of 1943, as  
19 amended, being sections 131.1 to ~~+38.2~~ 139.3 of the MICHIGAN  
20 Compiled Laws. ~~of 1948.~~ Bonds or lake level orders may be  
21 issued in anticipation of the collection of special assessments  
22 levied in respect to 2 or more public improvements but ~~no~~ A  
23 special assessment district shall NOT be compelled to pay the  
24 obligation of any other special assessment district. The local  
25 governing body may pledge the full faith and credit of a local  
26 unit for the prompt payment of the principal of and interest on  
27 the bonds or lake level orders as they become due. The pledge of

1 full faith and credit of the local unit shall be included within  
2 the total limitation prescribed by section 5 of chapter 5 of Act  
3 No. 202 of the Public Acts of 1943, as amended, being section  
4 135.5 of the MICHIGAN Compiled Laws. ~~of 1948.~~ Bonds and lake  
5 level orders issued under this act shall be executed by the  
6 ~~chairman~~ CHAIRPERSON and secretary of the lake board and the  
7 interest coupons to be attached ~~thereto~~ TO THE BONDS shall be  
8 executed by the officials causing their facsimile signatures to  
9 be affixed ~~thereto~~ ON THE BONDS.