

# HOUSE BILL No. 5160

September 13, 2005, Introduced by Reps. Sheltroun, Mayes and Spade and referred to the Committee on Agriculture.

A bill to amend 1975 PA 153, entitled

"An act to require certain purchasers of fruits and vegetables to deduct and remit marketing fees if authorized by a grower-member of a cooperative marketing association; to prescribe the powers and duties of certain state agencies; and to prescribe means of enforcement and penalties,"

by amending section 2 (MCL 290.692).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2. (1) For the purpose of enforcing this act, the  
2       department of agriculture may receive sworn complaints with respect  
3       to violations or threatened violations ~~thereof~~ **OF THIS ACT**. The  
4       director of the department of agriculture, or his **OR HER** authorized  
5       representatives, shall make all necessary investigations,  
6       examinations, or inspections of violations or threatened violations  
7       specified in the sworn complaint filed with the department.

8       (2) ~~An~~ **THE DEPARTMENT OF AGRICULTURE SHALL COMPLETE AN**

1 investigation ~~shall be completed~~ within 30 days after the filing  
2 of the complaint.

3 (3) If, upon investigation, the director of the department of  
4 agriculture considers there is reasonable cause to believe that a  
5 violation of this act has occurred, the director or his **OR HER**  
6 authorized representative shall, within 75 days after the filing of  
7 the complaint, ~~hold~~ **PROVIDE NOTICE AND OPPORTUNITY FOR** a hearing  
8 ~~in accordance with Act No. 306 of the Public Acts of 1969, as~~  
9 ~~amended, being sections 24.201 to 24.315 of the Michigan Compiled~~  
10 ~~Laws~~ **UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,**  
11 **MCL 24.201 TO 24.328**, to determine whether a purchaser has failed  
12 to comply with this act.

13 (4) A hearing officer designated by the director of the  
14 ~~department of agriculture~~ **STATE OFFICE OF ADMINISTRATIVE HEARINGS**  
15 **AND RULES** shall preside at the hearing ~~—~~ and may administer oaths  
16 ~~—~~ **AND** require the attendance of witnesses ~~—~~ and the production  
17 of such books, papers, contracts, agreements, and documents as ~~may~~  
18 ~~be deemed~~ **ARE CONSIDERED** material to a just determination of the  
19 issues in dispute, and for that purpose may issue subpoenas. If a  
20 person refuses to obey a subpoena ~~—~~ or refuses to be sworn or to  
21 testify ~~—~~ or if a witness, party, or attorney is guilty of  
22 contempt while in attendance at a hearing, the hearing officer may,  
23 or the attorney general if requested shall, invoke the aid of the  
24 circuit court within the jurisdiction in which the hearing is being  
25 held ~~which shall~~ **TO** issue an appropriate order. Failure to obey  
26 the order may be punished by the court as contempt.

27 ~~— (5) The department shall promulgate rules pursuant to Act No.~~

1 ~~306 of the Public Acts of 1969, as amended, to implement this act.~~