

# HOUSE BILL No. 6038

September 13, 1990, Introduced by Reps. Trim and DeMars and referred to the Committee on Tourism, Fisheries and Wildlife.

A bill to amend section 11 of Act No. 346 of the Public Acts of 1972, entitled

"Inland lakes and streams act of 1972,"

being section 281.961 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1.   Section 11 of Act No. 346 of the Public Acts of  
2 1972, being section 281.961 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4       Sec. 11.   (1) The commission may promulgate and enforce  
5 rules to implement this act in accordance with ~~and subject to~~  
6 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, Act No. 306 of the  
7 Public Acts of 1969, as amended, being sections 24.201 to  
8 ~~24.315~~ 24.328 of the MICHIGAN Compiled Laws. ~~of 1948.~~

9       (2) If a person is aggrieved by ~~any~~ AN action or THE  
10 inaction of the department, he OR SHE may request a formal

1 hearing on the matter involved. The hearing shall be conducted  
2 by the commission in accordance with the provisions for contested  
3 cases in Act No. 306 of the Public Acts of 1969, as amended.

4 (3) A determination, AN action, or THE inaction ~~by~~ OF the  
5 commission following the hearing ~~shall be~~ PROVIDED IN SUBSEC-  
6 TION (2) IS subject to judicial review as provided in Act No. 306  
7 of the Public Acts of 1969, as amended.

8 (4) This section does not limit the right of a riparian  
9 owner to institute proceedings in any circuit court of the state  
10 against any person when necessary to protect his OR HER rights.

11 (5) A MUNICIPALITY MAY ADOPT AN ORDINANCE CONTROLLING ACTIV-  
12 ITIES AND STRUCTURES IN OR RELATING TO INLAND LAKES OR STREAMS.  
13 HOWEVER, AN ORDINANCE ADOPTED UNDER THIS SUBSECTION SHALL NOT  
14 CONFLICT WITH STATE LAW.