

HOUSE BILL No. 5813

April 22, 2004, Introduced by Reps. Pastor, Bradstreet, Palmer, LaJoy, Hoogendyk, Wenke, Sheen, Milosch, Stahl, Voorhees, Taub, Tabor, Brandenburg, Amos, DeRoche and Casperson and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 6.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 6. COUNTY DEPARTMENTS OF ENVIRONMENTAL QUALITY

Sec. 601. As used in this act:

(a) "Department of environmental quality", notwithstanding
any other provision of this act, means both of the following:

(i) For a county with a department of environmental quality
under section 603, the county department of environmental
quality.

(ii) For a county that does not have a department of
environmental quality under section 603, the environmental
quality committee.

(b) "Director of the department of environmental quality",

1 notwithstanding any other provision of this act, means both of
2 the following:

3 (i) For each county with a county department of
4 environmental quality under section 603, the director of the
5 county department of environmental quality or his or her designee
6 to whom the director designates a power or duty by written
7 instrument.

8 (ii) For a county that does not have a department of
9 environmental quality under section 603, the director of the
10 state department of environmental quality or his or her designee
11 to whom the director designates a power or duty by written
12 instrument.

13 (c) "Environmental quality committee" means the state
14 environmental quality committee created in section 609.

15 (d) "State civil infraction", notwithstanding any other
16 provision of this act, means a municipal civil infraction if the
17 provision that is alleged to have been violated is administered
18 by the county department of environmental quality.

19 Sec. 603. (1) A department of environmental quality is
20 created as a department of county government in each county.

21 (2) The county board of commissioners of each county shall
22 appoint a director of the county department of environmental
23 quality. The director of the county department of environmental
24 quality shall serve at the pleasure of the county board of
25 commissioners.

26 (3) The powers and duties of the department of environmental
27 quality or the director of the department of environmental

1 quality, as those terms were defined before the effective date of
2 the 2004 amendatory act that added this section, shall be
3 exercised within each county by the county department of
4 environmental quality for that county or the director of the
5 county department of environmental quality for that county,
6 respectively.

7 (4) This section is subject to section 605.

8 Sec. 605. (1) If, not more than 60 days after the effective
9 date of this section, the county board of commissioners of a
10 county adopts a resolution stating that county declines to
11 exercise the powers and duties of a county department of
12 environmental quality and submits a copy of the resolution to the
13 director of the state department of environmental quality, the
14 state department of environmental quality shall exercise the
15 powers and duties of a department of environmental quality in
16 that county.

17 (2) In January or February of a given year, beginning in
18 2006, the county board of commissioners of a county may assume or
19 decline to exercise the powers and duties of a county department
20 of environmental quality during the next state fiscal year by
21 adopting a resolution to that effect and submitting a copy of the
22 resolution to the environmental quality committee. If the county
23 board of commissioners fails to so submit such a resolution, the
24 powers and duties of the department of environmental quality
25 shall continue to be exercised in that county during the next
26 state fiscal year by the same entity exercising those powers and
27 duties during the current state fiscal year.

1 Sec. 607. (1) The county environmental quality fund is
2 created within the county treasury of each county with a county
3 department of environmental quality.

4 (2) The county treasurer may receive money or other assets
5 from any source for deposit in the county environmental quality
6 fund. Subject to subsection (5), the county treasurer shall
7 deposit into the county environmental quality fund all of the
8 following:

9 (a) Revenue from civil fines and civil infractions for
10 violations of provisions of this act or rules promulgated or
11 orders issued under this act, enforced by the county department
12 of environmental quality.

13 (b) Revenue from fees collected by the county department of
14 environmental quality under this act.

15 (c) State appropriations to the county for operation of the
16 county department of environmental quality.

17 (3) The county department of environmental quality shall
18 expend money from the county environmental quality fund, upon
19 appropriation, only for the purposes or administration and
20 enforcement of this act and rules promulgated under this act in
21 that county.

22 (4) For each state restricted fund created under any other
23 part of this act enforced by the county department of
24 environmental quality, a separate county restricted fund by the
25 same name is created in the county treasury.

26 (5) The county treasurer shall deposit into a county
27 restricted fund created under subsection (4) both of the

1 following:

2 (a) Money that would otherwise have been deposited in the
3 corresponding state restricted fund.

4 (b) State appropriations to the county for that county
5 restricted fund.

6 (6) The county department of environmental quality shall
7 expend money from a fund created under subsection (4) only for
8 the purposes for which money may be expended from the
9 corresponding state restricted fund.

10 (7) The county treasurer may receive money or other assets
11 from any source for deposit in a fund created under subsection
12 (1) or (4). The county treasurer shall credit to a fund created
13 under subsection (1) or (4) interest and earnings from that
14 fund's investments.

15 Sec. 609. (1) The environmental quality committee is
16 created within the state department of environmental quality.

17 (2) The environmental quality committee shall consist of the
18 following members, appointed by the governor:

19 (a) An environmentalist.

20 (b) A representative of the real estate business.

21 (c) A developer.

22 (d) An engineer.

23 (e) An attorney.

24 (f) Three other residents of this state.

25 (3) The members first appointed to the environmental quality
26 committee shall be appointed within 60 days after the effective
27 date of this section. Members shall be appointed subject to

1 disapproval by a majority of the members elected to and serving
2 in the senate or a majority of the members elected to and serving
3 in the house of representatives, if such action is taken within
4 60 session days of the date of the appointment. An appointment
5 not disapproved within that period is confirmed.

6 (4) Members of the environmental quality committee shall
7 serve for terms of 4 years or until a successor is appointed,
8 whichever is later, except that of the members first appointed 2
9 shall serve for 1 year, 2 shall serve for 2 years, and 2 shall
10 serve for 3 years.

11 (5) If a vacancy occurs on the environmental quality
12 committee, the governor shall make an appointment for the
13 unexpired term in the same manner as the original appointment.

14 (6) The governor may remove a member of the environmental
15 quality committee for incompetency, dereliction of duty,
16 malfeasance, misfeasance, or nonfeasance in office, or any other
17 good cause.

18 (7) The first meeting of the environmental quality committee
19 shall be called by the governor. At the first meeting, the
20 environmental quality committee shall elect from among its
21 members a chairperson and other officers as it considers
22 necessary or appropriate. After the first meeting, the
23 environmental quality committee shall meet at least monthly, or
24 more frequently at the call of the chairperson or if requested by
25 2 or more members.

26 (8) A majority of the members of the environmental quality
27 committee constitute a quorum for the transaction of business at

1 a meeting of the environmental quality committee. A majority of
2 the members present and serving are required for official action
3 of the environmental quality committee.

4 (9) The business that the environmental quality committee may
5 perform shall be conducted at a public meeting of the
6 environmental quality committee held in compliance with the open
7 meetings act, 1976 PA 267, MCL 15.261 to 15.275.

8 (10) A writing prepared, owned, used, in the possession of,
9 or retained by the environmental quality committee in the
10 performance of an official function is subject to the freedom of
11 information act, 1976 PA 442, MCL 15.231 to 15.246.

12 Sec. 611. (1) The environmental quality committee shall do
13 both of the following:

14 (a) Provide advice to county departments of environmental
15 quality on the exercise of their powers and duties under this
16 act.

17 (b) Ensure that county departments of environmental quality
18 are fulfilling their responsibilities under this act and federal
19 law.

20 (2) The state department of environmental quality shall
21 provide administrative assistance to the county departments of
22 environmental quality.

23 Sec. 613. Notwithstanding any other provision of this act,
24 the department of environmental quality, or the director of the
25 department of environmental quality, shall not issue rules under
26 the administrative procedures act of 1969, 1969 PA 306, MCL
27 24.201 to 24.328. However, rules in effect on the effective date

1 of the amendatory act that added this subsection shall remain in
2 effect until repealed or superseded by statute.