

Act No. 144  
Public Act of 1989  
July 11, 1989  
Filed by the Secretary of State  
July 11, 1989

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1989**

Introduced by Reps. Hickner and Allen

**ENROLLED HOUSE BILL No. 4725**

AN ACT to amend sections 2 and 3 of Act No. 114 of the Public Acts of 1965, entitled "An act relating to dry, edible beans; to create a bean commission and prescribe its functions; to levy and collect assessments on bean production; and to provide penalties for violation of this act," being sections 290.552 and 290.553 of the Michigan Compiled Laws; and to add section 12b.

*The People of the State of Michigan enact:*

Section 1. Sections 2 and 3 of Act No. 114 of the Public Acts of 1965, being sections 290.552 and 290.553 of the Michigan Compiled Laws, are amended and section 12b is added to read as follows:

Sec. 2. (1) For the purposes of this act, the state is divided into 8 districts:

- (a) District 1 consists of the counties of Arenac, Bay, Mecosta, and Midland.
- (b) District 2 consists of the county of Gratiot.
- (c) District 3 consists of the county of Saginaw.
- (d) District 4 consists of the county of Tuscola.
- (e) District 5 consists of the counties of Genesee, Lapeer, Macomb, St. Clair and Sanilac.
- (f) District 6 consists of the county of Huron.
- (g) District 7 consists of the counties of Eaton, Ingham, Clinton, and Shiawassee.
- (h) District 8 consists of the counties of Montcalm, Kent, Isabella, and Ionia as well as all counties north of these counties that are not otherwise assigned to a district.

(2) Any area not represented in the districts described in subsection (1) may vote in the nearest adjacent county.

Sec. 3. (1) The Michigan bean commission of 11 voting members is created, consisting of a grower from each district and 3 processors, except as provided in subsection (5). Two processor members shall be shipper handlers and 1 processor member shall be a major canner of beans. The director and the dean of the college of agriculture of Michigan state university are ex officio members without vote. An appointed member shall be of legal voting age in this state and, except the processor canner, shall be a citizen and resident of this state who is and has been engaged in the actual growing, producing, or processing of beans within the state for a period of at least 5 years immediately preceding his or her appointment.

(2) The terms of office of members of the commission shall be 3 years after the date of appointment or until their successors are appointed and qualified. The first appointments, however, shall be made as follows: 2 grower members and 1 processor member shall be appointed for a term of 1 year; 2 grower members and 1 processor member shall be appointed for a term of 2 years; and, 2 grower members and 1 processor member shall be appointed for a term of 3 years. A person shall not serve more than 2 full terms in succession.

(3) The initial appointments of members from districts 7 and 8 shall be made in the manner described in section 4(2). The term of office of the member appointed from district 7 shall be 2 years, and the term of office of the member appointed from district 8 shall be 3 years.

(4) Not less than 5 years after the effective date of the 1989 amendatory act that added this subsection and every 5 calendar years after that date, the commission may, with the advice and consent of the director and the commission of agriculture, reapportion the districts described in section 2. Reapportionment of the districts shall be on the basis of 1 or more counties with the amount of planted dry bean acreage being as nearly equal as possible between districts.

(5) After the reapportionment described in subsection (4), if the residence of a member of the commission falls outside of the district for which he or she serves on the commission and falls within the district for which another member serves on the commission, then both members shall continue to serve on the commission for a term equal to the remaining term of the member who served for the longest period of time. If after the reapportionment described in subsection (4) a district is created in which no member serving on the commission resides, then a member shall be selected in a manner described in section 4(2).

Sec. 12b. (1) The commission may change the method or the amount of the assessment imposed in section 12, or both, by complying with this section.

(2) If the commission proposes a change as described in subsection (1), then it shall conduct a referendum of growers relative to any such change.

(3) After a referendum, the commission shall implement a proposed change if more than 50% of the growers voting approve any proposed change and those voters represent more than 50% of the hundredweight voting.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved .....

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Governor.