

HOUSE BILL No. 4177

February 7, 1991, Introduced by Rep. Alley 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
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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 JOINTLY
3 vested in a commission of natural resources ~~which shall be com-~~
4 ~~posed of 7~~ AND A COMMISSION OF CONSERVATION AND RECREATION.
5 EACH COMMISSION SHALL CONSIST OF 5 members appointed by the gov-
6 ernor, ~~subject to confirmation by~~ BY AND WITH THE ADVICE AND
7 CONSENT OF the senate. A member of the commission OF NATURAL
8 RESOURCES shall be selected with special reference to that
9 person's training and experience related to ~~at least 1 of the~~
10 ~~principal lines of activities vested in the department~~ SUBJECT
11 AREAS ADMINISTERED BY THE COMMISSION OF NATURAL RESOURCES and the
12 ability and fitness of that person to deal with those
13 activities. ~~Two members shall reside in the Upper Peninsula.~~ A
14 MEMBER OF THE COMMISSION OF CONSERVATION AND RECREATION SHALL BE
15 SELECTED WITH SPECIAL REFERENCE TO THAT PERSON'S TRAINING AND
16 EXPERIENCE RELATED TO SUBJECT AREAS ADMINISTERED BY THE COMMIS-
17 SION OF CONSERVATION AND RECREATION AND THE ABILITY AND FITNESS
18 OF THAT PERSON TO DEAL WITH THOSE ACTIVITIES. The term of office
19 of ~~each~~ A member of ~~the~~ EACH commission shall be ~~-6-~~ 4
20 years. However, of those first appointed TO THE COMMISSION OF
21 CONSERVATION AND RECREATION, 3 shall be appointed for 2 years ~~,~~
22 AND 2 SHALL BE APPOINTED for 4 years. ~~, and 2 for 6 years.~~ NOT
23 MORE THAN 3 MEMBERS OF EACH COMMISSION SHALL BE MEMBERS OF THE
24 SAME POLITICAL PARTY. MEMBERS OF THE COMMISSION OF NATURAL
25 RESOURCES WHO ARE SERVING ON THE EFFECTIVE DATE OF THE AMENDATORY
26 ACT THAT ADDED SUBSECTION (6) SHALL SERVE FOR THE REMAINDER OF
27 THEIR APPOINTED TERMS. NEW APPOINTMENTS TO THE COMMISSION OF

1 NATURAL RESOURCES SHALL BE MADE IN COMPLIANCE WITH THIS SECTION.

2 The governor shall fill a vacancy occurring in the membership of
3 the commission OF NATURAL RESOURCES OR THE COMMISSION OF CONSER-
4 VATION AND RECREATION and may remove a member of ~~the~~ EITHER
5 commission for cause after a hearing. Each member of the commis-
6 sion OF NATURAL RESOURCES OR THE COMMISSION OF CONSERVATION AND
7 RECREATION shall hold office until the appointment and qualifica-
8 tion of that member's 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. A
16 MAJORITY OF members of ~~the~~ EACH commission constitute a quorum
17 for the transaction of business. The business which ~~the~~ EACH
18 commission ~~of natural resources~~ may perform shall be conducted
19 at a public meeting of ~~the~~ THAT commission held in compliance
20 with THE OPEN MEETINGS ACT, Act No. 267 of the Public Acts of
21 1976, being sections 15.261 to 15.275 of the Michigan Compiled
22 Laws. Public notice of the time, date, and place of the meeting
23 shall be given in the manner required by Act No. 267 of the
24 Public Acts of 1976. A meeting may be called by the chairperson
25 OF THAT COMMISSION and shall be called on request of a majority
26 of the members of ~~the~~ THAT commission. A meeting may be held
27 as often as necessary and at other places than the commissioners'

1 offices at Lansing. ~~Not~~ EACH COMMISSION SHALL MEET NOT less
2 than ~~1 meeting shall be held each~~ ONCE A month.

3 (4) The commission OF NATURAL RESOURCES AND THE COMMISSION
4 OF CONSERVATION AND RECREATION shall JOINTLY appoint and employ a
5 director of the department of natural resources who shall con-
6 tinue in office at ~~the pleasure of the commission and who shall~~
7 ~~receive a salary not to exceed \$12,000.00 per year~~ THEIR
8 PLEASURE. IN APPOINTING OR REMOVING THE DIRECTOR, EACH COMMIS-
9 SION SHALL ACT BY A MAJORITY VOTE OF ITS MEMBERS. The director
10 shall appoint, with the approval of the commission OF NATURAL
11 RESOURCES, a deputy director, ~~and~~ IN A NONCLASSIFIED POSITION,
12 TO ADMINISTER DEPARTMENT PROGRAMS GOVERNED BY THE COMMISSION OF
13 NATURAL RESOURCES. THE DIRECTOR SHALL APPOINT, WITH THE APPROVAL
14 OF THE COMMISSION OF CONSERVATION AND RECREATION, A DEPUTY DIREC-
15 TOR, IN A NONCLASSIFIED POSITION, TO ADMINISTER DEPARTMENT PRO-
16 GRAMS GOVERNED BY THE COMMISSION OF CONSERVATION AND RECREATION.
17 IN ADDITION, THE DIRECTOR SHALL APPOINT other assistants and
18 employees as are necessary to implement this act and any other
19 law of this state affecting the powers and duties of the
20 department. ~~The~~ A deputy director may perform a duty or exer-
21 cise a power conferred by law upon the director at the time and
22 to the extent the duty and power is delegated to the deputy by
23 the director. When a vacancy in the office of director occurs,
24 or the director is unable to perform the director's duties or is
25 absent from the state, the powers and duties of the director as
26 prescribed by law shall be imposed on and transferred to 1 OF the
27 deputy ~~director~~ DIRECTORS BY THE COMMISSION OF NATURAL

1 RESOURCES AND THE COMMISSION OF CONSERVATION AND RECREATION
2 JOINTLY IN THE SAME MANNER AS PROVIDED FOR IN THIS SUBSECTION
3 APPOINTING THE DIRECTOR until the vacancy is filled, or the
4 director's inability or absence from the state ceases.

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

25 (6) THE COMMISSION OF NATURAL RESOURCES SHALL ADMINISTER
26 PROGRAMS OF THE DEPARTMENT OF NATURAL RESOURCES RELATED TO ALL OF
27 THE FOLLOWING:

(A) AIR QUALITY.

(B) WATER QUALITY.

(C) WASTE MANAGEMENT.

(D) ENVIRONMENTAL RESPONSE AND REMEDIATION.

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

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

(A) HUNTING AND FISHING.

(B) RECREATION.

(C) FOREST MANAGEMENT.

(D) LAND AND WATER MANAGEMENT.

(E) GEOLOGICAL SURVEY.

(F) STATE PARKS AND RECREATION AREAS.

(G) WILDLIFE.

(H) ALL OTHER PROGRAMS RELATED TO RESOURCE MANAGEMENT.

(8) EACH YEAR THE GOVERNOR SHALL SUBMIT TO THE LEGISLATURE 2 SEPARATE BUDGET PROPOSALS. ONE OF THE BUDGET PROPOSALS SHALL CONTAIN AN ITEMIZED REQUEST FOR FUNDING OF PROGRAMS ADMINISTERED BY THE COMMISSION OF NATURAL RESOURCES AND THE OTHER BUDGET PROPOSAL SHALL CONTAIN AN ITEMIZED REQUEST FOR FUNDING OF PROGRAMS ADMINISTERED BY THE COMMISSION OF CONSERVATION AND RECREATION.

(9) ALL ACTIONS TAKEN, INCLUDING RULES PROMULGATED, BY THE COMMISSION OF NATURAL RESOURCES RELATED TO PROGRAMS UNDER CONTROL OF THE COMMISSION OF CONSERVATION AND RECREATION AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION

1 SHALL REMAIN IN EFFECT UNTIL SUPERSEDED BY ACTIONS OF THE
2 COMMISSION OF CONSERVATION AND RECREATION.

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

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

1 may require the payment of a fee as provided by law for a daily
2 permit or other authorization ~~which~~ THAT allows ~~the~~ A person
3 to hunt and take waterfowl on a public hunting area managed and
4 developed for waterfowl. The commission OF CONSERVATION AND
5 RECREATION may require the wearing of a special tag or license as
6 a condition of issuing a permit under this section.

7 (3) Except as provided in subsection (4), the commission OF
8 CONSERVATION AND RECREATION may make contracts with persons, sole
9 proprietorships, partnerships, associations, and corporations for
10 the taking of coal, oil, gas, and other mineral products from
11 state owned lands, upon a royalty basis or upon another basis,
12 and upon the terms the commission OF CONSERVATION AND RECREATION
13 considers just and equitable. The contract power shall include
14 the making of contracts for the storage of gas or other mineral
15 products in or upon state owned lands, if the consent of the
16 state agency having jurisdiction and control of the state owned
17 land is first obtained. A contract permitted under this section
18 for the taking of coal, oil, gas, or metallic mineral products,
19 or for the storage of gas or other mineral products, shall not be
20 valid unless the contract is approved by the state administrative
21 board. Money received from a contract permitted under this sub-
22 section, except money received from lands acquired with game and
23 fish protection funds, shall be transmitted to the state trea-
24 surer for deposit in the ~~general fund of the state to be used~~
25 ~~for the purpose of defraying the expenses incurred in the admin-~~
26 ~~istration of this act and other purposes provided by law~~
27 MICHIGAN NATURAL RESOURCES TRUST FUND CREATED IN SECTION 35 OF

1 ARTICLE IX OF THE STATE CONSTITUTION OF 1963. However, the money
2 received from the payment of service charges by a person using
3 areas managed for waterfowl shall be credited to the game and
4 fish protection fund CREATED IN SECTION 601 OF THE HUNTING AND
5 FISHING LICENSE ACT, ACT NO. 86 OF THE PUBLIC ACTS OF 1980, BEING
6 SECTION 316.601 OF THE MICHIGAN COMPILED LAWS, and used only for
7 the purposes provided by law. Money received from bonuses,
8 rentals, delayed rentals, royalties, and the direct sale of
9 resources, including forest resources, from lands acquired with
10 game and fish protection funds shall be credited to the game and
11 fish protection ~~trust~~ fund, CREATED IN SECTION 601 OF ACT
12 NO. 86 OF THE PUBLIC ACTS OF 1980, except as otherwise provided
13 by law.

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

25 (5) This section ~~shall~~ DOES not permit a contract for the
26 taking of gravel, sand, coal, oil, gas, or other metallic mineral

1 products that does not comply with applicable local ordinances
2 and state law.

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

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

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

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

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

22 Sec. 4. (1) A writing prepared, owned, used, in the pos-
23 session of, or retained by the department of natural resources,
24 ~~or~~ THE commission of natural resources, OR THE COMMISSION OF
25 CONSERVATION AND RECREATION in the performance of an official
26 function shall be made available to the public in compliance with
27 THE FREEDOM OF INFORMATION ACT, Act No. 442 of the Public Acts of

1 1976, being sections 15.231 to 15.246 of the Michigan Compiled
2 Laws.

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

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

1 section, along with any excess collections from prior fiscal
2 years, shall be carried over into subsequent fiscal years and
3 shall be available for appropriation for the purposes described
4 in this section.

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

22 (2) The commission OF CONSERVATION AND RECREATION may estab-
23 lish and collect fees for the processing of applications for the
24 use of state forests that require extensive review. ~~The~~ THESE
25 fees shall cover the cost to the department OF NATURAL RESOURCES
26 of processing the applications.

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

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

20 Sec. 10. The department of natural resources may establish
21 and collect fees for the department magazine, publications, and
22 related materials. Fees collected shall be credited to a sepa-
23 rate fund of the STATE TREASURY AND SHALL BE AVAILABLE FOR APPRO-
24 PRIATION TO THE department and used to pay all direct and indi-
25 rect operating costs of the magazine and for the purchase of
26 other related publications and materials. The retained earnings
27 balance of the magazine at the end of the fiscal year shall not

1 fall below the retained earnings balance at the end of the prior
2 fiscal year. Any unexpended fees collected pursuant to this sec-
3 tion, along with any excess collections from prior fiscal years,
4 shall be carried over into subsequent fiscal years and shall be
5 available for appropriation for the purposes described in this
6 section. The magazine account shall receive an annual allocation
7 of interest earned by the state treasurer's common cash fund on
8 cash balances of the magazine in accordance with procedures
9 established by the state treasurer. Accounting records of the
10 magazine shall be maintained on an accrual basis in accordance
11 with generally accepted accounting principles, including the
12 establishment of separate asset, liability, and equity accounts
13 for the magazine. On March 1 of each year, the department of
14 natural resources shall report to the appropriations committees
15 of the house of representatives and senate and the house and
16 senate fiscal agencies the status of the natural resources maga-
17 zine program as of the end of the prior fiscal year.

18 Section 2. This amendatory act shall not take effect unless
19 Senate Bill No. _____ or House Bill No. 4173 (request
20 no. 00827'91 a) of the 86th Legislature is enacted into law.