

Act No. 164
Public Acts of 2003
Approved by the Governor
August 11, 2003
Filed with the Secretary of State
August 12, 2003
EFFECTIVE DATE: August 12, 2003

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Senator Emerson

ENROLLED SENATE BILL No. 596

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 provide for an appropriation and supplements; 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 1999 PA 41.

The People of the State of Michigan enact:

Sec. 12562. (1) The application to the waters of the state of chemicals necessary 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 complies with sections 12561 to 12563 and rules promulgated under section 12561.

(2) After obtaining a permit from the department of environmental quality, any of the following may conduct necessary control work authorized under this section:

(a) The state or a political subdivision.

(b) An organized lake or improvement association on behalf of its members.

(c) The owner of property abutting the waters of the state.

(d) 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.

(3) A permit required under this section may be obtained by application to the department of environmental quality. Unless revoked, the permit expires on December 31 of the calendar year in which it was issued.

(4) The necessary control work authorized under this section shall be conducted at those times, under those conditions, and with those safeguards, as the department of environmental quality requires. Persons issued permits

under this section shall provide at their own expense chemicals and other equipment and services called for in the rules promulgated by the department of environmental quality.

(5) Until October 1, 2008, an application for a permit under this section for control work qualifying for a certificate of coverage under a general permit shall be accompanied by a fee of \$75.00. Until October 1, 2008, an application for a permit under this section for any other control work shall be accompanied by the following fee, based on the size of the area of impact:

- (a) Less than 1/2 acre, \$75.00.
- (b) One-half acre or more but less than 5 acres, \$200.00.
- (c) Five acres or more but less than 20 acres, \$400.00.
- (d) Twenty acres or more but less than 100 acres, \$800.00.
- (e) One hundred acres or more, \$1,500.00.

(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

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor