

Act No. 221
Public Acts of 2006
Approved by the Governor
June 24, 2006
Filed with the Secretary of State
June 26, 2006
EFFECTIVE DATE: June 26, 2006

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006**

Introduced by Reps. Sheltroun, Mayes and Spade

ENROLLED HOUSE BILL No. 5160

AN ACT 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:

Sec. 2. (1) For the purpose of enforcing this act, the department of agriculture may receive sworn complaints with respect to violations or threatened violations of this act. The director of the department of agriculture, or his or her authorized representatives, shall make all necessary investigations, examinations, or inspections of violations or threatened violations specified in the sworn complaint filed with the department.

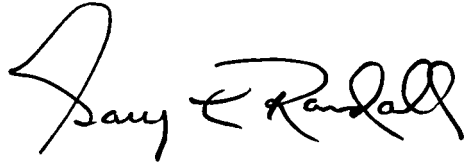
(2) The department of agriculture shall complete an investigation within 30 days after the filing of the complaint.

(3) If, upon investigation, the director of the department of agriculture considers there is reasonable cause to believe that a violation of this act has occurred, the director or his or her authorized representative shall, within 75 days after the filing of the complaint, provide notice and opportunity for a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to determine whether a purchaser has failed to comply with this act.

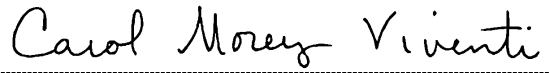
(4) A hearing officer designated by the director of the state office of administrative hearings and rules shall preside at the hearing and may administer oaths and require the attendance of witnesses and the production of such books, papers, contracts, agreements, and documents as are considered material to a just determination of the issues in dispute, and for that purpose may issue subpoenas. If a person refuses to obey a subpoena or refuses to be sworn or to testify or if a witness, party, or attorney is guilty of contempt while in attendance at a hearing, the hearing officer may, or the attorney general if requested shall, invoke the aid of the circuit court within the jurisdiction in which the hearing is being held to issue an appropriate order. Failure to obey the order may be punished by the court as contempt.

(5) The department may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor