

SENATE BILL No. 499

May 10, 2007, Introduced by Senators VAN WOERKOM, GILBERT and JELINEK and referred to the Committee on Agriculture.

A bill to amend 1965 PA 232, entitled "Agricultural commodities marketing act," by amending section 7 (MCL 290.657), as amended by 2002 PA 601.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) A marketing program shall provide for the
2 establishment of a committee to consist of an odd number of members
3 which shall be not less than 5 and not more than 13.

4 (2) The members of the committee shall be appointed by the
5 ~~governor~~**DIRECTOR** with the advice and consent of the ~~senate~~
6 **COMMISSION OF AGRICULTURE** from nominations received from the
7 producers and handlers or processors of the agricultural commodity
8 or agricultural commodity input for which the marketing program is
9 established. Nominating procedures, qualifications, representation,

1 term of office, and size of the committee shall be prescribed in
2 the marketing program for which the committee is appointed. Each
3 committee shall be composed of producers and handlers or processors
4 who are directly affected by the marketing program in the
5 proportion of representation as prescribed by the program. The term
6 of office of a committee member is 3 years or until such time as
7 his or her successor is appointed and qualified.

8 (3) The director or his or her representative shall serve as a
9 nonvoting ex officio member. Additional nonvoting ex officio
10 members may serve if approved for in a specific marketing program.

11 (4) A committee, with the advice and consent of the director
12 and the commission of agriculture, may reapportion either the
13 number of committee members or member districts, or both.
14 Reapportionment of the districts shall be on the basis of
15 production or industry representation. The reapportionment may be
16 commenced 30 days after ~~the effective date of the amendatory act~~
17 ~~that added this subsection~~ **DECEMBER 20, 2002**. Reapportionment of
18 either members or districts shall not occur more often than twice
19 in any 5-year period and shall not occur within 6 months before a
20 referendum.

21 (5) After the reapportionment described in subsection (4), if
22 the residence of a member of the committee falls outside of the
23 district for which he or she serves on the committee and falls
24 within the district for which another member serves on the
25 committee, then both members shall continue to serve on the
26 committee for a term equal to the remaining term of the member who
27 served for the longest period of time. After the reapportionment

1 described in subsection (4), if a district is created in which no
2 member serving on the committee resides, then a member shall be
3 selected in the manner as prescribed in each program. After a
4 reapportionment or redistricting, a committee may temporarily have
5 more members than prescribed in the marketing program until the
6 expiration of the term of the longest serving member from that
7 district.

8 (6) A member of a committee is entitled to reimbursement for
9 actual expenses and a per diem payment to be set by the committee
10 not to exceed the commission of agriculture rate while attending
11 meetings of the committee or while engaged in the performance of
12 official responsibilities delegated by the committee.

13 (7) The duties and responsibilities of a committee shall be
14 prescribed in the order establishing the marketing program and to
15 the extent applicable shall include the following duties and
16 responsibilities:

17 (a) Developing procedures relating to the marketing program.

18 (b) Recommending amendments to the marketing program as are
19 considered advisable.

20 (c) Preparing the estimated budget required for the proper
21 operation of the marketing program.

22 (d) Developing methods for collecting and auditing the
23 assessments.

24 (e) Collecting and assembling information and data necessary
25 for proper administration of the marketing program.

26 (f) Performing other duties necessary for the operation of the
27 marketing program as agreed upon with the director.

1 (8) The business which a committee may perform shall be
2 conducted at a public meeting of the committee held in compliance
3 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
4 Public notice of the time, date, and place of the meeting shall be
5 given in the manner required by the open meetings act, 1976 PA 267,
6 MCL 15.261 to 15.275.

7 (9) Subject to section 10(b) and except as otherwise provided
8 in this subsection, a writing prepared, owned, used, in the
9 possession of, or retained by a committee in the performance of an
10 official function shall be made available to the public in
11 compliance with the freedom of information act, 1976 PA 442, MCL
12 15.231 to 15.246. Except for information regarding penalties levied
13 under this act, information relating to specific assessments to a
14 specific person under a marketing program as well as names and
15 addresses of producers shall be exempt from disclosure to any other
16 person or committee. This subsection does not prevent the director
17 or the department from obtaining information necessary to confirm
18 compliance with this act and does not prevent the director or the
19 department from disclosing statistical information so long as that
20 disclosure does not reveal specific assessments or production
21 levels of any producer, handler, or processor.