

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 530 (as reported without amendment)

Sponsor: Senator Ken Sikkema

Committee: Natural Resources and Environmental Affairs

Date Completed: 4-30-99

RATIONALE

Under the Public Health Code, the application of necessary chemicals in powder, crystal, or solution form to State waters for the control of aquatic nuisances, such as swimmers' itch and aquatic plants, is lawful and does not violate 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 according to the Code and rules promulgated under the Code.

The necessary control work may be conducted by the State or a political subdivision, by an organized lake or improvement association on behalf of its members, by the owner of abutting property, or by an aquatic pest control applicator licensed under the Natural Resources and Environmental Protection Act after obtaining a permit from the Department of Environmental Quality (DEQ). The necessary control work must be conducted at those times, under those conditions, and with those safeguards, as the DEQ requires. The DEQ 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.

The permit fees cover the administrative costs of reviewing and processing permit applications and support the Land and Water Management Permit Fee Fund created in the Natural Resources and Environmental Protection Act. Since the authorization for these permit fees is scheduled to expire October 1, 1999, it has been suggested that the sunset date be extended.

CONTENT

The bill would amend the Public Health Code to extend for four years, until October 1, 2003, the sunset date on permit fees for the suppression of aquatic nuisances.

Currently, the Code requires the application for a permit to be accompanied by a \$50 fee for treatment of areas of at least half an acre but less than two acres, and a \$150 fee for two acres or more. A fee is not required for owners of a single property treating waters abutting their property where the

treatment area is less than half an acre, or for water bodies in single ownership.

MCL 333.12562

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would continue a revenue source that enables the DEQ to process and administer permit applications. According to the Department, the permits are necessary to regulate nuisance control projects under certain times and conditions, and with safeguards to protect the public health, welfare, and trust in the aquatic environment.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would extend the sunset on collection of revenue from aquatic nuisance control fees, which generated \$95,900 to the State in fiscal year 1997-98.

Fiscal Analyst: G. Cutler

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.