

Legislative Analysis



RESCISSION OF RULES & REGULATIONS

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

House Bill 5206 without amendment
Sponsor: Rep. Bruce Rendon

House Bill 5207 without amendment
Sponsor: Rep. Kenneth Kurtz

House Bill 5208 without amendment
Sponsor: Rep. Paul Muxlow

House Bill 5209 without amendment
Sponsor: Rep. Ed McBroom

House Bill 5210 without amendment
Sponsor: Rep. Rick Outman

House Bill 5211 without amendment
Sponsor: Rep. Ben Glardon

House Bill 5212 without amendment
Sponsor: Rep. Andrea LaFontaine

Committee: Agriculture
Complete to 2-1-12

A SUMMARY OF HOUSE BILLS 5206 - 5212 AS REPORTED FROM COMMITTEE

Generally speaking, this package would rescind rules and regulations the Department of Agriculture and Rural Development has deemed to be obsolete and no longer necessary.

House Bill 5206 would amend the Agricultural Commodities Marketing Act to rescind R 285.311 pertaining to cherry assessments. Under this rule cherry processors are required to (1) file annual reports with the Secretary of State containing a complete list of all growers that provided cherries to the processor and (2) forward the assessment levied under the act to the Cherry Commission on all cherries received and processed. It also contains volume and weight conversion factors for tart cherries and provides for exemption certificates.

House Bill 5207 would repeal the Seal of Quality Act (1961 PA 70), MCL 289.631 to 289.646). The act was designed to promote development and consumption of Michigan agricultural products by use of a seal denoting quality. Among other things, the act provided for fees, authorized the appointment of commodity committees, established procedures for standards, and provided penalties for violations of the act.

House Bill 5208 would amend the Weights and Measures Act to rescind R 285.559 pertaining to liquid measuring devices. According to the department, the rules conflict with standards adopted in the Weights and Measures Act and the legislatively adopted federal National Institute of Standards and Technology Handbook 44.

House Bill 5209 would rescind R 285.1101 to 1907 containing rules for the Upper Peninsula State Fair. These rules are no longer necessary after the fair was privatized and the property was conveyed to the entity now operating the fair.

House Bill 5210 would amend the Agricultural Commodities Marketing Act to rescind R 290.1 to 18 containing rules related to the Michigan State Apple Commission, which no longer exists. The Michigan Apple Committee, organized under the Agricultural Commodities Marketing Act, has operating provisions within its program.

House Bill 5211 would amend the Grain Dealers Act to rescind R 285.560, which contains rules for grain dealers. 2002 PA 80 incorporated many of the important rules into the act but the rules were not rescinded at that time.

House Bill 5212 would amend the Insect Pest and Plant Disease Act to rescind R 285.607 (Tomato Seed Certification), 285.611 (Gladiolus Inspection and Certification), 285.613 (Dutch Elm Disease), and 285.618 (Dahlias). The department has determined the rules to be obsolete because the certified tomato industry has decreased to the point of near nonexistence; gladiolas are not considered nursery stock, so inspections are only done to facilitate trade; Dutch elm disease has become so widespread the regulation is no longer effective; and dahlias are not considered nursery stock, so inspections are only done to facilitate trade.

Collectively, this package would repeal one act, 18 of the department's 98 total regulations, and 217 of the department's 878 total rules.

FISCAL IMPACT:

The department indicates that the statutory provisions repealed by the bill package are obsolete and no longer performed by the department. As a result, the bills will have no material fiscal impact.

POSITIONS:

The Michigan Department of Agriculture and Rural Development supports the bills. (1-25-12)

The Michigan Farm Bureau supports the bills. (1-25-12)

Legislative Analyst: Jeff Stoutenburg
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.