

SENATE BILL No. 440

April 25, 2007, Introduced by Senators BIRKHOLZ, RICHARDVILLE, VAN WOERKOM, GILBERT, PAPPAGEORGE, JELINEK, PATTERSON, KUIPERS, McMANUS, GARCIA, STAMAS, JANSEN, KAHN, BASHAM and PRUSI and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the title and section 501 (MCL 324.501), the title as amended by 2005 PA 116.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; **TO PROTECT THE PEOPLE'S RIGHT TO LAWFULLY HUNT AND FISH**; to prescribe the powers and duties of certain state

1 and local agencies and officials; to provide for certain charges,
 2 fees, assessments, and donations; to provide certain
 3 appropriations; to prescribe penalties and provide remedies; and to
 4 repeal acts and parts of acts.

5 Sec. 501. (1) A department of natural resources for this state
 6 is created which shall possess the powers and perform the duties
 7 granted and imposed by this act and as otherwise provided by law.

8 (2) The commission of natural resources is created as the head
 9 of the department of natural resources and may establish ~~general~~
 10 ~~policies related to natural resources management and environmental~~
 11 ~~protection~~ for the guidance of the director **GENERAL POLICIES**
 12 **RELATED TO ENVIRONMENTAL PROTECTION AND NATURAL RESOURCES**
 13 **MANAGEMENT, INCLUDING POLICIES TO PROTECT AND PROMOTE THE EXERCISE**
 14 **OF THE PEOPLE'S RIGHT TO LAWFULLY HUNT AND FISH AND HARVEST GAME**
 15 **AND FISH THAT ARE THE PROPERTY OF THE STATE.** In addition, the
 16 commission has appellate authority as provided in section 1101. The
 17 commission shall be composed of 7 members, not more than 4 of whom
 18 shall be members of the same political party, appointed by the
 19 governor by and with the advice and consent of the senate. A member
 20 of the commission shall be selected with special reference to that
 21 person's training and experience related to at least 1 of the
 22 principal lines of activities vested in the department of natural
 23 resources and the ability and fitness of that person to deal with
 24 those activities. The term of office of each member of the
 25 commission shall be 4 years. The governor shall fill a vacancy
 26 occurring in the membership of the commission and may remove a
 27 member of the commission for cause after a hearing. Each member of

1 the commission shall hold office until the appointment and
2 qualification of that member's successor.

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

22 (4) The commission shall appoint and employ a director who
23 shall continue in office at the pleasure of the commission. The
24 director shall appoint 1 or more deputy directors and other
25 assistants and employees as are necessary to implement this part
26 and any other law of this state affecting the powers and duties of
27 the department of natural resources. A person to whom the director

1 has lawfully delegated decision making authority in writing may
2 perform a duty or exercise a power conferred by law upon the
3 department at the time and to the extent the duty and power is
4 delegated to that person by the director. When a vacancy in the
5 office of director occurs, or the director is unable to perform the
6 director's duties or is absent from the state, the powers and
7 duties of the director as prescribed by law shall be imposed on and
8 transferred to a deputy director until the vacancy is filled or the
9 director's inability or absence from the state ceases.

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