

# HOUSE BILL No. 5960

April 25, 2002, Introduced by Rep. Callahan and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 12562 (MCL 333.12562), as amended by 1999  
PA 41.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 12562. (1) The application ~~of necessary chemicals in~~  
2 ~~powder, crystal, or solution form~~ to the waters of the state OF  
3 CHEMICALS THAT ARE NECESSARY for the control of aquatic nui-  
4 sances, such as swimmers' itch and aquatic plants, is lawful and  
5 not in contravention of the private or public rights to the use  
6 and enjoyment of abutting property by the owners or occupants of  
7 that property if the application is made in ~~accordance~~  
8 COMPLIANCE with sections 12561 to 12563 and rules promulgated  
9 under section 12561.

1           (2) The ~~necessary~~ control work authorized ~~pursuant to~~  
2 ~~this section~~ UNDER SUBSECTION (1) may be ~~conducted~~ UNDERTAKEN  
3 by the state or a political subdivision OF THE STATE or by an  
4 organized lake or improvement association on behalf of its mem-  
5 bers, or by the owner of property abutting on the waters of the  
6 state. ~~, or~~ HOWEVER, THE CONTROL WORK SHALL BE CONDUCTED by an  
7 aquatic pest control applicator licensed under part 83 of the  
8 natural resources and environmental protection act, 1994 PA 451,  
9 MCL 324.8301 to 324.8336, after obtaining a permit from the  
10 department of environmental quality. A permit may be obtained by  
11 application to the department of environmental quality. Unless  
12 revoked, a permit issued under this section expires on December  
13 31 of the calendar year in which it was issued.

14           (3) The ~~necessary~~ control work authorized ~~pursuant to~~  
15 ~~this section~~ UNDER SUBSECTION (1) shall be conducted at ~~those~~  
16 times, under ~~those~~ conditions, and with ~~those~~ safeguards ~~,~~  
17 ~~as~~ REQUIRED BY the department of environmental quality.  
18 ~~requires.~~ The department of environmental quality may provide  
19 ~~permits, upon application, for the suppression of swimmers' itch~~  
20 ~~and aquatic plants, if applicants provide at their own expense~~ A  
21 PERSON ISSUED A PERMIT UNDER THIS SECTION SHALL PROVIDE chemicals  
22 and other equipment and services called for in the rules promul-  
23 gated by the department of environmental quality.

24           (4) Except as provided in subsection (5), until October 1,  
25 2003, an application for a permit under this section shall be  
26 accompanied by the following fee:

1 (a) For treatment of areas of 1/2 acre or more and less than  
2 2 acres, \$50.00.

3 (b) For treatment of areas of 2 acres or more, \$150.00.

4 (5) A fee is not required under this section for A PERMIT  
5 FOR CONTROL WORK TO BE PERFORMED FOR EITHER OF THE FOLLOWING:

6 (A) THE OWNER OR owners of a single property treating waters  
7 abutting their property where the treatment area is less than 1/2  
8 acre. ~~, or for water bodies~~

9 (B) THE OWNER OR OWNERS OF A WATER BODY in single  
10 ownership.

11 (6) The department of environmental quality shall forward  
12 fees collected under this section to the state treasurer for  
13 deposit in the land and water management permit fee fund created  
14 in section 30113 of the natural resources and environmental pro-  
15 tection act, 1994 PA 451, MCL 324.30113.

16 Enacting section 1. This amendatory act does not take  
17 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5959  
18 (request no. 06838'02) of the 91st Legislature is enacted into  
19 law.