DEPARTMENT OF AGRICULTURE

Act 13 of 1921

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.

History: 1921, Act 13, Imd. Eff. Mar. 22, 1921

The People of the State of Michigan enact:

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285.1 Department of agriculture; commission; director; assistants and employees; term, compensation, offices.

Sec. 1.

There is hereby created a state department of agriculture which shall possess the powers and perform the duties hereinafter granted and conferred. The general administration of said powers and duties shall be vested in a bipartisan commission of agriculture which shall be composed of 5 members appointed by the governor, subject to confirmation by the senate: Provided, That 1 member of said commission shall be a resident of the Upper Peninsula. The members of said commission shall be selected with special reference to their training and experience along the line of 1 or more of the principal lines of activities vested in the department of agriculture and their ability and fitness to deal therewith. The term of office of each member of the commission shall be 6 years: Provided, That of those first appointed 2 shall be appointed for 2 years, 2 for 4 years and 1 for 6 years. The governor shall fill any vacancy occurring in the membership of the commission and may remove any member of the commission for cause after a hearing. Each member of this commission shall hold his office until the appointment and qualification of his successor. The commission, after having qualified, shall within 30 days and annually thereafter meet at its office in Lansing and organize by electing a chairman and a secretary. Three members of said commission shall constitute a quorum for the transaction of business. Meetings may be called by the chairman and shall be called on request of a majority of the members of the commission and may be held as often as necessary and at other places than the commissioners' offices at Lansing: Provided, That 1 meeting shall be held each month. The commission shall appoint and employ a director of agriculture who shall continue in office at the pleasure of the commission and who shall receive such annual salary as shall be appropriated by the legislature. He may appoint, with the approval of the commission, such assistants and employees as may be necessary to perform the duties hereby imposed, the number of such assistants and employees, and the compensation payable to all persons so appointed and employed, being within the appropriation made therefor by the legislature. The members of the commission shall receive compensation of $20.00 per day when in actual performance of duties: Provided, That no commissioner shall receive more than $400.00 in any fiscal year as compensation. The salaries of all officers and employees hereby authorized, and the necessary expenses thereof while traveling in performing any of their duties, shall be paid in the same manner as the salaries and expenses of other state officers and employees are paid. The board of auditors shall provide

suitable offices at Lansing and proper office equipment for the use of said department. Each member of the commission and the director of agriculture shall qualify by taking and subscribing to the constitutional oath of office, and filing same in the office of the secretary of state.

Whenever, in any law of the state reference is made to the commissioner of agriculture, reference shall be deemed to be made to the director of agriculture.

History: 1921, Act 13, Imd. Eff. Mar. 22, 1921 ;-- CL 1929, 5001 ;-- Am. 1933, Act 51, Imd. Eff. Apr. 14, 1933 ;-- Am. 1945, Act 344, Eff. Sept. 6, 1945 ;-- Am. 1947, Act 104, Imd. Eff. May 20, 1947 ;-- CL 1948, 285.1 ;-- Am. 1952, Act 217, Eff. Sept. 18, 1952 ;-- Am. 1957, Act 113, Imd. Eff. May 24, 1957

285.2 Transfer of powers and duties to department of agriculture; abolition of agencies and officers; transfer of records, files, and papers; pending proceedings.

Sec. 2.

The department of agriculture shall exercise the powers and perform the duties now vested by law in the department of animal industry, the state food and drug commissioner, the state veterinary board, the immigration commission, the commissioner of immigration, the market director, the Michigan weather service, and the Michigan agricultural fair commission. The departments, boards, commissions, and officers, except the Michigan weather service, whose powers and duties are transferred to the department of agriculture under this section are abolished as of June 30, 1921. All records, files, and papers of any nature pertaining to the functions of a transferred department, board, commission, or officer shall be turned over to the department of agriculture. Any hearing or other proceeding pending before any board or officer whose tenure is terminated under this section shall not be abated, but shall be considered to be transferred to the department of agriculture and shall be carried on and determined by the director of the department of agriculture in accordance with the provisions of the law governing the hearing or proceeding.

History: 1921, Act 13, Imd. Eff. Mar. 22, 1921 ;-- Am. 1923, Act 34, Eff. Aug. 30, 1923 ;-- CL 1929, 5002 ;-- CL 1948, 285.2 ;-- Am. 1980, Act 314, Imd. Eff. Dec. 5, 1980

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285.3 Transfer of additional powers and duties to department of agriculture; abolition of offices; records, files, and data.

Sec. 3.

In addition to the powers and duties transferred to the department of agriculture under section 2, the powers and duties of the state board of agriculture with reference to the inspection and regulation of orchards, vineyards, nurseries, and apiaries; the testing of agricultural seeds; the analysis of commercial fertilizers; the testing and examination of insecticides; the analysis and testing of commercial stock foods; the investigation and improvement of marketing conditions; and the publication of Michigan weather service summaries are also transferred to the department of agriculture. The offices of state inspector of orchards and nurseries, and inspector of apiaries are abolished. The powers and duties pertaining to those offices are transferred to the department of agriculture. All records and files pertaining to either of those offices, or to any of the powers and duties transferred under this section, are a part of the records and files of the department of agriculture and shall be preserved accordingly. All duties of the secretary of state imposed by law regarding the collection and publication of statistics relating to agriculture and agricultural interests within

the state and the Michigan weather service are also transferred to the department of agriculture. All records and data of the secretary of state regarding agriculture and agricultural interests, and the publication of a summary of the observations of the director of the Michigan weather service shall be delivered to the department of agriculture by the secretary of state. The secretary of state is relieved from further performance of those duties.

History: 1921, Act 13, Imd. Eff. Mar. 22, 1921 ;-- CL 1929, 5003 ;-- CL 1948, 285.3 ;-- Am. 1980, Act 314, Imd. Eff. Dec. 5, 1980

285.4 Repealed. 2000, Act 39, Imd. Eff. Mar. 24, 2000.

Compiler's Notes: The repealed section pertained to control of fair lands.

285.5 Promotion of agricultural interests; cooperation with state and federal agricultural agencies; fostering trade; preventing fraudulent land sales; supervisory control.

Sec. 5.

The state department of agriculture shall foster and promote in every possible way the agricultural interests of this state; shall cooperate with agricultural agencies in the different counties of the state and of the federal government; shall foster direct trading between the producer and consumer; and shall prevent, and assist in preventing, by all available means authorized by law, the sale of unimproved lands and lands not suitable for agricultural development within the state by fraud, misrepresentation, or deceit and the publication of false or misleading statements or advertising matter designed to effect such sales. The powers and duties imposed by this act on the state department of agriculture shall be exercised and performed under the supervisory control of the state administrative board.

History: 1921, Act 13, Imd. Eff. Mar. 22, 1921 ;-- CL 1929, 5005 ;-- CL 1948, 285.5 ;-- Am. 1974, Act 59, Imd. Eff. Apr. 1, 1974

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285.6 Effective date; repeal.

Sec. 6.

This act, other than sections 1 and 4, shall be in force and effect on and after the first day of July, 1921. All acts and parts of acts in any way contravening the provisions of this act shall be deemed to be superseded and repealed as of said date.

History: 1921, Act 13, Imd. Eff. Mar. 22, 1921 ;-- CL 1929, 5006 ;-- CL 1948, 285.6

285.7 Declaration of necessity.

Sec. 7.

This act is hereby declared to be immediately necessary for the preservation of the public peace, health and safety.

History: 1921, Act 13, Imd. Eff. Mar. 22, 1921 ;-- CL 1929, 5007 ;-- CL 1948, 285.7