



**House
Legislative
Analysis
Section**

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GOVERNOR TO APPOINT DNR DIRECTOR

**House Bills 4848 and 4849 as introduced
First Analysis (7-12-89)**

Sponsor: Rep. Tom Alley

Committee: Conservation, Recreation, & Environment

THE APPARENT PROBLEM:

According to the governor's 1988 state of the state address, The Michigan Strategy, the directors of several state government departments are not directly accountable to the governor or the citizens of the state for policy decisions and other decisions because they are chosen by boards or commissions, even though the governor must take responsibility for the actions of the directors. Article 5, Section 3 of the Constitution of the State of Michigan specifically states that "when a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the Senate and he shall serve at the pleasure of the governor." The address makes the point that accountability for department policy is even more confusing in departments such as the Department of Natural Resources because there are several commissions that direct department operations in policy areas such as air pollution and water resources. As a solution to this policy problem and in order to centralize policy decisions, the governor has suggested that directors of several agencies, including the Department of Natural Resources, should be made directly accountable to the executive office.

THE CONTENT OF THE BILL:

House Bill 4848 would amend current law to delete provisions requiring members of the Commission of Natural Resources to be confirmed by the Senate and requiring members to reside in certain areas of the state. Under the bill, commission members would be appointed by the governor with the "advice and consent" of the Senate. The bill would also delete a provision requiring the commission to hire a director of the Department of Natural Resources and, instead, would allow the governor to appoint the director.

The bill is tie-barred to House Bill 4849, which would amend the Executive Organization Act to delete a provision requiring the Commission of Natural Resources to appoint the director of the DNR.

MCL 299.1 (House Bill 4848) and 16.355 (House Bill 4849)

BACKGROUND INFORMATION:

Senate Bill 187, which would require the director of the Department of Corrections to be appointed by the governor, was recently passed by the Senate and is pending in the House Committee on Corrections.

FISCAL IMPLICATIONS:

According to the Department of Natural Resources, the bill would have no fiscal implications for the state. (7-11-89)

ARGUMENTS:

For:

Citizens of the state and legislators at times express frustration and anger concerning the unresponsiveness and ineffectiveness of certain state departments. These

emotions are fueled because it is not clear who in the departments is accountable for certain decisions and policies. Since the governor is ultimately responsible for decisions made and actions taken by department executives, it is only logical that the governor have a direct influence on the selection process of subordinates. By allowing the governor to select the directors of departments, the departments will be more accountable for their actions. Many department directors are appointed by the governor, including the directors of the Departments of Social Services, Mental Health, and Public Health, and passage of the bills would make selection of the director of the DNR consistent with these other departments.

Against:

According to environmental advocates, during the 1930s there was a revolution in natural resources management, and two principles were acknowledged: environmental problems often take several decades to resolve, and policies with a high degree of continuity are needed to address these problems. During this era there was a high degree of political patronage and most departments were highly politicized. In order to address this problem and ensure the continuity of department policy, the Natural Resources Commission was given the responsibility to appoint the director of the Department of Natural Resources. Direct gubernatorial appointment of the director could be a detriment to department management and policy development because the director would be more susceptible to purely political influences.

Response: Within the past decade the department has been characterized as inconsistent and embroiled in turmoil. Issues such as wetlands management and the department's recent change in support from incineration to recycling highlight just two of the many chaotic policy decisions that some say characterize the department's ineffectiveness. If the governor has a direct influence over the person who implements natural resource policy, directors will be more accountable for implementation of resource policy and it is hoped that policy decisions will be more clear.

POSITIONS:

The governor's office supports the bills. (7-11-89)

The Department of Natural Resources takes no position on the bills. (7-11-89)

A representative of the Michigan Bow Hunters Association testified in opposition to the bills. (7-11-89)

A representative of the Michigan Chapter of the National Wildlife Society testified in opposition to the bills. (7-11-89)

A representative of the Michigan United Conservation Clubs testified in opposition to the bills. (7-11-89)