

HOUSE BILL No. 5193

October 17, 1989, Introduced by Reps. Richard A. Young, DeMars, Gubow, Kosteva, Berman, Bennett, Keith, DeBeaussaert, Porreca, Varga and Kilpatrick and referred to the Committee on House Oversight.

A bill to amend section 1 of Act No. 13 of the Public Acts of 1921, 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,"

being section 285.1 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 13 of the Public Acts of
2 1921, being section 285.1 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 1. (1) There is ~~hereby~~ created a ~~state~~ department
5 of agriculture which shall possess the powers and perform the
6 duties ~~hereinafter~~ granted and conferred UNDER THIS ACT. The
7 general administration of ~~said~~ THE powers and duties shall be

1 vested in a bipartisan commission of agriculture which shall be
2 composed of 5 members appointed by the governor, ~~subject to~~
3 ~~confirmation~~ by AND WITH THE ADVICE AND CONSENT OF the senate.
4 ~~:- Provided, That 1 member of said commission shall be a resi-~~
5 ~~dent of the Upper Peninsula. The members of said commission~~
6 ~~shall be selected with special reference to their training and~~
7 ~~experience along the line of 1 or more of the principal lines of~~
8 ~~activities vested in the department of agriculture and their~~
9 ~~ability and fitness to deal therewith. The term of office of~~
10 each member of the commission shall be ~~6~~ 4 years. ~~:-~~
11 ~~Provided, That of those first appointed 2 shall be appointed for~~
12 ~~2 years, 2 for 4 years and 1 for 6 years. The governor shall~~
13 fill any vacancy occurring in the membership of the commission.
14 ~~and may remove any member of the commission for cause after a~~
15 ~~hearing. Each member of this commission shall hold his OR HER~~
16 office until the appointment and qualification of his OR HER
17 successor. The commission, after having qualified, shall ~~within~~
18 ~~30 days and MEET annually thereafter meet~~ at its office in
19 Lansing and organize by electing ~~a chairman and a secretary.~~
20 ~~Three~~ OFFICERS AS IT CONSIDERS ADVISABLE. A MAJORITY OF THE
21 members of ~~said~~ THE commission shall constitute a quorum for
22 the transaction of business. ~~Meetings may be called by the~~
23 ~~chairman and shall be called on request of a majority of the mem-~~
24 ~~bers of the commission and may be held as often as necessary and~~
25 ~~at other places than the commissioners' offices at Lansing.~~
26 ~~Provided, That 1 meeting shall be held each month. The~~
27 ~~commission shall appoint and employ a~~ THE PRINCIPAL EXECUTIVE

1 OFFICER OF THE DEPARTMENT IS THE director of THE DEPARTMENT OF
2 agriculture who shall ~~continue in office at the pleasure of the~~
3 ~~commission and who shall receive such annual salary as shall be~~
4 ~~appropriated by the legislature.~~ He BE APPOINTED BY, AND SERVE
5 AT THE PLEASURE OF, THE GOVERNOR. THE DIRECTOR may appoint, with
6 the approval of the commission, ~~such~~ assistants and employees
7 as may be necessary to perform the duties ~~hereby~~ imposed ~~, the~~
8 ~~number of such assistants and employees, and the compensation~~
9 ~~payable to all persons so appointed and employed, being within~~
10 ~~the appropriation made therefor by the legislature. The members~~
11 ~~of the commission shall receive compensation of \$20.00 per day~~
12 ~~when in actual performance of duties. Provided, That no commis-~~
13 ~~sioner shall receive more than \$400.00 in any fiscal year as~~
14 ~~compensation~~ UNDER THIS ACT. The salaries of all officers and
15 employees ~~hereby authorized,~~ and the necessary expenses
16 ~~thereof~~ while traveling in performing any of their duties ~~,~~
17 shall be paid in the same manner as the salaries and expenses of
18 other state officers and employees are paid. The ~~board of~~
19 ~~auditors~~ DEPARTMENT OF MANAGEMENT AND BUDGET shall provide suit-
20 able offices at Lansing and proper office equipment for the use
21 of ~~said~~ THE department. Each member of the commission and the
22 director of THE DEPARTMENT OF agriculture shall qualify by taking
23 and subscribing to the constitutional oath of office, and filing
24 same in the office of the secretary of state.

25 (2) Whenever, in any law of the state, reference is made to
26 the commissioner of agriculture, reference shall be deemed to be
27 made to the ~~director~~ COMMISSION of agriculture.

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. _____ or House Bill No. 5192 (request
3 no. 00525'89) of the 85th Legislature is enacted into law.