

HOUSE BILL NO. 5773

May 19, 2020, Introduced by Reps. Hoitenga and Lower and referred to the Committee on Natural Resources and Outdoor Recreation.

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~~**that** shall possess the powers and perform the
3 duties granted and imposed by this act and as otherwise provided by
4 law.

5 (2) The commission of natural resources is created as the head



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1 of the department of natural resources and may establish general
2 policies related to natural resources management and environmental
3 protection for the guidance of the director. In addition, the
4 commission has appellate authority as provided in section 1101. The
5 commission ~~shall~~**must** be composed of 7 members, ~~not~~**as follows:**

6 (a) No more than 4 ~~of whom shall~~**members may** be members of the
7 same political ~~party, appointed by the~~**party.**

8 (b) The governor ~~by and~~**shall appoint a member** with the advice
9 and consent of the senate.

10 (c) A member of the commission ~~shall~~**must** be selected with
11 special reference to that ~~person's~~**individual's** training and
12 experience related to at least 1 of the principal lines of
13 activities vested in the department of natural resources and the
14 ability and fitness of that ~~person~~**individual** to deal with those
15 activities.

16 (d) The term of office of each member of the commission shall
17 be 4 years.

18 (e) The governor shall fill a vacancy occurring in the
19 membership of the commission and may remove a member of the
20 commission for cause after a hearing.

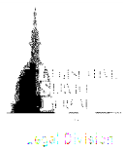
21 (f) Each member of the commission shall hold office until the
22 appointment and qualification of that member's successor.

23 (g) **The commission must have at least 1 member from each**
24 **district of the court of appeals of this state. If the commission**
25 **does not have at least 1 member from each district of the court of**
26 **appeals of this state, any new member of the commission must be**
27 **selected from a district of the court of appeals of this state that**
28 **is unrepresented on the commission until the commission has at**
29 **least 1 member from each district.**



(3) The commission, within 30 days after having qualified and annually after that time, shall meet at its office in Lansing and organize by appointing a secretary, who need not be a member of the commission. The governor shall appoint a chairperson of the commission from among its members, who shall serve as chairperson at the pleasure of the governor. Four members of the commission constitute a quorum for the transaction of business. The business ~~which that~~ the commission may perform ~~shall must~~ be conducted at a public meeting of the commission held in compliance with the open meetings act, ~~Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. 1976 PA 267, MCL 15.261 to 15.275.~~ Public notice of the time, date, and place of the meeting ~~shall must~~ be given in the manner required by ~~Act No. 267 of the Public Acts of 1976. the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.~~ A meeting may be called by the chairperson and ~~shall must~~ be called on request of a majority of the members of the commission. ~~A The commission may hold a meeting may be held~~ as often as necessary and at other places than the commissioners' offices at Lansing. The commission shall meet at least once each month.

(4) The commission shall appoint and employ a director who ~~shall continue in office serves~~ at the pleasure of the commission. The director shall appoint 1 or more deputy directors and other assistants and employees as are necessary to implement this part and any other law of this state affecting the powers and duties of the department of natural resources. A person to whom the director has lawfully delegated decision making authority in writing may perform a duty or exercise a power conferred by law upon the department at the time and to the extent the duty and power is



1 delegated to that person by the director. When a vacancy in the
2 office of director occurs, or the director is unable to perform the
3 director's duties or is absent from the state, the powers and
4 duties of the director as prescribed by law ~~shall~~**must** be ~~imposed~~
5 ~~on and~~ transferred to a deputy director until the vacancy is filled
6 or the director's inability or absence from the state ceases.

7 (5) The compensation of the deputy directors, the assistants,
8 and the employees, and the number of assistants and employees,
9 ~~shall be~~**is** subject to the approval of the state administrative
10 board. The members of the commission shall not receive compensation
11 under this part, but each member and the other officers and
12 employees of the department of natural resources ~~shall be~~**are**
13 entitled to reasonable expenses while traveling in the performance
14 of their duties prescribed by this act. The salaries and expenses
15 authorized under this act ~~shall~~**must** be paid out of the state
16 treasury in the same manner as the salaries of other state officers
17 and employees are paid. The department of **technology**, management,
18 and budget shall furnish suitable offices and office equipment, at
19 Lansing, for the use of the department of natural resources. Each
20 member of the commission and the director shall qualify by taking
21 and subscribing to the ~~constitutional~~ oath of office **prescribed in**
22 **section 1 of article XI of the state constitution of 1963** and by
23 filing it in the office of the secretary of state.

