



SENATE BILL No. 1127

September 10, 1996, Introduced by Senator YOUNG and referred to the Committee on Health Policy and Senior Citizens.

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:

TITLE

5
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 ESTABLISHING standards; to provide for fees; to authorize the
2 appointment of ~~commodity~~ CERTAIN committees; and to prescribe
3 penalties. ~~for 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~~ A label,
18 tag, or other device bearing the official emblem promulgated
19 under ~~the provisions of~~ this act containing the term "Michigan
20 seal 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~~ A commodity group of pro-
5 ducers 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~~ HAS the right to be
11 heard ~~, and thereafter~~ ON THE MATTER. AFTER RECEIVING
12 TESTIMONY, the commission shall determine whether the establish-
13 ment of standards of quality for the ~~products~~ AGRICULTURAL OR
14 SEAFOOD PRODUCT is necessary to the successful marketing
15 ~~thereof~~ OF THE PRODUCT.

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

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

1 ~~24.101 to 24.110 of the Compiled Laws of 1948, as are necessary~~
 2 ~~to carry out the purposes of this act~~ RULES NECESSARY TO IMPLE-
 3 MENT THIS ACT UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
 4 ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO
 5 24.328 OF THE MICHIGAN COMPILED LAWS. ~~When~~ IF the director ~~7~~
 6 ~~or any~~ OR A person appointed by ~~him,~~ THE DIRECTOR determines
 7 that ~~products~~ AN AGRICULTURAL OR SEAFOOD PRODUCT bearing the
 8 seal ~~fail~~ FAILS to conform to the quality characteristics and
 9 standards promulgated by the commission, the director or ~~his~~
 10 THE DIRECTOR'S appointee may seize and dispose of the products as
 11 provided by section 7 of Act No. 211 of the Public Acts of 1893,
 12 ~~as amended,~~ being section 289.37 of the MICHIGAN Compiled Laws.
 13 ~~of 1948.~~

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

1 interests in furthering the purposes of this act ~~7~~ upon the
2 request of 3 existing ~~commodity~~ committees. The members of all
3 committees shall be that number determined and approved by the
4 commission. The members of committees shall hold office for a
5 period of 1 year. The commission may reappoint ~~any~~ A member of
6 ~~any~~ A committee. The per diem compensation of committee mem-
7 bers and the schedule for reimbursement of expenses shall be
8 established annually by the legislature.