



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 997 and 998 (as introduced 12-2-09)
Sponsor: Senator Gerald Van Woerkom (S.B. 997)
Senator John J. Gleason (S.B. 998)
Committee: Agriculture and Bioeconomy

Date Completed: 12-2-09

CONTENT

Senate Bill 997 would amend Public Act 13 of 1921 (which created the Department of Agriculture) to republish a section that vests the general administration of the powers and duties of the Michigan Department of Agriculture (MDA) in a bipartisan Commission of Agriculture.

Senate Bill 998 would amend the Executive Organization Act to republish a section requiring the Commission of Agriculture to appoint the MDA Director, who would serve at its pleasure.

Each of the bills contains the following statement: "This amendatory act is restorative of certain authority transferred in section V.A. of Executive Order No. 2009-45 and is intended to republish this section so as to do all of the following:

- a) Supersede the type II transfer of the Michigan commission of agriculture to the department of agriculture.
- b) Supersede the authority of the governor to appoint the director of the department of agriculture.
- c) Restore the commission of agriculture as the head of the department of agriculture."

The bills would take effect on January 18, 2010.

MCL 285.1 (S.B. 997)
16.280 (S.B. 998)

BACKGROUND

Executive Order (E.O.) 2009-45 was issued on October 8, 2009, and will take effect on January 17, 2010, unless disapproved by the Legislature by December 7, 2009. The E.O. creates the Department of Natural Resources and Environment; transfers to it by a type II all of the authority, functions, responsibilities, and resources of the Department of Natural Resources and the Department of Environmental Quality; and abolishes those Departments.

(A type II transfer is the transfer an existing department, board, commission or agency to a principal department. All of the transferred entity's statutory authority, powers, duties, records, personnel, property, unspent balances of appropriations, allocations or other funds, are transferred to that principal department.)

Section V.A. of the E.O. transfers the Agriculture Commission by a type II transfer to the Michigan Department of Agriculture. The E.O. also designates the MDA Director as the head of the Department, and provides for the Governor to appoint the MDA Director, who will serve at the pleasure of the Governor.

Currently, under the Executive Organization Act, the Agriculture Commission is the head of the MDA. Members of the Commission are appointed by the Governor with the advice and consent of the Senate. The Commission appoints the MDA Director, who is the principal executive officer of the Department, and who serves at the pleasure of the Commission.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.