

HOUSE BILL No. 4310

March 11, 2003, Introduced by Reps. Meyer, Sheltroun, Caswell, Julian, Rivet, Newell, Ehardt, Stahl, Shackleton and Nitz and referred to the Committee on Agriculture and Resource Management.

A bill to amend 1939 PA 141, entitled
"Grain dealers act,"
by amending section 25 (MCL 285.85), as added by 2002 PA 80.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 25. (1) The director may bring an action to enjoin the
2 violation or threatened violation of this act or a rule
3 promulgated under this act in a state court in the county in
4 which the violation occurs or is threatened to occur or in Ingham
5 county.

6 (2) The penalties provided for a violation of this act do not
7 apply to a public official of this state or the federal
8 government engaged in the performance of his or her official
9 duties in administering the laws, rules, or regulations of this
10 state or the federal government.

11 (3) Enactment of this amendatory act does not terminate or in

1 any way modify any civil or criminal liability under this act in
2 existence on or before the effective date of the amendatory act
3 adding this section.

4 (4) A person aggrieved by an order of the director issued
5 under this act may request a hearing pursuant to the
6 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
7 24.328.

8 (5) Beginning on the effective date of the amendatory act
9 that added this section, this act preempts and supersedes any
10 local ordinance, regulation, or resolution that imposes
11 conflicting, different, or additional standards or requirements
12 on grain dealers than those contained in this act. A local unit
13 of government shall not adopt or enforce an ordinance,
14 regulation, or resolution that imposes conflicting, different, or
15 additional standards or requirements on grain dealers than those
16 contained in this act.

17 (6) The identity of an individual submitting information
18 regarding an alleged violation or threatened violation of this
19 act by a grain dealer is confidential and is not subject to the
20 disclosure requirements of the freedom of information act, 1976
21 PA 442, MCL 15.231 to 15.246, except that the identity of the
22 individual may be disclosed in any of the following
23 circumstances:

24 (a) With the written consent of the individual.

25 (b) Pursuant to a court proceeding.

26 (c) The disclosure is made to the director or an agent or
27 employee of the department.

1 (d) The disclosure is made to an agent or employee of a state
2 or the federal government authorized by law to see the identity
3 of the individual.