



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 496 through 499 (as introduced 5-10-07)

Sponsor: Senator Jud Gilbert, II (S.B. 496)
Senator Valde Garcia (S.B. 497)
Senator Patricia L. Birkholz (S.B. 498)
Senator Gerald Van Woerkom (S.B. 499)

Committee: Agriculture

Date Completed: 8-29-07

CONTENT

The bills would amend several statutes to require members of certain committees and commissions to be appointed by the Michigan Department of Agriculture (MDA) Director with the advice and consent of the Agriculture Commission, rather than by the Governor with the advice and consent of the Senate.

Senate Bill 496 would amend Public Act 114 of 1965, which provides for the Michigan Bean Commission.

Senate Bill 497 would amend the Beef Industry Commission Act.

Senate Bill 498 would amend Chapter 3 of the Michigan Liquor Control Code, which provides for the Grape and Wine Industry Council.

Senate Bill 499 would amend the Agricultural Commodities Marketing Act, which provides for agricultural marketing program committees.

The bills are described below.

Senate Bill 496

Under Public Act 114 of 1965, the Governor must appoint members of the Michigan Bean Commission from lists of nominees submitted to him or her, subject to the advice and consent of the Senate. If a list is not submitted to the Governor within 30 days before a member's term of office normally would expire, or within 30 days after a vacancy otherwise occurs, the Governor may appoint any person who otherwise is qualified under the Act.

The bill would remove those provisions. Beginning on the bill's effective date, the MDA Director would have to appoint members of the Bean Commission, with the advice and consent of the Agriculture Commission.

Senate Bill 497

Under the Beef Industry Commission Act, the Governor must appoint the voting members of the State Beef Industry Commission, with the consent of the Senate. The members must

represent various specified interests within the industry, and are appointed to three year terms.

Under the bill, the MDA Director would have to appoint those members, with the consent of the Agriculture Commission.

Senate Bill 498

Chapter 3 of the Liquor Control Code establishes the Grape and Wine Industry Council within the MDA. The Council includes the Directors of the MDA and the Department of Labor and Economic Growth (or their designees), one staff member of Michigan State University, the chairperson of the Liquor Control Commission (or his or her designee), and the following members appointed by the Governor:

- Three wine makers.
- A wine grape grower.
- A person who operates a licensed retail food establishment that sells Michigan wine or a person who operates a restaurant that holds a class C license and serves Michigan wine.
- A beer and wine wholesaler who markets Michigan wine.

Under the bill, beginning on its effective date, the Council members listed above would have to be appointed by the MDA Director, subject to the approval of the Agriculture Commission.

Currently, the Governor may appoint up to two additional nonvoting members to the Council to assist in performing its duties. Those members serve at the pleasure of the Governor.

Under the bill, the MDA Director would have to appoint those members, who would serve at the Director's pleasure.

Senate Bill 499

The Agriculture Commodities Marketing Act permits the creation of a marketing agreement or program for an agricultural commodity or commodity input in the State. A marketing program must provide for a committee to perform duties specified in the Act and other duties necessary for the operation of the marketing program.

Members of the committee must be appointed by the Governor, with the advice and consent of the Senate, from nominations received from the producers and handlers or processors of the agricultural commodity or commodity input for which the program is established.

Under the bill, members of an agricultural marketing program committee would have to be appointed by the MDA Director according to the same process, with the advice and consent of the Agriculture Commission.

MCL 290.554 (S.B. 496)
287.603 (S.B. 497)
436.1303 (S.B. 498)
290.657 (S.B. 499)

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Debra Hollon

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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.