

HOUSE BILL NO. 4233

February 11, 2021, Introduced by Reps. Hoitenga and Markkanen 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 **commission** is created.

1 ~~as the head of the department of natural resources and~~ **The**
2 **commission** may establish general policies related to natural
3 resources management and environmental protection for the guidance
4 of the director. In addition, the commission has appellate
5 authority as provided in section 1101. **All of the following apply:**

6 (a) The commission shall be composed of 7 members, not more
7 than 4 of whom ~~shall~~ **may** be members of the same political party,
8 ~~appointed by the party.~~

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

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

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

21 (4) The commission shall appoint and employ a director who
22 ~~shall continue in office~~**serves** at the pleasure of the commission.
23 The director shall appoint 1 or more deputy directors and other
24 assistants and employees as are necessary to implement this part
25 and any other law of this state affecting the powers and duties of
26 the department of natural resources. A person to whom the director
27 has lawfully delegated decision making authority in writing may
28 perform a duty or exercise a power conferred by law upon the
29 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 be ~~imposed on and~~
5 transferred to a deputy director until the vacancy is filled or the
6 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 be paid out of the state treasury
16 in the same manner as the salaries of other state officers and
17 employees are paid. The department of **technology**, management, and
18 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.