

# HOUSE BILL No. 5725

May 7, 1990, Introduced by Reps. Alley, Bartnik, Middaugh, Niederstadt, Hoekman, Allen, Varga, DeMars, Stacey, Ouwinga, Weeks, Gnodtke, Miller, Krause and Trim and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend the title and sections 1, 2, 3, 3a, 3b, 4, 7, 8, 9, and 10 of Act No. 17 of the Public Acts of 1921, entitled as amended

"An act to provide for the protection and conservation of the natural resources of the state; to provide and develop facilities for outdoor recreation; to create a conservation department; to define the powers and duties thereof; to provide rules and regulations concerning the use and occupancy of lands and property under its control and penalties for the violation thereof; to provide for the transfer to said department of the powers and duties now vested by law in certain boards, commissions and officers of the state; and for the abolishing of the boards, commissions and offices the powers and duties of which are hereby transferred,"

section 2 as amended by Act No. 75 of the Public Acts of 1986 and sections 7, 8, 9, and 10 as added by Act No. 91 of the Public Acts of 1987, being sections 299.1, 299.2, 299.3, 299.3a, 299.3b, 299.4, 299.7, 299.8, 299.9, and 299.10 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 2, 3, 3a, 3b, 4, 7, 8,  
2 9, and 10 of Act No. 17 of the Public Acts of 1921, section 2 as  
3 amended by Act No. 75 of the Public Acts of 1986 and sections 7,  
4 8, 9, and 10 as added by Act No. 91 of the Public Acts of 1987,  
5 being sections 299.1, 299.2, 299.3, 299.3a, 299.3b, 299.4, 299.7,  
6 299.8, 299.9, and 299.10 of the Michigan Compiled Laws, are  
7 amended to read as follows:

## 8 TITLE

9 An act to provide for the protection and conservation of the  
10 natural resources of the state; to provide and develop facilities  
11 for outdoor recreation; to create a ~~conservation~~ department OF  
12 NATURAL RESOURCES; ~~to define the powers and duties thereof,~~ to  
13 provide rules ~~and regulations~~ concerning the use and occupancy  
14 of lands and property under ~~its~~ control OF THE DEPARTMENT OF  
15 NATURAL RESOURCES and TO PRESCRIBE penalties for the violation  
16 ~~thereof~~ OF THESE RULES; TO CREATE CERTAIN COMMISSIONS; TO PRE-  
17 SCRIBE THE POWERS AND DUTIES OF CERTAIN STATE AGENCIES AND  
18 OFFICIALS; to provide for the transfer to ~~said~~ THE department  
19 OF NATURAL RESOURCES of the powers and duties now vested by law  
20 in certain boards, commissions, and officers of the state; and TO  
21 PROVIDE for the abolishing of the boards, commissions, and  
22 offices the powers and duties of which are hereby transferred.

23 Sec. 1. (1) A department of natural resources for this  
24 state is created which shall possess the powers and perform the  
25 duties granted and imposed by this act.

1           (2) The general administration of ~~these~~ THE powers and  
2 duties OF THE DEPARTMENT OF NATURAL RESOURCES shall be vested in  
3 a commission of natural resources ~~which shall be composed of 7~~  
4 AND A COMMISSION OF CONSERVATION AND RECREATION. EACH COMMISSION  
5 SHALL CONSIST OF 5 members appointed by the governor, ~~subject to~~  
6 ~~confirmation by~~ BY AND WITH THE ADVICE AND CONSENT OF the  
7 senate. A member of the commission OF NATURAL RESOURCES shall be  
8 selected with special reference to that person's training and  
9 experience related to ~~at least 1 of the principal lines of~~  
10 ~~activities vested in the department~~ SUBJECT AREAS ADMINISTERED  
11 BY THE COMMISSION OF NATURAL RESOURCES and the ability and fit-  
12 ness of that person to deal with those activities. ~~Two members~~  
13 ~~shall reside in the Upper Peninsula.~~ A MEMBER OF THE COMMISSION  
14 OF CONSERVATION AND RECREATION SHALL BE SELECTED WITH SPECIAL  
15 REFERENCE TO THAT PERSON'S TRAINING AND EXPERIENCE RELATED TO  
16 SUBJECT AREAS ADMINISTERED BY THE COMMISSION OF CONSERVATION AND  
17 RECREATION AND THE ABILITY AND FITNESS OF THAT PERSON TO DEAL  
18 WITH THOSE ACTIVITIES. The term of office of ~~each~~ A member of  
19 ~~the~~ EACH commission shall be ~~6~~ 4 years. However, of those  
20 first appointed TO THE COMMISSION OF CONSERVATION AND RECREATION,  
21 3 shall be appointed for 2 years ~~—~~ AND 2 SHALL BE APPOINTED for  
22 4 years. ~~—, and 2 for 6 years.~~ NOT MORE THAN 3 MEMBERS OF EACH  
23 COMMISSION SHALL BE MEMBERS OF THE SAME POLITICAL PARTY. MEMBERS  
24 OF THE COMMISSION OF NATURAL RESOURCES WHO ARE SERVING ON THE  
25 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBSECTION (6)  
26 SHALL SERVE FOR THE REMAINDER OF THEIR APPOINTED TERMS. NEW  
27 APPOINTMENTS TO THE COMMISSION OF NATURAL RESOURCES SHALL BE MADE

1 IN COMPLIANCE WITH THIS SECTION. The governor shall fill a  
2 vacancy occurring in the membership of the commission OF NATURAL  
3 RESOURCES OR THE COMMISSION OF CONSERVATION AND RECREATION and  
4 may remove a member of ~~the~~ EITHER commission for cause after a  
5 hearing. Each member of the commission OF NATURAL RESOURCES OR  
6 THE COMMISSION OF CONSERVATION AND RECREATION shall hold office  
7 until the appointment and qualification of that member's  
8 successor.

9 (3) The commission OF NATURAL RESOURCES AND THE COMMISSION  
10 OF CONSERVATION AND RECREATION, within 30 days after having qual-  
11 ified and annually after that time, shall EACH meet at its office  
12 in Lansing and organize by electing a chairperson, and by  
13 appointing a secretary, who need not be a member of the  
14 commission. ~~Four~~ EACH COMMISSION MAY ELECT SUCH ADDITIONAL  
15 OFFICERS AS THAT COMMISSION'S MEMBERS CONSIDER ADVISABLE. THREE  
16 members of ~~the~~ EACH commission constitute a quorum for the  
17 transaction of business. HOWEVER, FOR THE PERIOD OF TIME THAT  
18 THE COMMISSION OF NATURAL RESOURCES CONSISTS OF 7 MEMBERS, 4 MEM-  
19 BERS OF THAT COMMISSION CONSTITUTE A QUORUM. The business which  
20 ~~the~~ EACH commission ~~of natural resources~~ may perform shall be  
21 conducted at a public meeting of ~~the~~ THAT commission held in  
22 compliance with THE OPEN MEETINGS ACT, Act No. 267 of the Public  
23 Acts of 1976, being sections 15.261 to 15.275 of the Michigan  
24 Compiled Laws. Public notice of the time, date, and place of the  
25 meeting shall be given in the manner required by Act No. 267 of  
26 the Public Acts of 1976. A meeting may be called by the  
27 chairperson OF THAT COMMISSION and shall be called on request of

1 a majority of the members of ~~the~~ THAT commission. A meeting  
2 may be held as often as necessary and at other places than the  
3 commissioners' offices at Lansing. ~~Not~~ EACH COMMISSION SHALL  
4 MEET NOT less than ~~1 meeting shall be held each~~ ONCE A month.

5 (4) The commission OF NATURAL RESOURCES AND THE COMMISSION  
6 OF CONSERVATION AND RECREATION shall JOINTLY appoint and employ a  
7 director of the department of natural resources who shall con-  
8 tinue in office at ~~the pleasure of the commission and who shall~~  
9 ~~receive a salary not to exceed \$12,000.00 per year~~ THEIR  
10 PLEASURE. IN APPOINTING OR REMOVING THE DIRECTOR, EACH COMMIS-  
11 SION SHALL ACT BY A MAJORITY VOTE OF ITS MEMBERS. The director  
12 shall appoint with the approval of the commission OF NATURAL  
13 RESOURCES a deputy director, ~~and~~ IN A NONCLASSIFIED POSITION,  
14 TO ADMINISTER DEPARTMENT PROGRAMS GOVERNED BY THE COMMISSION OF  
15 NATURAL RESOURCES. THE DIRECTOR SHALL APPOINT WITH THE APPROVAL  
16 OF THE COMMISSION OF CONSERVATION AND RECREATION A DEPUTY DIREC-  
17 TOR, IN A NONCLASSIFIED POSITION, TO ADMINISTER DEPARTMENT PRO-  
18 GRAMS GOVERNED BY THE COMMISSION OF CONSERVATION AND RECREATION.  
19 IN ADDITION, THE DIRECTOR SHALL APPOINT other assistants and  
20 employees as are necessary to implement this act and any other  
21 law of this state affecting the powers and duties of the  
22 department. ~~The~~ A deputy director may perform a duty or exer-  
23 cise a power conferred by law upon the director at the time and  
24 to the extent the duty and power is delegated to the deputy by  
25 the director. When a vacancy in the office of director occurs,  
26 or the director is unable to perform the director's duties or is  
27 absent from the state, the powers and duties of the director as

1 prescribed by law shall be imposed on and transferred to 1 OF the  
2 deputy ~~director~~ DIRECTORS BY THE COMMISSION OF NATURAL  
3 RESOURCES AND THE COMMISSION OF CONSERVATION AND RECREATION  
4 JOINTLY IN THE SAME MANNER AS PROVIDED FOR IN THIS SUBSECTION  
5 APPOINTING THE DIRECTOR until the vacancy is filled, or the  
6 director's inability or absence from the state ceases.

7 (5) The compensation of ~~the deputy director,~~ the assist-  
8 ants ~~—~~ and the employees, and the number of assistants and  
9 employees, OF THE DEPARTMENT OF NATURAL RESOURCES shall be  
10 subject to the approval of the state administrative board. The  
11 members of the commission OF NATURAL RESOURCES AND THE COMMISSION  
12 OF CONSERVATION AND RECREATION shall not receive compensation  
13 under this act, but each member and the other officers and  
14 employees of the department OF NATURAL RESOURCES shall be enti-  
15 tled to reasonable expenses while traveling in the performance of  
16 their duties prescribed by this act. The salaries and expenses  
17 authorized under this act shall be paid out of the state treasury  
18 in the same manner as the salaries of other state officers and  
19 employees are paid. The department of management and budget  
20 shall furnish suitable offices and office equipment, at Lansing,  
21 for the use of the department of natural resources. Each member  
22 of the commission OF NATURAL RESOURCES AND THE COMMISSION OF CON-  
23 SERVATION AND RECREATION and the director of the department of  
24 natural resources shall qualify by taking and subscribing to the  
25 constitutional oath of office, and by filing it in the office of  
26 the secretary of state.

1 (6) THE COMMISSION OF NATURAL RESOURCES SHALL ADMINISTER  
2 PROGRAMS OF THE DEPARTMENT OF NATURAL RESOURCES RELATED TO ALL OF  
3 THE FOLLOWING:

4 (A) AIR QUALITY.

5 (B) WATER QUALITY.

6 (C) WASTE MANAGEMENT.

7 (D) ENVIRONMENTAL RESPONSE AND REMEDIATION.

8 (E) ALL OTHER PROGRAMS RELATED TO POLLUTION CONTROL AND  
9 ENVIRONMENTAL PROTECTION.

10 (7) THE COMMISSION OF CONSERVATION AND RECREATION SHALL  
11 ADMINISTER PROGRAMS OF THE DEPARTMENT OF NATURAL RESOURCES  
12 RELATED TO ALL OF THE FOLLOWING:

13 (A) HUNTING AND FISHING.

14 (B) RECREATION.

15 (C) FOREST MANAGEMENT.

16 (D) LAND AND WATER MANAGEMENT.

17 (E) GEOLOGICAL SURVEY.

18 (F) STATE PARKS AND RECREATION AREAS.

19 (G) WILDLIFE.

20 (H) ALL OTHER PROGRAMS RELATED TO RESOURCE MANAGEMENT.

21 (8) EACH YEAR THE GOVERNOR SHALL SUBMIT TO THE LEGISLATURE 2  
22 SEPARATE BUDGET PROPOSALS. ONE OF THE BUDGET PROPOSALS SHALL  
23 CONTAIN AN ITEMIZED REQUEST FOR FUNDING OF PROGRAMS ADMINISTERED  
24 BY THE COMMISSION OF NATURAL RESOURCES AND THE OTHER BUDGET PRO-  
25 POSAL SHALL CONTAIN AN ITEMIZED REQUEST FOR FUNDING OF PROGRAMS  
26 ADMINISTERED BY THE COMMISSION OF CONSERVATION AND RECREATION.

1 (9) ALL ACTIONS TAKEN, INCLUDING RULES PROMULGATED, BY THE  
2 COMMISSION OF NATURAL RESOURCES RELATED TO PROGRAMS UNDER CONTROL  
3 OF THE COMMISSION OF CONSERVATION AND RECREATION AFTER THE EFFEC-  
4 TIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL  
5 REMAIN IN EFFECT UNTIL SUPERSEDED BY ACTIONS OF THE COMMISSION OF  
6 CONSERVATION AND RECREATION.

7 Sec. 2. (1) The powers and duties now vested by law in the  
8 public domain commission; the state game, fish, and forest fire  
9 commissioner and the state board of fish commissioners; the geo-  
10 logical survey; and the Michigan state park commission are trans-  
11 ferred to and vested in the department of natural resources.  
12 Whenever, in a law of this state, reference is made to a board,  
13 commission, or officer whose powers and duties are transferred by  
14 this section, reference shall be considered to be made to the  
15 department of natural resources.

16 (2) The commission of natural resources OR THE COMMISSION OF  
17 CONSERVATION AND RECREATION, OR BOTH, may promulgate rules  
18 PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT  
19 NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO  
20 24.328 OF THE MICHIGAN COMPILED LAWS, not inconsistent with law,  
21 governing ~~its~~ THEIR organization and procedure, and the admin-  
22 istration of this act, as considered expedient. The commission  
23 OF CONSERVATION AND RECREATION may promulgate and enforce reason-  
24 able rules PURSUANT TO ACT NO. 306 OF THE PUBLIC ACTS OF 1969  
25 concerning the use and occupancy of lands and property under its  
26 control; may provide and develop facilities for outdoor  
27 recreation; may conduct investigations it considers necessary for



1 the proper administration of this act; may remove and dispose of  
2 forest products as required for the protection, reforestation,  
3 and proper development and conservation of the lands and property  
4 under ~~its~~ control OF THE DEPARTMENT OF NATURAL RESOURCES; and  
5 may require the payment of a fee as provided by law for a daily  
6 permit or other authorization ~~which~~ THAT allows ~~the~~ A person  
7 to hunt and take waterfowl on a public hunting area managed and  
8 developed for waterfowl. The commission OF CONSERVATION AND  
9 RECREATION may require the wearing of a special tag or license as  
10 a condition of issuing a permit under this section.

11 (3) Except as provided in subsection (4), the commission OF  
12 CONSERVATION AND RECREATION may make contracts with persons, sole  
13 proprietorships, partnerships, associations, and corporations for  
14 the taking of coal, oil, gas, and other mineral products from  
15 state owned lands, upon a royalty basis or upon another basis,  
16 and upon the terms the commission OF CONSERVATION AND RECREATION  
17 considers just and equitable. The contract power shall include  
18 the making of contracts for the storage of gas or other mineral  
19 products in or upon state owned lands, if the consent of the  
20 state agency having jurisdiction and control of the state owned  
21 land is first obtained. A contract permitted under this section  
22 for the taking of coal, oil, gas, or metallic mineral products,  
23 or for the storage of gas or other mineral products, shall not be  
24 valid unless the contract is approved by the state administrative  
25 board. Money received from a contract permitted under this sub-  
26 section, except money received from lands acquired with game and  
27 fish protection funds, shall be transmitted to the state

1 treasurer for deposit in the ~~general fund of the state to be~~  
2 ~~used for the purpose of defraying the expenses incurred in the~~  
3 ~~administration of this act and other purposes provided by law~~  
4 MICHIGAN NATURAL RESOURCES TRUST FUND CREATED IN SECTION 35 OF  
5 ARTICLE IX OF THE STATE CONSTITUTION OF 1963. However, the money  
6 received from the payment of service charges by a person using  
7 areas managed for waterfowl shall be credited to the game and  
8 fish protection fund CREATED IN SECTION 601 OF ACT NO. 86 OF THE  
9 PUBLIC ACTS OF 1980, BEING SECTION 316.601 OF THE MICHIGAN  
10 COMPILED LAWS, and used only for the purposes provided by law.  
11 Money received from bonuses, rentals, delayed rentals, royalties,  
12 and the direct sale of resources, including forest resources,  
13 from lands acquired with game and fish protection funds shall be  
14 credited to the game and fish protection ~~trust~~ fund, CREATED IN  
15 SECTION 601 OF ACT NO. 86 OF THE PUBLIC ACTS OF 1980, except as  
16 otherwise provided by law.

17 (4) The commission OF CONSERVATION AND RECREATION shall not  
18 make a contract ~~which~~ THAT permits drilling operations for the  
19 taking of oil or gas from the lake bottomlands of the Great Lakes  
20 or connecting or connected bays, harbors, or waterways, unless  
21 all drilling operations originate from locations above and inland  
22 of the ordinary high-water mark. The commission OF CONSERVATION  
23 AND RECREATION shall not make a contract for exploration of the  
24 lake bottomlands of the Great Lakes or connecting or connected  
25 bays, harbors, or waterways ~~which~~ THAT permits drilling opera-  
26 tions unless all drilling operations originate from locations  
27 above and inland of the ordinary high-water mark.

1 (5) This section ~~shall~~ DOES not permit a contract for the  
2 taking of gravel, sand, coal, oil, gas, or other metallic mineral  
3 products that does not comply with applicable local ordinances  
4 and state law.

5 Sec. 3. (1) The department of ~~conservation~~ NATURAL  
6 RESOURCES shall protect and conserve the natural resources of the  
7 state; ~~of Michigan,~~ provide and develop facilities for outdoor  
8 recreation; prevent the destruction of timber and other forest  
9 growth by fire or otherwise; promote the reforestation of forest  
10 lands belonging to the state; prevent and guard against the pol-  
11 lution of lakes and streams within the state ~~—~~ and enforce all  
12 laws provided for that purpose with all authority granted by law;  
13 ~~—~~ and foster and encourage the protecting and propagation of  
14 game and fish. On behalf of the people of the state, the commis-  
15 sion of conservation AND RECREATION may accept gifts and grants  
16 of land and other property and ~~shall have authority to~~ MAY buy,  
17 sell, exchange, or condemn land and other property, for any of  
18 the purposes contemplated by this act. The department of  
19 ~~conservation~~ NATURAL RESOURCES may accept funds, ~~moneys~~  
20 MONEY, or grants for development of salmon and steelhead trout  
21 fishing in this state from the government of the United States,  
22 or any of its departments or agencies, pursuant to ~~federal~~  
23 ~~Public Law 89-340~~ THE ANADROMOUS FISH CONSERVATION ACT, PUBLIC  
24 LAW 89-304, 16 U.S.C. 757a to 757g and may use ~~the same~~ THIS  
25 MONEY in accordance with the terms and provisions ~~thereof.~~  
26 ~~Provided, That~~ OF THAT ACT. HOWEVER, the acceptance and use of  
27 federal funds commits no state funds and places no obligation

1 upon the legislature to continue the purposes for which the funds  
2 are made available.

3 (2) The department of ~~conservation~~ NATURAL RESOURCES may  
4 lease lands owned or controlled by it ~~which~~ THAT have been des-  
5 ignated for use for recreational purposes, but only to responsi-  
6 ble legal units, within this state, of national or state recog-  
7 nized groups devoted principally to development of character and  
8 citizenship training and physical fitness of youth, the financial  
9 support of which is by voluntary public subscriptions or contri-  
10 butions, and the property of which is exempt from taxation under  
11 the laws of this state. The department of ~~conservation shall~~  
12 ~~also have the authority to~~ NATURAL RESOURCES MAY lease land in  
13 the Porcupine mountain state park to third parties for ~~such~~  
14 purposes as it ~~shall consider~~ CONSIDERS desirable. ~~Any~~ A  
15 lease ~~so made~~ ENTERED INTO UNDER THIS SUBSECTION shall contain  
16 provisions limiting the purposes for which the LEASED land ~~so~~  
17 ~~leased~~ is to be used and a provision authorizing the department  
18 of ~~conservation~~ NATURAL RESOURCES to terminate the lease upon a  
19 finding that the land is being used for purposes other than ~~as~~  
20 ~~so limited or contrary to the intent hereof~~ THOSE PERMITTED IN  
21 THE LEASE.

22 Sec. 3a. The commission of conservation AND RECREATION  
23 shall ~~make such~~ PROMULGATE rules, PURSUANT TO THE ADMINISTRA-  
24 TIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF  
25 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED  
26 LAWS, for protection of the lands and property under its control  
27 against wrongful use or occupancy as will insure the carrying out

1 of the intent of this act to protect the ~~same~~ LANDS AND  
2 PROPERTY from depredations and to preserve ~~such~~ THE lands and  
3 property from molestation, spoilation, destruction, or any other  
4 improper use or occupancy. ~~Nothing herein contained shall be~~  
5 ~~deemed as allowing~~ THIS SECTION DOES NOT ALLOW the commission of  
6 conservation AND RECREATION to ~~make~~ PROMULGATE any rule ~~which~~  
7 THAT applies to commercial fishing except as provided by law.  
8 ~~Rules affecting the use and occupancy of such lands and property~~  
9 ~~shall be promulgated in accordance with Act No. 88 of the Public~~  
10 ~~Acts of 1943, as amended, being sections 24.71 to 24.80 of the~~  
11 ~~Compiled Laws of 1948, and subject to Act No. 197 of the Public~~  
12 ~~Acts of 1952, as amended, being sections 24.101 to 24.110 of the~~  
13 ~~Compiled Laws of 1948.~~ A violation of ~~any such~~ A rule  
14 PROMULGATED UNDER THIS SECTION is a misdemeanor.

15       Sec. 3b. The ~~conservation~~ commission OF CONSERVATION AND  
16 RECREATION or THE department of ~~conservation~~ NATURAL RESOURCES,  
17 in pursuing the state's policy of propagating fish for the pur-  
18 pose of stocking the streams and lakes of the state, shall not  
19 refuse to accept federal fish stock for such programs, and shall  
20 apply for all federal fish stock programs which do not commit the  
21 state to future expenditures. The department shall provide a  
22 listing to the legislature of all federal fish stock programs by  
23 April 15 of each year.

24       Sec. 4. (1) A writing prepared, owned, used, in the pos-  
25 session of, or retained by the department of natural resources,  
26 ~~or~~ THE commission of natural resources, OR THE COMMISSION OF  
27 CONSERVATION AND RECREATION in the performance of an official

1 function shall be made available to the public in compliance with  
2 THE FREEDOM OF INFORMATION ACT, Act No. 442 of the Public Acts of  
3 1976, being sections 15.231 to 15.246 of the Michigan Compiled  
4 Laws.

5 (2) Before January 16 of each year in which a regular ses-  
6 sion of the legislature is held, the director of the department  
7 of natural resources shall make a report covering the operation  
8 of the department for the preceding biennial period to the gover-  
9 nor and the legislature. The report, if ordered by the depart-  
10 ment of management and budget, shall be printed and be distrib-  
11 uted in the manner and to the persons, organizations, institu-  
12 tions, and officials as the board directs. The report shall be  
13 made available to the public as prescribed in subsection (1).

14 Sec. 7. The department OF NATURAL RESOURCES may establish  
15 and collect fees and rentals for any photographic or publication  
16 products or services that the department provides. The fees and  
17 rentals shall be credited to a separate fund of the STATE TREA-  
18 SURY AND SHALL BE AVAILABLE FOR APPROPRIATION TO THE department  
19 OF NATURAL RESOURCES and used to provide the photographic or pub-  
20 lication products or services. The fees and rentals shall not  
21 exceed the material costs to the department OF NATURAL RESOURCES  
22 of providing the products or services. In addition, the expendi-  
23 tures made in a fiscal year to provide the photographic and pub-  
24 lication products or services shall not exceed the amount appro-  
25 priated for that purpose for that fiscal year, plus any amounts  
26 carried over from previous fiscal years, or the amount of fees  
27 and rentals actually received during that fiscal year, plus any

1 amounts carried over from previous fiscal years, whichever is  
2 less. Any unexpended fees and rentals collected pursuant to this  
3 section, along with any excess collections from prior fiscal  
4 years, shall be carried over into subsequent fiscal years and  
5 shall be available for appropriation for the purposes described  
6 in this section.

7       Sec. 8. (1) The commission OF CONSERVATION AND RECREATION  
8 may require that a person obtain a permit for the use of a state  
9 park or a state forest campground. The commission OF CONSERVA-  
10 TION AND RECREATION may establish and collect fees for permits to  
11 use state parks, state forest campgrounds, and specific state  
12 forest areas. The revenue realized by the commission OF CONSER-  
13 VATION AND RECREATION from permit fees and concessions at state  
14 parks shall be credited to a separate fund of THE STATE TREASURY  
15 AND SHALL BE AVAILABLE FOR APPROPRIATION TO the department OF  
16 NATURAL RESOURCES for improvement and maintenance of state  
17 parks. The permit fees for state forest campgrounds shall be  
18 used for the operation, maintenance, and development of state  
19 forest campgrounds. Any unexpended permit fees for state forest  
20 campgrounds, along with any excess collections from prior fiscal  
21 years, shall be carried over into subsequent fiscal years and  
22 shall be available for appropriation for the operation, mainte-  
23 nance, and development of state forest campgrounds.

24       (2) The commission OF CONSERVATION AND RECREATION may estab-  
25 lish and collect fees for the processing of applications for the  
26 use of state forests that require extensive review. ~~The~~ THESE

1 fees shall cover the cost to the department OF NATURAL RESOURCES  
2 of processing the applications.

3       Sec. 9. (1) Money received by the department OF NATURAL  
4 RESOURCES for reimbursement of damages to department property,  
5 reimbursement of land recording fees, sale of farm animals from  
6 Maybury state park, reimbursement for utilities for the Michigan  
7 state exposition and fairgrounds, reproduction of the agenda of  
8 the commissions of the department, reimbursement for forest fire  
9 protection services provided to the federal government or other  
10 states, and money received from forfeited cash bonds, security  
11 bonds, and court ordered reimbursements may be credited to the  
12 accounts from which these disbursements were or are to be made.

13       (2) The department OF NATURAL RESOURCES may establish and  
14 collect fees for use of aircraft and pilots of the department.  
15 The aircraft fees collected shall be credited to a separate fund  
16 of THE STATE TREASURY AND SHALL BE AVAILABLE FOR APPROPRIATION TO  
17 the department and used to pay all operating and maintenance  
18 costs of the aircraft, including depreciation and aircraft  
19 replacement, but shall not exceed the fee revenue collected for  
20 the fiscal year together with any unexpended balances of prior  
21 years.

22       Sec. 10. The department of natural resources may establish  
23 and collect fees for the department magazine, publications, and  
24 related materials. Fees collected shall be credited to a sepa-  
25 rate fund of the STATE TREASURY AND SHALL BE AVAILABLE FOR APPRO-  
26 PRIATION TO THE department and used to pay all direct and  
27 indirect operating costs of the magazine and for the purchase of



1 other related publications and materials. The retained earnings  
2 balance of the magazine at the end of the fiscal year shall not  
3 fall below the retained earnings balance at the end of the prior  
4 fiscal year. Any unexpended fees collected pursuant to this sec-  
5 tion, along with any excess collections from prior fiscal years,  
6 shall be carried over into subsequent fiscal years and shall be  
7 available for appropriation for the purposes described in this  
8 section. The magazine account shall receive an annual allocation  
9 of interest earned by the state treasurer's common cash fund on  
10 cash balances of the magazine in accordance with procedures  
11 established by the state treasurer. Accounting records of the  
12 magazine shall be maintained on an accrual basis in accordance  
13 with generally accepted accounting principles, including the  
14 establishment of separate asset, liability, and equity accounts  
15 for the magazine. On March 1 of each year, the department of  
16 natural resources shall report to the appropriations committees  
17 of the house of representatives and senate and the house and  
18 senate fiscal agencies the status of the natural resources maga-  
19 zine program as of the end of the prior fiscal year.

20 Section 2. This amendatory act shall not take effect unless  
21 Senate Bill No. \_\_\_\_\_ or House Bill No. 5726 (request  
22 no. 05170'90 a) of the 85th Legislature is enacted into law.