

Act No. 264
Public Acts of 2010
Approved by the Governor
December 14, 2010
Filed with the Secretary of State
December 14, 2010
EFFECTIVE DATE: December 14, 2010

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

Introduced by Senator Van Woerkom

ENROLLED SENATE BILL No. 1396

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 2002 PA 80.

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 \$150.00
 - (ii) More than 100,000 and 200,000 or less \$225.00
 - (iii) More than 200,000 and 300,000 or less \$300.00
 - (iv) More than 300,000 and 400,000 or less \$375.00
 - (v) More than 400,000 \$450.00
- (b) For vehicles owned by a farm produce trucker:
 - (i) For 1 vehicle \$200.00
 - (ii) For each additional vehicle \$100.00
- (c) For a grain merchandiser’s license \$450.00

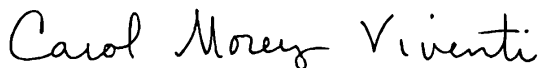
(2) The grain dealer’s fees fund is created in the state treasury. The department shall deposit license fees and administrative fines received under this act in the grain dealer’s fees fund, to be used pursuant to legislative appropriation by the director in carrying out those duties required by law. 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 pursuant to 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.

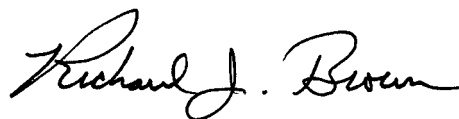
(4) Every year, the department may adjust the fee schedule in subsection (1) by an amount determined by the state treasurer to reflect the cumulative annual percentage change in the Detroit consumer price index over the 1-year period. An adjustment under this subsection shall not exceed 5% even if the 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.

(5) Notwithstanding section 27(1), grain dealers that file an audited financial statement that complies with section 9 and that reports a current asset to current liability ratio of 1.2 to 1 and an equity ratio (equity/(total liability + equity)) of 0.25 or greater are not required to have a bond as required by section 27(1).

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor