

# HOUSE BILL No. 5452

January 23, 1992, Introduced by Rep. Anthony and referred to the Committee on Conservation, Recreation and Environment.

A bill to regulate forest management practices; to promote sustainable forests; and to prescribe the powers and duties of certain state agencies and officials.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "sustainable forests act".

3       Sec. 2. As used in this act:

4       (a) "Board" means the state forestry board.

5       (b) "Commission" means the commission of natural resources.

6       (c) "Department" means the department of natural resources.

7       (d) "Forest practices" means any activity related to forest  
8 management, including, but not limited to, active forest regener-  
9 ation or site preparation; timber harvesting or thinning;  
10 fertilizer, herbicide, pesticide, or other such application;  
11 fence, road, or stream-crossing building or rebuilding; and

1 seedling or sapling release. Forest practices do not include  
2 forest inventorying, measuring, planning, or surveying; legal  
3 gathering or harvesting of berries, mushrooms, nuts, or other  
4 fruits; minor harvesting of dead or down trees for one's own  
5 domestic fuelwood use; minor tree removal; or minor fence, road,  
6 or stream-crossing repair or maintenance.

7 (e) "Rule" means a rule promulgated pursuant to the adminis-  
8 trative procedures act of 1969, Act No. 306 of the Public Acts of  
9 1969, being sections 24.201 to 24.328 of the Michigan Compiled  
10 Laws.

11 Sec. 3. (1) The state forestry board is created within the  
12 department.

13 (2) The board shall consist of 7 members, appointed by the  
14 commission, who have knowledge or expertise in 1 or more of the  
15 following:

16 (a) Forest administration.

17 (b) Forest ecology.

18 (c) Aquatics.

19 (d) Botany.

20 (e) Zoology.

21 (f) Forest recreation.

22 (g) Timber management.

23 (3) The members first appointed to the board shall be  
24 appointed within 90 days after the effective date of this act.

25 (4) Members of the board shall serve for terms of 3 years,  
26 or until a successor is appointed, whichever is later, except

1 that of the members first appointed, 2 shall serve for 1 year, 2  
2 shall serve for 2 years, and 3 shall serve for 3 years.

3 (5) If a vacancy occurs on the board, the commission shall  
4 make an appointment for the unexpired term in the same manner as  
5 the original appointment.

6 (6) The commission may remove a member of the board for  
7 incompetency, dereliction of duty, malfeasance, misfeasance, or  
8 nonfeasance in office, or any other good cause.

9 (7) The first meeting of the board shall be called by the  
10 commission not later than 30 days after the members of the board  
11 have been appointed. At the first meeting, the board shall elect  
12 from among its members a chairperson and other officers as it  
13 considers necessary or appropriate. After the first meeting, the  
14 board shall meet at the call of the chairperson or if requested  
15 by 4 or more members.

16 (8) A majority of the members of the board constitute a  
17 quorum for the transaction of business at a meeting of the  
18 board.

19 (9) The business which the board may perform shall be con-  
20 ducted at a public meeting of the board held in compliance with  
21 the open meetings act, Act No. 267 of the Public Acts of 1976,  
22 being sections 15.261 to 15.275 of the Michigan Compiled Laws.

23 (10) A writing prepared, owned, used, in possession of, or  
24 retained by the board in the performance of an official function  
25 is subject to the freedom of information act, Act No. 442 of the  
26 Public Acts of 1976, being sections 15.231 to 15.246 of the  
27 Michigan Compiled Laws.

1       (11) Members of the board shall receive per diem  
2 compensation as determined by the legislature.

3       Sec. 4. The board shall develop and recommend rules as it  
4 considers appropriate to the director related to forest  
5 practices. Prior to recommending rules to the director, the  
6 board shall hold a public hearing related to its  
7 recommendations.

8       Sec. 5. Upon receipt of the recommendations of the board  
9 under section 4, the director shall promulgate rules related to  
10 forest practices.