

HOUSE BILL No. 4074

February 5, 1991, Introduced by Reps. Alley and DeMars and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend the title and section 1 of Act No. 17 of the Public Acts of 1921, entitled as amended

"An act to provide for the protection and conservation of the natural resources of the state; to provide and develop facilities for outdoor recreation; to create a conservation department; to define the powers and duties thereof; to provide rules and regulations concerning the use and occupancy of lands and property under its control and penalties for the violation thereof; to provide for the transfer to said department of the powers and duties now vested by law in certain boards, commissions and officers of the state; and for the abolishing of the boards, commissions and offices the powers and duties of which are hereby transferred,"

being section 299.1 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 1 of Act No. 17 of the
2 Public Acts of 1921, being section 299.1 of the Michigan Compiled
3 Laws, are amended to read as follows:

TITLE

1
2 An act to provide for the protection and conservation of the
3 natural resources of the state; to provide and develop facilities
4 for outdoor recreation; to create ~~a conservation~~ THE department
5 OF NATURAL RESOURCES; to define the powers and duties ~~thereof~~
6 OF THE DEPARTMENT OF NATURAL RESOURCES; to provide rules and reg-
7 ulations concerning the use and occupancy of lands and property
8 under its control and penalties for the violation ~~thereof~~ OF
9 THOSE RULES AND REGULATIONS; TO PRESCRIBE THE POWERS AND DUTIES
10 OF CERTAIN STATE AGENCIES AND OFFICIALS; to provide for the
11 transfer to ~~said~~ THE department of the powers and duties now
12 vested by law in certain boards, commissions, and officers of the
13 state; and for the abolishing of the boards, commissions, and
14 offices the powers and duties of which are hereby transferred.

15 Sec. 1. (1) A department of natural resources for this
16 state is created which shall possess the powers and perform the
17 duties granted and imposed by this act.

18 (2) The general administration of these powers and duties
19 shall be vested in a commission of natural resources which shall
20 be composed of 7 members, NOT MORE THAN 4 OF WHOM SHALL BE MEM-
21 BERS OF THE SAME POLITICAL PARTY, appointed by the governor,
22 ~~subject to confirmation~~ by AND WITH THE ADVICE AND CONSENT OF
23 the senate. ~~A member of the commission shall be selected with~~
24 ~~special reference to that person's training and experience~~
25 ~~related to at least 1 of the principal lines of activities vested~~
26 ~~in the department and the ability and fitness of that person to~~
27 ~~deal with those activities. Two members shall reside in the~~

1 ~~Upper Peninsula. The term of office of each member of the~~
2 ~~commission shall be 6 years. However, of those first appointed,~~
3 ~~3 shall be appointed for 2 years, 2 for 4 years, and 2 for 6~~
4 ~~years.~~ The governor shall fill a vacancy occurring in the mem-
5 bership of the commission and may remove a member of the commis-
6 sion for cause after a hearing. Each member of the commission
7 shall hold office until the appointment and qualification of that
8 member's successor.

9 (3) The commission, within 30 days after having qualified
10 and annually after that time, shall meet at its office in Lansing
11 and organize by electing a chairperson and by appointing a secre-
12 tary, who need not be a member of the commission. Four members
13 of the commission constitute a quorum for the transaction of
14 business. The business which the commission of natural resources
15 may perform shall be conducted at a public meeting of the commis-
16 sion held in compliance with THE OPEN MEETINGS ACT, Act No. 267
17 of the Public Acts of 1976, being sections 15.261 to 15.275 of
18 the Michigan Compiled Laws. Public notice of the time, date, and
19 place of the meeting shall be given in the manner required by Act
20 No. 267 of the Public Acts of 1976. A meeting may be called by
21 the chairperson and shall be called on request of a majority of
22 the members of the commission. A meeting may be held as often as
23 necessary and at other places than the commissioners' offices at
24 Lansing. Not less than 1 meeting shall be held each month.

25 (4) The ~~commission~~ GOVERNOR shall appoint ~~and employ~~ a
26 director of the department of natural resources who shall
27 continue in office at the pleasure of the ~~commission and who~~

1 ~~shall receive a salary not to exceed \$12,000.00 per year~~
2 GOVERNOR. A DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES
3 APPOINTED BY THE COMMISSION SHALL SERVE UNTIL THE GOVERNOR
4 APPOINTS A DIRECTOR AS PROVIDED IN THIS SUBSECTION. The director
5 shall appoint, with the approval of the commission, a deputy
6 director and other assistants and employees as are necessary to
7 implement this act and any other law of this state affecting the
8 powers and duties of the department. The deputy director may
9 perform a duty or exercise a power conferred by law upon the
10 director at the time and to the extent the duty and power is del-
11 egated to the deputy by the director. ~~When~~ IF a vacancy in the
12 office of director occurs, or the director is unable to perform
13 the director's duties or is absent from the state, the powers and
14 duties of the director as prescribed by law shall be imposed on
15 and transferred to the deputy director until the vacancy is
16 filled, or the director's inability or absence from the state
17 ceases.

18 (5) The compensation of the deputy director, the assistants,
19 and the employees, and the number of assistants and employees
20 shall be subject to the approval of the state administrative
21 board. The members of the commission shall not receive compensa-
22 tion under this act, but each member and the other officers and
23 employees of the department shall be entitled to reasonable
24 expenses while traveling in the performance of their duties pre-
25 scribed by this act. The salaries and expenses authorized under
26 this act shall be paid out of the state treasury in the same
27 manner as the salaries of other state officers and employees are

1 paid. The department of management and budget shall furnish
2 suitable offices and office equipment, at Lansing, for the use of
3 the department of natural resources. Each member of the commis-
4 sion and the director of the department of natural resources
5 shall qualify by taking and subscribing to the constitutional
6 oath of office, and by filing it in the office of the secretary
7 of state.

8 Section 2. This amendatory act shall not take effect unless
9 Senate Bill No. _____ or House Bill No. 4075 (request
10 no. 01640'91 a) of the 86th Legislature is enacted into law.