

# HOUSE BILL No. 5675

February 19, 2002, Introduced by Reps. Shackleton, Gilbert, Allen, Adamini, Neumann, Stamas and Rich Brown and referred to the Committee on Transportation.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 502 (MCL 324.502), as amended by 1998 PA  
114.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 502. (1) The commission may promulgate rules, not  
2 inconsistent with law, governing its organization and procedure.

3       (2) The department may ~~promulgate~~ DO 1 OR MORE OF THE  
4 FOLLOWING:

5       (A) PROMULGATE and enforce reasonable rules concerning the  
6 use and occupancy of lands and property under its control in  
7 accordance with section 504. ~~it may provide~~

8       (B) PROVIDE and develop facilities for outdoor recreation.  
9 ~~it may conduct~~

1 (C) CONDUCT investigations it considers necessary for the  
2 proper administration of this part. ~~it may remove~~

3 (D) REMOVE and dispose of forest products as required for  
4 the protection, reforestation, and proper development and conser-  
5 vation of the lands and property under control of the department.  
6 ~~it and may require~~

7 (E) REQUIRE the payment of a fee as provided by law for a  
8 daily permit or other authorization that allows the person to  
9 hunt and take waterfowl on a public hunting area managed and  
10 developed for waterfowl.

11 (3) ~~(2)~~ Except as provided in ~~subsection (3)~~ SUBSECTIONS  
12 (4) AND (5), the department may enter into contracts for the  
13 taking of coal, oil, gas, and other mineral products from state  
14 owned lands, upon a royalty basis or upon another basis, and upon  
15 the terms the department considers just and equitable subject to  
16 section 502a. This contract power includes authorization to  
17 enter into contracts for the storage of gas or other mineral pro-  
18 ducts in or upon state owned lands, if the consent of the state  
19 agency having jurisdiction and control of the state owned land is  
20 first obtained. A contract permitted under this section for the  
21 taking of coal, oil, gas, or metallic mineral products, or for  
22 the storage of gas or other mineral products, is not valid unless  
23 the contract is approved by the state administrative board.  
24 Money received from a contract for the storage of gas or other  
25 mineral products in or upon state lands shall be transmitted to  
26 the state treasurer for deposit in the general fund of the state  
27 to be used for the purpose of defraying the expenses incurred in

1 the administration of this act and other purposes provided by  
2 law. Other money received from a contract permitted under this  
3 subsection, except money received from lands acquired with money  
4 from the game and fish protection fund created in section 43553,  
5 shall be transmitted to the state treasurer for deposit in the  
6 Michigan natural resources trust fund created in section 35 of  
7 article IX of the state constitution of 1963 AND PROVIDED FOR IN  
8 PART 19. However, the money received from the payment of service  
9 charges by a person using areas managed for waterfowl shall be  
10 credited to the game and fish protection fund and used only for  
11 the purposes provided by law. Money received from bonuses,  
12 rentals, delayed rentals, royalties, and the direct sale of  
13 resources, including forest resources, from lands acquired with  
14 money from the game and fish protection fund shall be credited to  
15 the game and fish protection trust fund created in section 43702,  
16 except as otherwise provided by law.

17 (4) ~~-(3)-~~ The department shall not enter into a contract  
18 that permits drilling operations for the taking of oil or gas  
19 from the lake bottomlands of the Great Lakes or THE connecting or  
20 connected bays, harbors, or waterways OF THE GREAT LAKES, unless  
21 all drilling operations originate from locations above and inland  
22 of the ordinary high-water mark. The department shall not enter  
23 into a contract for exploration of the lake bottomlands of the  
24 Great Lakes or THE connecting or connected bays, harbors, or  
25 waterways OF THE GREAT LAKES that permits drilling operations  
26 unless all drilling operations originate from locations above and  
27 inland of the ordinary high-water mark.

1       (5) THE DEPARTMENT SHALL NOT CHARGE MORE THAN 25 CENTS PER  
2 SHORT TON FOR THE TAKING OF SAND OR GRAVEL FROM STATE OWNED  
3 LANDS, OR FROM OR UNDER THE BEDS OF THE GREAT LAKES OR THE CON-  
4 NECTING AND CONNECTED BAYS, HARBORS, OR WATERWAYS OF THE GREAT  
5 LAKES AS PROVIDED IN SECTION 33938, FOR USE IN THE CONSTRUCTION,  
6 IMPROVEMENT, OR REPAIR OF PUBLIC HIGHWAYS, ROADS, OR STREETS. IN  
7 2012 AND EVERY TENTH YEAR THEREAFTER, THE DEPARTMENT SHALL REVIEW  
8 THE DOLLAR AMOUNT SPECIFIED IN THIS SUBSECTION AND SUBMIT TO THE  
9 LEGISLATURE A REPORT ON ITS FINDINGS AND ON ANY RECOMMENDATION  
10 FOR REVISION OF THAT AMOUNT.

11       (6) ~~-(4)-~~ This section does not permit a contract for the  
12 taking of gravel, sand, coal, oil, gas, or other metallic mineral  
13 products that does not comply with applicable local ordinances  
14 and state law.