



**Senate Fiscal Agency**  
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**BILL ANALYSIS**



**Telephone: (517) 373-5383**  
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House Bills 4348 through 4351 and 4385

Sponsor: Representative James Middaugh (H.B. 4348 & 4385)  
 Representative Tom Alley (H.B. 4349)  
 Representative Sandra Hill (H.B. 4350)  
 Representative Raymond Murphy (H.B. 4351)

House Committee: Conservation, Environment, and Great Lakes  
 Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 3-28-95

**SUMMARY OF HOUSE BILLS 4348 through 4351 and 4385 as passed by the House:**

**The bills would amend the Natural Resources and Environmental Protection Act (NREPA) to recodify current natural resources management statutes concerning wildlife conservation, recreation, habitat protection, and environmental issues. The bills would repeal and reenact existing laws by inserting them into the NREPA. In addition, the bills would delete references to--and, in some instances, repeal--various natural resources acts that created certain committees, boards, and commissions. Further, House Bill 4385 would transfer the powers and duties of these committees, boards and commissions to the Department of Natural Resources (DNR). Most of the language of existing laws would be retained under the bills, although many obsolete references and effective dates would be deleted.** House Bills 4348 through 4351 are tie-barred to each other; House Bill 4385 is tie-barred to the other four bills. The following is a brief outline of the content of the bills, including the public act numbers from which each subsection was derived.

**House Bill 4351**

The bill would repeal and reenact various statutes concerning definitions; DNR responsibilities--including its real estate powers; and pollution control, and insert them into Articles I and II of the NREPA as follows.

ARTICLE I. The first article contains general provisions, definitions, and savings clauses to assure the continuation of enforcement actions and rules. The first article also sets forth the

general powers and duties of the Department of Natural Resources and of conservation officers, and the provisions of the Natural Resources and Environmental Protection Act, as follows:

Part 7: Public Act 188 of 1988 - Forest and Mineral Resource Development

Part 16: Public Act 192 of 1929 - Enforcement of Laws for Protection of Wild Birds, Wild Animals, and Fish

Part 18: Public Act 517 of 1988 - Uniform Transboundary Pollution Reciprocal Access

Part 19: Public Act 101 of 1985 - Natural Resources Trust Fund. The bill would add that the Michigan Natural Resources Trust Fund Board would have the powers and duties of a Type I agency and that it would be administered under the supervision of the DNR. (The Board was transferred to the DNR as a Type I agency by Executive Order 1991-31.)

Part 21: General Real Estate Powers:

Subpart 1: Public Act 223 of 1909 - Sale of State Lands for Public Purposes

Subpart 2. Public Act 44 of 1883 - Delinquent Taxes on Part-Paid Lands

Subpart 3. Public Act 193 of 1911 - Exchange of State Lands

Subpart 4. Public Act 137 of 1913 - Record of Deeds for Tax Homestead Lands

Subpart 6. Public Act 187 of 1851 - Sale and Reclamation of Swamp Lands

Subpart 7. Public Act 76 of 1853 - Receipt of Money from Sale of Swamp Lands

Subpart 8. Public Act 421 of 1982 - Easements over State Owned Lands

Subpart 9. Public Act 10 of 1953 - Easements for Public Utilities

Subpart 10. Public Act 86 of 1989 - Land Exchange Facilitation Fund

Subpart 11. Public Act 197 of 1980 - Conservation and Historic Preservation Easement

Subpart 12. Public Act 314 of 1968 - Acquisition of Surface Lands for Water Quality Control

Subpart 13. Public Act 116 of 1917 - Tax on Tax Reverted, Recreation, and Forest Lands

Subpart 14. Public Act 91 of 1925 - Payment in Lieu of Taxes on Certain State Lands

Subpart 15. Public Act 298 of 1993 - Protection of State Owned Lands

Subpart 16. Public Act 66 of 1869 - Certified Copies of Field Notes, Maps, Records, and Papers

Part 25: Public Act 310 of 1994 - Environmental Education

ARTICLE II. Article II incorporates pollution control statutes.

#### CHAPTER 1: POINT SOURCE POLLUTION CONTROL

Part 35: Public Act 143 of 1959 - Use of Water in Mining Low-Grade Iron Ore

Part 37: Public Act 222 of 1966 - Water Pollution Control Facilities; Tax Exemption

#### SEWAGE DISPOSAL AND WATERWORKS SYSTEMS

Part 45: Public Act 76 of 1968 - Bonds for Prevention and Abatement of Water Pollution

#### AIR RESOURCES PROTECTION

Part 59: Public Act 250 of 1965 - Air Pollution Control Facility; Tax Exemption

Part 61: Public Act 159 of 1973 - Emissions from Vessels

Part 63: Public Act 234 of 1993 - Motor Vehicle Emissions Testing for West Michigan

Part 65: Public Act 232 of 1993 - Motor Vehicle Emissions Testing for Southeast Michigan

#### CHAPTER 2: NONPOINT SOURCE POLLUTION CONTROL

Part 85: Public Act 198 of 1975 - Fertilizers

#### SOIL CONSERVATION, EROSION, AND SEDIMENTATION CONTROL

Part 91: Public Act 347 of 1972 - Soil Erosion and Sedimentation Control

Part 93: Public Act 297 of 1937 - Soil Conservation Districts

#### CHAPTER 3: WASTE MANAGEMENT

Part 119: Public Act 345 of 1978 - Waste Management and Resource Recovery Finance

#### CHAPTER 6: ENVIRONMENTAL FUNDING

Part 193: Public Act 326 of 1988 - Environmental Protection Bond Authorization

Part 195: Public Act 328 of 1988 - Environmental Protection Bond Implementation

#### House Bill 4350

The bill would repeal and reenact the following natural resources management statutes, inserting them under Article III of the NREPA. The bill also would repeal the Great Lakes Conservation Act but would not recodify it.

ARTICLE III. Article III incorporates natural resources management statutes.

#### CHAPTER I: HABITAT PROTECTION INLAND WATERS

Part 301: Public Act 346 of 1972 - Inland Lakes and Streams

Part 303: Public Act 203 of 1979 - Wetland Protection

Part 305: Public 231 of 1970 - Natural Rivers

Part 307: Public Act 146 of 1961 - Inland Lake Levels

Part 309: Public Act 345 of 1966 - Inland Lake Improvements

Part 311: Public Act 253 of 1964 - Local River Management

Part 313: Public Act 20 of 1964 - Surplus Waters

Part 315: Public Act 300 of 1989 - Dam Safety

#### THE GREAT LAKES

Part 321: Public Act 89 of 1954 - Great Lakes Compact Authorization

Part 322: Public Act 28 of 1955 - Great Lakes Basin Compact

Part 323: Public Act 245 of 1970 - Shorelands Protection and Management

Part 325: Public Act 247 of 1955 - Great Lakes Submerged Lands

Part 327: Public Act 130 of 1985 - Great Lakes Preservation

Part 329: Public Act 128 of 1985 - Great Lakes Protection

Part 331: Public Act 155 of 1989 - Regional Great Lakes Protection Fund

Part 333: Public Act 44 of 1952 - Coastal Beach Erosion

Part 337: Public Act 278 of 1952 - Flood, Drainage, and Beach Erosion Control

Part 339: Public Act 326 of 1913 - Control of Certain State Lands

Part 341: Public Act 205 of 1967 - Irrigation Districts

#### LAND HABITATS

Part 351: Public Act 241 of 1972 - Wilderness and Natural Areas

Part 353: Public Act 222 of 1976 - Sand Dune Protection and Management

Part 355: Public Act 93 of 1992 - Biological Diversity Conservation

Part 357: Public Act 150 of 1970 - Natural Beauty Roads

Part 361: Public Act 116 of 1974 - Farmland and Open Space Preservation

#### ENDANGERED SPECIES

Part 365: Public Act 203 of 1974 - Endangered Species Protection

#### House Bill 4348

The bill would repeal and reenact the following acts concerning the management of renewable resources, inserting them into the NREPA as described below. The bill also would repeal, but not reenact, the Forestry Reserve Act; Public Act 22 of 1913, which provides for the protection of the Snowy Herm and the American Egret; Public Act 7 of 1911, which transferred the duties of the Commissioner of Mineral Statistics to the State Board of Geological Survey; and Public Act 132 of 1897, which regulates the plugging of abandoned salt wells.

#### CHAPTER 2: MANAGEMENT OF RENEWABLE RESOURCES

##### SUBCHAPTER 1: WILDLIFE

##### WILDLIFE CONSERVATION

Part 401: Public Act 256 of 1988 - Wildlife Conservation. The bill specifies that after the effective date of this part, the DNR would undertake all of the powers given to the Natural Resources Commission by former Public Act 256 of 1988.

Part 403: Public Act 179 of 1974 - Wildlife Preservation

Part 405: Public Act 281 of 1939 - Wildlife Restoration, Management, and Research

Part 409: Public Act 269 of 1925 - Homing Pigeons

Part 411: Public Act 230 of 1925 - Protection and Preservation of Fish, Game, and Birds

## SHOOTING AND HUNTING GROUNDS

Part 415: Public Act 66 of 1891, Public Act 112 of 1895, and Public Act 171 of 1899 - Public Shooting and Hunting Grounds

Part 417: Public Act 134 of 1957 - Private Shooting Preserves

Part 419: Public Act 159 of 1967 - Hunting Area Control

Part 421: Public Act 82 of 1947 - Dog Training Areas

## POSSESSION, SALE, AND REGULATION OF WILDLIFE

Part 425: Public Act 308 of 1929 - Furs, Hides, and Pelts

Part 427: Public Act 191 of 1929 - Breeders and Dealers

Part 431: Public Act 103 of 1941 - Foxes in Captivity

Part 433: Public Act 207 of 1923 - Limitation on Acreage for Propagation or Sporting Purposes

## SUBCHAPTER 2: HUNTING AND FISHING LICENSES

Part 435: Public Act 86 of 1980 - Hunting and Fishing Licensing

Part 437: Public Act 73 of 1986 - Game and Fish Protection Trust Fund

Part 439: Public Act 285 of 1986 - Nongame Fish and Wildlife Trust Fund

Part 441: Public Act 94 of 1988 - Game and Fish Lifetime License Trust Fund

## SUBCHAPTER 3: FISHERIES

### CHARTER AND LIVERY BOATS

Part 445: Public Act 244 of 1986 - Charter and Livery Boat Safety

### AQUATIC SPECIES

Part 451: Public Act 14 of 1923 - Fishing from Inland Waters

Part 453: Public Act 121 of 1891 - Fishing with Hook and Line

Part 455: Public Act 156 of 1933 - Frogs

Part 457: Public Act 261 of 1915 - Mussels

Part 459: Public Act 196 of 1957 - Propagation of Game Fish in Private Waters

Part 461: Public Act 180 of 1931 - Regulating Fishing in Northport Harbor

Part 463: Public Act 57 of 1931 - Fishing Laws in St. Joseph River

Part 465: Public Act 274 of 1993 - Fishing Shanties

Part 467: Public Act 218 of 1955 - Modification of Commercial Fishing Laws

Part 469: Public Act 194 of 1925 - Taking Rainbow Trout in Soo Rapids and St. Marys River

Part 471: Public Act 63 of 1885 - Fisheries Maintenance

Part 473: Public Act 84 of 1929 - Commercial Fishing

Part 475: Public Act 175 of 1956 - Fish Hatcheries for Restocking the Great Lakes

Part 477: Public Act 111 of 1951 - Fish Restoration and Management Projects

Part 479: Public Act 350 of 1865 - Fisheries Contamination

Part 483: Public Act 123 of 1929 - Passage of Fish Over Dams

Part 485: Public Act 4 of 1939 - Spearing of Fish in Houghton Lake Prohibited

Part 487: Public Act 165 of 1929 - Sport Fishing

Part 489: Public Act 92 of 1931 - Whaiska Bay

Part 491: Public Act 158 of 1949 - Reciprocal Agreements with Adjoining States

## SUBCHAPTER 4: FORESTS

### THE TIMBER INDUSTRY

Part 501: Public Act 298 of 1980 - Forest Improvements

Part 503: Public Act 150 of 1984 - State Forest Products Industry Development

Part 505: Public Act 280 of 1990 - Michigan Forest Finance Authority

Part 507: Public Act 214 of 1982 - Forest Management Demonstration Program

#### TAX INCENTIVES

Part 511: Public Act 94 of 1925 - Commercial Forests

Part 513: Public Act 86 of 1917 - Private Forestry

#### FOREST FIRES

Part 515: Public Act 329 of 1969 - Prevention and Suppression of Forest Fires

Part 517: Public Act 366 of 1976 - Prevention of Forest Fires

Part 519: Public Act 35 of 1955 - Slash Disposal

#### MISCELLANEOUS TOPICS

Part 525: Public Act 178 of 1935 - Disposal of Timber from State Lands

Part 527: Public Act 217 of 1931 - Municipal Forests

Part 529: Public Act 182 of 1962 - Christmas Trees, Boughs, Plants, and Other Trees

#### CHAPTER 3: MANAGEMENT OF NONRENEWABLE RESOURCES

##### SUBCHAPTER 1: GEOLOGICAL SURVEY DIVISION

Part 601: Public Act 65 of 1869 - Geological Survey

Part 603: Public Act 373 of 1917 - Soil and Economic Survey

Part 605: Public Act 248 of 1937 - Aerial Photos, Surveys, and Maps

Part 607: Public Act 268 of 1977 - State Soil Survey

Part 609: Public Act 204 of 1979 - Resource Inventory

##### SUBCHAPTER 2: REGULATION OF OIL AND GAS WELLS

Part 615: Public Act 61 of 1939 - Supervisor of Wells

Part 616: Public Act 308 of 1994 - Orphan Well Fund

Part 617: Public Act 197 of 1959 - Utilization

Part 619: Public Act 316 of 1980 - Drilling in the Pigeon River State Forest

Part 621: Public Act 138 of 1947 - Interstate Oil and Gas Compact

##### SUBCHAPTER 3: MINERAL WELLS

Part 625: Public Act 315 of 1969 - Mineral Wells

##### SUBCHAPTER 4: MINERAL MINING

Part 631: Public Act 92 of 1970 - Reclamation of Mining Lands

Part 633: Public Act 59 of 1945 - Mineral Mining

Part 635: Public Act 303 of 1982 - Surface and Underground Coal Mine Reclamation

Part 637: Public Act 222 of 1976 - Sand Dune Mining

##### SUBCHAPTER 5: PEAT EXTRACTION FROM STATE OWNED LANDS

Part 641: Public Act 204 of 1984 - Peat Extraction from State Owned Lands

#### **House Bill 4349**

The bill would repeal, reenact, and insert provisions of the following acts concerning recreation into the NREPA as described below.

The bill also would repeal, but not reenact, Public Act 257 of 1968, which provides for the issuance of public recreation bonds, and Public Act 108 of 1969, which created a public recreation fund in the State Treasury to be the repository of the proceeds of public recreation bond sales.

## CHAPTER 4: RECREATION

### SUBCHAPTER 1: RECREATION

#### ADMINISTRATION

Part 701: Public Act 326 of 1965 - Recreation and Cultural Arts

Part 703 - Public Act 316 of 1965 - Outdoor Recreation

Part 711: Public Act 221 of 1987 - Recreation Improvement Fund

Part 713: Public Act 327 of 1988 - Recreation Bond Authorization

Part 715: Public Act 329 of 1988 - Recreation Bond Implementation

#### TRAILWAYS

Part 721: Public Act 27 of 1993 - Michigan Trailways

Part 723: Public Act 225 of 1964 - Trails

#### RECREATIONAL TRESPASS

Part 731: Public Act 323 of 1976 - Recreational Trespass

Part 733: Public Act 201 of 1953 - Liability of Landowners

### SUBCHAPTER 2: PARKS

#### PARKS

Part 741: Public Act 149 of 1960 - State Parks System

Part 742: Public Act 48 of 1952 - Camp Registration Cards

Part 743: Public Act 130 of 1994 - State Parks Foundation

Part 751: Public Act 57 of 1993 - Dark Sky Preserve

#### ABORIGINAL RECORDS AND ANTIQUITIES AND ABANDONED PROPERTY

Part 761: Public Act 173 of 1929 - Aboriginal Records and Antiquities

### SUBCHAPTER 3: MACKINAC ISLAND STATE PARK

Part 765: Public Act 355 of 1927 - Mackinac Island State Park. The bill would add that the Mackinac Island State Park Commission would be created within the DNR and would have the powers and duties of a Type I agency. (The Commission was transferred to the DNR as a Type I Agency by Executive Order 1991-31.)

Part 767: Public Act 201 of 1958 - Mackinac Island State Park Commission

Part 769: Public Act 22 of 1907 - Mackinac Island State Park Rules

Part 771: Public Act 45 of 1943 - Mackinac Island Fire Protection

Part 773: Public Act 20 of 1955 - Old Mission Church at Mackinac Island

Part 775: Public Act 70 of 1957 - Mackinac Island; Clerk's Quarters - American Fur Company

Part 777: Public Act 54 of 1909 - Michilimackinac State Park

### SUBCHAPTER 4: THE MICHIGAN STATE WATERWAYS COMMISSION

Part 781: Public Act 320 of 1947 - Michigan State Waterways Commission

Part 783: Public Act 125 of 1959 - Ferry Docks at the Straits of Mackinac

Part 785: Public Act 187 of 1964 - Cheboygan Lock and Dam

Part 791: Public Act 79 of 1988 - Harbor Development

The bill would require the Michigan State Waterways Commission to advise the DNR on the administration of Parts 781, 783, 785, and 791.

Part 793: Public Act 66 of 1952 - Harbors, Channels, and Other Navigational Facilities

### SUBCHAPTER 5: WATERCRAFT AND MARINE SAFETY

Part 801: Public Act 303 of 1967 - Marine Safety

Part 803: Public Act 160 of 1976 - Watercraft Transfer and Certificate of Title

SUBCHAPTER 6: MOTORIZED RECREATIONAL VEHICLES

OFF-ROAD RECREATION VEHICLES

Part 811: Public Act 319 of 1975 - Off-Road Recreation Vehicles

SNOWMOBILES

Part 821: Public Act 74 of 1968 - Snowmobiles

**House Bill 4385**

The bill would amend the NREPA to specify that the powers and duties of the following commissions, boards, and committees would be transferred to the DNR: the Nongame Fish and Wildlife Advisory Committee; the Great Lakes Fishery Advisory Committee; the Hunting Area Control Committee; the Forest and Mineral Resource Development Fund Board; the State Forest Products Industry Development Council; the Advisory Board created under former Public Act 61 of 1939, which designated the DNR as the Supervisor of Wells and created an eight-member advisory board consisting of representatives of the oil and gas industry and the general public; the Mineral Well Advisory Board (although House Bill 4348 would abolish the Mineral Well Advisory Board); the Michigan Unitization Law Appeal Board; the Inventory Advisory Committee; the Marine Safety Education Commission; the Marine Safety Advisory Council; the Wilderness and Natural Areas Advisory Board; the State Recreation and Cultural Arts Advisory Committee; the Air Pollution Control Commission; the Water Resources Commission; the Critical Materials Advisory Committee; the Clean Michigan Fund Act Advisory Panel; and the Hazardous Waste Policy Committee.

Proposed MCL 324.40101 et al. (H.B. 4348)  
324.70101 et al. (H.B. 4349)  
324.30101 et al. (H.B. 4350)  
324.107 et al. (H.B. 4351)  
MCL 324.502 et al. (H.B. 4385)

Legislative Analyst: L. Burghardt

**FISCAL IMPACT**

The bills would have no fiscal impact on State or local government.

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.