

# HOUSE BILL NO. 4386

April 12, 2023, Introduced by Rep. Markkanen and referred to the Committee on Natural Resources, Environment, Tourism 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 shall possess~~**The department of natural resources**  
3 **has** the powers and **shall** perform the duties granted and imposed by  
4 this act and as otherwise provided by law.

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

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 be~~ **is** 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~~

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~~ **is** 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) **Each member appointed to the commission after the**  
24 **effective date of the amendatory act that added this subdivision**  
25 **must have held a hunting or fishing license for no less than 4 out**  
26 **of the 6 years preceding the member's appointment.**

27 (3) The commission, within 30 days after having qualified and  
28 annually after that time, shall meet at its office in Lansing and  
29 organize by appointing a secretary, who need not be a member of the

1 commission. The governor shall appoint a chairperson of the  
2 commission from among its members, who shall serve as chairperson  
3 at the pleasure of the governor. Four members of the commission  
4 constitute a quorum for the transaction of business. The business  
5 ~~which that~~ the commission may perform ~~shall must~~ be conducted at a  
6 public meeting of the commission held in compliance with the open  
7 meetings act, ~~Act No. 267 of the Public Acts of 1976, being~~  
8 ~~sections 15.261 to 15.275 of the Michigan Compiled Laws. 1976 PA~~  
9 **267, MCL 15.261 to 15.275.** Public notice of the time, date, and  
10 place of the meeting ~~shall must~~ be given in the manner required by  
11 ~~Act No. 267 of the Public Acts of 1976. the open meetings act, 1976~~  
12 **PA 267, MCL 15.261 to 15.275.** A meeting may be called by the  
13 chairperson and ~~shall must~~ be called on request of a majority of  
14 the members of the commission. ~~A The commission may hold a meeting~~  
15 ~~may be held as often as necessary and at other places than the~~  
16 commissioners' offices at Lansing. The commission shall meet at  
17 least once each month.

18 (4) The commission shall appoint and employ a director who  
19 ~~shall continue in office serves~~ at the pleasure of the commission.  
20 The director shall appoint 1 or more deputy directors and other  
21 assistants and employees as are necessary to implement this part  
22 and any other law of this state affecting the powers and duties of  
23 the department of natural resources. A person to whom the director  
24 has lawfully delegated decision making authority in writing may  
25 perform a duty or exercise a power conferred by law upon the  
26 department at the time and to the extent the duty and power is  
27 delegated to that person by the director. When a vacancy in the  
28 office of director occurs, or the director is unable to perform the  
29 director's duties or is absent from ~~the this~~ state, the powers and

1 duties of the director as prescribed by law ~~shall~~**must** be imposed  
2 ~~on and~~ transferred to a deputy director until the vacancy is filled  
3 or the director's inability or absence from ~~the~~**this** state ceases.

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