

STATE TRUNK LINE HIGHWAY SYSTEM (EXCERPT)
Act 51 of 1951

247.661h Local agency wetland mitigation board fund; advisory board; duties.

Sec. 11h. (1) The local agency wetland mitigation board fund is established in the state treasury as a separate fund. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(2) The money appropriated to the local agency wetland mitigation board fund and the interest accruing to that fund must be expended for the local agency wetland mitigation board program. The balance of the fund must not exceed \$8,000,000.00 at the beginning of a fiscal year, less the amount of funds that have been obligated but not yet expended. The money in the local agency wetland mitigation board fund is not subject to section 12(15).

(3) The local agency wetland mitigation bank advisory board is created and shall consist of the following 9 members:

(a) One voting member appointed by the County Road Association of Michigan from a county with a population greater than 400,000.

(b) One voting member appointed by the County Road Association of Michigan from a county with a population greater than 65,000 but no more than 400,000.

(c) One voting member appointed by the County Road Association of Michigan from a county with a population of less than 65,000.

(d) One voting member who shall be an engineer appointed jointly by the County Road Association of Michigan and the Michigan Municipal League.

(e) One voting member appointed by the Michigan Municipal League from a city with a population of more than 70,000.

(f) One voting member appointed by the Michigan Municipal League from a city with a population of 70,000 or less.

(g) One voting member appointed by the Michigan Municipal League from a village.

(h) Two nonvoting members appointed by the department and the department of environment, Great Lakes, and energy.

(4) Beginning on March 27, 2019, the local agency wetland mitigation advisory board is created and shall consist of the following 7 members:

(a) Four voting members from road agencies appointed jointly by the County Road Association of Michigan and the Michigan Municipal League.

(b) One voting member who shall be an engineer appointed jointly by the County Road Association of Michigan and the Michigan Municipal League.

(c) Two nonvoting members appointed by the department and the department of environment, Great Lakes, and energy.

(5) The members first appointed to the local agency wetland mitigation bank advisory board under subsection (3) shall be appointed no later than October 1, 2015. The members first appointed to the local agency wetland mitigation advisory board under subsection (4) shall be appointed no later than April 1, 2019.

(6) Members of the board shall serve for terms of 2 years or until a successor is appointed, whichever is later.

(7) If a vacancy occurs on the board, the person that appointed the vacating member shall make an appointment for the unexpired term in the same manner as the original appointment.

(8) A member of the board may be removed for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

(9) The first meeting of the board must be called by the member appointed by the department under subsection (4)(c). At the first meeting, the board shall elect from among its voting members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the board shall meet at least quarterly.

(10) A majority of the voting members of the board constitute a quorum for the transaction of business at a meeting of the board. A majority of the members present and serving are required for official action of the board.

(11) A board member shall serve without compensation, but may receive reimbursement for necessary travel and expenses consistent with applicable law and rules and procedures of the civil service commission and department of technology, management, and budget or local road agency policies, subject to available funding. The board may employ a part-time or full-time manager or engineer or contract with a person or firm

to perform professional, technical, or administrative assistance or legal counsel. The board shall determine the duties of a person or firm employed under this subsection, and shall require the manager and the board to retain insurances.

(12) The business that the board may perform must be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(13) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(14) The 2 nonvoting members of the board, the department, and the department of environment, Great Lakes, and energy shall provide qualified administrative staff and qualified technical assistance to the board as necessary.

(15) The local agency wetland mitigation program must provide funds to local road agencies for 1 or more of the following:

(a) Complete engineering and design for a wetland mitigation site.

(b) Purchase of land for a wetland mitigation site.

(c) Construction of a wetland mitigation site.

(d) Monitoring and maintenance necessary to ensure that the performance standards are or will be met.

(e) Obtaining conservation easements in perpetuity and maintenance of endowment funds to manage wetland mitigation sites.

(f) Funding for a wetland mitigation site established before September 22, 2016.

(g) Purchasing wetland mitigation bank credits from an established wetland mitigation bank approved by the department of environment, Great Lakes, and energy to meet a local agency's wetland mitigation permit requirements.

(16) Not more than 20% of a wetland mitigation site may be sold to the private sector, and any revenues generated from that sale must be deposited into the local agency wetland program fund.

(17) The board may approve the use of local agency wetland mitigation funds for other activities needed to establish a wetland mitigation site, a pre-mitigation wetland area or wetland preservation site, or other mitigation as permitted by law on a demonstrated need by a local road agency.

(18) An application for funds from the local agency wetland mitigation program must be made on a form approved by the board and must contain the information required by the board. An application for funds under this section may be made at any time determined by the board.

(19) The board shall establish a review process for considering funding applications under this section. No later than 180 days after receiving a funding application under this section, the board shall notify the applicant in writing whether the application is approved or rejected. If the board fails to notify an applicant in writing whether an application is approved or rejected within 180 days after receiving the funding application, the application is approved. Prior to releasing local agency wetland mitigation program funds, the board shall enter into an agreement with the funding recipient.

(20) For each year in which the board receives funding applications, the board shall report by October 1 to the standing committees of the senate and the house of representatives with primary jurisdiction over issues pertaining to transportation and natural resources and the environment and to the senate and house of representatives appropriations committees on the utilization of funds from the local agency wetland mitigation board fund. The report must include, at a minimum, all of the following:

(a) The number of funding applications received under this section.

(b) The name of each local road agency applying for funding, and whether each application was approved or denied.

(c) The amount of local match for each award under this section.

(d) The individual and annual cumulative amount of funds awarded, including an identification of the purpose of all funds awarded.

(21) Beginning on April 2, 2019, the local agency wetland mitigation bank advisory board created in subsection (3) is dissolved.

History: Add. 2016, Act 246, Eff. Sept. 22, 2016;—Am. 2018, Act 471, Eff. Mar. 27, 2019;—Am. 2020, Act 152, Imd. Eff. Sept. 17, 2020.

Popular name: McNitt Act

Popular name: Michigan Transportation Fund Act