

SENATE BILL No. 226

February 17, 2005, Introduced by Senators GILBERT, VAN WOERKOM, BIRKHOLZ, SANBORN, CROPSEY, GOSCHKA, ALLEN, STAMAS, HARDIMAN, GARCIA, BROWN, JELINEK and BARCIA and referred to the Committee on Agriculture, Forestry and Tourism.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 23.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 23. AGRICULTURE AND THE ENVIRONMENT

SEC. 2301. AS USED IN THIS PART:

(A) "COUNCIL" MEANS THE AGRICULTURE AND RURAL COMMUNITIES ADVISORY COUNCIL CREATED IN SECTION 2302.

(B) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

SEC. 2302. (1) THE AGRICULTURE AND RURAL COMMUNITIES ADVISORY COUNCIL IS CREATED WITHIN THE DEPARTMENT.

(2) THE COUNCIL SHALL CONSIST OF THE FOLLOWING MEMBERS:

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1 (A) TWO INDIVIDUALS REPRESENTING FARMERS, 1 OF WHOM SHALL BE
2 APPOINTED BY THE SENATE MAJORITY LEADER AND 1 OF WHOM SHALL BE
3 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

4 (B) TWO INDIVIDUALS REPRESENTING FOOD PROCESSORS, 1 OF WHOM
5 SHALL BE APPOINTED BY THE SENATE MAJORITY LEADER AND 1 OF WHOM
6 SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

7 (C) TWO INDIVIDUALS REPRESENTING AGRIBUSINESS, 1 OF WHOM SHALL
8 BE APPOINTED BY THE SENATE MAJORITY LEADER AND 1 OF WHOM SHALL BE
9 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

10 (D) ONE INDIVIDUAL REPRESENTING LOCAL UNITS OF GOVERNMENT IN
11 RURAL AREAS, WHO SHALL BE APPOINTED BY THE SENATE MAJORITY LEADER.

12 (3) THE MEMBERS FIRST APPOINTED TO THE COUNCIL SHALL BE
13 APPOINTED WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
14 ACT THAT ADDED THIS SECTION.

15 (4) MEMBERS OF THE COUNCIL SHALL SERVE FOR TERMS OF 3 YEARS OR
16 UNTIL A SUCCESSOR IS APPOINTED, WHICHEVER IS LATER, EXCEPT AS
17 FOLLOWS:

18 (A) THE MEMBER FIRST APPOINTED BY THE SENATE MAJORITY LEADER
19 UNDER SUBSECTION (2) (A) SHALL SERVE FOR A TERM OF 1 YEAR.

20 (B) THE MEMBER FIRST APPOINTED BY THE SPEAKER OF THE HOUSE OF
21 REPRESENTATIVES UNDER SUBSECTION (2) (B) SHALL SERVE FOR A TERM OF 1
22 YEAR.

23 (C) THE MEMBER FIRST APPOINTED BY THE SPEAKER OF THE HOUSE OF
24 REPRESENTATIVES UNDER SUBSECTION (2) (C) SHALL SERVE FOR A TERM OF 2
25 YEARS.

26 (D) THE MEMBER FIRST APPOINTED BY THE SENATE MAJORITY LEADER
27 UNDER SUBSECTION (2) (D) SHALL SERVE FOR A TERM OF 2 YEARS.

1 (5) IF A VACANCY OCCURS ON THE COUNCIL, THE GOVERNOR SHALL
2 MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER AS
3 THE ORIGINAL APPOINTMENT.

4 (6) A MEMBER OF THE COUNCIL MAY BE REMOVED, BY THE OFFICER WHO
5 APPOINTED THAT MEMBER, FOR INCOMPETENCY, DERELICTION OF DUTY,
6 MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN OFFICE, OR ANY OTHER
7 GOOD CAUSE.

8 SEC. 2303. (1) THE FIRST MEETING OF THE COUNCIL SHALL BE
9 CALLED BY THE SENATE MAJORITY LEADER. AT THE FIRST MEETING, THE
10 COUNCIL SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND OTHER
11 OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST
12 MEETING, THE COUNCIL SHALL MEET AT LEAST 2 TIMES PER YEAR, OR MORE
13 FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 3 OR
14 MORE MEMBERS.

15 (2) A MAJORITY OF THE MEMBERS OF THE COUNCIL CONSTITUTE A
16 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE COUNCIL.
17 A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE REQUIRED FOR
18 OFFICIAL ACTION OF THE COUNCIL.

19 (3) THE BUSINESS THAT THE COUNCIL MAY PERFORM SHALL BE
20 CONDUCTED AT A PUBLIC MEETING OF THE COUNCIL HELD IN COMPLIANCE
21 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

22 (4) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
23 RETAINED BY THE COUNCIL IN THE PERFORMANCE OF AN OFFICIAL FUNCTION
24 IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
25 15.231 TO 15.246.

26 (5) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION.
27 HOWEVER, MEMBERS OF THE COUNCIL MAY BE REIMBURSED FOR THEIR ACTUAL

1 AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
2 OFFICIAL DUTIES AS MEMBERS OF THE COUNCIL.

3 SEC. 2304. (1) THE COUNCIL SHALL DO ALL OF THE FOLLOWING:

4 (A) EVALUATE HOW LAWS, RULES, AND POLICIES ADMINISTERED BY THE
5 DEPARTMENT AFFECT FARMERS, FOOD PROCESSORS, AGRIBUSINESS, AND RURAL
6 COMMUNITIES.

7 (B) PROVIDE, TO THE DEPARTMENT AND TO THE STANDING COMMITTEES
8 OF THE LEGISLATURE WITH JURISDICTION OVER ISSUES PRIMARILY RELATING
9 TO NATURAL RESOURCES AND THE ENVIRONMENT AND AGRICULTURE, ADVICE
10 AND RECOMMENDATIONS ON THE LAWS, RULES, AND POLICIES ADMINISTERED
11 BY THE DEPARTMENT THAT AFFECT FARMERS, FOOD PROCESSORS,
12 AGRIBUSINESS, AND RURAL COMMUNITIES.

13 (2) THE DEPARTMENT SHALL PROVIDE STAFF AND ASSISTANCE TO THE
14 COUNCIL AS NECESSARY OR USEFUL FOR THE COUNCIL TO CARRY OUT ITS
15 RESPONSIBILITIES.