

# SENATE BILL No. 922

January 31, 2012, Introduced by Senator GLEASON and referred to the Committee on Agriculture.

A bill to amend 1921 PA 13, entitled

"An act to promote the agricultural interests of the state of Michigan; to create a state department of agriculture; to define the powers and duties thereof; to provide for the transfer to and vesting in said department of powers and duties now vested by law in certain other state boards, commissions and officers, and to abolish certain boards, commissions and officers the powers and duties of which are hereby transferred,"

by amending the title and sections 1, 2, 3, and 5 (MCL 285.1, 285.2, 285.3, and 285.5), sections 2 and 3 as amended by 1980 PA 314.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### TITLE

An act to promote the agricultural interests of the state of Michigan; to create a state department of agriculture ~~to define~~

1 ~~the~~ **AND RURAL DEVELOPMENT AND TO PRESCRIBE ITS** powers and duties;  
 2 ~~thereof,~~ to provide for the transfer to and vesting in ~~said~~ **THE**  
 3 department of powers and duties now vested by law in certain other  
 4 state boards, commissions, and officers; ~~—~~ and to abolish certain  
 5 boards, commissions, and officers the powers and duties of which  
 6 are hereby transferred.

7       Sec. 1. There is hereby created a ~~state~~ department of  
 8 agriculture **AND RURAL DEVELOPMENT**, which shall possess the powers  
 9 and perform the duties ~~hereinafter granted and conferred~~ **PROVIDED**  
 10 **IN THIS ACT AND OTHERWISE PROVIDED BY LAW.** The general  
 11 administration of ~~said~~ **THESE** powers and duties shall be vested in a  
 12 bipartisan commission of agriculture **AND RURAL DEVELOPMENT** which  
 13 shall be composed of 5 members appointed by the governor, subject  
 14 to confirmation by the senate. ~~÷ Provided, That~~ **HOWEVER**, 1 member  
 15 of ~~said~~ **THE** commission shall be a resident of the Upper Peninsula.  
 16 The members of ~~said~~ **THE** commission shall be selected with special  
 17 reference to their training and experience along the line of 1 or  
 18 more of the principal lines of activities vested in the department  
 19 ~~of agriculture~~ and their ability and fitness to deal ~~therewith~~ **WITH**  
 20 **ISSUES UNDER THE JURISDICTION OF THE DEPARTMENT.** The term of office  
 21 of each member of the commission shall be ~~6~~ **4** years. ~~÷ Provided,~~  
 22 ~~That of those first appointed 2 shall be appointed for 2 years, 2~~  
 23 ~~for 4 years and 1 for 6 years.~~ The governor shall fill any vacancy  
 24 occurring in the membership of the commission and may remove any  
 25 member of the commission for cause after a hearing. Each member of  
 26 ~~this~~ **THE** commission shall hold his **OR HER** office until the  
 27 appointment and qualification of his **OR HER** successor. The

1 commission, after having qualified, shall within 30 days and  
2 annually thereafter meet at its office in Lansing and organize by  
3 electing a ~~chairman~~ **CHAIRPERSON** and a secretary. Three members of  
4 ~~said~~ **THE** commission shall constitute a quorum for the transaction  
5 of business. Meetings may be called by the ~~chairman~~ **CHAIRPERSON** and  
6 shall be called on request of a majority of the members of the  
7 commission and may be held as often as necessary and at other  
8 places than the commissioners' offices at Lansing. ~~÷ Provided, That~~  
9 **HOWEVER, AT LEAST** 1 meeting shall be held each month. The  
10 commission shall appoint and employ a director of **THE DEPARTMENT OF**  
11 agriculture **AND RURAL DEVELOPMENT** who shall continue in office at  
12 the pleasure of the commission and who shall receive ~~such~~ **AN** annual  
13 salary as shall be appropriated by the legislature. ~~He~~ **THE DIRECTOR**  
14 **SHALL SERVE AS THE PRINCIPAL EXECUTIVE OFFICER OF THE DEPARTMENT.**  
15 **THE DIRECTOR** may appoint ~~, with the approval of the commission,~~  
16 such assistants and employees as may be necessary to perform the  
17 duties ~~hereby imposed~~ **OF THE DEPARTMENT**, the number of such  
18 assistants and employees, and the compensation payable to all  
19 persons so appointed and employed, being within the appropriation  
20 made ~~therefor~~ **FOR THAT PURPOSE** by the legislature. The members of  
21 the commission shall receive compensation of \$20.00 per day when in  
22 actual performance of duties. ~~÷ Provided, That no~~ **HOWEVER, A**  
23 commissioner shall **NOT** receive more than \$400.00 in any fiscal year  
24 as compensation. The salaries of all officers and employees ~~hereby~~  
25 authorized **UNDER THIS ACT**, and the necessary expenses ~~thereof~~ **OF**  
26 **THE OFFICERS AND EMPLOYEES** while traveling in performing any of  
27 their duties, shall be paid in the same manner as the salaries and

1 expenses of other state officers and employees are paid. The ~~board~~  
 2 ~~of auditors~~ **STATE ADMINISTRATOR** shall provide suitable offices at  
 3 Lansing and proper office equipment for the use of ~~said~~ **THE**  
 4 department. Each member of the commission and the director ~~of~~  
 5 ~~agriculture~~ shall qualify by taking and subscribing to the  
 6 constitutional oath of office ~~—~~ and filing ~~same~~ **THE OATH** in the  
 7 office of the secretary of state.

8 (2) Whenever, in any law of the state, reference is made to  
 9 the commissioner of agriculture, reference shall be ~~deemed~~  
 10 **CONSIDERED** to be made to the director. ~~of agriculture.~~

11 (3) **AS USED IN THIS ACT:**

12 (A) **"COMMISSION" MEANS THE COMMISSION OF AGRICULTURE AND RURAL**  
 13 **DEVELOPMENT.**

14 (B) **"DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE AND RURAL**  
 15 **DEVELOPMENT.**

16 (C) **"DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.**

17 Sec. 2. The department ~~of agriculture~~ shall exercise the  
 18 powers and perform the duties now vested by law in the department  
 19 of animal industry, the state food and drug commissioner, the state  
 20 veterinary board, the immigration commission, the commissioner of  
 21 immigration, the market director, the Michigan weather service, and  
 22 the Michigan agricultural fair commission. The departments, boards,  
 23 commissions, and officers, except the Michigan weather service,  
 24 whose powers and duties are transferred to the department ~~of~~  
 25 ~~agriculture~~ under this section are abolished as of June 30, 1921.  
 26 All records, files, and papers of any nature pertaining to the  
 27 functions of a transferred department, board, commission, or

1 officer shall be turned over to the department. ~~of agriculture.~~ Any  
2 hearing or other proceeding pending before any board or officer  
3 whose tenure is terminated under this section shall not be abated,  
4 but shall be considered to be transferred to the department ~~of~~  
5 ~~agriculture~~ and shall be carried on and determined by the director  
6 ~~of the department of agriculture~~ in accordance with the provisions  
7 of the law governing the hearing or proceeding.

8       Sec. 3. In addition to the powers and duties transferred to  
9 the department ~~of agriculture~~ under section 2, the powers and  
10 duties of the state board of agriculture with reference to the  
11 inspection and regulation of orchards, vineyards, nurseries, and  
12 apiaries; the testing of agricultural seeds; the analysis of  
13 commercial fertilizers; the testing and examination of  
14 insecticides; the analysis and testing of commercial stock foods;  
15 the investigation and improvement of marketing conditions; and the  
16 publication of Michigan weather service summaries are also  
17 transferred to the department. ~~of agriculture.~~ The offices of state  
18 inspector of orchards and nurseries, and inspector of apiaries are  
19 abolished. The powers and duties pertaining to those offices are  
20 transferred to the department. ~~of agriculture.~~ All records and  
21 files pertaining to either of those offices, or to any of the  
22 powers and duties transferred under this section, are a part of the  
23 records and files of the department ~~of agriculture~~ and shall be  
24 preserved accordingly. All duties of the secretary of state imposed  
25 by law regarding the collection and publication of statistics  
26 relating to agriculture and agricultural interests within the state  
27 and the Michigan weather service are also transferred to the

1 department. ~~of agriculture.~~ All records and data of the secretary  
 2 of state regarding agriculture and agricultural interests, and the  
 3 publication of a summary of the observations of the director of the  
 4 Michigan weather service, shall be delivered to the department ~~of~~  
 5 ~~agriculture~~ by the secretary of state. The secretary of state is  
 6 relieved from further performance of those duties.

7 Sec. 5. (1) The ~~state department of agriculture~~ shall ~~foster~~  
 8 **DO ALL OF THE FOLLOWING:**

9 (A) **FOSTER** and promote in every possible way the agricultural  
 10 interests of this state. ~~; shall cooperate~~

11 (B) **COOPERATE** with agricultural agencies in the different  
 12 counties of the state and of the federal government. ~~; shall foster~~

13 (C) **FOSTER** direct trading between the producer and consumer. ~~;~~  
 14 ~~and shall prevent,~~

15 (D) **PREVENT** and assist in preventing, by all available means  
 16 authorized by law, the sale of unimproved lands and lands not  
 17 suitable for agricultural development within the state by fraud,  
 18 misrepresentation, or deceit and the publication of false or  
 19 misleading statements or advertising matter designed to effect such  
 20 sales.

21 (2) The powers and duties imposed by this act on the ~~state~~  
 22 ~~department of agriculture~~ shall be exercised and performed under  
 23 the supervisory control of the state administrative board.