



**House  
Legislative  
Analysis  
Section**

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**DNR FEE AUTHORIZATION**

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**Senate Bills 213-217 as passed by the Senate  
First Analysis (6-17-87)**

**Sponsor: Sen. Phil Arthurhultz  
Senate Committee: Appropriations  
House Committee: Appropriations**

***THE APPARENT PROBLEM:***

The authorization for the Department of Natural Resources to collect a wide variety of fees traditionally has been found in annual appropriations bills. A recent court decision has cast doubt on the constitutionality of this practice, and the DNR has requested legislation that would put the authorization for the collection of fees in the appropriate statutes.

***THE CONTENT OF THE BILL:***

Senate Bill 213 would amend Public Act 17 of 1921 to authorize fees for photographic and publication products or services; permits for use of state park and state forest campgrounds and specific state forest areas; the processing of applications for use of state forests when the applications require extensive review; the use of DNR aircraft and pilots; and the department's magazine, publications, and related material. The bill would also allow the department to credit reimbursements of various kinds (e.g. damage to department property, sale of farm animals, forest fire services provided to federal government) to the accounts from which the disbursements were made. The bill would allow unexpended fees and rentals from photographic and publication products to be carried over into subsequent fiscal years, which is not authorized now, according to the Department of Management and Budget. (Note: As passed by the Senate, the bill allows the Natural Resources Commission to establish and collect fees for "specific state forest areas" but other language in the original bill allowing the commission to require permits for such areas and to use the fees for the operation, maintenance, and development of the areas was deleted.)

MCL 299.7 et al.

Senate Bill 214 would amend the water resources commission act to authorize the DNR to conduct a training program for operators and supervisors of waste treatment and control facilities and to permit the charging of fees for the program based on the costs of operating the program.

MCL 323.6a

Senate Bill 215 would amend the waterways commission act to allow the commission to charge fees for seasonal and daily moorage at state-operated small craft mooring facilities and for daily and seasonal use of state-operated public access sites if the cost of collecting the fees would not exceed the revenue. The fees would be deposited in the waterways fund. The bill would also permit the commission to collect proceeds from the sale of marine fuel at commission-operated harbors with the revenues to be credited to the waterways fund and used to purchase marine fuel supplies as needed.

MCL 281.504

Senate Bill 216 would amend the Sand Dune Protection and Management Act to allow the DNR to carry over any unexpended sand mining fees to the succeeding fiscal year and to deduct those revenues from the amount appropriated in the next fiscal year for purposes of computing the sand mining fee for that year.

MCL 281.661

Senate Bill 217 would amend the Michigan Resource Inventory Act to authorize the DNR to charge fees for generating information or rendering services based on the information in the land resource and current use inventory. Fees could not exceed costs. The amount of money spent to generate information or render services in a fiscal year could not exceed the amount appropriated for the fiscal year or the amount of fees actually received, whichever was less.

MCL 321.211a

***FISCAL IMPLICATIONS:***

The Department of Management and Budget says the bills have no revenue or budgetary implications. (5-14-87)

***ARGUMENTS:***

***For:***

The aim of the bills is to replace language found in the boilerplate of annual appropriation bills authorizing the collection of numerous fees by the Department of Natural Resources with similar language in the appropriate statutes. The constitutionality of the current fee authorization language has been called into question, and the DNR has requested legislation to allow the continuation of activities and programs currently authorized by its appropriation act. The thrust of the bills is to continue current practices, not to make changes.

***POSITIONS:***

The Department of Natural Resources supports the bills. (4-23-87)

The Department of Management and Budget supports the bills. (5-14-87)

S.B. 213-217 (6-17-87)