

# HOUSE BILL No. 4737

April 23, 1991, Introduced by Rep. Scott and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 1 of Act No. 17 of the Public Acts of 1921, entitled as amended

"An act to provide for the protection and conservation of the natural resources of the state; to provide and develop facilities for outdoor recreation; to create a conservation department; to define the powers and duties thereof; to provide rules and regulations concerning the use and occupancy of lands and property under its control and penalties for the violation thereof; to provide for the transfer to said department of the powers and duties now vested by law in certain boards, commissions and officers of the state; and for the abolishing of the boards, commissions and offices the powers and duties of which are hereby transferred,"

being section 299.1 of the Michigan Compiled Laws; to add section 1a; and to repeal certain acts and parts of acts.

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

1       Section 1. Section 1 of Act No. 17 of the Public Acts of  
2 1921, being section 299.1 of the Michigan<sup>th</sup> Compiled Laws, is  
3 amended and section 1a is added to read as follows:

1       Sec. 1. (1) A department of natural resources for this  
2 state is created which shall possess the powers and perform the  
3 duties granted and imposed by this act.

4       (2) The general administration of these powers and duties  
5 shall be vested in a commission of natural resources which shall  
6 be composed of ~~7~~ 9 members appointed by the governor, subject  
7 to confirmation by the senate. A member of the commission shall  
8 be selected with special reference to that person's training and  
9 experience related to at least 1 of the principal lines of activ-  
10 ities vested in the department and the ability and fitness of  
11 that person to deal with those activities. ~~Two members~~ MEMBERS  
12 OF THE COMMISSION, TO THE EXTENT POSSIBLE, SHALL REPRESENT  
13 DIVERSE GEOGRAPHIC AREAS OF THE STATE. AT LEAST 1 MEMBER shall  
14 reside in the Upper Peninsula. The term of office of each member  
15 of the commission shall be ~~6~~ 4 years. ~~However, of those first~~  
16 ~~appointed, 3 shall be appointed for 2 years, 2 for 4 years, and 2~~  
17 ~~for 6 years.~~ The governor shall fill a vacancy occurring in the  
18 membership of the commission and may remove a member of the com-  
19 mission for cause after a hearing. Each member of the commission  
20 shall hold office until the appointment and qualification of that  
21 member's successor.

22       (3) A PERSON SHALL NOT SERVE ON THE COMMISSION IF THAT  
23 PERSON RECEIVES OR HAS RECEIVED DURING THE 2 YEARS PRIOR TO HIS  
24 OR HER APPOINTMENT A SIGNIFICANT PORTION OF INCOME DIRECTLY OR  
25 INDIRECTLY FROM THE HOLDER OF, OR AN APPLICANT FOR, A NATIONAL  
26 POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT ISSUED  
27 UNDER THE FEDERAL WATER POLLUTION CONTROL ACT, CHAPTER 758, 86

1 STAT. 816. AS USED IN THIS SUBSECTION, INCOME IS NOT RECEIVED  
2 DIRECTLY OR INDIRECTLY FROM A PERMIT HOLDER OR AN APPLICANT FOR A  
3 PERMIT WHEN IT IS DERIVED FROM MUTUAL FUND PAYMENTS, OR FROM  
4 OTHER DIVERSIFIED INVESTMENTS FOR WHICH THE RECIPIENT DOES NOT  
5 KNOW THE IDENTITY OF THE PRIMARY SOURCES OF INCOME.

6 (4) ~~(3)~~ The commission, within 30 days after having quali-  
7 fied and annually after that time, shall meet at its office in  
8 Lansing and organize by electing a chairperson and by appointing  
9 a secretary, who need not be a member of the commission. ~~Four~~  
10 FIVE members of the commission constitute a quorum for the trans-  
11 action of business. The business which the commission ~~of natu-~~  
12 ~~ral resources~~ may perform shall be conducted at a public meeting  
13 of the commission held in compliance with THE OPEN MEETINGS ACT,  
14 Act No. 267 of the Public Acts of 1976, being sections 15.261 to  
15 15.275 of the Michigan Compiled Laws. Public notice of the time,  
16 date, and place of the meeting shall be given in the manner  
17 required by Act No. 267 of the Public Acts of 1976. A meeting  
18 may be called by the chairperson OF THE COMMISSION and shall be  
19 called on request of a majority of the members of the  
20 commission. A meeting may be held as often as necessary and at  
21 other places than the commissioners' offices at Lansing. ~~Not~~  
22 ~~less than 1 meeting shall be held each month.~~

23 (5) ~~(4)~~ The commission shall appoint and employ a director  
24 of the department ~~of natural resources~~ who shall continue in  
25 office at the pleasure of the commission and who shall receive a  
26 salary ~~not to exceed \$12,000.00 per year~~ IN AN AMOUNT  
27 ESTABLISHED ANNUALLY BY THE LEGISLATURE. The director shall

1 appoint with the approval of the commission ~~a~~ 1 OR MORE deputy  
2 ~~director~~ DIRECTORS and other assistants and employees as are  
3 necessary to implement this act and any other law of this state  
4 affecting the powers and duties of the department. ~~The~~ A  
5 deputy director OR AN EMPLOYEE may perform a duty or exercise a  
6 power conferred by law upon the director at the time and to the  
7 extent the duty and power is delegated to the deputy OR THE  
8 EMPLOYEE by the director. When a vacancy in the office of direc-  
9 tor occurs, or the director is unable to perform the director's  
10 duties or is absent from the state, the powers and duties of the  
11 director as prescribed by law shall be imposed on and transferred  
12 to ~~the~~ A deputy director until the vacancy is filled, or the  
13 director's inability or absence from the state ceases.

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

1 ~~resources~~ shall qualify by taking and subscribing to the  
2 constitutional oath of office, and by filing it in the office of  
3 the secretary of state.

4 SEC. 1A. AS USED IN THIS ACT:

5 (A) "COMMISSION" MEANS THE COMMISSION OF NATURAL RESOURCES.

6 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.

7 (C) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

8 (D) "RULE" MEANS A RULE PROMULGATED PURSUANT TO THE ADMINIS-  
9 TRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF  
10 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED  
11 LAWS.

12 (E) "SIGNIFICANT PORTION OF INCOME" MEANS 10% OR MORE OF  
13 GROSS PERSONAL INCOME FOR A CALENDAR YEAR, EXCEPT THAT IT MEANS  
14 50% OR MORE OF GROSS PERSONAL INCOME FOR A CALENDAR YEAR IF THE  
15 RECIPIENT IS OVER 60 YEARS OF AGE AND IS RECEIVING THAT PORTION  
16 UNDER RETIREMENT, PENSION, OR SIMILAR ARRANGEMENT.

17 Section 2. Section 254 of Act No. 380 of the Public Acts of  
18 1965, being section 16.354 of the Michigan Compiled Laws, is  
19 repealed.

20 Section 3. This amendatory act shall take effect April 15,  
21 1992.

22 Section 4. This amendatory act shall not take effect unless  
23 all of the following bills of the 86th Legislature are enacted  
24 into law:

25 (a) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request  
26 no. 03120'91).

1        (b) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request  
2 no. 03120'91 a).

3        (c) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request  
4 no. 03120'91 b).

5        (d) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request  
6 no. 03120'91 c).

7        (e) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request  
8 no. 03122'91).