

# HOUSE BILL No. 5225

January 21, 2014, Introduced by Reps. Howrylak, Callton, Zemke and Singh and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled  
 "Natural resources and environmental protection act,"  
 by amending section 501 (MCL 324.501).

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

1           Sec. 501. (1) A department of natural resources ~~for this state~~  
 2 is created. ~~which shall possess~~ **THE DEPARTMENT POSSESSES** the powers  
 3 and **SHALL** perform the duties granted and imposed by this act and as  
 4 otherwise provided by law.

5           (2) The ~~commission of~~ natural resources **COMMISSION** is created.  
 6 ~~as the head of the department of natural resources and may~~  
 7 ~~establish general policies related to natural resources management~~  
 8 ~~and environmental protection for the guidance of the director. In~~  
 9 ~~addition, the commission has appellate authority as provided in~~  
 10 ~~section 1101. The commission shall be~~ **IS** composed of 7 members, not

1 more than 4 of whom shall be members of the same political party,  
2 appointed by the governor by and with the advice and consent of the  
3 senate. A member of the commission shall be selected with special  
4 reference to that person's training and experience related to at  
5 least 1 of the principal lines of activities vested in the  
6 department of natural resources and the ability and fitness of that  
7 person to deal with those activities. **IN ADDITION, A MEMBER OF THE**  
8 **COMMISSION SHALL HAVE GENERAL KNOWLEDGE OF THE HABITS AND**  
9 **DISTRIBUTION OF FISH AND WILDLIFE IN THIS STATE. A MEMBER OF THE**  
10 **COMMISSION SHALL NOT HOLD ANOTHER STATE, COUNTY, OR MUNICIPAL**  
11 **ELECTIVE OR APPOINTIVE OFFICE. IN MAKING APPOINTMENTS TO THE**  
12 **COMMISSION, THE GOVERNOR SHALL SEEK TO MAINTAIN A BALANCE**  
13 **REFLECTING ALL ASPECTS OF FISH AND WILDLIFE MANAGEMENT, INCLUDING**  
14 **REPRESENTATION RECOMMENDED BY ORGANIZED GROUPS REPRESENTING SPORT**  
15 **FISHERS, COMMERCIAL FISHERS, HUNTERS, PRIVATE LANDOWNERS, AND**  
16 **ENVIRONMENTALISTS.**

17 (3) The term of office of each member of the commission shall  
18 ~~be~~ **IS** 4 years. **AN INDIVIDUAL IS NOT ELIGIBLE TO SERVE MORE THAN 2**  
19 **TERMS ON THE COMMISSION. AN INDIVIDUAL WHO SERVES MORE THAN 2 YEARS**  
20 **OF A TERM SHALL BE CONSIDERED TO HAVE SERVED A FULL TERM. AN**  
21 **INDIVIDUAL SERVING IN A THIRD OR SUBSEQUENT TERM ON THE COMMISSION**  
22 **WHEN THE AMENDATORY ACT ADDING THIS 2-TERM LIMITATION TAKES EFFECT**  
23 **MAY CONTINUE TO SERVE FOR THE BALANCE OF HIS OR HER TERM.** The  
24 governor shall fill a vacancy occurring in the membership of the  
25 commission and may remove a member of the commission for cause  
26 after a hearing. Each member of the commission shall hold office  
27 until the appointment and qualification of that member's successor.

1           (4) ~~(3)~~—The commission, within 30 days after having qualified  
2 and annually after that time, shall meet at its office in Lansing  
3 and organize by appointing a secretary, who need not be a member of  
4 the commission. The governor shall appoint a chairperson of the  
5 commission from among its members. ~~who~~ **THE CHAIRPERSON** shall  
6 serve as chairperson at the pleasure of the governor. Four members  
7 of the commission constitute a quorum for the transaction of  
8 business. The business which the commission may perform shall be  
9 conducted at a public meeting of the commission held in compliance  
10 with the open meetings act, ~~Act No. 267 of the Public Acts of 1976,~~  
11 ~~being sections 15.261 to 15.275 of the Michigan Compiled Laws. 1976~~  
12 **PA 267, MCL 15.261 TO 15.275.** Public notice of the time, date, and  
13 place of the meeting shall be given in the manner required by ~~Act~~  
14 ~~No. 267 of the Public Acts of 1976.~~ **THAT ACT.** A meeting may be  
15 called by the chairperson and shall be called on request of a  
16 majority of the members of the commission. ~~A meeting~~ **MEETINGS** may  
17 be held as often as necessary and at other places than the  
18 commissioners' offices at Lansing. The commission shall meet at  
19 least once each month.

20           (5) ~~(4)~~ ~~The commission shall appoint and employ a director who~~  
21 ~~shall continue in office at the pleasure of the commission.~~ **THE**  
22 **COMMISSION SHALL ADVISE THE DIRECTOR OF THE DEPARTMENT OF NATURAL**  
23 **RESOURCES ON MATTERS RELATED TO NATURAL RESOURCES AND CONSERVATION.**  
24 **THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES SHALL BE**  
25 **APPOINTED BY THE GOVERNOR AND SHALL SERVE AT THE PLEASURE OF THE**  
26 **GOVERNOR.** The director shall appoint 1 or more deputy directors and  
27 other assistants and employees as are necessary to implement this

1 part and any other law of this state affecting the powers and  
2 duties of the department of natural resources. A person to whom the  
3 director has lawfully delegated decision making authority in  
4 writing may perform a duty or exercise a power conferred by law  
5 upon the department ~~at the time~~ **WHEN** and to the extent the duty and  
6 power is delegated to that person by the director. When a vacancy  
7 in the office of director occurs, or the director is unable to  
8 perform the director's duties or is absent from the state, the  
9 powers and duties of the director as prescribed by law shall be  
10 imposed on and transferred to a deputy director until the vacancy  
11 is filled or the director's inability or absence from the state  
12 ceases.

13 (6) ~~(5)~~ The compensation of ~~the~~ deputy directors, ~~the~~  
14 assistants, and ~~the~~ employees and the number of assistants and  
15 employees ~~shall be~~ **IS** subject to the approval of the state  
16 administrative board. The members of the commission shall not  
17 receive compensation under this part, but each member and the other  
18 officers and employees of the department of natural resources ~~shall~~  
19 ~~be~~ **ARE** entitled to reasonable expenses while traveling in the  
20 performance of their duties prescribed by this act. The salaries  
21 and expenses authorized under this act shall be paid out of the  
22 state treasury in the same manner as the salaries of other state  
23 officers and employees are paid. The department of **TECHNOLOGY,**  
24 management, and budget shall furnish suitable offices and office  
25 equipment, ~~at~~ **IN** Lansing, for the use of the department of natural  
26 resources.

27 (7) Each member of the commission and the director shall

- 1 qualify by taking and subscribing to the constitutional oath of
- 2 office and by filing it in the office of the secretary of state.