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Natural Resources Policy Commissions in Selected Other States

This information brief reviews natural resources commissions in six selected states, and specifically describes their membership, powers and duties, cost and staffing. These states were selected as representative of the varying responsibilities of natural resources policy commissions. The information is listed for each state in Part I.

Part II lists the conditions of membership on natural resources commissions around the country.

Overview

Bills that establish policy commissions for the Department of Natural Resources (DNR) have been introduced quite often during recent years. The bills generally have not received hearings, but it is likely that similar bills will be introduced in the future.

A 1999 bill (H.F. 253) that would create a Board of Natural Resources was introduced by Representative Westfall. The board would consist of the commissioner of Natural Resources and eight citizens appointed by the governor, one from each congressional district. The board members would be "broadly representative" to effectuate natural resources policy; one must be knowledgeable in agriculture. Duties and powers of the proposed board include:

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- a) Acquisition of land for outdoor recreation and management purposes
 - b) Promulgation of necessary rules
 - c) Natural resources planning responsibilities
 - d) Forest management policy and fire protection
 - e) Mining regulation
 - f) Wetland acquisition and drainage interactions
 - g) Fish stocking and flood protection
 - h) Wild and scenic view designation
 - i) Acquisition by eminent domain

These authorities are now vested in the commissioner of Natural Resources.

Approximately 33 states have natural resources commissions with some responsibility for the policies of their respective state departments. The types of commissions generally fall into three categories:

- (1) a purely advisory commission on natural resources matters to the executive agency;
- (2) an independent commission that establishes general policy for its department and may adopt rules and issue permits (Indiana, Washington, and Wisconsin); or
- (3) an independent commission with the power to hire and fire the department director and one that establishes hunting and fishing regulations (Michigan and Missouri).

The governor typically appoints the members in states with a commission, with the advice and consent of the state senate. Some states differ. In Kentucky the governor appoints one person from a list of five people elected by sportsmen in each of the states' nine wildlife districts. The governor of New Jersey appoints six sportsmen recommended by the State Federation of Sportsmen's Clubs and three farmers recommended by the agricultural convention.

I. Profiles of Natural Resources Commissions by State

Indiana

Membership

Five lay members appointed by the governor and seven ex-officio members that represent various areas of state government.

Powers and Duties

- Sets policy and promulgates rules on a variety of resource matters.
- Approves the acquisition of new lands and the disposal/sale of surplus lands.
- Exercises regulatory authority in the form of permits for water, oil and gas, coal mine reclamation, parks, forests, fish and wildlife, and reservoirs.
- Exercises employment authority for property managers and assistant property managers at state parks, forests, fish and wildlife areas, reservoirs, and for oil and gas inspectors.
- May merge, consolidate, or abolish any agent or division, other than the division of law enforcement, with the approval of the governor.

Cost

- Annual commission expenses are approximately \$25,000 and are included in the Executive Office budget.
- Members are reimbursed \$50 per day spent on commission activities and paid travel and lodging expenses.
- Only the expenses of the five lay members are included in the Executive Office budget; the expenses of the seven ex-officio members are covered by the department they represent.

Staffing

Commission uses existing DNR staff.

Michigan

Membership

Seven members appointed by the governor with the advise and consent of the Senate.

Powers and Duties

- Appoints the director of the department.
- Approves land acquisition and sales.
- Regulates the leasing of minerals.
- Sets seasons for game and fish.
- Promulgates rules.

Cost

- Commission annual budget is \$75,000.
- Members receive \$75 per day spent on commission business, subject to a limit of 50 days per year (55 days for the chair) regardless of the number of days worked. They are also reimbursed for documented travel and lodging expenses and other actual expenses related to commission business.

Staffing

Commission uses existing DNR staff, except for having its own executive secretary (who sets up meetings, handles correspondence and travel arrangements, etc.).

Missouri

Membership

Four members appointed by the governor with the advice and consent of the Senate.

Powers and Duties

- Appoints the director of the Department of Conservation.
- Responsible for the control, management, restoration, conservation, and regulation of the bird, fish, game, forestry, and all wildlife resources of the state, including hatcheries, sanctuaries, refuges, reservations, and all other property owned, acquired, or used for such purposes.
- Responsible for the acquisition and establishment of such property as mentioned above and the administration of all laws pertaining to such property.
- May acquire by purchase, gift, eminent domain, or otherwise, all property necessary, useful, or convenient for its purposes.

Cost

- Annual budget for the commission is \$25,000, although actual expenses in recent years have been less than this amount.
- Members are reimbursed only for actual expenses incurred while carrying out commission business.

Staffing

Commission uses a secretary and existing Department of Conservation staff.

Oregon

Oregon has citizen-based natural resources commissions for fish and wildlife, environmental quality, and land conservation and development. This describes the fish and wildlife commission.

Membership

Seven members appointed by the governor for staggered four-year terms.

Powers and Duties

- Sets policy regarding the management of fish and wildlife resources.
- Establishes seasons for and methods of taking of fish and wildlife resources.
- Adopts necessary rules and standards it deems appropriate.
- Holds public hearings on proposals for planned expenditures and finding needs for inclusion in the governor's budget.

Cost

- The annual budget is \$65,000, which includes the cost of monthly meetings around the state.
- Commissioners receive \$30 per day and travel expenses.

Staffing

- Existing department staff is used for support.

Washington

Membership

Five members, including the governor or the governor's designee, the superintendent of public instruction, the commissioner of public lands, the dean of the college of forest resources of the University of Washington, and the dean of the College of Agriculture of Washington State University.

Powers and Duties

- Establishes broad policies for the department.
- Performs all duties relating to appraisal, appeal, approval, and hearing functions of the department.
- Constitutes the board of appraisers and the commissioner on harbor lines.
- Approves lease and sale proposals submitted by the department regarding state-owned grant and forest board lands.
- Fixes the value of public lands and gives authority to the commissioner to inspect, appraise, and offer state lands for sale.
- Reviews the department's administration of the Surface Mine Reclamation Act.

Costs

- Annual costs for the board are approximately \$6,000.
- Members receive no compensation for attending meetings, but out-of-town members are reimbursed for travel expenses.

Staffing

Board uses existing DNR staff.

Wisconsin

Membership

Seven members appointed by the governor with the advice and consent of the Senate.

Powers and Duties

- Directs and supervises the Department of Natural Resources, and acts as a formal point of contact for citizens.
- May sell, at public or private sale, lands and structures owned by the state under the jurisdiction of the DNR when the board determines that they are no longer necessary for the state's use for conservation purposes.
- Acts as a coordinating body for all governmental and nongovernmental agencies with regard to policies, plans, and activities related to Wisconsin outdoor recreation resources.
- Recommends to the governor and legislature broad policies and standards to guide the comprehensive development of all outdoor recreation resources in Wisconsin, and recommends to the legislature outdoor recreation program appropriations and allocations.

Cost

- Annual budget for the board is \$25,000.
- Members receive reimbursement for travel, meals, and lodging expenses, but no per diem.

Staffing

Board uses existing DNR staff.

II. Membership Restrictions for Natural Resources Commissions*

A variety of conditions are placed on membership in natural resources commissions. In some cases, a state may have more than one condition or qualification. The following conditions and qualifications are grouped by category.

Appointment By Region, Without Regard To Population

Idaho	One commissioner from each specified group of counties
Kentucky	By wildlife district
Nevada	No two of the seven commissioners from the same county
New Hampshire	One of the 11 commissioners must be from one of seven specified coastal towns
Pennsylvania	Eight of ten commissioners from each specified group of counties
South Dakota	Three west and five east of the Missouri River
Utah	The five commissioners must be from the five groups of specified counties
Washington	Three commissioners must be from west of the Cascades and three from the east; no two commissioners from the same county
Wyoming	By "appointment district"

By Region, By Population

Oregon	Of the seven commissioners, one from each of the five congressional districts, plus one each from east and west of Cascade Mountains
South Carolina	One for each congressional district plus one at large
Virginia	One for each congressional district

* This information comes from a Wildlife Management Institute report, *Organization, Authority and Programs of State Fish and Wildlife Agencies* (1997), and a 1997 survey conducted by the California Assembly Office of Research.

By Political Party, Not More Than Half From The Same Party

Ohio

By Political Party, Not More Than Half Plus One From The Same Party

Idaho	South Dakota
Kansas	Utah
Kentucky	Wyoming
Michigan	

By Occupation

Ohio	Two of the eight commissioners must be farmers and one must be a biologist
Oregon	Commissioners may not have a financial interest in a fish processing business
Nevada	One of the seven commissioners must be a farmer
New Jersey	Three of the 11 commissioners must be farmers recommended by the agricultural convention
South Dakota	At least four of the eight commissioners must be farmers

By Office

Idaho	Commissioners may not be elected members of any state or local office and may not be an officer in any political party organization
New Jersey	The chairman of the Non-Game Advisory Committee is one of the 11 commissioners
Oregon	Commissioners may not be an officer in a sport or commercial fishing organization
Tennessee	The commissioner of Conservation, not the director of the department, is one of the 11 commissioners

By Violation Of Law

New Hampshire Commissioners must not have been convicted of a fish and game offense in any state in the last five years

By Avocation

Nevada One member of seven must be actively involved in the conservation of wildlife

As Hunters And Fishermen

Nevada Two of the seven commissioners must be sportsmen

New Hampshire Commissioners must have been licensed hunters and fishermen for five of the last ten years

New Jersey Six of the 11 commissioners must be sportsmen recommended by the state organization of sports clubs

Other

Illinois At least one of the 11 commissioners must be a senior citizen, age 60 or older

Montana One of the five commission members, each representing a region, must also be experienced in the breeding and management of domestic livestock

Nevada Two of the seven commissioners are to represent the interest of the general public

New Hampshire Each commissioner shall have at least five years experience in one or more of the following: forestry, agriculture, management of wild lands soil conservation, conservation of water resources, fish and game management or propagation, conservation engineering, conservation law, wildlife education, or active membership in a conservation or sportsman's organization in New Hampshire

North Carolina Must be a hunter, fisherman, farmer, or biologist