

**SENATE BILL NO. 530**

April 21, 1999, Introduced by Senators SIKKEMA and GAST and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12562 (MCL 333.12562), as amended by 1996 PA 67.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 12562. (1) The application of necessary chemicals in  
2 powder, crystal, or solution form to the waters of the state for  
3 the control of aquatic nuisances, such as swimmers' itch and  
4 aquatic plants, is lawful and not in contravention of the private  
5 or public rights to the use and enjoyment of abutting property by  
6 the owners or occupants of that property if the application is  
7 made in accordance with sections 12561 to 12563 and rules promul-  
8 gated under section 12561.

9       (2) The necessary control work authorized pursuant to this  
10 section may be conducted by the state or a political subdivision

1 or by an organized lake or improvement association on behalf of  
2 its members, or by the owner of property abutting on the waters  
3 of the state, or by an aquatic pest control applicator licensed  
4 under part 83 ~~(pesticide control)~~ of the natural resources and  
5 environmental protection act, ~~Act No. 451 of the Public Acts of~~  
6 ~~1994, being sections 324.8301 to 324.8336 of the Michigan~~  
7 ~~Compiled Laws~~ 1994 PA 451, MCL 324.8301 TO 324.8336, after  
8 obtaining a permit from the department of ~~natural resources~~  
9 ENVIRONMENTAL QUALITY. A permit may be obtained by application  
10 to the department of ~~natural resources~~ ENVIRONMENTAL QUALITY.  
11 Unless revoked, a permit issued under this section expires on  
12 December 31 of the calendar year in which it was issued.

13 (3) The necessary control work authorized pursuant to this  
14 section shall be conducted at those times, under those condi-  
15 tions, and with those safeguards, as the department of ~~natural~~  
16 ~~resources~~ ENVIRONMENTAL QUALITY requires. The department of  
17 ~~natural resources~~ ENVIRONMENTAL QUALITY may provide permits,  
18 upon application, for the suppression of swimmers' itch and  
19 aquatic plants, if applicants provide at their own expense chemi-  
20 cals and other equipment and services called for in the rules  
21 promulgated by the department of ~~natural resources~~  
22 ENVIRONMENTAL QUALITY.

23 (4) Except as provided in subsection (5), until October 1,  
24 ~~1999~~ 2003, an application for a permit under this section shall  
25 be accompanied by the following fee:

26 (a) For treatment of areas of 1/2 acre or more and less than  
27 2 acres, \$50.00.

1 (b) For treatment of areas of 2 acres or more, \$150.00.

2 (5) A fee is not required under this section for owners of a  
3 single property treating waters abutting their property where the  
4 treatment area is less than 1/2 acre, or for water bodies in  
5 single ownership.

6 (6) The department of ~~natural resources~~ ENVIRONMENTAL  
7 QUALITY shall forward fees collected under this section to the  
8 state treasurer for deposit in the land and water management  
9 permit fee fund created in section 30113 of ~~part 301 (inland~~  
10 ~~lakes and streams)~~ of Act No. 451 of the Public Acts of 1994,  
11 ~~being section 324.30113 of the Michigan Compiled Laws~~ THE NATU-  
12 RAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL  
13 324.30113.