



HOUSE BILL No. 5744

April 16, 1996, Introduced by Rep. Middaugh and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 502 of Act No. 451 of the Public Acts of 1994, entitled

"Natural resources and environmental protection act,"

as amended by Act No. 61 of the Public Acts of 1995, being section 324.502 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 502 of Act No. 451 of the Public Acts of
2 1994, as amended by Act No. 61 of the Public Acts of 1995, being
3 section 324.502 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 502. (1) The powers and duties previously vested by
6 law in the public domain commission; the state game, fish, and
7 forest fire commissioner and the state board of fish
8 commissioners; the geological survey; and the Michigan state park
9 commission are transferred to and vested in the department. In

1 addition, the powers and duties previously vested by law in each
2 of the following are also transferred to and vested in the
3 department:

4 (a) The nongame fish and wildlife advisory committee created
5 in former Act No. 285 of the Public Acts of 1986.

6 (b) The Great Lakes fishery advisory committee.

7 (c) The hunting area control committee.

8 (d) The forest and mineral resource development fund board.

9 (e) The state forest products industry development council.

10 (f) The advisory board created in former Act No. 61 of the
11 Public Acts of 1939.

12 (g) The mineral well advisory board created in former Act
13 No. 315 of the Public Acts of 1969.

14 (h) The Michigan unitization law appeal board created in
15 former Act No. 197 of the Public Acts of 1959.

16 (i) The inventory advisory committee created in former Act
17 No. 204 of the Public Acts of 1979.

18 (j) The marine safety education commission.

19 (k) The marine safety advisory council.

20 (l) The wilderness and natural areas advisory board.

21 (m) The state recreation and cultural arts advisory commit-
22 tee created in former Act No. 326 of the Public Acts of 1965.

23 (n) The air pollution control commission.

24 (o) The water resources commission.

25 (p) The critical materials advisory committee.

26 (q) The clean Michigan fund act advisory panel created in
27 former Act No. 249 of the Public Acts of 1986.

1 (r) The hazardous waste policy committee created in
2 section 8a of former Act No. 64 of the Public Acts of 1979.

3 (2) Whenever reference is made in a law of this state to a
4 board, commission, or officer whose powers and duties are trans-
5 ferred by this section, reference shall be considered to be made
6 to the department.

7 (3) The commission may promulgate rules, not inconsistent
8 with law, governing its organization and procedure. The depart-
9 ment may promulgate and enforce reasonable rules concerning the
10 use and occupancy of lands and property under its control in
11 accordance with section 504; may provide and develop facilities
12 for outdoor recreation; may conduct investigations it considers
13 necessary for the proper administration of this part; may remove
14 and dispose of forest products as required for the protection,
15 reforestation, and proper development and conservation of the
16 lands and property under control of the department; and may
17 require the payment of a fee as provided by law for a daily
18 permit or other authorization that allows the person to hunt and
19 take waterfowl on a public hunting area managed and developed for
20 waterfowl.

21 (4) Except as provided in subsection (5), the department may
22 enter into contracts for the taking of coal, oil, gas, and other
23 mineral products from state owned lands, upon a royalty basis or
24 upon another basis, and upon the terms the department considers
25 just and equitable. This contract power includes authorization
26 to enter into contracts for the storage of gas or other mineral
27 products in or upon state owned lands, if the consent of the

1 state agency having jurisdiction and control of the state owned
2 land is first obtained. A contract permitted under this section
3 for the taking of coal, oil, gas, or metallic mineral products,
4 or for the storage of gas or other mineral products, is not valid
5 unless the contract is approved by the state administrative
6 board. Money RECEIVED FROM A CONTRACT FOR THE STORAGE OF GAS OR
7 OTHER MINERAL PRODUCTS IN OR UPON STATE LANDS SHALL BE TRANSMIT-
8 TED TO THE STATE TREASURER FOR DEPOSIT IN THE GENERAL FUND OF THE
9 STATE TO BE USED FOR THE PURPOSE OF DEFRAYING THE EXPENSES
10 INCURRED IN THE ADMINISTRATION OF THIS ACT AND OTHER PURPOSES
11 PROVIDED BY LAW. OTHER MONEY received from a contract permitted
12 under this subsection, except money received from lands acquired
13 with money from the game and fish protection fund created in
14 section 43553 ~~601~~ ~~of the hunting and fishing license act, Act~~
15 ~~No. 86 of the Public Acts of 1980, being section 316.601 of the~~
16 ~~Michigan Compiled Laws,~~ shall be transmitted to the state trea-
17 surer for deposit in the Michigan natural resources trust fund
18 created in section 35 of article IX of the state constitution of
19 1963. However, the money received from the payment of service
20 charges by a person using areas managed for waterfowl shall be
21 credited to the game and fish protection fund and used only for
22 the purposes provided by law. Money received from bonuses,
23 rentals, delayed rentals, royalties, and the direct sale of
24 resources, including forest resources, from lands acquired with
25 money from the game and fish protection fund shall be credited to
26 the game and fish protection trust fund created in ~~the game and~~
27 ~~fish protection trust fund act, Act No. 73 of the Public Acts of~~

1 ~~1986, being sections 300.211 to 300.216 of the Michigan Compiled~~
2 ~~Laws~~ SECTION 43702, except as otherwise provided by law.

3 (5) The department shall not enter into a contract that per-
4 mits drilling operations for the taking of oil or gas from the
5 lake bottomlands of the Great Lakes or connecting or connected
6 bays, harbors, or waterways, unless all drilling operations origi-
7 nate from locations above and inland of the ordinary high-water
8 mark. The department shall not enter into a contract for explo-
9 ration of the lake bottomlands of the Great Lakes or connecting
10 or connected bays, harbors, or waterways that permits drilling
11 operations unless all drilling operations originate from loca-
12 tions above and inland of the ordinary high-water mark.

13 (6) This section does not permit a contract for the taking
14 of gravel, sand, coal, oil, gas, or other metallic mineral pro-
15 ducts that does not comply with applicable local ordinances and
16 state law.