

# HOUSE BILL No. 4638

May 11, 2011, Introduced by Rep. McCann and referred to the Committee on Government Operations.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 60101, 60102, 60104, 60105, 60106, 60107, and 60108 (MCL 324.60101, 324.60102, 324.60104, 324.60105, 324.60106, 324.60107, and 324.60108), as added by 1995 PA 57; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 60101. As used in this part: ~~"state~~

2           (A) "GOVERNING INSTITUTION" MEANS THE PUBLIC UNIVERSITY WITHIN  
3 WHICH THE MICHIGAN GEOLOGICAL SURVEY IS ESTABLISHED UNDER SECTION  
4 60102.

5           (B) "STATE geologist" means the chief of the ~~geological survey~~  
6 ~~division~~ OFFICE OF OIL, GAS, AND MINING, OR A SUCCESSOR OFFICE, of

1 the department OF ENVIRONMENTAL QUALITY.

2 (C) "STATE UNIVERSITY" MEANS A STATE UNIVERSITY DESCRIBED IN  
3 SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE STATE CONSTITUTION OF  
4 1963.

5 Sec. 60102. (1) ~~The department shall control and supervise the~~  
6 ~~continuance and completion of the geological survey of the state~~  
7 ~~and for that purpose may from time to time appoint or employ a~~  
8 ~~state geologist and a person or persons to assist in making the~~  
9 ~~geological survey as the department considers necessary. The~~  
10 ~~department shall determine the length of time and the location~~  
11 ~~where these persons shall be employed. SUBJECT TO SUBSECTION (2),~~  
12 THE MICHIGAN GEOLOGICAL SURVEY IS ESTABLISHED WITHIN WESTERN  
13 MICHIGAN UNIVERSITY AND SHALL CONTINUE AS AN ENTITY WITHIN A  
14 GOVERNING INSTITUTION. THE GOVERNING INSTITUTION SHALL DO BOTH OF  
15 THE FOLLOWING:

16 (A) OVERSEE THE OPERATIONS OF THE MICHIGAN GEOLOGICAL SURVEY,  
17 INCLUDING BUDGETING AND PROCUREMENT.

18 (B) APPOINT A DIRECTOR TO SUPERVISE AND CARRY OUT THE DUTIES  
19 OF THE MICHIGAN GEOLOGICAL SURVEY.

20 (2) IF WESTERN MICHIGAN UNIVERSITY, OR A SUCCESSOR GOVERNING  
21 INSTITUTION UNDER THIS SUBSECTION, CEASES TO HAVE AN ACADEMIC  
22 PROGRAM THAT IS PRIMARILY ENGAGED IN THE STUDY OF GEOLOGY OR  
23 GEOSCIENCES OR SUBSTANTIALLY FAILS TO FULFILL THE DUTIES OF THE  
24 MICHIGAN GEOLOGICAL SURVEY UNDER THIS PART IN AN ADEQUATE MANNER,  
25 OR IF THE GOVERNING INSTITUTION NOTIFIES THE STATE GEOLOGIST THAT  
26 IT DOES NOT DESIRE THE MICHIGAN GEOLOGICAL SURVEY TO REMAIN AS AN  
27 ENTITY WITHIN THAT STATE UNIVERSITY, THE DEPARTMENT OF

1 ENVIRONMENTAL QUALITY, AFTER CONSIDERING RECOMMENDATIONS OF THE  
2 STATE GEOLOGIST, SHALL PROMULGATE A RULE, PURSUANT TO THE  
3 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO  
4 24.328, TO TRANSFER THE MICHIGAN GEOLOGICAL SURVEY TO AND ESTABLISH  
5 IT WITHIN ANOTHER STATE UNIVERSITY THAT HAS AN ACADEMIC PROGRAM  
6 THAT IS PRIMARILY ENGAGED IN THE STUDY OF GEOLOGY OR GEOSCIENCES.

7 (3) THE MICHIGAN GEOLOGICAL SURVEY MAY ENTER INTO AN AGREEMENT  
8 WITH ANY STATE UNIVERSITY OTHER THAN THE GOVERNING INSTITUTION TO  
9 PERFORM THE DUTIES DESCRIBED IN SECTIONS 60104 TO 60106. SUBJECT TO  
10 THE TERMS OF THE AGREEMENT, THE STATE UNIVERSITY ENTERING INTO THE  
11 AGREEMENT WITH THE MICHIGAN GEOLOGICAL SURVEY, OR A DEPARTMENT OR  
12 OFFICE OF THAT STATE UNIVERSITY, MAY DIRECTLY RECEIVE MONEY OR  
13 OTHER ASSETS TO IMPLEMENT THE AGREEMENT IN THE SAME MANNER AS THE  
14 MICHIGAN GEOLOGICAL SURVEY UNDER SECTION 60108.

15 Sec. 60104. The ~~department shall make or cause to be made~~  
16 **MICHIGAN GEOLOGICAL SURVEY SHALL CONTINUE TO MAKE** a thorough  
17 geological and ~~mineralogical~~ survey of the ~~THIS~~ state, which shall  
18 **MAY** include a determination of the succession and arrangement,  
19 thickness, and position of all strata and rocks; their mineral  
20 character and contents and their economical uses; an investigation  
21 of soils and subsoils and the determination of their character and  
22 agricultural adaptation; and the investigation of all deposits of  
23 brines, coal, marl, clay, gypsum, lime, petroleum, metals and  
24 metallic ores, building stone, marble, gritstone, materials for  
25 mortar and cement, mineral paint, and all other **GEOLOGICAL**  
26 productions ~~of the geological world within the limits of~~ **OR**  
27 **FEATURES IN** this state capable of being converted to the uses of

1 humans.

2       Sec. 60105. The ~~department shall cause ample materials to be~~  
3 ~~collected~~ **MICHIGAN GEOLOGICAL SURVEY SHALL PROVIDE FOR THE**  
4 **COLLECTION AND CONSERVATION OF CORES, SAMPLES, AND SPECIMENS** for  
5 the illustration of every division of the geology and mineralogy of  
6 the ~~THIS~~ state. and shall label, arrange, and prepare the materials  
7 for exhibition in suitable cases in the museums of the public  
8 colleges and universities of the state and in a room in connection  
9 with the state library.

10       Sec. 60106. The ~~department~~ **MICHIGAN GEOLOGICAL SURVEY** shall  
11 prepare an annual report of **PROGRESS AND OTHER REPORTS, DOCUMENTS,**  
12 **AND MAPS AS NECESSARY TO FULFILL ITS RESPONSIBILITIES.** ~~the progress~~  
13 ~~of the geological survey and, as often as possible, a condensed~~  
14 ~~statement of important and interesting facts for general~~  
15 ~~circulation. Upon completion of the geological survey, the~~  
16 ~~department shall prepare a complete memoir of the geology of the~~  
17 ~~state, including an account of all its mineral and agricultural~~  
18 ~~resources as is usual in works of that character, a delineation of~~  
19 ~~its geology on the map of the state, and other diagrams and~~  
20 ~~illustrations as necessary to set forth in a creditable,~~  
21 ~~intelligible, and, as far as possible, popular manner the nature,~~  
22 ~~location, and extent of the geological and agricultural resources~~  
23 ~~of the state. However, this report shall not contain to any~~  
24 ~~considerable extent compilations of and extracts from books~~  
25 ~~previously published.~~

26       Sec. 60107. All notes, memoranda, compilations, collections,  
27 specimens, diagrams, and illustrations that ~~may be~~ **ARE** made in the

1 ~~progress of the OPERATION OF THE MICHIGAN geological survey by the~~  
 2 ~~person or persons engaged in conducting the geological survey are~~  
 3 ~~the property of the THIS state and shall be under the control of~~  
 4 ~~the department GOVERNING INSTITUTION.~~

5       Sec. 60108. ~~To implement this part, the sum of \$8,000.00 for~~  
 6 ~~each year until the completion of the geological survey is hereby~~  
 7 ~~appropriated to be drawn from the state treasury as needed. All~~  
 8 ~~expenses of the department in implementing this part authorized by~~  
 9 ~~law shall first be certified to be correct by the department, and~~  
 10 ~~shall be paid out of the state treasury upon the warrant of the~~  
 11 ~~state treasurer from the fund appropriated for that purpose.~~  
 12 ~~However, this appropriation shall not be used for printing reports.~~

13 **THE MICHIGAN GEOLOGICAL SURVEY MAY RECEIVE MONEY OR OTHER ASSETS TO**  
 14 **IMPLEMENT THIS PART FROM ANY OF THE FOLLOWING:**

- 15       **(A) FUNDS APPROPRIATED BY THE LEGISLATURE.**  
 16       **(B) FEDERAL, STATE, MUNICIPAL, OR PRIVATE GRANTS.**  
 17       **(C) ANY OTHER SOURCE APPROVED BY THE GOVERNING INSTITUTION.**

18       Enacting section 1. All of the following are repealed:

- 19       (a) Section 50 of 1846 RS 60, MCL 322.350.  
 20       (b) Section 60103 of the natural resources and environmental  
 21 protection act, 1994 PA 451, MCL 324.60103.