

HOUSE BILL NO. 4777

June 15, 2023, Introduced by Reps. Weiss and Morgan 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 **described in section 4**, the director shall conduct a referendum by
 9 mail. The shipper assessments ~~shall must~~ be terminated if more than
 10 50%, by number, of the shippers voting representing more than 50%
 11 of the volume of potatoes purchased, sold, or shipped the previous
 12 year, vote in favor of terminating the assessment.

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

28 (4) The director shall issue a decision within 45 days after
 29 the close of the public hearing required under subsection (3) based

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

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

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

25 Enacting section 1. This amendatory act does not take effect
 26 unless Senate Joint Resolution ____ or House Joint Resolution F
 27 (request no. 00367'23) of the 102nd Legislature becomes a part of
 28 the state constitution of 1963 as provided in section 1 of article
 29 XII of the state constitution of 1963.