

and limit the jurisdiction of the courts in proceedings in connection therewith; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts in anywise contravening any of the provisions of this act," as amended by Act No. 202 of the Public Acts of 1975, being section 211.36 of the Compiled Laws of 1970.

The People of the State of Michigan enact:

Section amended; general property tax act.

Section 1. Section 36 of the Act No. 206 of the Public Acts of 1893, as amended by Act No. 202 of the Public Acts of 1975, being section 211.36 of the Compiled Laws of 1970, is amended to read as follows:

211.36 Duties of township clerk, township supervisor, county clerk, and county board of commissioners; certification and spread of millages. [M.S.A. 7.54]

Sec. 36. (1) The township clerk of each township, on or before September 15 of each year, shall make and deliver to the supervisor of his township, a certified copy of all statements and certificates on file, and of all records of any vote or resolution in his office authorizing or directing moneys to be raised therein by taxation for township, school, highway, drain, and all other purposes, together with a statement of the aggregate amount thereof, and such certified copies shall, by such supervisor, be delivered to the clerk of the county on or before October 1, and the same shall by the clerk be laid before the county board of commissioners at its annual meeting and filed in his office. The county board of commissioners shall not levy in the year voted any tax levy voted on or after September 15. This subsection does not apply where subsection (2) applies.

(2) The amount of taxes which are to be levied for school purposes in school districts which hold a millage election on or before the second Tuesday of November in 1976, and which are approved, shall be certified for the calendar year of 1976. On the day after the millage is certified pursuant to this subsection, the appropriate county board of commissioners shall meet and direct or amend its direction for the spread of millages by local units in the county in accordance with the certification or amended certification.

This act is ordered to take immediate effect.

Approved July 29, 1976.

[No. 222]

AN ACT to provide for study, protection, management, and reclamation of Great Lakes sand dunes; to prescribe powers and duties of the department of natural resources; to prescribe fees for the administration and enforcement of this act; and to provide penalties.

The People of the State of Michigan enact:

281.651 Short title. [M.S.A. 18.595(1)]

Sec. 1. This act shall be known and may be cited as the "sand dune protection and management act".

281.652 Definitions. [M.S.A. 18.595(2)]

Sec. 2. As used in this act:

(a) "Barrier dune" means the first landward sand dune formation along the shoreline of a Great Lake or a sand dune formation designated by the department.

(b) "Cell-unit" means a subunit of the total sand dune mining project as determined in size and location by the operator, but which shall not exceed 10 acres in size for new operations or the expansion of existing operations, and which shall not exceed 30 acres in size for existing operations.

(c) "Commission" means the natural resources commission.

(d) "Department" means the department of natural resources.

(e) "Great Lakes" means any of the Great Lakes which has a shoreline within the state.

(f) "Operator" means an owner or lessee of mineral rights or any other person engaged in or preparing to engage in mining operations with respect thereto within a sand dune area.

(g) "Person" means an individual, partnership, firm, corporation, association, city, village, township, county, or other political subdivision of the state, or a state or state agency.

(h) "Sand dune area" means that area designated by the department which includes those geomorphic features composed primarily of sand, whether windblown or of other origin and which lies within 2 miles of the ordinary high-water mark on a Great Lake as defined in section 2 of Act No. 247 of the Public Acts of 1955, as amended, being section 322.702 of the Michigan Compiled Laws.

(i) "Sand dune mining" means the removal of sand from sand dune areas for commercial, or industrial purposes, or both.

281.653 Great Lakes sand dune areas; comprehensive study and inventory. [M.S.A. 18.595(3)]

Sec. 3. The department, by July 1, 1977, shall make or cause to be made a comprehensive study and inventory of Great Lakes sand dune areas in the state. The study and inventory shall include:

(a) An economic study of the current and projected sand dune mining practices in the state, showing where the sand is marketed, its uses, and the amount of sand reserves.

(b) A geologic study of sand areas within Michigan, other than Great Lakes sand dune areas, that would contain sufficient reserves and have properties suitable for use as foundry core and molding sands or other uses of sand.

(c) Sand dune areas or portions thereof that, for environmental or other reasons, should be protected through purchase by the state or other persons or interests, or easements including the acquisition of mineral rights by the state, and a priority list of sand dune areas to be acquired by the department.

(d) An identification and designation of barrier dunes along the shoreline, showing their effect on aesthetic, environmental, economic, industrial, and agricultural interests in this state.

(e) Methods for recycling or reusing sand for industrial and commercial purposes, along with alternatives to the use of dune sand and its economic impact.

(f) Recommendations for the protection and management of sand dune areas for uses other than sand mining.

281.654 Sand dune mining; permit; requirements. [M.S.A. 18.595(4)]

Sec. 4. (1) After July 1, 1977, a person or operator shall not engage in sand dune mining within Great Lakes sand dune areas without first obtaining a permit for that purpose from the department.

(2) Prior to receiving a permit from the department a person or operator shall submit:

(a) A permit application on a form provided by the department.

(b) An environmental impact statement of the proposed mining activity as prescribed by section 5.

(c) A progressive cell-unit mining and reclamation plan for the proposed mining activity as prescribed by section 6.

(d) A 15-year mining plan as prescribed by section 7.

281.655 Environmental impact statement. [M.S.A. 18.595(5)]

Sec. 5. The environmental impact statement submitted to the department shall follow guidelines prescribed by the department and shall include:

(a) The compatibility of the proposed mining operation with adjacent existing land uses or land use plans.

(b) The impact of the proposed mining operation on flora, fauna, or wildlife habitats.

(c) The economic impact of the mining activity on the surrounding area.

(d) The effects of the mining activity on groundwater supply and flow.

(e) The effects of the mining activity on adjacent surface resources.

(f) Alternatives, if any, to the proposed mining site and the reasons for the choice of the proposed mining site over those alternatives.

281.656 Progressive cell-unit mining and reclamation plan; cell-unit permit. [M.S.A. 18.595(6)]

Sec. 6. (1) The progressive cell-unit mining and reclamation plan, for both the total project and each cell-unit, shall include:

(a) The method and direction of mining.

(b) Surface overburden stripping plans.

(c) The depth of grade level over the entire site from which the sand will be removed.

(d) Provisions for grading, revegetation, and stabilization that will minimize shore and soil erosion, sedimentation, and public safety problems.

(e) The location of buildings, equipment, stockpiles, roads, or other features necessary to the mining activity and provisions for their removal and restoration of the area at the project termination.

(f) Provisions for buffer areas, landscaping, and screening.

(g) The interim use or uses of reclaimed cell-units before the cessation of the entire mining operation.

(h) Maps and other supporting documents required by the department.

(2) A cell-unit permit to cover existing operations shall not be issued by the department for an area exceeding 30 acres. A cell-unit permit to cover new operations or an expansion of existing operations shall not be issued by the department for an area exceeding 10 acres.

281.657 Fifteen-year mining plan; submission of duplicate copy of cell-unit mining and reclamation plan. [M.S.A. 18.595(7)]

Sec. 7. (1) The 15-year mining plan shall include the following:

(a) The location and acreage of sand dune areas presently being mined and the amount of sand being mined.

(b) The location and acreage of sand dune areas not presently being mined but planned for that purpose and the amount of sand planned to be mined.

(c) A schedule indicating when the mining activity will begin in each sand dune area and the probable termination date of mining activities in each area.

(d) Additional information requested by the director of the department.

(2) A duplicate copy of the cell-unit mining and reclamation plan shall be submitted to the soil conservation district in the county where the mining activity is proposed to occur. The soil conservation district shall have 30 days after receipt of the plan to review the proposal and submit written comments to the department.

281.658 Permit; duration; renewal; contents; reasons for permitting removal of barrier dune; approval or denial; notice of pending applications; fee; list. [M.S.A. 18.595(8)]

Sec. 8. (1) A permit issued by the department shall be valid for not more than 3 years. A permit shall be renewed if the sand dune mining operation has been carried out in compliance with this act, the rules promulgated under this act, and the conditions of the permit issued by the department.

(2) The permit shall state any conditions, limitations, or other restrictions determined by the department, including any setback from the ordinary high-water mark of a Great Lake for the protection of the barrier dune.

(3) In granting a permit, if the department allows for the removal of all or a portion of the barrier dune pursuant to the act, it shall submit to the commission written reasons for permitting the removal.

(4) The department shall approve or deny a permit application within 120 days after the application is received. If a permit is denied the reasons shall be stated in a written report.

(5) A person who desires notification of pending applications may make a written request to the department accompanied by an annual fee of \$5.00 which shall be credited to the state general fund. The department shall prepare a list every 4 months of the applications made during the previous quarter and shall promptly mail copies of the list for the remainder of the calendar year to persons who have so requested notice. The quarterly list shall give the name and address of each applicant, the legal description of the lands included in the project, and a summary statement of the purpose of the statement.

281.659 Denial of permit. [M.S.A. 18.595(9)]

Sec. 9. The department shall deny a permit if, upon review of the environmental impact statement, it determines that the proposed sand mining operation would have an irreparable harmful effect on the environment.

281.660 Extraction of sand or other minerals by state. [M.S.A. 18.595(10)]

Sec. 10. The state or an instrumentality of the state shall not engage in the extraction of sand or other minerals from a sand dune area, except as required in the interest of public health and safety in an emergency situation resulting from a natural disaster as defined in section 2 of Act No. 154 of the Public Acts of 1953, as amended, being section 30.222 of the Michigan Compiled Laws.

281.661 Assessment of fee for surveillance, monitoring, administration, and enforcement of act; annual report of operator; confidentiality; failure to submit annual report; penalty for unpaid fee; records; annual report of department. [M.S.A. 18.595(11)]

Sec. 11. (1) For purposes of surveillance, monitoring, administration, and enforcement of this act, an operator is assessed a fee of not more than 1 cent per ton of sand mined from a sand dune area for the calendar year reported as described in subsection (2). Funds collected by the assessment of the fee shall not exceed the actual costs to the department of implementing this act.

(2) An operator shall file an annual report on or before January 31 of each year. The report shall show the areas mined and describe the progress of restoration and reclamation activities of the operator for the preceding year. The report shall contain:

- (a) The number of tons of sand mined from a sand dune area.
- (b) Location of the sand dune area.

(3) The fee described in subsection (1) shall be due not more than 30 days after the department sends written notice to the operator of the amount due.

(4) The surveillance fee and annual report required by this section shall be confidential and shall not be available for public inspection without the written consent of the person filing the fee and report, except in accordance with judicial order.

(5) Failure to submit an annual report in compliance with rules promulgated by the department shall constitute grounds for revocation of a permit.

(6) A penalty equal to 10% of the amount due, or \$1,000.00, whichever is greater, shall be assessed against the operator for a fee not paid when due. An unpaid fee and penalty shall constitute a debt and become the basis of a judgment against the operator. Penalties paid pursuant to this section shall be used for the implementation, administration, and enforcement of this act.

(7) Records upon which the annual report is based shall be preserved for 3 years and shall be subject to audit by the department.

(8) The department shall annually prepare and submit to the house and senate committees on conservation a report on the sand mining surveillance activities taken by the department for the immediately preceding year and the cost thereof.

281.662 Bond required; notice of completion or acceptance of reclamation activity; compliance or approval required for mining or extraction; violation as ground for revocation of permit. [M.S.A. 18.595(12)]

Sec. 12. (1) Prior to the initiation of a disturbance of land, the holder of a permit shall file with the department a bond in favor of the state, executed by an approved surety in this state.

(2) The bonds shall be filed for a maximum of 3 cell-units within the permit and shall be for an amount equal to \$10,000.00 per cell-unit or \$1,000.00 per each acre in the cell-units, whichever is greater.

(3) The bonds shall be transferable to other cell-units contained within the permit upon faithful conformance with the approved reclamation plan as provided in section 6.

(4) The bond shall be conditioned upon the faithful performance of the requirements set forth in the approved reclamation plan as provided in section 6. Liability under the bond shall be maintained as long as the reclamation is not completed in compliance with the approved plan.

(5) Notification shall be given upon completion or acceptance by the department of the reclamation activity.

(6) Mining or extraction of sand dune minerals from any other cell-unit contained within the permit shall be prohibited until compliance or approval has been attained from the department.

(7) A violation of this section shall constitute grounds for revocation of the permit.

281.663 Rules. [M.S.A. 18.595(13)]

Sec. 13. The department shall promulgate rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, to implement and administer this act.

281.664 Suspension or revocation of permit; restraining order, injunction, or other appropriate remedy; violation as misdemeanor; penalty. [M.S.A. 18.595(14)]

Sec. 14. (1) If the department finds that an operator is not in compliance with this act, the rules promulgated under this act, or a provision of a permit, the department may suspend or revoke the permit.

(2) At the request of the department, the attorney general may institute an action in the circuit court for a restraining order or injunction or other appropriate remedy to prevent or preclude a violation of a permit, this act, or the rules promulgated under this act. This shall be in addition to the rights provided in Act No. 127 of the Public Acts of 1970, being sections 691.1201 to 691.1207 of the Michigan Compiled Laws.

(3) A person who violates this act or a permit issued under this act is guilty of a misdemeanor punishable by a fine of not more than \$5,000.00.

Approved July 30, 1976.

[No. 223]

AN ACT to create the crime victims compensation board; to prescribe its powers and duties; to provide compensation to certain victims of crimes; to provide for the promulgation of rules; and to provide for penalties.

The People of the State of Michigan enact:

18.351 Definitions. [M.S.A. 3.372(1)]

Sec. 1. As used in this act:

- (a) "Board" means the crime victims compensation board.
- (b) "Claimant" means a victim or intervenor who is a resident of this state and who files a claim pursuant to this act.
- (c) "Crime" means an act which constitutes a crime pursuant to the laws of this state and which causes an injury within the state of Michigan.
- (d) "Intervenor" means a person who goes to the aid of one who has become a victim of a crime and who suffers personal injury.
- (e) "Out-of-pocket loss" means the unreimbursed and unreimbursable expenses or indebtedness reasonably incurred for medical care, any nonmedical remedial treatment rendered in accordance with a recognized religious method of healing, or other services necessary as a result of the injury upon which a claim is based.