

HOUSE BILL No. 5647

December 3, 2009, Introduced by Reps. Tyler, Byrum, Barnett, Rick Jones, Denby, Valentine, Hansen, McDowell, Huckleberry, Scripps, Nerat, Haase, Haines, Walsh, Knollenberg, Meltzer, Moss, Stamas, Bolger, Lori, Daley, Rocca, Elsenheimer, Meekhof, Caul, Schuitmaker, Calley, Lund, Kowall, Paul Scott, Cushingberry, Opsommer, Pearce, Kurtz, Genetski, DeShazor, Moore, Rogers, Wayne Schmidt, Booher, Proos, Horn, Haveman, Green, Hildenbrand, Amash, Agema, Ball, Crawford, McMillin, Pavlov and Neumann and referred to the Committee on Government Operations.

A bill to amend 1921 PA 13, entitled

"An act to promote the agricultural interests of the state of Michigan; to create a state department of agriculture; to define the powers and duties thereof; to provide for the transfer to and vesting in said department of powers and duties now vested by law in certain other state boards, commissions and officers, and to abolish certain boards, commissions and officers the powers and duties of which are hereby transferred,"

by amending section 1 (MCL 285.1).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) There is ~~hereby~~ created a state department of
2 agriculture, which shall possess the powers and perform the duties
3 hereinafter granted and conferred.

4 (2) The general administration of ~~said~~ **THE** powers and duties
5 **DESCRIBED IN SUBSECTION (1)** shall be vested in a bipartisan
6 commission of agriculture, which shall be composed of 5 members

1 appointed by the governor, subject to confirmation by the senate. +
 2 ~~Provided, That 1~~ **ONE** member of ~~said~~ **THE** commission shall be a
 3 resident of the Upper Peninsula. The members of ~~said~~ **THE** commission
 4 shall be selected with special reference to their training and
 5 experience along the line of 1 or more of the principal lines of
 6 activities vested in the department of agriculture and their
 7 ability and fitness to deal ~~therewith~~ **WITH THOSE ACTIVITIES**. The
 8 term of office of each member of the commission shall be 6 years, +
 9 ~~Provided, That~~ **EXCEPT THAT** of those first appointed, 2 shall be
 10 appointed for 2 years, 2 for 4 years, and 1 for 6 years. The
 11 governor shall fill any vacancy occurring in the membership of the
 12 commission and may remove any member of the commission for cause
 13 after a hearing. Each member of this commission shall hold ~~his~~
 14 office until the appointment and qualification of ~~his~~ **A** successor.

15 (3) The commission, after having qualified, shall within 30
 16 days and annually thereafter meet at its office in Lansing and
 17 organize by electing a ~~chairman~~ **CHAIRPERSON** and a secretary. Three
 18 members of ~~said~~ **THE** commission shall constitute a quorum for the
 19 transaction of business. Meetings may be called by the ~~chairman~~
 20 **CHAIRPERSON** and shall be called on request of a majority of the
 21 members of the commission and may be held as often as necessary and
 22 at other places than the commissioners' offices at Lansing, +
 23 ~~Provided, That~~ **EXCEPT THAT** 1 meeting shall be held each month.

24 (4) The commission shall appoint and employ a director of
 25 agriculture who shall continue in office at the pleasure of the
 26 commission and ~~who~~ shall receive such annual salary as ~~shall be~~ **IS**
 27 appropriated by the legislature. ~~He~~ **THE DIRECTOR OF AGRICULTURE** may

1 appoint, with the approval of the commission, such assistants and
 2 employees as may be necessary to perform the duties hereby imposed.
 3 ~~, the~~ **THE** number of such assistants and employees, and the
 4 compensation payable to all persons so appointed and employed,
 5 ~~being within~~ **ARE SUBJECT TO** the appropriation made ~~therefor~~ by the
 6 legislature.

7 (5) The members of the commission shall receive compensation
 8 of \$20.00 per day when in actual performance of duties, ~~+- Provided,~~
 9 ~~That~~ **EXCEPT THAT** no commissioner shall receive more than \$400.00 in
 10 any fiscal year as compensation. The salaries of all officers and
 11 employees hereby authorized, and the necessary expenses ~~thereof~~
 12 while traveling in performing any of their duties, shall be paid in
 13 the same manner as the salaries and expenses of other state
 14 officers and employees are paid. The ~~board of auditors~~ **DEPARTMENT**
 15 **OF MANAGEMENT AND BUDGET** shall provide suitable offices at Lansing
 16 and proper office equipment for the use of ~~said~~ **THE** department.

17 (6) Each member of the commission and the director of
 18 agriculture shall qualify by taking and subscribing to the
 19 constitutional oath of office, and filing same in the office of the
 20 secretary of state.

21 (7) ~~Whenever, in~~ **IN** any law of the state **IF** reference is made
 22 to the commissioner of agriculture, **THE** reference shall be ~~deemed~~
 23 **CONSIDERED** to be made to the director of agriculture.

24 Enacting section 1. This amendatory act takes effect January
 25 18, 2010.

26 Enacting section 2. This amendatory act is restorative of
 27 certain authority transferred in section V.A. of Executive Order

1 No. 2009-45 and is intended to republish this section so as to do
2 all of the following:

3 (a) Supersede the type II transfer of the Michigan commission
4 of agriculture to the department of agriculture.

5 (b) Supersede the authority of the governor to appoint the
6 director of the department of agriculture.

7 (c) Restore the commission of agriculture as the head of the
8 department of agriculture.