

# HOUSE BILL No. 5994

March 24, 2010, Introduced by Reps. Sheltroun, Ball, Mayes, Rick Jones, Haines, Booher, Wayne Schmidt, Walsh, McDowell, Horn, Proos, Bolger, Daley, Huckleberry, Young, LeBlanc, Slezak, Stamas, Opsommer, Pearce, Agema, Angerer, Stanley, Melton, Schuitmaker and Cushingberry and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 301 and 501 (MCL 324.301 and 324.501), section  
301 as amended by 2004 PA 587.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 301. Except as otherwise defined in this act, as used in  
2       this act:

3       (a) "Commission" means the ~~commission of~~ natural resources  
4       **COMMISSION**.

5       (b) "Department" means the director of the department of  
6       natural resources **AND ENVIRONMENT** or his or her designee to whom  
7       the director delegates a power or duty by written instrument.

8       (c) "Department of natural resources **AND ENVIRONMENT**" means  
9       the principal state department created in ~~section 501~~ **EXECUTIVE**

1 REORGANIZATION ORDER NO. 2009-31, MCL 324.99919.

2 (d) "Director" means the director of the department of natural  
3 resources **AND ENVIRONMENT**.

4 (e) "Local unit of government" means a municipality or county.

5 (f) "Michigan conservation and recreation legacy fund" means  
6 the Michigan conservation and recreation legacy fund established in  
7 section 40 of article IX of the state constitution of 1963 and  
8 provided for in section 2002.

9 (g) "Municipality" means a city, village, or township.

10 (h) "Person" means an individual, partnership, corporation,  
11 association, governmental entity, or other legal entity.

12 (i) "Public domain" means all land owned by the state or land  
13 deeded to the state under state law.

14 (j) "Rule" means a rule promulgated pursuant to the  
15 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
16 24.328.

17 Sec. 501. (1) ~~A-**THE** department of natural resources for this~~  
18 ~~state is created which-**AND ENVIRONMENT** shall possess the powers and~~  
19 perform the duties granted and imposed by this act and as otherwise  
20 provided by law.

21 (2) ~~The commission of natural resources is created as the head~~  
22 ~~of the department of natural resources and may establish general~~  
23 ~~policies related to natural resources management and environmental~~  
24 ~~protection for the guidance of-**MAY PROVIDE ADVICE TO** the director~~  
25 **ON MATTERS RELATING TO CONSERVATION POLICY**. In addition, the  
26 commission has **CERTAIN** appellate authority as provided in section  
27 1101.

1           (3) The commission shall be composed of 7 members, not more  
2 than 4 of whom shall be members of the same political party,  
3 appointed by the governor by and with the advice and consent of the  
4 senate. A member of the commission shall be selected with special  
5 reference to that ~~person's~~ **INDIVIDUAL'S** training and experience  
6 ~~related to at least 1 of the principal lines of activities vested~~  
7 ~~in the department of natural resources~~ **IN** and the ability and  
8 fitness ~~of that person to deal with those activities.~~ **MATTERS**  
9 **RELATING TO CONSERVATION POLICY AND THE TAKING OF GAME AND FISH. IN**  
10 **ADDITION, TO QUALIFY FOR APPOINTMENT OR REAPPOINTMENT TO THE**  
11 **COMMISSION, AN INDIVIDUAL MUST HAVE PURCHASED FOR HIS OR HER USE AT**  
12 **LEAST 2 LICENSES TO TAKE GAME OR FISH DURING THE CALENDAR YEAR IN**  
13 **WHICH THE APPOINTMENT, PENDING ADVICE AND CONSENT, IS MADE AND EACH**  
14 **OF THE 4 IMMEDIATELY PRECEDING CALENDAR YEARS. THE DEPARTMENT OF**  
15 **NATURAL RESOURCES AND ENVIRONMENT SHALL PROVIDE VERIFICATION TO THE**  
16 **GOVERNOR, THE SENATE MAJORITY LEADER, AND THE SENATE MINORITY**  
17 **LEADER THAT THIS LICENSURE REQUIREMENT HAS BEEN MET. UPON**  
18 **CONFIRMATION OF THE APPOINTEE, THE DEPARTMENT OF NATURAL RESOURCES**  
19 **AND ENVIRONMENT SHALL POST ON ITS WEBSITE A BIOGRAPHY OF THE**  
20 **COMMISSIONER INCLUDING A LIST OF LICENSES TO TAKE GAME OR FISH**  
21 **PURCHASED BY THE COMMISSIONER DURING THE PERIOD DESCRIBED IN THIS**  
22 **SUBSECTION. NOT LATER THAN DECEMBER 31, 2010, 1 OF THE MEMBERS OF**  
23 **THE COMMISSION SHALL BE AN INDIVIDUAL WHO IS ALSO A MEMBER OF THE**  
24 **COMMISSION OF AGRICULTURE.**

25           (4) The term of office of each member of the commission shall  
26 be 4 years. The governor shall fill a vacancy occurring in the  
27 membership of the commission and may remove a member of the

1 commission for cause after a hearing. Each member of the commission  
2 shall hold office until the appointment and qualification of that  
3 member's successor.

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

23 (6) ~~(4)~~—The ~~commission~~ **GOVERNOR** shall appoint and employ a  
24 director **OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT** who  
25 shall continue in office at the pleasure of the ~~commission~~  
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 **AND ENVIRONMENT**. A  
3 person to whom the director has lawfully delegated decision-making  
4 authority in writing may perform a duty or exercise a power  
5 conferred by law upon the department **OF NATURAL RESOURCES AND**  
6 **ENVIRONMENT** at the time and to the extent the duty and power is  
7 delegated to that person by the director. When a vacancy in the  
8 office of director occurs, or the director is unable to perform the  
9 director's duties or is absent from the state, the powers and  
10 duties of the director as prescribed by law shall be imposed on and  
11 transferred to a deputy director until the vacancy is filled or the  
12 director's inability or absence from the state ceases.

13 (7) ~~(5)~~—The compensation of the deputy directors, the  
14 assistants, and the employees and the number of assistants and  
15 employees shall be 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 **AND**  
19 **ENVIRONMENT** shall be entitled to reasonable expenses while  
20 traveling in the performance of their duties prescribed by this  
21 act. The salaries and expenses authorized under this act shall be  
22 paid out of the state treasury in the same manner as the salaries  
23 of other state officers and employees are paid. The department of  
24 **TECHNOLOGY**, management, and budget shall furnish suitable offices  
25 and office equipment, at Lansing, for the use of the department of  
26 natural resources **AND ENVIRONMENT**. Each member of the commission  
27 and the director shall qualify by taking and subscribing to the

1 constitutional oath of office and by filing it in the office of the  
2 secretary of state.