

Act No. 272
Public Acts of 1996
Approved by the Governor
June 12, 1996
Filed with the Secretary of State
June 12, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Rep. Middaugh

ENROLLED HOUSE BILL No. 5744

AN ACT to amend section 502 of Act No. 451 of the Public Acts of 1994, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," as amended by Act No. 61 of the Public Acts of 1995, being section 324.502 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 502 of Act No. 451 of the Public Acts of 1994, as amended by Act No. 61 of the Public Acts of 1995, being section 324.502 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 502. (1) The powers and duties previously vested by law in the public domain commission; the state game, fish, and forest fire commissioner and the state board of fish commissioners; the geological survey; and the Michigan state park commission are transferred to and vested in the department. In addition, the powers and duties previously vested by law in each of the following are also transferred to and vested in the department:

- (a) The nongame fish and wildlife advisory committee created in former Act No. 285 of the Public Acts of 1986.
- (b) The Great Lakes fishery advisory committee.
- (c) The hunting area control committee.
- (d) The forest and mineral resource development fund board.
- (e) The state forest products industry development council.
- (f) The advisory board created in former Act No. 61 of the Public Acts of 1939.
- (g) The mineral well advisory board created in former Act No. 315 of the Public Acts of 1969.
- (h) The Michigan unitization law appeal board created in former Act No. 197 of the Public Acts of 1959.
- (i) The inventory advisory committee created in former Act No. 204 of the Public Acts of 1979.
- (j) The marine safety education commission.
- (k) The marine safety advisory council.
- (l) The wilderness and natural areas advisory board.
- (m) The state recreation and cultural arts advisory committee created in former Act No. 326 of the Public Acts of 1965.
- (n) The air pollution control commission.
- (o) The water resources commission.
- (p) The critical materials advisory committee.

(q) The clean Michigan fund act advisory panel created in former Act No. 249 of the Public Acts of 1986.

(r) The hazardous waste policy committee created in section 8a of former Act No. 64 of the Public Acts of 1979.

(2) Whenever reference is made in a law of this state to a board, commission, or officer whose powers and duties are transferred by this section, reference shall be considered to be made to the department.

(3) The commission may promulgate rules, not inconsistent with law, governing its organization and procedure. The department may promulgate and enforce reasonable rules concerning the use and occupancy of lands and property under its control in accordance with section 504; may provide and develop facilities for outdoor recreation; may conduct investigations it considers necessary for the proper administration of this part; may remove and dispose of forest products as required for the protection, reforestation, and proper development and conservation of the lands and property under control of the department; and may require the payment of a fee as provided by law for a daily permit or other authorization that allows the person to hunt and take waterfowl on a public hunting area managed and developed for waterfowl.

(4) Except as provided in subsection (5), the department may enter into contracts for the taking of coal, oil, gas, and other mineral products from state owned lands, upon a royalty basis or upon another basis, and upon the terms the department considers just and equitable. This contract power includes authorization to enter into contracts for the storage of gas or other mineral products in or upon state owned lands, if the consent of the state agency having jurisdiction and control of the state owned land is first obtained. A contract permitted under this section for the taking of coal, oil, gas, or metallic mineral products, or for the storage of gas or other mineral products, is not valid unless the contract is approved by the state administrative board. Money received from a contract for the storage of gas or other mineral products in or upon state lands shall be transmitted to the state treasurer for deposit in the general fund of the state to be used for the purpose of defraying the expenses incurred in the administration of this act and other purposes provided by law. Other money received from a contract permitted under this subsection, except money received from lands acquired with money from the game and fish protection fund created in section 43553 shall be transmitted to the state treasurer for deposit in the Michigan natural resources trust fund created in section 35 of article IX of the state constitution of 1963. However, the money received from the payment of service charges by a person using areas managed for waterfowl shall be credited to the game and fish protection fund and used only for the purposes provided by law. Money received from bonuses, rentals, delayed rentals, royalties, and the direct sale of resources, including forest resources, from lands acquired with money from the game and fish protection fund shall be credited to the game and fish protection trust fund created in section 43702, except as otherwise provided by law.

(5) The department shall not enter into a contract that permits drilling operations for the taking of oil or gas from the lake bottomlands of the Great Lakes or connecting or connected bays, harbors, or waterways, unless all drilling operations originate from locations above and inland of the ordinary high-water mark. The department shall not enter into a contract for exploration of the lake bottomlands of the Great Lakes or connecting or connected bays, harbors, or waterways that permits drilling operations unless all drilling operations originate from locations above and inland of the ordinary high-water mark.

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

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.

