

# HOUSE BILL No. 5000

September 20, 2017, Introduced by Reps. Howrylak, Lucido, Pagan, Zemke and Wittenberg 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 HAS** the powers and  
3 **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~~ **CONSIDERATION OF** that person's training and experience  
5 related to at least 1 of the principal lines of activities vested  
6 in the department of natural resources and the ability and fitness  
7 of that person to deal with those activities. **IN ADDITION, A MEMBER**  
8 **OF THE 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 NATURAL RESOURCE MANAGEMENT. THIS**  
14 **INCLUDES, BUT IS NOT LIMITED TO, REPRESENTATION BY SPORT FISHERS,**  
15 **COMMERCIAL FISHERS, HUNTERS, PRIVATE LANDOWNERS, RECREATIONALISTS,**  
16 **ENVIRONMENTALISTS, CONSERVATIONISTS, AND SCIENTISTS. THE GOVERNOR**  
17 **SHALL ENSURE THAT AT LEAST 2 OF THE MEMBERS OF THE COMMISSION**  
18 **POSSESS A 4-YEAR DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY IN**  
19 **BIOLOGY, FISHERIES, WILDLIFE OR NATURAL RESOURCE MANAGEMENT, OR A**  
20 **RELATED SUBJECT AREA.**

21 (3) The term of office of each member of the commission ~~shall~~  
22 ~~be~~ **IS** 4 years. **AN INDIVIDUAL IS NOT ELIGIBLE TO SERVE MORE THAN 3**  
23 **TERMS ON THE COMMISSION. AN INDIVIDUAL WHO SERVES MORE THAN 2 YEARS**  
24 **OF A TERM SHALL BE CONSIDERED TO HAVE SERVED A FULL TERM. AN**  
25 **INDIVIDUAL SERVING IN A FOURTH OR SUBSEQUENT TERM ON THE COMMISSION**  
26 **WHEN THE AMENDATORY ACT ADDING THIS 3-TERM LIMITATION TAKES EFFECT**  
27 **MAY CONTINUE TO SERVE FOR THE BALANCE OF HIS OR HER TERM. The**

1 governor shall fill a vacancy occurring in the membership of the  
2 commission and may remove a member of the commission for cause  
3 after a hearing. Each member of the commission shall hold office  
4 until the appointment and qualification of that member's successor.

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

24 (5) ~~(4)~~ ~~The commission shall appoint and employ a director who~~  
25 ~~shall continue in office at the pleasure of the commission.~~ **THE**  
26 **COMMISSION SHALL ADVISE THE DIRECTOR OF THE DEPARTMENT OF NATURAL**  
27 **RESOURCES ON MATTERS RELATED TO NATURAL RESOURCES AND CONSERVATION.**

1           **(6) THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES SHALL**  
2 **BE APPOINTED BY THE GOVERNOR AND SHALL SERVE AT THE PLEASURE OF THE**  
3 **GOVERNOR.** The director shall appoint 1 or more deputy directors and  
4 other assistants and employees as are necessary to implement this  
5 part and any other law of this state affecting the powers and  
6 duties of the department of natural resources. A person ~~to whom the~~  
7 ~~director has lawfully delegated decision making authority in~~  
8 ~~writing~~ may perform a duty or exercise a power conferred by law  
9 upon the department ~~at the time~~ **WHEN** and to the extent the duty ~~and~~  
10 **OR** power is delegated to that person **IN WRITING** by the director.  
11 When a vacancy in the office of director occurs, or the director is  
12 unable to perform the director's duties or is absent from ~~the~~ **THIS**  
13 state, the powers and duties of the director as prescribed by law  
14 shall be imposed on and transferred to a deputy director until the  
15 vacancy is filled or the director's inability or absence from ~~the~~  
16 **THIS** state ceases.

17           **(7) (5)** ~~The compensation of the deputy directors, the~~  
18 ~~assistants, and the employees and the number of assistants and~~  
19 ~~employees shall be~~ **IS** subject to the approval of the state  
20 administrative board. The members of the commission shall not  
21 receive compensation under this part, but each member and the other  
22 officers and employees of the department of natural resources ~~shall~~  
23 ~~be~~ **ARE** entitled to reasonable expenses while traveling in the  
24 performance of their duties prescribed by this act. The salaries  
25 and expenses authorized under this act shall be paid out of the  
26 state treasury in the same manner as the salaries of other state  
27 officers and employees are paid. The department of **TECHNOLOGY,**

1 management, and budget shall furnish suitable offices and office  
2 equipment, ~~at~~**IN** Lansing, for the use of the department of natural  
3 resources.

4       **(8)** Each member of the commission and the director shall  
5 qualify by taking and subscribing to the constitutional oath of  
6 office and by filing it in the office of the secretary of state.

7       Enacting section 1. This amendatory act takes effect 90 days  
8 after the date it is enacted into law.