

Act No. 174
Public Acts of 1995
Approved by the Governor
October 9, 1995
Filed with the Secretary of State
October 9, 1995

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1995**

Introduced by Rep. Middaugh

ENROLLED HOUSE BILL No. 4893

AN ACT to amend section 12562 of Act No. 368 of the Public Acts of 1978, entitled as amended "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 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," as amended by Act No. 153 of the Public Acts of 1993, being section 333.12562 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 12562 of Act No. 368 of the Public Acts of 1978, as amended by Act No. 153 of the Public Acts of 1993, being section 333.12562 of the Michigan Compiled Laws, is amended to read as follows:

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, Act No. 451 of the Public Acts of 1994, being sections 324.8301 to 324.8336 of the Michigan Compiled Laws, after obtaining a permit from the department of natural resources. A permit may be obtained by application to the department of natural resources. 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 natural resources requires. The department of natural

resources 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 natural resources.

(4) Except as provided in subsection (5), until October 1, 1999, 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 natural resources 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.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.