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House Bill 4751 (as passed by the House)
Sponsor: Representative Joel Johnson
House Committee: Agriculture
Senate Committee: Agriculture

Date Completed: 3-14-12

CONTENT

The bill would amend the Agricultural Marketing and Bargaining Act to authorize the Michigan Department of Agriculture and Rural Development (MDARD) to determine whether the expense of a proceeding under the Act would be borne by a person found to have committed a practice in violation of the Act.

The bill also would delete references to the former Agricultural Marketing and Bargaining Board and transfer its responsibilities to MDARD (consistent with Executive Reorganization Order 7 of 2007).

Proceedings under the Act

The Act allows producers of agricultural commodities to join together voluntarily in associations without interference by "handlers". (A "handler" is a person other than an association engaged in certain businesses or practices regarding agricultural commodities.) The Act specifies practices in which a handler or its employee or agent may not engage.

The Act authorizes MDARD to receive sworn complaints alleging violations or threatened violations of the Act, and to investigate, examine, or inspect the violations or threatened violations. The Department may summon a person to a hearing and determine whether he or she has committed an unfair practice. The Department may issue orders pursuant to its findings or dismiss a complaint.

The bill specifies that MDARD could determine whether the expense of the proceedings would be borne by any person found to have committed a practice in violation of the Act.

Board/Department Responsibilities

The Act created the Agricultural Marketing and Bargaining Board within the Department and charged the Board with administering the Act. The Act also authorized the Board to promulgate rules necessary for the administration of the Act. The bill would delete all references to the Board. The bill specifies that MDARD is responsible for administering the Act and promulgating rules necessary for its administration. (Executive Reorganization Order 2007-7 abolished the Board and transferred all of its authority and functions to the Department.)

MCL 290.702 et. al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would allow MDARD to determine whether the expense of proceedings performed under the Act would be borne by any person found to have violated the Act. Currently, the Act provides for no method by which MDARD can receive any reimbursement for these costs. The Department reports that it has borne few such costs in recent years, but that in 2002 these cost amounted to \$17,854 and in 2003 these costs totaled \$6,476.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.