

# HOUSE BILL No. 4725

April 27, 1989, Introduced by Reps. Hickner and Allen and referred to the Committee on Agriculture.

A bill 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:

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

5       Sec. 2. (1) For the purposes of this act, the state is  
6 divided into ~~6~~ 8 districts:

1 (a) District 1 consists of the counties of Arenac, Bay,  
2 ~~Isabella, Mecosta, AND Midland. and Montcalm.~~

3 (b) District 2 consists of the ~~counties of Clinton, Eaton,~~  
4 COUNTY OF Gratiot. ~~, Ionia, Ingham and Kent.~~

5 (c) District 3 consists of the ~~counties~~ COUNTY of  
6 Saginaw. ~~and Shiawassee.~~

7 (d) District 4 consists of the county of Tuscola.

8 (e) District 5 consists of the counties of Genesee, Lapeer,  
9 Macomb, St. Clair and Sanilac.

10 (f) District 6 consists of the county of Huron.

11 (G) DISTRICT 7 CONSISTS OF THE COUNTIES OF EATON, INGHAM,  
12 CLINTON, AND SHIAWASSEE.

13 (H) DISTRICT 8 CONSISTS OF THE COUNTIES OF MONTCALM, KENT,  
14 ISABELLA, AND IONIA AS WELL AS ALL COUNTIES NORTH OF THESE COUN-  
15 TIES THAT ARE NOT OTHERWISE ASSIGNED TO A DISTRICT.

16 (2) Any area not represented in the districts ~~can~~  
17 DESCRIBED IN SUBSECTION (1) MAY vote in the nearest adjacent  
18 county.

19 Sec. 3. (1) The Michigan bean commission of ~~9~~ 11 voting  
20 members is created, consisting of a grower from each district and  
21 3 processors, EXCEPT AS PROVIDED IN SUBSECTION (5). Two proces-  
22 sor members shall be shipper handlers and 1 processor member  
23 shall be a major canner of beans. The director and the dean of  
24 the college of agriculture of Michigan state university are ex  
25 officio members without vote. An appointed member shall be of  
26 legal voting age in this state and, except the processor canner,  
27 shall be a citizen and resident of this state who is and has been

1 engaged in the actual growing, producing, or processing of beans  
2 within the state for a period of at least 5 years immediately  
3 preceding his OR HER appointment.

4       (2) The terms of office of members of the commission shall  
5 be 3 years after the date of appointment or until their succes-  
6 sors are appointed and qualified. The first appointments, how-  
7 ever, shall be made as follows: 2 grower members and 1 processor  
8 member shall be appointed for a term of 1 year; 2 grower members  
9 and 1 processor member shall be appointed for a term of 2 years;  
10 and, 2 grower members and 1 processor member shall be appointed  
11 for a term of 3 years. A person shall not serve more than 2 full  
12 terms in succession.

13       (3) THE INITIAL APPOINTMENTS OF MEMBERS FROM DISTRICTS 7 AND  
14 8 SHALL BE MADE IN THE MANNER DESCRIBED IN SECTION 4(2). THE  
15 TERM OF OFFICE OF THE MEMBER APPOINTED FROM DISTRICT 7 SHALL BE 2  
16 YEARS, AND THE TERM OF OFFICE OF THE MEMBER APPOINTED FROM DIS-  
17 TRICT 8 SHALL BE 3 YEARS.

18       (4) NOT LESS THAN 5 YEARS AFTER THE EFFECTIVE DATE OF THE  
19 1989 AMENDATORY ACT THAT ADDED THIS SUBSECTION AND EVERY 5 CALEN-  
20 DAR YEARS AFTER THAT DATE, THE COMMISSION MAY, WITH THE ADVICE  
21 AND CONSENT OF THE DIRECTOR AND THE COMMISSION OF AGRICULTURE,  
22 REAPPORTION THE DISTRICTS DESCRIBED IN SECTION 2.

23 REAPPORTIONMENT OF THE DISTRICTS SHALL BE ON THE BASIS OF 1 OR  
24 MORE COUNTIES WITH THE AMOUNT OF PLANTED DRY BEAN ACREAGE BEING  
25 AS NEARLY EQUAL AS POSSIBLE BETWEEN DISTRICTS.

26       (5) AFTER THE REAPPORTIONMENT DESCRIBED IN SUBSECTION (4),  
27 IF THE RESIDENCE OF A MEMBER OF THE COMMISSION FALLS OUTSIDE OF

1 THE DISTRICT FOR WHICH HE OR SHE SERVES ON THE COMMISSION AND  
2 FALLS WITHIN THE DISTRICT FOR WHICH ANOTHER MEMBER SERVES ON THE  
3 COMMISSION, THEN BOTH MEMBERS SHALL CONTINUE TO SERVE ON THE COM-  
4 MISSION FOR A TERM EQUAL TO THE REMAINING TERM OF THE MEMBER WHO  
5 SERVED FOR THE LONGEST PERIOD OF TIME. IF AFTER THE REAPPORTION-  
6 MENT DESCRIBED IN SUBSECTION (4) A DISTRICT IS CREATED IN WHICH  
7 NO MEMBER SERVING ON THE COMMISSION RESIDES, THEN A MEMBER SHALL  
8 BE SELECTED IN A MANNER DESCRIBED IN SECTION 4(2).

9 SEC. 12B. (1) THE COMMISSION MAY CHANGE THE METHOD OR THE  
10 AMOUNT OF THE ASSESSMENT IMPOSED IN SECTION 12, OR BOTH, BY COM-  
11 PLYING WITH THIS SECTION.

12 (2) IF THE COMMISSION PROPOSES A CHANGE AS DESCRIBED IN  
13 SUBSECTION (1), THEN IT SHALL CONDUCT A REFERENDUM OF GROWERS  
14 RELATIVE TO ANY SUCH CHANGE.

15 (3) AFTER A REFERENDUM, THE COMMISSION SHALL IMPLEMENT A  
16 PROPOSED CHANGE IF MORE THAN 50% OF THE GROWERS VOTING APPROVE  
17 ANY PROPOSED CHANGE AND THOSE VOTERS REPRESENT MORE THAN 50% OF  
18 THE HUNDREDWEIGHT VOTING.