

HOUSE BILL No. 4921

July 2, 2003, Introduced by Reps. Rivet, Palsrok, Tabor and Stahl and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 502, 1905, 43524, 43525, 43553, and 43554, the part heading to part 439, and sections 43901, 43905, 43906, and 44101 (MCL 324.502, 324.1905, 324.43524, 324.43525, 324.43553, 324.43554, 324.43901, 324.43905, 324.43906, and 324.44101), section 502 as amended by 2002 PA 148, section 1905 as added by 1995 PA 60, section 43524 as amended by 2002 PA 81, sections 43525 and 43553 as amended by 1996 PA 585, sections 43554, 43901, 43906, and 44101 as added by 1995 PA 57, and section 43905 as amended by 2000 PA 69, and by adding part 20; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 502. (1) The commission may promulgate rules, not
2 inconsistent with law, governing its organization and procedure.

1 (2) The department may do 1 or more of the following:

2 (a) Promulgate and enforce reasonable rules concerning the
3 use and occupancy of lands and property under its control in
4 accordance with section 504.

5 (b) Provide and develop facilities for outdoor recreation.

6 (c) Conduct investigations it considers necessary for the
7 proper administration of this part.

8 (d) Remove and dispose of forest products as required for the
9 protection, reforestation, and proper development and
10 conservation of the lands and property under the control of the
11 department.

12 (e) Require the payment of a fee as provided by law for a
13 daily permit or other authorization that allows the person to
14 hunt and take waterfowl on a public hunting area managed and
15 developed for waterfowl.

16 (3) Except as provided in subsection (4), the department may
17 enter into contracts for the taking of coal, oil, gas, and other
18 mineral products from state owned lands, upon a royalty basis or
19 upon another basis, and upon the terms the department considers
20 just and equitable subject to section 502a. This contract power
21 includes authorization to enter into contracts for the storage of
22 gas or other mineral products in or upon state owned lands, if
23 the consent of the state agency having jurisdiction and control
24 of the state owned land is first obtained. A contract permitted
25 under this section for the taking of coal, oil, gas, or metallic
26 mineral products, or for the storage of gas or other mineral
27 products, is not valid unless the contract is approved by the

1 state administrative board. Money received from a contract for
2 the storage of gas or other mineral products in or upon state
3 lands shall be transmitted to the state treasurer for deposit in
4 the general fund of the state to be used for the purpose of
5 defraying the expenses incurred in the administration of this act
6 and other purposes provided by law. Other money received from a
7 contract permitted under this subsection, except money received
8 from lands acquired with money from the game and fish protection
9 fund created in section 43553, shall be transmitted to the state
10 treasurer for deposit in the Michigan natural resources trust
11 fund created in section 35 of article IX of the state
12 constitution of 1963 and provided for in part 19. However, the
13 money received from the payment of service charges by a person
14 using areas managed for waterfowl shall be credited to the game
15 and fish protection fund and used only for the purposes provided
16 by law. Money received from bonuses, rentals, delayed rentals,
17 royalties, and the direct sale of resources, including forest
18 resources, from lands acquired with money from the game and fish
19 protection fund shall be credited to the ~~game and fish~~
20 ~~protection trust fund created in section 43702, except as~~
21 ~~otherwise provided by law~~ **Michigan habitat trust fund created in**
22 **section 40 of article IX of the state constitution of 1963 and**
23 **provided for in part 20.**

24 (4) The department shall not enter into a contract that
25 allows drilling operations beneath the lake bottomlands of the
26 Great Lakes, the connected bays or harbors of the Great Lakes, or
27 the connecting waterways as defined in section 32301, for the

1 exploration or production of oil or gas.

2 (5) This section does not permit a contract for the taking of
3 gravel, sand, coal, oil, gas, or other metallic mineral products
4 that does not comply with applicable local ordinances and state
5 law.

6 Sec. 1905. (1) The Michigan natural resources trust fund
7 board is established within the department. The board shall have
8 the powers and duties of an agency transferred under a type I
9 transfer pursuant to section 3 of the executive organization act
10 of 1965, ~~Act No. 380 of the Public Acts of 1965, being~~
11 ~~section 16.103 of the Michigan Compiled Laws~~ **1965 PA 380, MCL**
12 **16.103.** The board shall be administered under the supervision
13 department and the department shall offer its cooperation and aid
14 to the board and shall provide suitable offices and equipment for
15 the board.

16 (2) The board shall consist of ~~5~~ **7** members. The members
17 shall include ~~the~~ **all of the following:**

18 (a) ~~The~~ **The** director or a member of the commission ~~as~~
19 ~~determined~~ **appointed** by the commission. ~~—, and 4~~

20 (b) **A member of the commission of agriculture appointed by**
21 **the commission of agriculture.**

22 (c) **A member of the board of a major conservation**
23 **organization in this state who is a resident of this state,**
24 **recommended by a majority vote of that board and appointed by the**
25 **governor. The conservation organization shall be selected by the**
26 **governor.**

27 (d) **Four** residents of the state ~~to be~~ appointed by the

1 section 1901.

2 (d) "Trust fund" means the Michigan habitat trust fund
3 established in section 40 of article IX of the state constitution
4 of 1963.

5 Sec. 2002. (1) Pursuant to section 40 of article IX of the
6 state constitution of 1963, the Michigan habitat trust fund is
7 established in the state treasury.

8 (2) The trust fund shall consist of all of the following:

9 (a) Money transferred under section 2007.

10 (b) All bonuses, rentals, delayed rentals, and royalties
11 collected or reserved by the state under provisions of leases for
12 the extraction of nonrenewable resources and from timber sales
13 from state owned lands acquired with money from federal game and
14 fish protection funds or the game and fish protection fund
15 created in part 435.

16 (c) All bonuses, rentals, delayed rentals, and royalties
17 collected or reserved by the state under provisions of leases for
18 the extraction of nonrenewable resources and from timber sales
19 from state owned lands acquired with bonuses, rentals, delayed
20 rentals, and royalties described in subdivision (b).

21 (d) All settlements and civil judgments received by the state
22 for natural resource damage claims.

23 (e) Fees or portions of fees as provided for in sections
24 43524, 43525, and 43554.

25 (f) Donations transferred under section 811/ of the Michigan
26 vehicle code, 1949 PA 300, MCL 257.811/.

27 (g) Money or assets from any other source appropriated,

1 transferred, directed, or contributed to the fund.

2 (3) The state treasurer shall establish 4 separate
3 subaccounts in the fund as follows:

4 (a) A wild turkey subaccount for revenue under section 43524
5 transferred to the fund under section 2007 or subsequently
6 received by the fund. Money in the wild turkey subaccount shall
7 be expended only for the purposes provided in section 2003(1)(a)
8 or (b) as they relate to wild turkey habitat.

9 (b) A waterfowl subaccount for revenue under section 43525
10 transferred to the fund under section 2007 or subsequently
11 received by the fund. Money in the waterfowl subaccount shall be
12 expended only for the purposes provided in section 2003(1)(a) or
13 (b) as they relate to waterfowl habitat.

14 (c) A deer subaccount for revenue under section 43554
15 transferred to the fund under section 2007 or subsequently
16 received by the fund. Money in the deer subaccount shall be
17 expended only for the purposes provided in section 2003(1)(a) or
18 (b) as they relate to deer habitat.

19 (d) A nongame fish and wildlife subaccount for revenue under
20 section 811/ of the Michigan vehicle code, 1949 PA 300, MCL
21 257.811/, transferred to the fund under section 2007 or
22 subsequently received by the fund. Money in the nongame fish and
23 wildlife subaccount shall be expended only for the purposes
24 provided in section 2003(1)(a) or (b) as they relate to nongame
25 fish and wildlife.

26 (4) The trust fund or subaccounts of the trust fund may
27 receive appropriations, money, or other things of value.

1 (5) The state treasurer shall direct the investment of the
2 trust fund. The state treasurer shall have the same authority to
3 invest the assets of the trust fund as is granted to an
4 investment fiduciary under the public employee retirement system
5 investment act, 1965 PA 314, MCL 38.1132 to 38.1140/.

6 (6) The department shall annually prepare a report containing
7 an accounting of revenues and expenditures from the trust fund.
8 This report shall identify the interest and earnings of the trust
9 fund from the previous year, the investment performance of the
10 trust fund during the previous year, and the total amount of
11 appropriations from the trust fund during the previous year.
12 This report shall be provided to the senate and house of
13 representatives appropriations committees and the standing
14 committees of the senate and house of representatives with
15 jurisdiction over issues pertaining to natural resources and the
16 environment.

17 Sec. 2003. (1) Any increase in the assets of the fund
18 during a state fiscal year, whether from interest and earnings
19 accruing to the fund or other revenues received by the fund,
20 except revenues transferred to the fund under section 2007, to
21 the extent the increase in assets exceeds any increase in the
22 general price level for that state fiscal year, may be expended
23 in subsequent state fiscal years. The money shall be expended
24 only for the following purposes:

25 (a) For the acquisition of land or rights in land for the
26 protection of fish or wildlife habitat.

27 (b) For activities or improvements to enhance fish or

1 wildlife habitat.

2 (c) The administration of the fund.

3 (d) Payments in lieu of taxes on state owned land purchased
4 through the trust fund.

5 (2) Regardless of the increase in the general price level in
6 a fiscal year, all of the interest and earnings in that fiscal
7 year of the subaccounts established under subsection (3) may be
8 expended in subsequent fiscal years for any of the purposes of
9 the fund. However, expenditures under this subsection shall not
10 cause total fund expenditures to exceed the limits set forth in
11 subsection (1).

12 (3) An expenditure from the trust fund may be made in the
13 form of a grant to a local unit of government, subject to the
14 following conditions, as applicable:

15 (a) The grant is used for the purposes described in
16 subsection (1)(a) or (b).

17 (b) The grant is matched by the local unit of government,
18 with at least 25% of the total cost of the project.

19 (4) Not more than 50% of the total amounts made available for
20 expenditure from the trust fund from any state fiscal year shall
21 be expended for acquisition of land or rights in land for the
22 protection of fish or wildlife habitat, and not less than 50% of
23 the total amounts made available for expenditure from the trust
24 fund from any state fiscal year shall be expended for activities
25 or improvements to enhance fish or wildlife habitat.

26 (5) If property that was acquired with money from the trust
27 fund is subsequently sold or transferred by the state to a

1 nongovernmental entity, the state shall forward to the state
2 treasurer for deposit into the trust fund an amount of money
3 equal to the following:

4 (a) If the property was acquired solely with trust fund
5 money, the greatest of the following:

6 (i) The net proceeds of the sale.

7 (ii) The fair market value of the property at the time of the
8 sale or transfer.

9 (iii) The amount of money that was expended from the trust
10 fund to acquire the property.

11 (b) If the property was acquired with a combination of trust
12 fund money and other restricted funding sources governed by
13 federal or state law, an amount equal to the percentage of the
14 funds contributed by the trust fund for the acquisition of the
15 property multiplied by the greatest of subdivision (a)(i), (ii),
16 or (iii).

17 Sec. 2004. (1) The board shall determine which lands or
18 rights in land within the state should be acquired and which
19 activities or improvements should be undertaken with money from
20 the trust fund and shall submit to the legislature in March of
21 each year a list of those lands and rights in land and those
22 activities and improvements, compiled in order of priority.

23 (2) The list shall be accompanied by estimates of total costs
24 for the proposed acquisitions and activities or improvements.

25 (3) The board shall supply with each list a statement of the
26 guidelines used in listing and assigning the priority of these
27 proposed acquisitions and activities or improvements.

1 (4) The legislature shall approve by law the lands and rights
2 in land to be acquired and the activities or improvements to be
3 undertaken each year with money from the trust fund.

4 Sec. 2005. If, within 2 years after approval by the
5 legislature, land has not been acquired or activities have not
6 been conducted or improvements made in the manner determined by
7 the board, the board shall report to the standing committees of
8 the senate and the house of representatives with jurisdiction
9 over issues related to natural resources and the environment on
10 the status of the project and the reason why the land has not
11 been acquired or the activities have not been conducted or
12 improvements made in the manner determined by the board.

13 Sec. 2006. (1) Beginning on the effective date of the
14 amendatory act that added this section, the department shall
15 administer to completion any project pending under former section
16 43903.

17 (2) Appropriations made pursuant to former part 437 or former
18 section 43903 shall remain valid. Appropriations made pursuant
19 to former section 43903 may be expended until the projects
20 approved through the appropriations are complete. Any funds
21 appropriated pursuant to former section 43903 but unexpended
22 after completion of the projects funded under former section
23 43903 shall be deposited in the trust fund and may be
24 appropriated as Michigan habitat trust funds.

25 (3) Funds available for appropriation under former section
26 43903 as of the effective date of the amendatory act that added
27 this section, but not appropriated as of that date, may be

1 appropriated by the legislature under the terms and conditions of
2 former section 43903. Any funds appropriated as provided in this
3 subsection but unexpended after completion of the projects for
4 which the money was appropriated shall be deposited in the trust
5 fund and may be appropriated as Michigan habitat trust funds.

6 (4) The interest and earnings on money appropriated pursuant
7 to former section 43903 but not expended shall be deposited in
8 the trust fund.

9 Sec. 2007. On the effective date of the amendatory act that
10 added this section, the state treasurer shall transfer all of the
11 following to the trust fund:

12 (a) Any money in the game and fish protection trust fund
13 created under former section 43702.

14 (b) Any money in the nongame fish and wildlife trust fund
15 created under former section 43902.

16 (c) Any money in the game and fish lifetime license trust
17 fund created under former section 44104.

18 (d) Any money in the Michigan civilian conservation corps
19 endowment fund created under former section 12a of the Michigan
20 civilian conservation corps act, 1984 PA 22.

21 Sec. 43524. (1) A person shall not hunt wild turkey without
22 a wild turkey hunting license. ~~The~~ **Subject to section 43522a,**
23 **the** fee for a resident wild turkey hunting license is \$15.00.
24 ~~The~~ **Subject to section 43522a, the** fee for a nonresident wild
25 turkey hunting license is \$69.00. Subject to the requirements of
26 section 40113a, the commission may issue an order requiring that
27 all applications for wild turkey hunting licenses, or

1 applications for wild turkey hunting licenses for certain
2 geographic areas, be entered into a lottery designed and run by
3 the department. A person selected in a lottery, upon meeting the
4 requirements of this part, is authorized to purchase a wild
5 turkey hunting license. The license shall be issued for a
6 specified hunting period and shall confer upon the holder of the
7 license the right to hunt wild turkeys.

8 (2) The department may charge a nonrefundable application fee
9 not to exceed \$4.00 for each application for a wild turkey
10 hunting license that is entered into a lottery pursuant to
11 subsection (1).

12 (3) From fees collected under subsection (1) or (2), the
13 following amounts shall be ~~used for scientific research,~~
14 ~~biological survey work on wild turkeys, and wild turkey~~
15 ~~management in this state~~ **deposited in the wild turkey subaccount**
16 **of the Michigan habitat trust fund created in section 40 of**
17 **article IX of the state constitution of 1963 and provided for in**
18 **part 20:**

- 19 (a) Resident wild turkey hunting license..... \$ 9.50
- 20 (b) Nonresident wild turkey hunting license..... \$50.00
- 21 (c) Senior wild turkey hunting license..... \$ 1.00
- 22 (d) Wild turkey hunting application..... amount of
- 23 application fee,

1 if any, but not
2 more than
3 \$ 3.00.

4 Sec. 43525. (1) A person 16 years of age or older shall not
5 hunt waterfowl without a current waterfowl hunting license issued
6 by this state. The annual license is in addition to the
7 requirements for a small game license and federal migratory bird
8 hunting stamp. The fee for the waterfowl hunting license is
9 \$5.00.

10 (2) If issued as a stamp, a waterfowl hunting license shall
11 be affixed to the small game license of the person and signed
12 across the face of the stamp by the person to whom it is issued.

13 (3) A collector may purchase a waterfowl hunting license, if
14 it is issued as a stamp, without being required to place it on a
15 small game license, sign across its face, or provide proof of
16 competency under section 43520(4). However, a license described
17 in this subsection is not valid for hunting waterfowl.

18 (4) A person shall not hunt waterfowl or deer if deer hunting
19 is regulated by permit in an area designated by the department as
20 a managed waterfowl area without an annual or daily managed
21 waterfowl area permit and any other license or permit required by
22 this part. The fee for a daily managed waterfowl area permit is
23 \$4.00. The fee for an annual managed waterfowl area permit is
24 \$13.00.

25 (5) Following a lottery among applicants for hunting
26 privileges in managed waterfowl areas, only those successful
27 applicants who accept the hunting privileges are required to

1 purchase a daily or annual managed waterfowl area permit.

2 (6) From the fees collected for a waterfowl hunting license,
 3 \$3.50 from each license sold shall be ~~used to acquire wetlands~~
 4 ~~and other lands to be managed for the benefit of waterfowl~~
 5 **deposited in the waterfowl subaccount of the Michigan habitat**
 6 **trust fund created in section 40 of article IX of the state**
 7 **constitution of 1963 and provided for in part 20.**

8 (7) The following amounts from the fees collected for each
 9 annual or daily managed waterfowl area permit sold shall be ~~used~~
 10 ~~to operate, maintain, and develop managed waterfowl areas in this~~
 11 ~~state~~ **deposited in the deer subaccount of the Michigan habitat**
 12 **trust fund created in section 40 of article IX of the state**
 13 **constitution of 1963 and provided for in part 20:**

14	(a) Daily managed waterfowl area permit.....	\$ 3.00.
15	(b) Annual managed waterfowl area permit....	\$10.00.

16 (8) The department shall charge a nonrefundable application
 17 fee not to exceed \$4.00 for each person who applies for a permit
 18 to hunt in a managed waterfowl area.

19 Sec. 43553. (1) Except as provided in ~~sections~~ **section**
 20 **43555, and 43556,** the department shall transmit all money
 21 received from the sale of licenses to the state treasurer,
 22 together with a statement indicating the amount of money received
 23 and the source of the money.

24 (2) The game and fish protection fund is created as a
 25 separate fund in the ~~department of~~ **state** treasury. Except as
 26 provided in subsection (5), the state treasurer shall credit the
 27 money received from the sale of passbooks and licenses to the

1 game and fish protection fund.

2 (3) Except as provided in ~~sections 43524, 43525, 43531,~~
3 ~~43554, and 43556 and~~ subsection (4), money credited to the game
4 and fish protection fund shall be paid out by the state treasurer
5 pursuant to the accounting laws of this state for the following
6 purposes:

7 (a) Services rendered by the department, together with the
8 expenses incurred in the enforcement and administration of the
9 game, fish, and fur laws of the state, including the necessary
10 equipment and apparatus incident to the operation and enforcement
11 of the game, fish, and fur laws, and the protection, propagation,
12 distribution, and control of game, fish, birds, fur-bearing
13 animals, and other wildlife. ~~forms.~~

14 (b) The propagation and liberation of game, fur-bearing
15 animals, birds, or fish and for their increase at the time,
16 place, and manner as the department considers advisable.

17 (c) The purchase, lease, and management of lands ~~—, together~~
18 ~~with the necessary~~ **and** equipment for the purpose of propagating
19 and rearing game, fur-bearing animals, birds, or fish, and for
20 establishing and maintaining game refuges, wildlife sanctuaries,
21 and public shooting and fishing grounds.

22 (d) Conducting investigations and compiling and publishing
23 information relative to the propagation, protection, and
24 conservation of wildlife.

25 (e) Delivering lectures, developing cooperation, and carrying
26 on appropriate educational activities relating to the
27 conservation of the wildlife of this state.

1 (4) The department may make direct grants to colleges and
2 universities in this state, out of funds appropriated from the
3 game and fish protection fund, to conduct fish or wildlife
4 research or both fish and wildlife research.

5 (5) The youth hunting and fishing education and outreach fund
6 is created as a separate fund in the department of treasury. The
7 state treasurer shall credit to the youth hunting and fishing
8 education and outreach fund the money received from the sale of
9 small game licenses and all-species fishing licenses under
10 sections 43523 and 43532, respectively, to ~~persons who are 12~~
11 ~~years of age through 16 years of age~~ **minor children**. Money in
12 the youth hunting and fishing education and outreach fund at the
13 close of the fiscal year shall remain in the fund and shall not
14 lapse to the general fund.

15 (6) Money credited to the youth hunting and fishing education
16 and outreach fund shall be paid out by the state treasurer
17 pursuant to the accounting laws of this state for hunting and
18 fishing education and outreach programs for ~~youth through 16~~
19 ~~years of age~~ **minor children**.

20 (7) The department and any other executive department of the
21 state that receives money from the game and fish protection fund
22 or the youth hunting and fishing education and outreach fund
23 shall submit an annual report to the legislature showing the
24 amount of money received by the department or other executive
25 department from the game and fish protection fund or the youth
26 hunting and fishing education and outreach fund and how that
27 money was spent. An executive department required to submit a

1 report as provided in this subsection shall send a copy of the
2 report to the legislature and to the department.

3 Sec. 43554. One dollar and fifty cents of the license fee
4 for each firearm deer, bow and arrow deer, and resident
5 sportsperson's license shall be ~~used for improving and~~
6 ~~maintaining a habitat for deer and for the acquisition of lands~~
7 ~~for an effective program of deer habitat management~~ **deposited in**
8 **the Michigan habitat trust fund created in section 40 of article**
9 **IX of the state constitution of 1963 and provided for in part**
10 **20.**

11 PART 439 NONGAME FISH AND WILDLIFE ~~TRUST FUND~~

12 Sec. 43901. As used in this part, ~~:(a)~~ "Nongame
13 **"nongame** fish and wildlife" means fish or wild animals that are
14 unconfined and not ordinarily taken for sport, fur, or food, and
15 the habitat that supports them. However, nongame fish and
16 wildlife includes fish and wild animals designated as game
17 species when located in an area of this state where the taking of
18 that species of fish or wild animal is prohibited.

19 ~~(b) "Trust fund" means the nongame fish and wildlife trust~~
20 ~~fund created in section 43902.~~

21 Sec. 43905. The department shall do all of the following:

22 (a) Develop long-range nongame wildlife plans.

23 (b) Provide information to the public about the value of
24 nongame fish and wildlife and their habitats.

25 (c) Review and develop proposals for projects to implement
26 the long-range management plan.

27 (d) Determine the interests and opinions of the public in

1 managing nongame fish and wildlife.

2 (e) Encourage public involvement by offering projects and
3 activities with which the public can become involved to increase
4 their knowledge and understanding of nongame fish and wildlife
5 resources in this state.

6 (f) **Develop and implement a public information program to**
7 **present the values and benefits of nongame fish and wildlife and**
8 **their habitats to our society, including the means by which**
9 **citizens can observe and enjoy nongame fish and wildlife.**

10 (g) ~~(f)~~ Integrate the nongame fish and wildlife program
11 with other department programs that affect or benefit nongame
12 fish and wildlife or their habitats.

13 (h) ~~(g)~~ Purchase and develop critical nongame wildlife
14 habitats in this state.

15 Sec. 43906. ~~The department shall determine which projects~~
16 ~~should be funded with money from the trust fund.~~ The department
17 shall solicit and approve proposals from individuals, groups, and
18 institutions for the management of nongame fish and wildlife
19 species. In order for a proposal to be approved, the proposal
20 must comply with the long-range plan ~~once completed~~ and must
21 further the management of nongame fish and wildlife species
22 identified in the plan.

23 Sec. 44101. As used in this part, ~~:(a) "Resident"~~
24 **"resident"** means either of the following:

25 (a) ~~(i)~~ A person who resides in a settled or permanent home
26 or domicile within the boundaries of this state with the
27 intention of remaining in this state.

1 **(b)** ~~-(ii)-~~ A student who is enrolled in a full-time course of
2 study at a college or university within this state.

3 ~~(b) "Trust fund" means the game and fish lifetime license~~
4 ~~trust fund created in section 44104.~~

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

6 (a) Section 439 of the income tax act of 1967, 1967 PA 281,
7 MCL 206.439.

8 (b) Part 437 of the natural resources and environmental
9 protection act, 1994 PA 451, MCL 324.43701 to 324.43705.

10 (c) Sections 43902, 43903, and 43907 of the natural resources
11 and environmental protection act, 1994 PA 451, MCL 324.43902,
12 324.43903, and 324.43907.

13 (d) Sections 44104 and 44105 of the natural resources and
14 environmental protection act, 1994 PA 451, MCL 324.44104 and
15 324.44105.

16 Enacting section 2. This amendatory act does not take
17 effect unless Senate Joint Resolution _____ or House Joint
18 Resolution J (request no. 03106'03) of the 92nd Legislature
19 becomes a part of the state constitution of 1963 as provided in
20 section 1 of article XII of the state constitution of 1963.