

Legislative Analysis



MDA RULE-MAKING AUTHORITY

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5036 as enrolled
Public Act 220 of 2006
Sponsor: Rep. Richard Ball

House Bill 5160 as enrolled
Public Act 221 of 2006
Sponsor: Rep. Joel Sheltroun

House Bills 5346 and 5347 as enrolled
Public Acts 222 and 223 of 2006
Sponsor: Rep. John Stahl

House Committee: Agriculture
Senate Committee: Agriculture, Forestry and Tourism

Complete to 8-23-06

A SUMMARY OF HOUSE BILLS 5036, 5160, 5346, AND 5347 AS ENROLLED

House Bill 5036

House Bill 5036 would amend Public Act 358 of 1994 (MCL 287.900), which regulates the possession of ferrets, to permit, rather than require, the Department of Agriculture's to promulgate rules implementing and enforcing the act.

House Bill 5160

Public Act 153 of 1975 (MCL 290.691 et seq.) provides for the payment of marketing fees by grower-members of a fruit or vegetable cooperative marketing association established under Public Act 327 of 1931. The act says that the Department of Agriculture may receive complaints alleging a violation and, upon investigation, hold a hearing with a hearing officer appointed by the director of the department. Under the bill, the hearing officer would be appointed by the director of the State Office of Administrative Hearings and Rules (SOAHR). The bill would also permit, rather than require, the MDA to promulgate rules.

House Bill 5346

The Apiary Law, Public Act 412 of 1976 (MCL 286.801 et seq.), provides the Department of Agriculture with responsibilities regarding the control or eradication of certain bee diseases and exotic strains of bees, including authorizing the department to promulgate rules. The bill would make editorial changes to a provision concerning the MDA's rule-making authority.

House Bill 5347

The Michigan Organic Products Act (MCL 286.907 et al.) provides the regulatory framework for ensuring the quality of organic agricultural products. The act requires the director of the Department of Agriculture to promulgate rules adopting standards for organic products that meet or exceed standards established by the U.S. Department of Agriculture Marketing Service or an equivalent national organic program. The bill would permit, rather than require, the MDA to adopt such standards.

The act further provides that, until the MDA adopts such standards, the international standards established by the Organic Crop Improvement Association International, as revised February 1999, and the certification standards of the organic growers of Michigan, as revised March 7, 2000 and adopted May 28, 2000 are adopted as interim standards.

The bill, instead, adopts by reference of standards contained in the National Organic Program (7 CFR Part 205). The standards were developed by the USDA-Agricultural Marketing Service pursuant to the federal Organic Foods Production Act of 1990 and generally provide for the production and handling of organically produced products, including a list of allowed and prohibited substances in organic products, as well as certification as an organic product.

FISCAL IMPACT:

The bills would have no apparent fiscal impact on the state or local governmental units.

Legislative Analyst: Mark Wolf
Fiscal Analyst: William E. Hamilton

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.