

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Senators Green and Kahn

ENROLLED SENATE BILL No. 887

AN ACT to amend 1939 PA 141, entitled "An act to regulate the storage, warehousing, buying, and selling of farm produce within this state; to provide for the licensing, regulation, and bonding of grain dealers; to provide for warehouse receipts, acknowledgment forms, and price later agreements and their use and priority; to provide for the creation of security interests; to provide for certain powers and duties of the department of agriculture and its director; to impose certain duties on insurance companies and sureties; and to provide administrative remedies and penalties for the violation of this act," by amending section 8 (MCL 285.68), as amended by 2010 PA 264; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 8. (1) A grain dealer shall pay a license fee to the department with an application for a license or renewal of a license. The license fee is the sum of all of the following that apply to the grain dealer:

(a) For each receiving point of the grain dealer that has total bushel capacity of:

(i) 100,000 or less	\$ 500.00
(ii) More than 100,000 and 200,000 or less	\$ 625.00
(iii) More than 200,000 and 300,000 or less	\$ 750.00
(iv) More than 300,000 and 400,000 or less	\$ 875.00
(v) More than 400,000	\$ 1,000.00

(b) For vehicles owned by a farm produce trucker:

(i) For 1 vehicle	\$ 500.00
(ii) For each additional vehicle	\$ 200.00
(c) For a grain merchandiser's license	\$ 1,000.00

(2) The grain dealer's fees fund is created in the state treasury. The department shall deposit license fees and administrative fines received under this act in the grain dealer's fees fund, to be used pursuant to legislative appropriation by the director in carrying out those duties required by law. After the payment of the amounts appropriated by the legislature for the necessary expenses incurred in the administration of this act, the money remaining in the grain dealer's fees fund shall not revert or be credited to the general fund at the close of the fiscal year but shall remain in the grain dealer's fees fund. The department shall be the administrator of the fund for audit purposes.

(3) A license fee determined under subsection (1) is the fee for a 1-year license. If the department has issued a license for a period of longer than 1 year under section 4(4), it shall require a license fee increased on a proportionate basis to reflect the longer term of the license.

(4) Every year, the department may adjust the fee schedule in subsection (1) by an amount determined by the state treasurer to reflect the cumulative annual percentage change in the Detroit consumer price index over the 1-year period. An adjustment under this subsection shall not exceed 5% even if the amount determined by the state treasurer to reflect the cumulative annual percentage change over the 1-year period is more than 5%. A fee adjusted under this subsection shall be rounded to the nearest \$5.00 increment. As used in this subsection, "Detroit consumer price index" means the most comprehensive index of consumer prices available for the Detroit area from the bureau of labor statistics of the United States department of labor.

Enacting section 1. Section 27 of the grain dealers act, 1939 PA 141, MCL 285.87, is repealed.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Ray E. Randall

Clerk of the House of Representatives

Approved

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Governor