

HOUSE BILL No. 4940

September 13, 2017, Introduced by Reps. Canfield, Lucido, Barrett, Victory, Sheppard, Alexander and Roberts and referred to the Committee on Agriculture.

A bill to amend 1965 PA 114, 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,"

by amending sections 1, 2, 3, and 4 (MCL 290.551, 290.552, 290.553, and 290.554), as amended by 2000 PA 484.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Beans" means Michigan dry, edible beans, except soybeans.

3 (b) "Commission" means the Michigan bean commission.

4 (c) "Director" means the director of the department of
5 agriculture **AND RURAL DEVELOPMENT**.

6 (d) "Grower" means any business unit, including a family
7 operation, sole proprietorship, partnership, corporation, company,
8 association, trust, or other business organization engaged in the

1 business of producing beans for sale within 1 of the past 3 years.

2 (e) "Processor" means a person ~~who~~**THAT** cleans and grades,
3 dries, dehydrates, cans, powders, extracts, cooks, or uses in
4 producing or manufacturing a product or article, ships, or
5 otherwise handles beans, including seed.

6 (F) **"SELECTION MEMBERS" MEANS THE COMMISSION MEMBERS SELECTED**
7 **AND APPOINTED FOR EACH DISTRICT CREATED UNDER SECTION 2 AND THE**
8 **PROCESSOR SHIPPER HANDLER MEMBER SELECTED AND APPOINTED UNDER**
9 **SECTION 4(2) .**

10 (G) ~~(f)~~"Sold or shipped for processing" means that beans are
11 loaded by the grower, in bulk or loose in bags or other containers,
12 or packed in any style package, in a car, boat, truck, wagon, or
13 other conveyance to be transported to a processor.

14 Sec. 2. For the purposes of this act, the state is divided
15 into ~~8~~7 districts:

16 (a) District 1 consists of the counties of Arenac, Bay, and
17 Midland plus all counties north of Midland ~~county~~**COUNTY** that are
18 not otherwise designated in a district.

19 (b) District 2 consists of the ~~county~~**COUNTIES** of Gratiot **AND**
20 **SAGINAW.**

21 (c) District 3 consists of the county of Tuscola.

22 (d) District 4 consists of the counties of Genesee, Lapeer,
23 Macomb, St. Clair, and Sanilac.

24 (e) District 5 consists of the eastern half of the county of
25 Huron using highway 53 as the western boundary.

26 (f) District 6 consists of the western half of the county of
27 Huron using highway 53 as the eastern boundary.

1 (g) District 7 consists of the counties of Montcalm, Kent,
2 Isabella, Mecosta, Eaton, Ingham, Clinton, and Shiawassee plus all
3 counties west and south of this district not otherwise designated
4 in a district.

5 ~~——(h) District 8 consists of the county of Saginaw.~~

6 Sec. 3. (1) The Michigan bean commission of 9 voting members
7 is created, consisting of a grower from each district created under
8 section 2, **1 MEMBER AT LARGE**, and 1 processor shipper handler
9 member under section 4(2). The director and the dean of the college
10 of agriculture **AND NATURAL RESOURCES** of Michigan ~~state university,~~
11 **STATE UNIVERSITY**, or their designees, are ex officio members
12 without vote. An appointed member ~~shall~~**MUST** be of legal voting age
13 in this state, and ~~shall~~**MUST** be a citizen and resident of this
14 state. Commission members, except for the processor member, ~~shall~~
15 **MUST** be or ~~shall~~**MUST** have been engaged in the actual growing or
16 producing of beans within the state.

17 (2) The terms of office of members of the commission ~~shall be~~
18 **ARE** 3 years after the date of appointment or until their successors
19 are appointed and qualified.

20 (3) Not less than 5 years after June 29, 1989 and every 5
21 calendar years after that date, the commission may, with the advice
22 and consent of the director and the commission of agriculture **AND**
23 **RURAL DEVELOPMENT**, reapportion the districts described in section
24 2. Reapportionment of the districts ~~shall~~**MUST** be on the basis of 1
25 or more counties with the amount of planted dry bean acreage being
26 as nearly equal as possible between districts except that if 1
27 county constitutes greater than 20% of the total bean production

1 within the state, then that county may be divided into 2 or more
2 relatively equal districts.

3 (4) After the reapportionment described in subsection (3), if
4 the residence of a member of the commission falls outside of the
5 district for which he or she serves on the commission and falls
6 within the district for which another member serves on the
7 commission, then both members shall continue to serve on the
8 commission for a term equal to the remaining term of the member who
9 served for the longest period of time. If after the reapportionment
10 described in subsection (3) a district is created in which no
11 member serving on the commission resides, then a member ~~shall~~**MUST**
12 be selected in a manner described in section 4(2).

13 Sec. 4. (1) The governor shall appoint the first members of
14 the commission ~~within 30 days after this act takes effect~~**BEFORE**
15 **JANUARY 31, 1966** with the advice and consent of the senate and
16 without use of the nominating procedures provided in this section.
17 ~~The~~**EXCEPT AS PROVIDED IN SUBSECTION (4), THE** governor shall
18 appoint subsequent members only from the lists of nominees
19 submitted to him or her and subject to the advice and consent of
20 the senate. If a list is not submitted to the governor at least 30
21 days before the term of office of a member would normally expire,
22 or within 30 days after a vacancy otherwise occurs, the governor
23 may appoint any ~~person~~**INDIVIDUAL** who is otherwise qualified under
24 this act.

25 (2) ~~A~~**EXCEPT FOR A VACANCY FOR A MEMBER AT LARGE AS PROVIDED**
26 **IN SUBSECTION (4), A** meeting of growers ~~shall~~**MUST** be held in each
27 district in each year when a vacancy occurs. The commission shall

1 give notice of each meeting by at least 2 insertions in a farm
2 publication of general circulation in the district where the
3 meeting is to be held, with the final insertion to be at least 10
4 days before the meeting. The commission shall supervise the conduct
5 of the meeting. Two nominees for members of the commission ~~shall~~
6 **MUST** be selected at each meeting and submitted to the governor.
7 Appointment of a processor shipper handler member ~~shall~~**MUST** be
8 made only from any list submitted to the governor by the commission
9 with 2 names submitted for the appointment of that member.

10 (3) A member of the commission who fails to meet the
11 qualifications of this act shall cease to be a member of the
12 commission. ~~This~~**EXCEPT AS PROVIDED IN SUBSECTION (4), THIS** vacancy
13 or a vacancy for another reason ~~shall~~**MUST** be filled by the
14 governor for the unexpired term in the same manner as the original
15 appointment.

16 (4) **BEGINNING WITH THE COMMISSION'S FIRST ANNUAL MEETING**
17 **FOLLOWING THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS**
18 **SUBSECTION AND FOR EVERY MEMBER AT-LARGE VACANCY THAT FOLLOWS, THE**
19 **SELECTION MEMBERS SHALL SELECT AND APPOINT THE MEMBER AT LARGE AT**
20 **THE COMMISSION'S ANNUAL MEETING.**

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.