

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

\*\*\*\*\* 247.661h.added THIS ADDED SECTION IS EFFECTIVE SEPTEMBER 22, 2016 \*\*\*\*\*

**247.661h.added Local agency wetland mitigation bank fund; advisory board.**

Sec. 11h. (1) The local agency wetland mitigation bank 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 bank fund and the interest accruing to that fund shall be expended for the local agency wetland mitigation bank program. The balance of the fund shall not exceed \$5,000,000.00 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 bank 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 environmental quality.

(4) The members first appointed to the board shall be appointed no later than October 1, 2015.

(5) Members of the board shall serve for terms of 2 years or until a successor is appointed, whichever is later, except that of the members first appointed 2 of the members appointed by the County Road Association of Michigan and 2 of the members appointed by the Michigan Municipal League shall serve for 1 year.

(6) 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.

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

(8) The first meeting of the board shall be called by the member appointed by the department under subsection (3)(h). 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.

(9) 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.

(10) 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 who shall maintain and report the activities of the local agency wetland mitigation bank fund to the board, work with local road agencies, engineers, and environmental consultants to implement this section and promote efficiency and economy in the operations of the local agency wetland mitigation bank program, exercise general oversight of construction to ensure that environmental laws and regulations, plans, and specifications are followed, and perform other duties as directed by the board.

(11) The business that the board may perform shall 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.

(12) 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.

(13) The 2 nonvoting members of the board, the department, and the department of environmental quality shall provide qualified administrative staff and qualified technical assistance to the board as necessary.

(14) The local agency wetland mitigation bank program shall provide grants to local road agencies for 1 or more of the following:

- (a) Complete engineering and design for a wetland mitigation bank.
- (b) Purchase of land for a wetland mitigation bank.
- (c) Construction of a wetland mitigation bank.
- (d) Monitoring and maintenance necessary to ensure that the performance standards are or will be met.
- (e) Funding for a wetland mitigation bank established before the effective date of the amendatory act that added this section.

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

(16) The board may approve the use of grant funds for other activities needed to establish a wetland mitigation bank upon a demonstrated need by a local road agency.

(17) An application for a grant from the local agency wetland mitigation bank program shall be made on a form approved by the board and shall contain the information required by the board. A grant application may be made at any time.

(18) The board shall establish a review process for considering grant applications under this section. No later than 90 days after receiving a grant application under this section, the board shall notify the applicant in writing whether the grant is approved or rejected. If the board fails to notify an applicant in writing whether a grant is approved or rejected within 90 days after receiving the grant application, the grant shall be considered approved. Prior to releasing grant funds, the board shall enter into a grant agreement with the grant recipient.

(19) For each year in which the board receives grant 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 bank fund. The report shall include, at a minimum, all of the following:

- (a) The number of grant applications received under this section.
- (b) The name of each local road agency applying for a grant, and whether each application was approved or denied.
- (c) The amount of local match for each grant awarded.
- (d) The individual and annual cumulative amount of grant funds awarded, including an identification of the purpose of each grant awarded.

**History:** Add. 2016, Act 246, Eff. Sept. 22, 2016.

**Popular name:** McNitt Act

**Popular name:** Michigan Transportation Fund Act