

HOUSE BILL No. 4766

May 15, 2001, Introduced by Reps. Vear, Raczkowski, Vander Veen, Kooiman, Bradstreet, Shackleton, Caul, Hart, Woronchak, Gilbert, Stewart, Toy, Mortimer, Ehardt, Koetje, Bishop, Spade, Jacobs, Godchaux, Scranton, Vander Roest, George, Bogardus, Hansen, Kowall, Faunce, Richner, Cassis, Callahan, Bovin, Wojno, DeWeese, Pestka, Reeves, Rison, Woodward, Jansen, Voorhees, Meyer, Newell, Howell, Richardville, DeRossett, Waters, Switalski, Hager, Phillips, Kolb, Gielegheem, Birkholz, Jelinek, Pumford, Cameron Brown, Bob Brown, Plakas, Neumann, Patterson, Lockwood, Jamnick, Minore, Adamini, Rich Brown, Williams, Hardman, Mans, O'Neil, Clark, Clarke, Garza, Stallworth, Basham, Lipsey and Lemmons and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 528; and to repeal acts
and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 528 MICHIGAN TREES FOR THE TWENTY-FIRST CENTURY GRANTS

2 SEC. 52801. AS USED IN THIS PART:

3 (A) "BOARD" MEANS THE MITREES BOARD ESTABLISHED UNDER SEC-
4 TION 52802.

5 (B) "COMMITTEE" MEANS THE MITREES SELECTION COMMITTEE
6 APPOINTED UNDER SECTION 52803.

7 (C) "FUND" MEANS THE MITREES FUND CREATED IN SECTION 52807.

8 (D) "MITREES" MEANS THE MICHIGAN TREES FOR THE TWENTY-FIRST
9 CENTURY GRANT PROGRAM ESTABLISHED UNDER SECTION 52803.

1 SEC. 52802. (1) THE MICHIGAN STATE UNIVERSITY FORESTRY
2 DEPARTMENT SHALL ESTABLISH A MITREES BOARD TO CARRY OUT THE
3 RESPONSIBILITIES PROVIDED IN THIS PART.

4 (2) THE BOARD SHALL CONSIST OF 11 MEMBERS, APPOINTED BY THE
5 GOVERNOR AS FOLLOWS:

6 (A) NOT LESS THAN 4 OR MORE THAN 6 INDIVIDUALS FROM THE PRI-
7 VATE SECTOR SUCH AS COMMUNITY LEADERS, FORESTERS, INDIVIDUALS
8 FROM STATEWIDE TREE AND URBAN FORESTER ASSOCIATIONS, AND OTHER
9 INTERESTED INDIVIDUALS.

10 (B) NOT LESS THAN 4 OR MORE THAN 6 OFFICIALS FROM LOCAL
11 UNITS OF GOVERNMENT SUCH AS CITY PLANNERS, URBAN FORESTERS, AND
12 MEMBERS OF CITY OR VILLAGE COUNCILS, TOWNSHIP BOARDS, AND COUNTY
13 BOARDS OF COMMISSIONERS.

14 (C) 1 OR 2 INDIVIDUALS FROM STATE GOVERNMENT.

15 (3) THE MEMBERS FIRST APPOINTED TO THE BOARD SHALL BE
16 APPOINTED WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THIS
17 SECTION.

18 (4) MEMBERS OF THE BOARD SHALL SERVE FOR TERMS OF 2 YEARS OR
19 UNTIL A SUCCESSOR IS APPOINTED, WHICHEVER IS LATER, EXCEPT THAT
20 OF THE MEMBERS FIRST APPOINTED, 5 SHALL SERVE FOR 1 YEAR AND 6
21 SHALL SERVE FOR 2 YEARS.

22 (5) IF A VACANCY OCCURS ON THE BOARD, THE GOVERNOR SHALL
23 MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER AS
24 THE ORIGINAL APPOINTMENT.

25 (6) THE GOVERNOR MAY REMOVE A MEMBER OF THE BOARD FOR INCOM-
26 PETENCY, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR
27 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

1 (7) THE FIRST MEETING OF THE BOARD SHALL BE CALLED BY THE
2 GOVERNOR. AT THE FIRST MEETING, THE BOARD SHALL ELECT FROM AMONG
3 ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS NEC-
4 ESSARY OR APPROPRIATE. AFTER THE FIRST MEETING, THE BOARD SHALL
5 MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF THE
6 CHAIRPERSON OR IF REQUESTED BY 6 OR MORE MEMBERS.

7 (8) A MAJORITY OF THE MEMBERS OF THE BOARD CONSTITUTE A
8 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE
9 BOARD. A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE
10 REQUIRED FOR OFFICIAL ACTION OF THE BOARD.

11 (9) THE BUSINESS THAT THE BOARD MAY PERFORM SHALL BE CON-
12 DUCTED AT A PUBLIC MEETING OF THE BOARD HELD IN COMPLIANCE WITH
13 THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

14 (10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF,
15 OR RETAINED BY THE BOARD IN THE PERFORMANCE OF AN OFFICIAL FUNC-
16 TION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
17 MCL 15.231 TO 15.246.

18 (11) MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION.
19 HOWEVER, MEMBERS OF THE BOARD MAY BE REIMBURSED FOR THEIR ACTUAL
20 AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFI-
21 CIAL DUTIES AS MEMBERS OF THE BOARD.

22 SEC. 52803. (1) THE BOARD SHALL ESTABLISH AND ADMINISTER A
23 "MICHIGAN TREES FOR THE TWENTY-FIRST CENTURY GRANT PROGRAM". THE
24 BOARD SHALL SET POLICY FOR AND OVERSEE MITREES.

25 (2) MITREES SHALL PROVIDE GRANTS TO LOCAL UNITS OF GOVERN-
26 MENT FOR THE PURCHASE OF TREES TO BE PLANTED ONLY ON PUBLIC
27 LANDS. A MITREES GRANT SHALL NOT EXCEED \$30.00 PER TREE. THE

1 STATE TREASURER SHALL ADJUST THE FIGURE DESCRIBED IN THIS
2 SUBSECTION BY AN AMOUNT DETERMINED BY THE STATE TREASURER AT THE
3 END OF EACH CALENDAR YEAR TO REFLECT THE CUMULATIVE ANNUAL PER-
4 CENTAGE CHANGE IN THE CONSUMER PRICE INDEX. AS USED IN THIS SUB-
5 SECTION, "CONSUMER PRICE INDEX" MEANS THE MOST COMPREHENSIVE
6 INDEX OF CONSUMER PRICES AVAILABLE FOR THIS STATE FROM THE BUREAU
7 OF LABOR STATISTICS OF THE UNITED STATES DEPARTMENT OF LABOR.

8 (3) THE BOARD SHALL APPOINT A SELECTION COMMITTEE COMPOSED
9 OF MEMBERS OF THE BOARD AND OF INDIVIDUALS WITH KNOWLEDGE AND
10 EXPERTISE IN FORESTRY TO REVIEW GRANT APPLICATIONS AND TO MAKE
11 RECOMMENDATIONS TO THE BOARD.

12 SEC. 52804. (1) A LOCAL UNIT OF GOVERNMENT THAT WISHES TO
13 APPLY FOR A MITREES GRANT SHALL SUBMIT AN APPLICATION TO THE
14 BOARD. THE APPLICATION SHALL CONTAIN ALL OF THE FOLLOWING:

15 (A) A TREE PLANTING PLAN THAT, AT A MINIMUM, SPECIFIES ALL
16 OF THE FOLLOWING:

17 (i) THE SPECIES OF TREES PROPOSED TO BE PLANTED.

18 (ii) THE LOCATION WHERE THE TREES ARE PROPOSED TO BE
19 PLANTED.

20 (iii) THE METHOD OF PLANTING THE TREES.

21 (iv) A DESCRIPTION OF HOW THE TREES WILL BE CARED FOR AFTER
22 THEY ARE PLANTED.

23 (v) A PLAN FOR REPORTING ON THE VIABILITY OF THE TREES
24 DURING A 2-YEAR TIME PERIOD AFTER THE TREES ARE PLANTED

25 (B) OTHER INFORMATION REQUIRED BY THE BOARD.

26 (2) UPON RECEIPT OF AN APPLICATION, THE BOARD SHALL FORWARD
27 THE APPLICATION TO THE COMMITTEE.

1 SEC. 52805. (1) THE COMMITTEE SHALL MEET TO REVIEW MITREES
2 GRANT APPLICATIONS AT THE DIRECTION OF THE BOARD. A MEETING OF
3 COMMITTEE SHALL BE CONDUCTED IN COMPLIANCE WITH THE OPEN MEETINGS
4 ACT, 1976 PA 267, MCL 15.261 TO 15.275. THE COMMITTEE SHALL
5 REVIEW ALL APPLICATIONS SUBMITTED FOR MITREES GRANTS AND SHALL
6 MAKE RECOMMENDATIONS TO THE BOARD ON WHICH GRANT APPLICATIONS THE
7 COMMITTEE BELIEVES SHOULD BE APPROVED. THE COMMITTEE SHALL CON-
8 sider ALL OF THE FOLLOWING IN MAKING ITS RECOMMENDATIONS:

9 (A) THE ADEQUACY OF THE TREE PLANTING PLAN.

10 (B) THE AMOUNT OF THE GRANT REQUESTED.

11 (C) WHETHER THE APPLICANT PREVIOUSLY APPLIED FOR AND DID NOT
12 RECEIVE A MITREES GRANT.

13 (D) THE EXTENT TO WHICH THE ISSUANCE OF THE GRANT CONTRIB-
14 UTES TO A PROPORTIONAL DISTRIBUTION OF GRANTS THROUGHOUT THE
15 STATE. TO THE EXTENT THAT ACCEPTABLE APPLICATIONS ARE RECEIVED,
16 AN EQUAL AMOUNT OF GRANT MONEY SHALL BE DISTRIBUTED TO EACH HOUSE
17 OF REPRESENTATIVES LEGISLATIVE DISTRICT.

18 (E) OTHER CRITERIA THAT THE COMMITTEE CONSIDERS IMPORTANT.

19 (2) UPON RECEIPT OF THE COMMITTEE RECOMMENDATIONS, THE BOARD
20 SHALL REVIEW THE COMMITTEE RECOMMENDATIONS AND SHALL ISSUE
21 MITREES GRANTS AS IT CONSIDERS APPROPRIATE.

22 (3) AN APPLICANT THAT IS DENIED A GRANT MAY SUBMIT TO THE
23 BOARD A REQUEST FOR RECONSIDERATION.

24 SEC. 52806. THE BOARD SHALL REQUIRE, AS A CONDITION OF A
25 MITREES GRANT, THAT THE GRANT RECIPIENT DO ALL OF THE FOLLOWING:

26 (A) PLANT ALL TREES PRIOR TO MEMORIAL DAY.

1 (B) SUBMIT A PLANTING REPORT WITHIN 14 DAYS OF COMPLETION OF
2 THE PLANTING, CONTAINING INFORMATION REQUIRED BY THE BOARD.

3 (C) SUBMIT TO THE BOARD REPORTS DESCRIBING THE NUMBER OF
4 TREES THAT WERE PLANTED AND THE NUMBER OF TREES SURVIVING AS OF
5 THE REPORTING DATE. THESE REPORTS SHALL BE SUBMITTED AS
6 FOLLOWS:

7 (i) WITHIN 14 DAYS FOLLOWING MEMORIAL DAY OF THE YEAR THE
8 TREES WERE PLANTED.

9 (ii) WITHIN 14 DAYS FOLLOWING LABOR DAY OF THE YEAR THE
10 TREES WERE PLANTED.

11 (iii) WITHIN 14 DAYS FOLLOWING MEMORIAL DAY OF THE YEAR
12 AFTER THE TREES WERE PLANTED.

13 (iv) WITHIN 14 DAYS FOLLOWING LABOR DAY OF THE YEAR AFTER
14 THE TREES WERE PLANTED.

15 SEC. 52807. (1) THE MITREES FUND IS CREATED WITHIN THE
16 STATE TREASURY.

17 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
18 FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER
19 SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER
20 SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
21 INVESTMENTS.

22 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
23 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

24 (4) MONEY FROM THE FUND SHALL BE EXPENDED, UPON APPROPRIA-
25 TION, ONLY FOR THE FOLLOWING PURPOSES:

26 (A) FOR MITREES GRANTS AS PROVIDED IN THIS PART.

1 (B) THREE PERCENT OF THE AMOUNT APPROPRIATED EACH YEAR FOR
2 THE ADMINISTRATIVE EXPENSES OF THE BOARD AND OF THE MICHIGAN
3 STATE UNIVERSITY FORESTRY DEPARTMENT IN ADMINISTERING THIS PART.

4 SEC. 52808. THIS PART IS REPEALED UPON THE EXPIRATION OF 10
5 YEARS AFTER ITS EFFECTIVE DATE.

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