

**SUBSTITUTE FOR
SENATE BILL NO. 1132**

A bill to amend 2001 PA 267, entitled
"Manufacturing milk law of 2001,"
by amending sections 110 and 125 (MCL 288.670 and 288.685), as
amended by 2008 PA 147, and by adding section 110b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 110. (1) A person shall not do any of the following
2 without being licensed under this act or the grade A milk law of
3 2001:

4 (a) Produce milk that is offered for sale.

5 (b) Collect milk samples for regulatory purposes.

6 (c) Operate a milk transportation company that owns or
7 operates a can milk truck.

8 (d) Process, label, or sell milk or manufactured dairy
9 products, except that a person operating a retail food

1 establishment is exempt from licensure under this act if he or she
2 complies with section 111 and is licensed under the food law of
3 2000. This subdivision does not prevent the sale at wholesale or
4 retail at a retail food establishment licensed under the food law
5 of 2000 of milk or milk products that are packaged in final
6 consumer packages at a facility licensed under this act.

7 (e) Wash milk tank trucks.

8 (2) A person licensed under the grade A milk law of 2001 and
9 engaged in activities regulated under that act and activities
10 regulated under this act is exempt from licensure under this act.

11 (3) A person licensed under the grade A milk law of 2001 or
12 this act shall comply with the requirements of this act, where
13 applicable, and is subject to the penalties set forth in this act,
14 where applicable.

15 (4) The director may issue a temporary license or permit for
16 activities regulated under this act.

17 (5) State agencies operating dairy facilities under a
18 memorandum of understanding with the department are not required to
19 be licensed or permitted, or to provide producer security under
20 this act, but are otherwise required to be in compliance with this
21 act.

22 (6) An applicant for an initial manufacturing grade dairy farm
23 permit shall **APPLY TO THE DEPARTMENT ON A FORM PROVIDED BY THE**
24 **DEPARTMENT, PAY THE ANNUAL PERMIT FEE IMPOSED UNDER THIS SECTION,**
25 **AND** complete education on drug residue avoidance control measures
26 acceptable to the director before receiving the permit.

27 (7) An applicant for an initial license as a dairy plant shall

1 apply to the department on a form supplied by the department and
2 provide a statement containing the following:

3 (a) The dairy plant's correct legal name and any name by which
4 the dairy plant is doing business. If the dairy plant is a person
5 not an individual, the name of each officer and director, and
6 partner, member, or owner owning in excess of 35% of equity or
7 stock.

8 (b) The location of the dairy plant to which the statement
9 pertains and the name of the responsible person who may be
10 contacted at that location.

11 (c) The anticipated value of greatest milk receipts the dairy
12 plant expects to receive during a consecutive 30-day period within
13 the licensing period.

14 (d) A list of producers, including names, mailing addresses,
15 and department producer permit number, with whom the dairy plant
16 intends to do business except that not later than 90 days after
17 becoming licensed for the first time, the dairy plant shall send an
18 updated list to the department.

19 (e) The name of the financial institution through which milk
20 checks are to be issued to producers.

21 **(F) THE ANNUAL VOLUME OF RAW MILK EACH MILK PLANT ANTICIPATES**
22 **RECEIVING. THE DEPARTMENT MAY CONDUCT AN AUDIT TO VERIFY THE**
23 **ACCURACY OF THE ANNUAL VOLUME OF RAW MILK RECEIPTS REPORTED AND MAY**
24 **REASSESS THE LICENSE FEE ACCORDINGLY. IN THE ALTERNATIVE, THE**
25 **DEPARTMENT MAY UTILIZE AN AUDIT CONDUCTED BY THE UNITED STATES**
26 **DEPARTMENT OF AGRICULTURE OR ANY OTHER AUDIT ACCEPTABLE TO THE**
27 **DIRECTOR.**

1 (8) A dairy plant shall annually renew a license issued under
2 this act by applying to the department at least 30 days prior to
3 the expiration of the existing license. The anniversary date of a
4 license for a dairy plant that is providing a financial statement
5 as a security device shall be 130 days after the close of the
6 licensee's fiscal year. The dairy plant shall apply for renewal of
7 a license on a form supplied by the department and provide a
8 statement containing the following:

9 (a) The dairy plant's correct legal name and any name by which
10 the dairy plant is doing business. If the dairy plant is a person
11 not an individual, the name of each officer and director, and
12 partner, member, or owner owning in excess of 35% of equity or
13 stock.

14 (b) The location of the dairy plant to which the statement
15 pertains and the name of the responsible person who may be
16 contacted at that location.

17 (c) The greater of either the value of greatest milk receipts
18 that the dairy plant received within a consecutive 30-day period
19 during its last license year or the greatest milk receipts that the
20 dairy plant is anticipated to receive during a consecutive 30-day
21 period within the licensing period.

22 (d) A complete list of producers, including names, mailing
23 addresses, and department producers permit number, with whom the
24 dairy plant is doing business.

25 (e) The name of the financial institution through which milk
26 checks are issued to producers.

27 **(F) THE ANNUAL VOLUME OF RAW MILK EACH MILK PLANT ANTICIPATES**

1 RECEIVING. THE DEPARTMENT MAY CONDUCT AN AUDIT TO VERIFY THE
2 ACCURACY OF THE ANNUAL VOLUME OF RAW MILK RECEIPTS REPORTED AND MAY
3 REASSESS THE LICENSE FEE ACCORDINGLY. IN THE ALTERNATIVE, THE
4 DEPARTMENT MAY UTILIZE AN AUDIT CONDUCTED BY THE UNITED STATES
5 DEPARTMENT OF AGRICULTURE OR ANY OTHER AUDIT ACCEPTABLE TO THE
6 DIRECTOR.

7 (9) ~~Each dairy plant shall pay a \$50.00 annual licensing or~~
8 ~~permitting fee.~~ LICENSE RENEWAL FOR A DAIRY PLANT SHALL TAKE PLACE
9 ON JUNE 30 OF EACH YEAR UNLESS OTHERWISE SPECIFIED IN THIS ACT. A
10 DAIRY PLANT LICENSED UNDER THIS ACT SHALL PAY AN ANNUAL LICENSE OR
11 PERMIT FEE AS FOLLOWS:

12 (A) DAIRY PLANT WITH LESS THAN 6,000,000 POUNDS OF ANTICIPATED
13 RAW MILK RECEIPTS PER YEAR, AT A RATE OF \$200.00 PER YEAR.

14 (B) DAIRY PLANT WITH GREATER THAN OR EQUAL TO 6,000,000 POUNDS
15 OF ANTICIPATED RAW MILK RECEIPTS PER YEAR, AT A RATE OF \$400.00 PER
16 YEAR.

17 (10) Each receiving station or transfer station shall be
18 licensed or permitted either as part of a dairy plant or as a
19 stand-alone facility. Each stand-alone facility will be licensed or
20 permitted at a rate of ~~\$50.00~~ \$200.00 per year. License renewal
21 shall take place on June 30 every year.

22 (11) Each milk tank truck cleaning facility shall be licensed
23 or permitted under this act either as part of a dairy plant,
24 receiving station or transfer station, or as a stand-alone milk
25 tank truck cleaning facility, or under the grade A law of 2001. Any
26 milk tank truck cleaning facility that washes the milk contact
27 surfaces of milk tank trucks used to haul grade A milk shall be

1 licensed under the grade A law of 2001. Each stand-alone facility
2 will be licensed or permitted at a rate of ~~\$50.00~~-\$200.00 per year.
3 License renewal shall take place on June 30 every year.

4 (12) Each single service containers and closures manufacturer
5 shall be licensed or permitted under this act either as part of a
6 dairy plant or as a stand-alone manufacturer. Each stand-alone
7 facility will be licensed at a rate of ~~\$50.00~~-\$200.00 per year.
8 License renewal shall take place on June 30 every year.

9 (13) A person shall not pick up manufacturing grade milk in a
10 farm pickup milk tank from a farm bulk milk tank without a
11 hauler/sampler license issued by the department under the grade A
12 law of 2001. Each milk tank truck or can milk truck shall be
13 licensed or permitted under this act or as required under the grade
14 A milk law of 2001 at a rate of ~~\$10.00~~-\$20.00 per year. License or
15 permit renewal shall take place on June 30 every year.

16 (14) EACH DAIRY FARM PRODUCING MANUFACTURING MILK TO BE
17 OFFERED FOR SALE SHALL BE LICENSED OR PERMITTED ANNUALLY AT EITHER
18 OF THE FOLLOWING RATES:

19 (A) IF THE DAIRY FARM DOES NOT MAINTAIN ADEQUATE INDUSTRY
20 PERSONNEL, AS DETERMINED BY THE DIRECTOR, WHO ARE APPROVED TO
21 CONDUCT CERTIFIED INDUSTRY FARM INSPECTIONS, \$30.00.

22 (B) IF THE DAIRY FARM MAINTAINS ADEQUATE INDUSTRY PERSONNEL,
23 AS DETERMINED BY THE DIRECTOR, WHO ARE APPROVED TO CONDUCT
24 CERTIFIED INDUSTRY FARM INSPECTIONS, \$15.00.

25 (15) THE FEE DESCRIBED IN SUBSECTION (14) SHALL BE PAID TO THE
26 DEPARTMENT BY JUNE 30 EVERY YEAR.

27 (16) A MILK BUYER SHALL PAY THE ANNUAL LICENSE OR PERMIT FEE

1 ON BEHALF OF THE DAIRY FARMS AND MAY SUBMIT AN INVOICE TO THE DAIRY
2 FARMS FOR REIMBURSEMENT OF THE FEE OR MAY DEDUCT THE FEE FROM THE
3 DAIRY FARMS' MILK CHECK. A MILK BUYER SHALL COMPLETE A FORM
4 PROVIDED BY THE DEPARTMENT THAT INDICATES THE NUMBER OF PRODUCERS
5 FOR WHICH IT IS RESPONSIBLE AND SHALL INCLUDE A LIST OF THE
6 PRODUCER NAMES, ADDRESSES, AND DEPARTMENT PERMIT NUMBERS. THE
7 DEPARTMENT MAY CONDUCT AUDITS TO VERIFY FEE PAYMENTS.

8 (17) THE DEPARTMENT MAY ASSESS A PLAN REVIEW FEE OF \$100.00 TO
9 A POTENTIAL DAIRY LICENSEE OR PERMITTEE, TO BE PAID PRIOR TO AN ON-
10 SITE CONSULTATION. THE PLAN REVIEW FEE IS NOT REFUNDABLE AND DOES
11 NOT APPLY TOWARD ANY FUTURE LICENSE FEES.

12 (18) THE DEPARTMENT MAY ASSESS A \$150.00 FEE ON ANY LICENSEE
13 OR PERMITTEE REQUIRING THE PERFORMANCE OF 2 OR MORE CONSECUTIVE
14 REINSPECTIONS FOR COMPLIANCE OF ITEMS FOUND IN VIOLATION OF THIS
15 ACT.

16 (19) ~~(14)~~The director may issue a temporary license or permit
17 if the director determines that issuance of the license or permit
18 will not be detrimental to the protection of the public health,
19 safety, or welfare or will not cause an imminent threat of
20 financial loss to producers.

21 (20) ~~(15)~~A political subdivision of the state shall not levy
22 special license fees or taxes on 1 or more of the persons or
23 businesses described in this section except for taxes or fees that
24 are generally levied on persons or businesses other than dairy
25 plants and dairy plant operators.

26 (21) ~~(16)~~The director shall examine the books, records, and
27 accounts of a dairy plant if the dairy plant has not responded to

1 requests from the director regarding a security device described in
2 sections 117, 118, and 119. All examinations of books, records, and
3 accounts required under this subsection shall be made within this
4 state.

5 (22) ~~(17)~~—All applicants for a permit or license must complete
6 an application provided by the department and meet the minimum
7 requirements of this act or the grade A law of 2001, and rules
8 promulgated under this act.

9 (23) ~~(18)~~—Any fees, assessments, civil or administrative
10 fines, and money from any other source collected by the department
11 under this act shall be deposited into the dairy and food safety
12 fund created in section 4117 of the food law of 2000, MCL 289.4117.

13 (24) ~~(19)~~—The department may impose a late fee of \$10.00 for a
14 renewal application for each business day the application is late.
15 The total late fee shall not exceed \$100.00. The department shall
16 not issue or renew a license until any fees and fines have been
17 paid. A hearing is not required regarding the department's refusal
18 to issue or renew a license under this subsection except as allowed
19 under the administrative procedures act of 1969, 1969 PA 306, MCL
20 24.201 to 24.328. The department may charge a convenience fee and
21 collect from the applicants any additional costs associated with
22 the method of fee payment for the license or permit fees described
23 in this section and section 110a, not to exceed the costs to the
24 department.

25 **SEC. 110B. (1) AS USED IN THIS SECTION, "PASTEURIZED MILK**
26 **ORDINANCE" MEANS THAT TERM AS DEFINED IN SECTION 6 OF THE GRADE A**
27 **MILK LAW, MCL 288.476.**

1 (2) EACH CERTIFIED INDUSTRY MANUFACTURING FARM INSPECTOR SHALL
2 PAY A 3-YEAR LICENSE FEE OF \$150.00 FOR A LICENSE TO CONDUCT
3 CERTIFIED INDUSTRY MANUFACTURING FARM INSPECTIONS. LICENSE RENEWAL
4 SHALL TAKE PLACE ON THE EXPIRATION DATE OF THE 3-YEAR
5 CERTIFICATION.

6 (3) CERTIFIED INDUSTRY MANUFACTURING FARM INSPECTORS SHALL
7 COMPLY WITH THE REQUIREMENTS FOR CERTIFIED INDUSTRY INSPECTIONS
8 SPECIFIED IN SECTION 5 OF THE PASTEURIZED MILK ORDINANCE AND, IN
9 ADDITION, SHALL CONDUCT BOTH OF THE FOLLOWING:

10 (A) A FARM INSPECTION OF ALL PRODUCERS HAVING THE FIRST
11 ROUTINE COUNT EXCEEDING LEGAL STANDARDS FOR BACTERIA OR SOMATIC
12 CELLS, OR BOTH.

13 (B) ONE ROUTINE INSPECTION PER YEAR OF EACH PRODUCER, WITH A
14 COPY OF EACH REQUIRED INSPECTION FORWARDED TO THE LOCAL AREA DAIRY
15 INSPECTOR.

16 (4) CERTIFIED INDUSTRY MANUFACTURING FARM INSPECTORS MAY
17 PERFORM OFFICIAL INSPECTIONS, BUT ONLY WITH AUTHORIZATION BY THE
18 DIRECTOR.

19 Sec. 125. (1) The director shall impose upon a producer who
20 violates this act by selling or offering for sale milk which has
21 been found positive for violative drug residues on a test performed
22 pursuant to sections 131 and 132 the following sanctions and
23 administrative fines and provide notice and the opportunity for an
24 administrative hearing:

25 (a) The following in the case of a first violative drug
26 residue within a 12-month period:

27 (i) The producer's milk shall not be offered for sale until a

1 subsequent sample of the producer's milk tests negative for
2 violative drug residues at an approved laboratory.

3 ~~(ii) The producer shall pay an administrative fine equal to the~~
4 ~~lost value of the milk on the entire contaminated load and any~~
5 ~~costs associated with the disposition of that load. The~~
6 ~~administrative fine shall be paid directly to the milk buyer. **THE**~~
7 **PRODUCER SHALL PAY AN ADMINISTRATIVE FINE OF \$50.00 TO THE**
8 **DEPARTMENT UPON THE VIOLATIVE SHIPMENT, AS DETERMINED BY AN**
9 **APPROVED DRUG RESIDUE TEST. THE MILK BUYER MAY PAY THE**
10 **ADMINISTRATIVE FINE, IF A LIKE AMOUNT HAS BEEN DEDUCTED FROM THE**
11 **PRODUCER'S MILK CHECK. IF THE PRODUCER'S VIOLATIVE SHIPMENT CAUSED**
12 **THE PARTIAL OR TOTAL LOSS OF A LOAD OF MILK, THE PRODUCER SHALL PAY**
13 **DIRECTLY TO THE MILK BUYER AN ADDITIONAL ADMINISTRATIVE FINE EQUAL**
14 **TO THE LOST VALUE OF THE CONTAMINATED LOAD AND ANY COSTS ASSOCIATED**
15 **WITH THE DISPOSITION OF THAT LOAD.** The department shall be provided
16 with written notification of the payment. Written notification
17 shall also be provided to the department of the date and location
18 of the disposal of the entire contaminated load. Where a producer
19 markets their own load of milk, the producer shall provide written
20 notification to the department of the date and location of the
21 disposal of the entire contaminated load. ~~If the producer's~~
22 ~~violative shipment did not cause partial or total loss of a load of~~
23 ~~milk as determined by an approved drug residue test, the producer~~
24 ~~shall pay an administrative fine of \$50.00 to the department. The~~
25 ~~milk buyer may pay the administrative fine, if a like amount has~~
26 ~~been deducted from the producer's milk check.~~

27 (b) The following in the case of a second violative drug

1 residue within a 12-month period:

2 (i) The producer's milk shall not be offered for sale until a
3 subsequent sample of the producer's milk tests negative for
4 violative drug residues at an approved laboratory.

5 ~~(ii) The producer shall pay an administrative fine equal to the~~
6 ~~lost value of the milk on the entire contaminated load and any~~
7 ~~costs associated with the disposition of that load. The~~
8 ~~administrative fine shall be paid directly to the milk buyer. THE~~
9 **PRODUCER SHALL PAY AN ADMINISTRATIVE FINE OF \$200.00 TO THE**
10 **DEPARTMENT UPON THE VIOLATIVE SHIPMENT, AS DETERMINED BY AN**
11 **APPROVED DRUG RESIDUE TEST. THE MILK BUYER MAY PAY THE**
12 **ADMINISTRATIVE FINE, IF A LIKE AMOUNT HAS BEEN DEDUCTED FROM THE**
13 **PRODUCER'S MILK CHECK. IF THE PRODUCER'S VIOLATIVE SHIPMENT CAUSED**
14 **THE PARTIAL OR TOTAL LOSS OF A LOAD OF MILK, THE PRODUCER SHALL PAY**
15 **DIRECTLY TO THE MILK BUYER AN ADDITIONAL ADMINISTRATIVE FINE EQUAL**
16 **TO THE LOST VALUE OF THE CONTAMINATED LOAD AND ANY COSTS ASSOCIATED**
17 **WITH THE DISPOSITION OF THAT LOAD.** The department shall be provided
18 with written notification of the payment. Written notification
19 shall also be provided to the department of the date and location
20 of the disposal of the entire contaminated load. Where a producer
21 markets their own load of milk, the producer shall provide written
22 notification to the department of the date and location of the
23 disposal of the entire contaminated load. ~~If the producer's~~
24 ~~violative shipment did not cause partial or total loss of a load of~~
25 ~~milk as determined by an approved drug residue test, the producer~~
26 ~~shall pay an administrative fine of \$200.00 to the department. The~~
27 ~~milk buyer may pay the administrative fine, if a like amount has~~

1 ~~been deducted from the producer's milk check.~~

2 (iii) The producer will be required to test all milk prior to
3 shipment with a drug residue test acceptable to the director for a
4 minimum of 12 months and must retain records of these tests for a
5 minimum of 18 months.

6 (iv) The producer will be required to maintain complete drug
7 treatment records for all lactating or near lactating dairy animals
8 for a minimum of 12 months and ~~must~~ **SHALL** retain records of these
9 treatments for a minimum of 18 months.

10 (c) The following in the case of a third or any additional
11 violative drug residue within a 12-month period:

12 (i) The producer's milk shall not be offered for sale until a
13 subsequent sample of the producer's milk tests negative for
14 violative drug residues at an approved laboratory.

15 ~~(ii) The producer shall pay an administrative fine equal to the~~
16 ~~lost value of the milk on the entire contaminated load and any~~
17 ~~costs associated with the disposition of that load. The~~
18 ~~administrative fine shall be paid directly to the milk buyer. **THE**~~
19 **PRODUCER SHALL PAY AN ADMINISTRATIVE FINE OF \$500.00 TO THE**
20 **DEPARTMENT UPON THE VIOLATIVE SHIPMENT, AS DETERMINED BY AN**
21 **APPROVED DRUG RESIDUE TEST. THE MILK BUYER MAY PAY THE**
22 **ADMINISTRATIVE FINE, IF A LIKE AMOUNT HAS BEEN DEDUCTED FROM THE**
23 **PRODUCER'S MILK CHECK. IF THE PRODUCER'S VIOLATIVE SHIPMENT CAUSED**
24 **THE PARTIAL OR TOTAL LOSS OF A LOAD OF MILK, THE PRODUCER SHALL PAY**
25 **DIRECTLY TO THE MILK BUYER AN ADDITIONAL ADMINISTRATIVE FINE EQUAL**
26 **TO THE LOST VALUE OF THE CONTAMINATED LOAD AND ANY COSTS ASSOCIATED**
27 **WITH THE DISPOSITION OF THAT LOAD.** The department shall be provided

1 with written notification of the payment. Written notification
2 shall also be provided to the department of the date and location
3 of the disposal of the entire contaminated load. Where a producer
4 markets its own load of milk, the producer shall provide written
5 notification to the department of the date and location of the
6 disposal of the entire contaminated load. ~~If the producer's~~
7 ~~violative shipment did not cause partial or total loss of a load of~~
8 ~~milk as determined by an approved drug residue test, the producer~~
9 ~~shall pay an administrative fine of \$500.00 to the department. The~~
10 ~~milk buyer may pay the administrative fine, if a like amount has~~
11 ~~been deducted from the producer's milk check.~~

12 (iii) The suspension of the producer's permit for a period not
13 to exceed 60 days after notice and the opportunity for an
14 administrative hearing before the department.

15 (iv) The producer will be required to test all milk prior to
16 shipment with a drug residue test acceptable to the director for a
17 minimum of 12 months and must retain records of these tests for a
18 minimum of 18 months.

19 (v) The producer will be required to maintain complete drug
20 treatment records for all lactating or near lactating dairy animals
21 for a minimum of 12 months and must retain records of these
22 treatments for a minimum of 18 months.

23 (2) The director may accept verification, on forms acceptable
24 to the director, from the violative producer's milk marketing
25 cooperative or purchaser of milk as satisfying the penalty
26 requirements and may verify the information.

27 (3) The disposal method and location of disposal for violative

1 drug residue milk on the milk tank truck shall be immediately
2 reported to the director, by the party making the disposal, on
3 forms provided by and acceptable to the director.

4 (4) The director shall investigate the cause of the violative
5 drug residue and shall discuss drug residue avoidance control
6 measures with the violative producer.

7 (5) Selling or offering for sale milk which has been found
8 violative for drug residues is determined by either of the
9 following criteria:

10 (a) When milk is picked up from a milk producer by a milk tank
11 truck and not commingled with milk from other producers, the milk
12 becomes subject to possible drug residue penalties at the point the
13 milk tank truck leaves the farm with the milk.

14 (b) When milk is picked up from a milk producer by a milk tank
15 truck and commingled with milk from other producers, it becomes
16 subject to possible drug residue penalties at the point of
17 commingling.

18 (6) Section 124 applies to a producer who violates this act by
19 selling or offering for sale milk which tests positive for
20 violative drug residues on a test performed pursuant to sections
21 131 and 132 only under the following circumstances:

22 (a) The producer fails to pay the administrative fine required
23 by subsection (1) in compliance with subsections (8) and (9).

24 (b) The producer has been fined under subsection (1) within
25 the preceding 12-month period 3 or more times.

26 (7) After notice and an opportunity for an administrative
27 hearing pursuant to the administrative procedures act of 1969, 1969

1 PA 306, MCL 24.201 to 24.328, the director may revoke or suspend a
2 license or permit issued under this act for any violation of this
3 act or a rule promulgated under this act. Except as otherwise
4 provided for under subsection (1), upon finding that a person
5 violated a provision of this act or rule promulgated under this
6 act, the director may impose an administrative fine of not more
7 than \$1,000.00 and the actual costs of the investigation of the
8 violation.

9 (8) The administrative fines imposed under subsection (1) or
10 (7) shall be paid to the department within 10 days after
11 notification of the violation **AND FINE** or within 10 days after
12 notification of adverse findings following a hearing or appeal, or
13 both. The administrative fines received by the department under
14 this section shall be deposited into the dairy and food safety fund
15 as provided for in section ~~110(18)~~**110(23)**.

16 (9) Failure to pay a load contamination or any other
17 administrative fine imposed under this section within 120 days
18 without making acceptable arrangements for payment of the fine may
19 result in license revocation or permit suspension or court action,
20 following notice and the opportunity for an administrative hearing.

21 (10) The director shall advise the attorney general of the
22 failure of any person to pay an administrative fine imposed under
23 this section. The attorney general shall bring an action in court
24 of competent jurisdiction to recover the fine.

25 (11) A decision of the director under this section is subject
26 to judicial review as provided by law.

27 (12) This section does not require the director to issue an

1 administrative fine or initiate court action for minor violations
2 of this act whenever the department believes that the public
3 interest will be adequately served under the circumstances by a
4 suitable written notice or warning.