

Act No. 41
Public Acts of 1999
Approved by the Governor
June 9, 1999
Filed with the Secretary of State
June 9, 1999
EFFECTIVE DATE: June 9, 1999

STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 1999

Introduced by Senators Sikkema and Gast

ENROLLED SENATE BILL No. 530

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 12562 (MCL 333.12562), as amended by 1996 PA 67.

The People of the State of Michigan enact:

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

(2) The necessary control work authorized pursuant to this section may be conducted by the state or a political subdivision or by an organized lake or improvement association on behalf of its members, or by the owner of property abutting on the waters of the state, or by an aquatic pest control applicator licensed under part 83 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8301 to 324.8336, after obtaining a permit from the department of environmental quality. A permit may be obtained by application to the department of environmental quality. Unless revoked, a permit issued under this section expires on December 31 of the calendar year in which it was issued.

(3) The necessary control work authorized pursuant to this section shall be conducted at those times, under those conditions, and with those safeguards, as the department of environmental quality requires. The department of environmental quality may provide permits, upon application, for the suppression of swimmers' itch and aquatic plants, if applicants provide at their own expense chemicals and other equipment and services called for in the rules promulgated by the department of environmental quality.

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

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

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

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

(6) The department of environmental quality shall forward fees collected under this section to the state treasurer for deposit in the land and water management permit fee fund created in section 30113 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.30113.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Ray E. Randall

Clerk of the House of Representatives.

Approved _____

Governor.