

Legislative Analysis



REAPPORTION POTATO INDUSTRY COMMISSION

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House Bill 4623 (Substitute H-1)

Sponsor: Rep. Neal Nitz

Committee: Agriculture

First Analysis (4-27-05)

BRIEF SUMMARY: The bill would permit the state potato industry commission to reapportion member districts.

FISCAL IMPACT: The bill would have no apparent fiscal impact on the state or local governmental units.

THE APPARENT PROBLEM:

Public Act 29 of 1970 established the Michigan Potato Industry Commission to foster, develop, and promote the state's potato industry through a number of initiatives, including research, advertising, market expansion and development, and education. The 17-member commission is composed of 10 individuals representing growers, two individuals representing shippers, two individuals representing processors, one individual representing retailers, and also one individual each from Michigan State University and the Department of Agriculture, both of whom serve as ex-officio members. Of the 10 growers serving on the commission, two individuals serve at-large, and eight individuals represent seven districts. The first district comprises the entire Upper Peninsula, and is represented by two individuals. The Lower Peninsula is divided into six districts, represented by one individual each. (See the attached map below.) The current apportionment plan for the growers' districts dates back to 1961 and the establishment of the state potato industry council, the predecessor to the Michigan Potato Industry Commission. (See Public Act 208 of 1961.)

However, over the years, the number of potato farmers in the state has dropped significantly as farming operations consolidate or shift to other uses. In 1970, when the commission was established, there were approximately 700 commercial potato growers farming at least five acres. That number dropped to 500 by 1986 and now numbers about 100. As such, it has become increasingly difficult to attract growers in certain areas to serve on the commission where potato production may not be that prevalent.

In response to a similar concern expressed by other agricultural commodity marketing groups, the Agricultural Commodities Marketing Act was recently amended to allow committees established under that act to reapportion their membership. It has been suggested that similar authority be provided to the state potato industry commission.

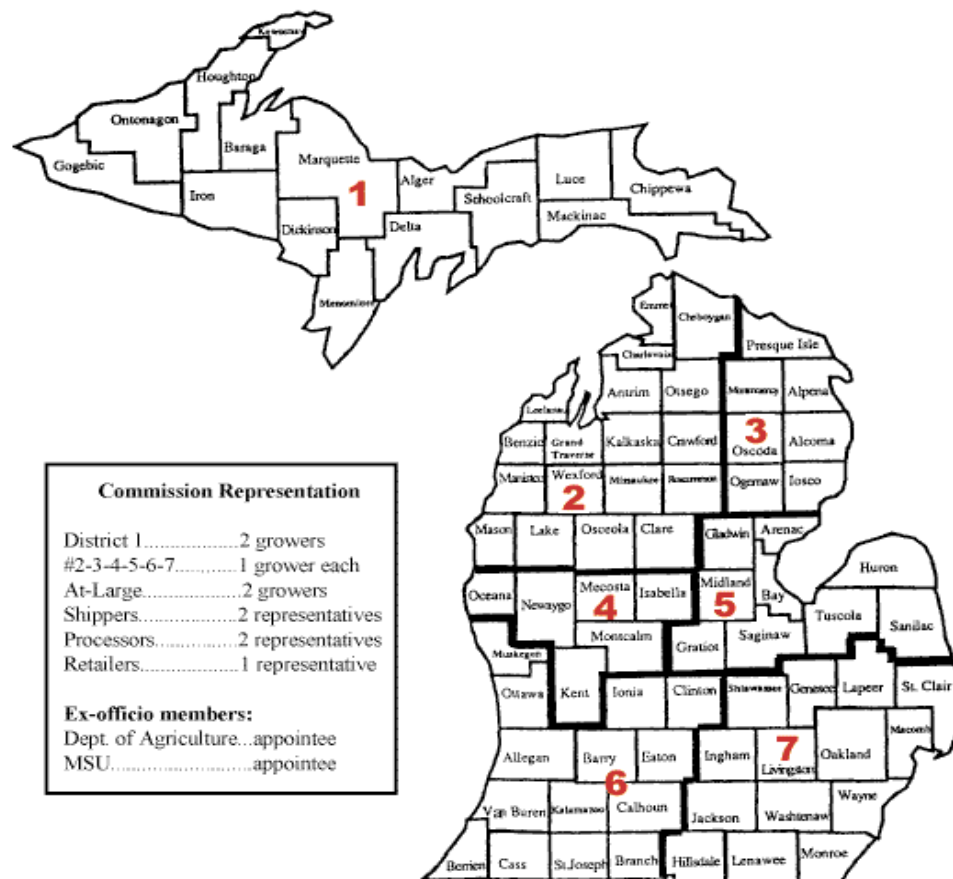
THE CONTENT OF THE BILL:

House Bill 4623 would amend Public Act 29 of 1970 (MCL 290.422) to permit the potato industry commission, with the approval of the Department of Agriculture and the Agriculture Commission, to reapportion the number of members and/or districts. District reapportionment would have to be based on production or industry representation, and could not begin prior to 30 days after the bill's effective date. Reapportionment could not occur more than twice in a five-year period or within six months prior to a referendum.

Additionally, the bill provides that if, after reapportionment, the residence of a committee member falls outside of the district the member represents and within the district of another member, both members would continue to serve on the commission for a term equal to the remaining term of the longest serving member. If, after reapportionment, a district were created in which no member resides, a member would be selected as provided in the act. As a result of the above provisions, the bill provides that the commission could temporarily have more members than explicitly provided for in the act. Finally, the bill provides that if the commission is reapportioned, the provisions concerning reapportionment supersede any provisions to the contrary.

BACKGROUND INFORMATION:

The map shows the current districts of the Michigan Potato Industry Commission.



Public Act 601 of 2002 (House Bill 6256) added a similar reapportionment provision to the Agricultural Commodities Marketing Act (Public Act 232 of 1965). Several agricultural commodities committees are established under Public Act 232, including those concerning apples, asparagus, carrots, cherries, corn, cranberries, dairy products, onions, plums, privately owned cervids, soybeans, and special-fed veal. Commodities marketing programs for beans and beef are established separately under Public Act 114 of 1965 of Public Act 291 of 1972, respectively.

ARGUMENTS:

For:

The bill provides the state potato industry commission with greater flexibility in selecting individuals to serve on the commission. Reportedly, the commission has had difficulty finding individuals willing to serve on the commission, as production now varies greatly among the districts. Moreover, most of the other agricultural commodity marketing committees currently enjoy similar authority to reapportion their membership, as appropriate. It seems only fair to allow the potato commission to do the same.

POSITIONS:

The Department of Agriculture supports the bill. (4-26-05)

The Potato Growers of Michigan supports the bill. (4-26-05)

The Michigan Farm Bureau supports the bill. (4-26-05)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.