



HOUSE BILL No. 4048

February 2, 1993, Introduced by Rep. Joe Young, Jr. and referred to the Committee on Agriculture and Forestry.

A bill to amend the title and sections 2, 4, 5, 14, and 16 of Act No. 70 of the Public Acts of 1961, entitled "Seal of quality act," being sections 289.632, 289.634, 289.635, 289.644, and 289.646 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 2, 4, 5, 14, and 16 of
2 Act No. 70 of the Public Acts of 1961, being sections 289.632,
3 289.634, 289.635, 289.644, and 289.646 of the Michigan Compiled
4 Laws, are amended to read as follows:

5 TITLE

6 An act to promote the development and to encourage consump-
7 tion of Michigan agricultural AND SEAFOOD products by use of a
8 seal denoting quality; to prescribe the powers and duties of the
9 ~~state~~ department of agriculture; to establish procedures for

1 standards; to provide for fees; to authorize the appointment of
2 ~~commodity~~ CERTAIN committees; and to prescribe penalties. ~~for~~
3 ~~violations.~~

4 Sec. 2. As used in this act:

5 (A) "AGRICULTURAL PRODUCT" MEANS AN AGRICULTURAL PRODUCT
6 GROWN, PACKED, AND PROCESSED WITHIN THIS STATE.

7 (B) ~~(a)~~ "Commission" means the commission of agriculture.

8 (C) ~~(b)~~ "Department" means the ~~state~~ department of
9 agriculture.

10 (D) ~~(c)~~ "Director" means the ~~state~~ director of THE
11 DEPARTMENT OF agriculture.

12 (E) ~~(d)~~ "Person" means ~~individuals, partnerships, trusts,~~
13 ~~associations, corporations, and any and all other business units,~~
14 ~~devices and arrangements, or receiver, trustee or assignee of~~
15 ~~such business units~~ AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
16 ASSOCIATION, OR OTHER LEGAL ENTITY.

17 (F) ~~(e)~~ "Michigan seal of quality" means any label, tag,
18 or other device bearing the official emblem promulgated under
19 ~~the provisions of~~ this act containing the term "Michigan seal
20 of quality" attached to, affixed, or placed upon any crate,
21 carton, package, or other container of agricultural products
22 ~~grown, packed and processed within this state~~ OR SEAFOOD
23 PRODUCTS.

24 ~~(f)~~ "Products" mean ~~agricultural products grown, packed and~~
25 ~~processed within this state.~~

1 (G) "SEAFOOD PRODUCT" MEANS FISH OR OTHER SEAFOOD FOUND IN
2 LAKE MICHIGAN, LAKE HURON, LAKE SUPERIOR, OR LAKE ERIE OR A
3 CONNECTING WATERWAY.

4 Sec. 4. Upon the request of any commodity group of produc-
5 ers of AN agricultural ~~products stating~~ PRODUCT OR GROUP OF
6 PRODUCERS OF A SEAFOOD PRODUCT that BELIEVES it is essential to
7 the successful marketing of the ~~products~~ PRODUCT that standards
8 of quality be established FOR THAT PRODUCT, the commission, after
9 not less than 10 days' notice, shall call a public hearing at
10 which any interested person shall have the right to be heard
11 ~~and thereafter~~ ON THE MATTER. AFTER RECEIVING TESTIMONY, the
12 commission shall determine whether the establishment of standards
13 of quality for the ~~products~~ AGRICULTURAL OR SEAFOOD PRODUCT is
14 necessary to the successful marketing ~~thereof~~ OF THE PRODUCT.

15 Sec. 5. The commission, if it determines that it is neces-
16 sary to establish standards of quality for any ~~products~~
17 AGRICULTURAL OR SEAFOOD PRODUCT, shall promulgate an order estab-
18 lishing standards of quality for the ~~products, which~~ PRODUCT.
19 THE standards shall ~~relate~~ INCLUDE, BUT NOT BE LIMITED to, the
20 quality, size, and condition ~~thereof~~ OF THE PRODUCT, AS
21 APPROPRIATE.

22 Sec. 14. The commission shall enforce this act and may
23 promulgate, ~~such orders, rules and regulations in accordance~~
24 ~~with Act No. 88 of the Public Acts of 1943, as amended, being~~
25 ~~sections 24.71 to 24.82 of the Compiled Laws of 1948, and subject~~
26 ~~to Act No. 197 of the Public Acts of 1952, as amended, being~~
27 ~~sections 24.101 to 24.110 of the Compiled Laws of 1948, as are~~

1 ~~necessary to carry out the purposes of this act~~ AS NECESSARY,
2 RULES TO IMPLEMENT THIS ACT PURSUANT TO THE ADMINISTRATIVE PROCE-
3 DURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING
4 SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS. When
5 the director ~~or~~ or any person appointed by him ~~or~~ OR HER deter-
6 mines that ~~products~~ AN AGRICULTURAL OR SEAFOOD PRODUCT bearing
7 the seal ~~fail~~ FAILS to conform to the quality characteristics
8 and standards promulgated by the commission, the director or his
9 OR HER appointee may seize and dispose of the products as pro-
10 vided by section 7 of Act No. 211 of the Public Acts of 1893, as
11 amended, being section 289.37 of the MICHIGAN Compiled Laws. ~~of~~
12 ~~+948.~~

13 Sec. 16. The commission, after adopting rules to implement
14 this act, shall establish commodity AND SEAFOOD committees to
15 disseminate information relative to the purposes of this act and
16 to report to the commission ~~in reference to the functioning~~
17 ~~thereof~~ CONCERNING THE COMMITTEE'S WORK. Commodity AND SEAFOOD
18 committees shall consist of representatives of producers, first
19 handlers, wholesalers, retailers, and consumers capable of being
20 recognized as representative of the specific commodity OR SEAFOOD
21 interests involved by that industry. The commission may estab-
22 lish committees for any specific commodity OR SEAFOOD when
23 requested to do so by any representative segment of that
24 ~~commodity~~ industry. The commission shall create a central com-
25 mittee representative of all commodity AND SEAFOOD committees and
26 of such other governmental agencies as may have interests in
27 furthering the purposes of this act ~~or~~ upon the request of 3

1 existing ~~commodity~~ committees. The members of all committees
2 shall be that number determined and approved by the commission.
3 The members of committees shall hold office for a period of 1
4 year. The commission may reappoint any member of any committee.
5 The per diem compensation of committee members and the schedule
6 for reimbursement of expenses shall be established annually by
7 the legislature.