

HOUSE BILL No. 4848

May 22, 1989, Introduced by Reps. Alley, Bartnik, DeMars, Richard A. Young, Porreca, Griffin, Weeks, Leland, Dutko, Webb, Hart, Niederstadt, DeBeaussaert, Hickner, Kosteva, Sofio, Profit, Varga, Murphy, Trim, London, Law and Pridnia 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; to provide rules and regulations concerning
7 the use and occupancy of lands and property under its control and
8 penalties for the violation ~~thereof~~ OF THOSE RULES AND REGULA-
9 TIONS; TO IMPOSE DUTIES ON CERTAIN STATE OFFICERS; to provide for
10 the transfer to ~~said~~ THE department of the powers and duties
11 now vested by law in certain boards, commissions, and officers of
12 the state; and for the abolishing of the boards, commissions, and
13 offices the powers and duties of which are hereby transferred.

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

17 (2) The general administration of these powers and duties
18 shall be vested in a commission of natural resources which shall
19 be composed of 7 members appointed by the governor, subject to
20 ~~confirmation by~~ THE ADVICE AND CONSENT OF the senate. ~~A~~
21 ~~member of the commission shall be selected with special reference~~
22 ~~to that person's training and experience related to at least 1 of~~
23 ~~the principal lines of activities vested in the department and~~
24 ~~the ability and fitness of that person to deal with those~~
25 ~~activities. Two members shall reside in the Upper Peninsula.~~
26 ~~The term of office of each member of the commission shall be 6~~
27 ~~years. However, of those first appointed, 3 shall be appointed~~

1 ~~for 2 years, 2 for 4 years, and 2 for 6 years.~~ The governor
2 shall fill a vacancy occurring in the membership of the commis-
3 sion and may remove a member of the commission for cause after a
4 hearing. Each member of the commission shall hold office until
5 the appointment and qualification of that member's successor.

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

22 (4) The ~~commission~~ GOVERNOR shall appoint ~~and employ~~ a
23 director of the department of natural resources who shall con-
24 tinue in office at the pleasure of the ~~commission and who shall~~
25 ~~receive a salary not to exceed \$12,000.00 per year~~ GOVERNOR. A
26 DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES APPOINTED BY THE
27 COMMISSION SHALL SERVE UNTIL THE GOVERNOR APPOINTS A DIRECTOR AS

1 PROVIDED IN THIS SUBSECTION. The director shall appoint, with the
2 approval of the commission, a deputy director and other assist-
3 ants and employees as are necessary to implement this act and any
4 other law of this state affecting the powers and duties of the
5 department. The deputy director may perform a duty or exercise a
6 power conferred by law upon the director at the time and to the
7 extent the duty and power is delegated to the deputy by the
8 director. ~~When~~ IF a vacancy in the office of director occurs,
9 or the director is unable to perform the director's duties or is
10 absent from the state, the powers and duties of the director as
11 prescribed by law shall be imposed on and transferred to the
12 deputy director until the vacancy is filled, or the director's
13 inability or absence from the state ceases.

14 (5) The compensation of the deputy director, the assistants,
15 and the employees, and the number of assistants and employees
16 shall be subject to the approval of the state administrative
17 board. The members of the commission shall not receive compensa-
18 tion under this act, but each member and the other officers and
19 employees of the department shall be entitled to reasonable
20 expenses while traveling in the performance of their duties pre-
21 scribed by this act. The salaries and expenses authorized under
22 this act shall be paid out of the state treasury in the same
23 manner as the salaries of other state officers and employees are
24 paid. The department of management and budget shall furnish
25 suitable offices and office equipment, at Lansing, for the use of
26 the department of natural resources. Each member of the
27 commission and the director of the department of natural

1 resources shall qualify by taking and subscribing to the
2 constitutional oath of office, and by filing it in the office of
3 the secretary of state.

4 Section 2. This amendatory act shall not take effect unless
5 Senate Bill No. _____ or House Bill No. 4849 (request
6 no. 01993'89 a) of the 85th Legislature is enacted into law.