

SENATE BILL NO. 179

March 07, 2019, Introduced by Senators VICTORY and DALEY and referred to the Committee on Agriculture.

A bill to amend 1965 PA 232, entitled
"Agricultural commodities marketing act,"
by amending section 2 (MCL 290.652), as amended by 2002 PA 601.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:
2 (a) "Agricultural commodity" means all agricultural,
3 aquacultural, silvicultural, horticultural, floricultural, or
4 viticultural products, livestock or livestock products, Christmas
5 trees, bees, maple syrup, honey, commercial fish or fish products,

1 and seeds produced in this state, either in their natural state or
2 as processed by the producer of the commodity. The kinds, types,
3 and subtypes of products to be classed together as an agricultural
4 commodity for the purposes of this act shall be determined on the
5 basis of common usage and practice.

6 (b) "Agricultural commodity input" means an item used in the
7 production, processing, or packaging of an agricultural commodity
8 that is assessed by a specific marketing agreement. Agricultural
9 commodity input does not include feed, fertilizer, and pesticides.

10 (c) "Committee" means the commodity committee or advisory
11 board established under a marketing program.

12 (d) "Department" means the ~~state~~ department of agriculture **and**
13 **rural development.**

14 (e) "Director" means the director of the department. ~~of~~
15 ~~agriculture.~~

16 (f) "Distributor" means a person engaged in selling, offering
17 for sale, marketing, or distributing an agricultural commodity or
18 agricultural commodity input that he or she has purchased or
19 acquired from a producer or that the person is marketing on behalf
20 of a producer, whether as owner, agent, employee, broker, or
21 otherwise. Distributor does not include a retailer of an
22 agricultural commodity except for either of the following:

23 (i) A retailer ~~who~~ **that** purchases or acquires from or handles
24 on behalf of a producer an agricultural commodity not previously
25 subjected to regulations by the marketing program covering the
26 agricultural commodity.

27 (ii) A retailer specifically identified by a marketing program
28 that is subject to an assessment.

29 (g) "Financial institution" means a state or nationally

1 chartered bank, member of the farm credit system, savings and loan
2 association, savings bank, and credit union, whose deposits are
3 insured by an agency of the United States government and that
4 maintains a principal or branch office located in this state under
5 the laws of this state or the United States.

6 (h) "Handler" means a person ~~who~~**that** takes title to and is
7 engaged in the operation of packing, cleaning, drying, packaging,
8 sizing, hauling, grading, selling, offering for sale, or marketing
9 a marketable agricultural commodity or an agricultural commodity
10 input in commercial quantities as defined in a marketing program,
11 ~~who~~**that** as owner, agent, or otherwise, ships or causes an
12 agricultural commodity or agricultural commodity input to be
13 shipped.

14 (i) "Livestock" means that term as defined in section ~~5-3~~ of
15 the animal industry act, 1988 PA 466, MCL ~~287.705-287.703~~.

16 (j) "Marketing agreement" means an agreement entered into,
17 with the director, by producers, distributors, processors, or
18 handlers ~~pursuant to~~**under** this act and binding only on those
19 signing the agreement.

20 (k) "Marketing program" means a program established by order
21 of the director ~~pursuant to~~**under** this act prescribing rules and
22 regulations governing the marketing for processing, distributing,
23 selling, or handling an agricultural commodity produced in this
24 state or agricultural commodity input during a specified period and
25 ~~which~~**that** the director determines would be in the public interest.

26 (l) "Processor" means a person engaged in canning, freezing,
27 dehydrating, drying, fermenting, distilling, extracting,
28 preserving, grinding, crushing, milling, or otherwise preserving or
29 changing the form of an agricultural commodity for the purpose of

1 marketing it.

2 (m) "Producer" means a person engaged in the business of
3 producing, or causing to be produced for any market, an
4 agricultural commodity or agricultural commodity input in quantity
5 beyond that person's own family use, and having a value at first
6 point of sale of more than \$800.00 or of an amount as otherwise
7 expressly provided for in a marketing program for the agricultural
8 commodity or agricultural commodity input in any 1 growing and
9 marketing season within the last 3 years.

10 Enacting section 1. This amendatory act takes effect 90 days
11 after the date it is enacted into law.

12 Enacting section 2. This amendatory act does not take effect
13 unless Senate Bill No.174 of the 100th Legislature is enacted into
14 law.