

# HOUSE BILL NO. 5225

July 01, 2021, Introduced by Reps. Weiss and Rabhi and referred to the Committee on Government Operations.

A bill to amend 1970 PA 29, entitled

"An act relating to potatoes; to create a potato commission; to prescribe its powers and duties and authority; to impose an assessment on the privilege of introducing potatoes into the channels of trade and commerce; to provide for the collection of the assessment; to provide for penalties; and to repeal certain acts and parts of acts,"

by amending section 8 (MCL 290.428), as amended by 2013 PA 202.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 8. (1) ~~Within 60 days after the effective date of the~~  
2   ~~2013 amendments to this section,~~ **Before May 13, 2014,** the

1 department shall hold a referendum. For the purpose of the  
 2 referenda under this act, ~~each-a~~ grower and shipper ~~who-that~~ is in  
 3 compliance with section 4 is entitled to 1 vote. The director may  
 4 promulgate rules for conducting a referendum under this act.

5 (2) Notwithstanding any other provision of this act, if the  
 6 director receives a petition, bearing the signatures of not less  
 7 than 33-1/3% of all shippers, to terminate the shipper ~~assessments,~~  
 8 **assessments described in section 4**, the director shall conduct a  
 9 referendum by mail. The shipper assessments ~~shall-must~~ be  
 10 terminated if more than 50%, by number, of the shippers voting  
 11 representing more than 50% of the volume of potatoes purchased,  
 12 sold, or shipped the previous year, vote in favor of terminating  
 13 the assessment.

14 (3) Notwithstanding any other provision of this act, if the  
 15 director receives a petition signed by 25% of the growers for the  
 16 adoption of an assessment increase above that provided for in  
 17 section 4(1), he or she shall give notice of a public hearing on  
 18 the proposed assessment increase. The director may require all  
 19 shippers as individuals or through their trade associations to file  
 20 with him or her within 30 days a report, properly certified,  
 21 showing the correct names and addresses of all growers from whom  
 22 the shipper received potatoes in the marketing season next  
 23 preceding the filing of the report. The **director shall not make**  
 24 **public or make available to anyone for private use the** information  
 25 contained in the individual reports of shippers filed with the  
 26 director ~~pursuant to-under~~ this subsection. ~~shall not be made~~  
 27 ~~public by the director and shall not be made available to anyone~~  
 28 ~~for private use.~~

29 (4) The director shall issue a decision within 45 days after

1 the close of the public hearing required under subsection (3) based  
2 ~~upon~~**on** his or her findings, and deliver, by mail or otherwise,  
3 copies of the findings and recommendation, approving or  
4 disapproving of the proposed assessment increase to all parties of  
5 record appearing at the hearing and any other interested parties.  
6 The recommendation ~~shall~~**must** contain the text in full of any  
7 proposed assessment increase. The recommendation ~~shall~~**must** be  
8 substantially within the purview of the notice of hearings and  
9 ~~shall~~**must** be supported by evidence taken at the hearing or by  
10 documents of which the director is authorized to take official  
11 notice.

12 (5) After recommending the increase of an assessment, the  
13 director shall determine by a referendum whether the affected  
14 growers assent to the proposed action. The director shall conduct  
15 the referendum by mail within 45 days after the issuance of the  
16 recommendation. The affected growers ~~shall be~~**are** considered to  
17 have assented to the proposal if more than 50% by number of those  
18 voting representing more than 50% of the volume of potatoes  
19 produced by those voting assent to the proposal. The director shall  
20 establish procedures for determination of volume for the conduct of  
21 referenda and other necessary procedures.

22 (6) For the purpose of referenda under this act, a grower is  
23 entitled to 1 vote representing a single firm, individual  
24 proprietorship, corporation, company, association, partnership, or  
25 ~~husband-wife~~**spousal** or family ownership.

26 Enacting section 1. This amendatory act does not take effect  
27 unless Senate Joint Resolution \_\_\_\_ or House Joint Resolution \_\_\_\_  
28 (request no. 02344'21) of the 101st Legislature becomes a part of  
29 the state constitution of 1963 as provided in section 1 of article

**1** XII of the state constitution of 1963.