

HOUSE BILL No. 4638

April 24, 2007, Introduced by Reps. Lindberg, Byrum, Spade, Rick Jones, Stahl, Meekhof and Bieda and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 76103 (MCL 324.76103), as amended by 2001 PA 75.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 76103. (1) The ~~underwater~~ **GREAT LAKES STATE PARK AND**
2 salvage and ~~preserve~~ **ADVISORY** committee is created in the
3 department to provide technical and other advice to the department
4 and the department of history, arts, and libraries with respect to
5 their responsibilities under this part, **UNDER PART 325, AND WITH**
6 **RESPECT TO THE GREAT LAKES STATE PARK CREATED IN SECTION 74127.**

7 (2) The ~~underwater salvage and preserve~~ committee shall
8 consist of ~~9~~ **11** members appointed as follows:

9 ~~(a) Two individuals appointed by the department who have~~

1 ~~primary responsibility in the department for administering this~~
2 ~~part.~~

3 ~~—— (b) Two individuals appointed by the director of the~~
4 ~~department of history, arts, and libraries who have primary~~
5 ~~responsibility in the department of history, arts, and libraries~~
6 ~~for administering this part.~~

7 ~~—— (c) Five individuals appointed by the governor with the advice~~
8 ~~and consent of the senate from the general public. Two of these~~
9 ~~individuals shall have experience in recreational scuba diving.~~

10 (A) ONE INDIVIDUAL APPOINTED BY THE DIRECTOR WHO HAS PRIMARY
11 RESPONSIBILITY IN THE DEPARTMENT FOR PARK AND RECREATION PLANNING
12 AND ENHANCEMENT OF RECREATION OPPORTUNITIES ON STATE LANDS.

13 (B) ONE INDIVIDUAL APPOINTED BY THE DIRECTOR WHO HAS PRIMARY
14 RESPONSIBILITY IN THE DEPARTMENT FOR LAW ENFORCEMENT ON GREAT LAKES
15 SURFACE WATERS AND BOTTOMLANDS.

16 (C) ONE INDIVIDUAL APPOINTED BY THE DIRECTOR OF TRAVEL
17 MICHIGAN WHO HAS PRIMARY RESPONSIBILITY IN THAT AGENCY FOR TOURISM
18 RESEARCH AND MARKETING.

19 (D) ONE INDIVIDUAL APPOINTED BY THE DIRECTOR OF THE DEPARTMENT
20 OF ENVIRONMENTAL QUALITY WHO HAS PRIMARY RESPONSIBILITY IN THAT
21 DEPARTMENT FOR ADMINISTERING THIS PART AND PART 325.

22 (E) ONE INDIVIDUAL APPOINTED BY THE DIRECTOR OF THE DEPARTMENT
23 OF HISTORY, ARTS, AND LIBRARIES WHO HAS PRIMARY RESPONSIBILITY IN
24 THAT DEPARTMENT FOR ADMINISTERING THIS PART.

25 (F) SIX INDIVIDUALS APPOINTED BY THE GOVERNOR WITH THE ADVICE
26 AND CONSENT OF THE SENATE FROM THE GENERAL PUBLIC TO REPRESENT EACH
27 OF THE FOLLOWING:

- 1 (i) MARINE SALVAGE AND CONSTRUCTION COMPANIES.
2 (ii) RETAIL DIVE SHOPS.
3 (iii) DIVE CHARTER BOAT OPERATORS.
4 (iv) MARITIME MUSEUM ORGANIZATIONS.
5 (v) ACADEMIC RESEARCHERS.
6 (vi) STATEWIDE ORGANIZATIONS WITH AN INTEREST IN GREAT LAKES
7 BOTTOMLANDS PRESERVES.

8 (3) An individual appointed to the committee shall serve for a
9 term of 3 years. A vacancy on the committee shall be filled in the
10 same manner as an original appointment and the term of a member
11 appointed to fill a vacancy shall be for 3 years. Members of the
12 committee shall serve without compensation, except for their
13 regular state salary ~~where~~ **IF** applicable.

14 (4) The chairperson of the committee shall alternate between
15 the representatives from the department and the department of
16 history, arts, and libraries. The chairperson shall be designated
17 by the department or the director of the department of history,
18 arts, and libraries, whichever is applicable, from among his or her
19 representatives on the committee. The chairperson's term shall run
20 for 12 months, from October 1 through September 30. The department
21 shall appoint the first chairperson of the committee for a term
22 ending September 30, 1989. The chairperson shall call meetings as
23 necessary but not less than 4 times per year, set the agenda for
24 meetings, ensure that adequate minutes are taken, and file an
25 annual report of committee proceedings with the head of the
26 department of natural resources and the director of the department
27 of history, arts, and libraries.

1 (5) The committee is an advisory body and may perform all of
2 the following functions:

3 (a) Make recommendations with regard to the creation and
4 boundaries of Great Lakes underwater preserves.

5 (b) Review applications for underwater salvage permits and
6 make recommendations regarding issuance.

7 (c) Consider and make recommendations regarding the charging
8 of permit fees and the appropriate use of revenue generated by
9 those fees.

10 (d) Consider the need for and the content of rules intended to
11 implement this part and make recommendations concerning the
12 promulgation of rules.

13 (e) Consider and make recommendations concerning appropriate
14 legislation.

15 (f) Consider and make recommendations concerning program
16 operation.

17 **(G) ESTABLISH VOLUNTARY GUIDELINES FOR THE DISCOVERY OF**
18 **SHIPWRECKS.**

19 **(H) ESTABLISH CRITERIA FOR SUBMISSION AND REVIEW OF PERMIT**
20 **APPLICATIONS FOR UNDERWATER ARCHAEOLOGICAL RECOVERY, UNDERWATER**
21 **SALVAGE, AND ANY OTHER ACTIVITIES THAT MAY ALTER OR DESTROY**
22 **ABANDONED SHIPWRECKS.**

23 **(I) CONSIDER AND MAKE RECOMMENDATIONS FOR USE OF THE GREAT**
24 **LAKES STATE PARK PRESERVATION FUND CREATED IN SECTION 74130 AND**
25 **WHETHER THE GREAT LAKES STATE PARK PRESERVATION FUND SHOULD BE**
26 **ADMINISTERED AS AN ENDOWMENT FUND.**

27 **(J) CONSIDER AND MAKE RECOMMENDATIONS FOR PROMOTION OF THE**

1 GREAT LAKES STATE PARK CREATED IN SECTION 74127.

2 (K) CONSIDER AND MAKE RECOMMENDATIONS FOR FUNDING OF THE GREAT
3 LAKES STATE PARK CREATED IN SECTION 74127.

4 (l) CONSIDER AND MAKE RECOMMENDATIONS ON THE AMOUNT THAT SHOULD
5 BE CHARGED FOR A GREAT LAKES STATE PARK PASS UNDER SECTION 74129.

6 (6) The committee shall not replace or supersede the
7 responsibility or authority of the department of history, arts, and
8 libraries or the department to carry out their responsibilities
9 under this part.

10 Enacting section 1. This amendatory act does not take effect
11 unless all of the following bills of the 94th Legislature are
12 enacted into law:

13 (a) Senate Bill No. 429 or House Bill No.____ (request no.
14 02426'07 *).

15 (b) Senate Bill No. 431 or House Bill No.____ (request no.
16 02428'07 *).

17 (c) Senate Bill No. 430 or House Bill No.____ (request no.
18 02429'07 *).

19 (d) Senate Bill No.____ or House Bill No. 4640 (request no.
20 02430'07 *).

21 (e) Senate Bill No.____ or House Bill No. 4639 (request no.
22 03272'07).