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**BILL ANALYSIS**

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House Bill 4623 (Substitute H-1 as passed by the House)  
Sponsor: Representative Neil Nitz  
House Committee: Agriculture  
Senate Committee: Agriculture, Forestry and Tourism

Date Completed: 6-7-05

**CONTENT**

**The bill would amend Public Act 29 of 1970, which provides for the State Potato Industry Commission, to authorize the Commission to reapportion the number of Commission members and/or the member districts, with the advice and consent of the Agriculture Commission and the Director of the Michigan Department of Agriculture (MDA).**

Presently, the membership of the Potato Industry Commission includes 10 growers, two processors, two shippers, and one retailer appointed by the Governor with the advice and consent of the Senate. The Commission also includes the MDA Director, or his or her designee, and a staff member of Michigan State University appointed by the Dean of Agriculture, who serve as nonvoting, ex officio members.

Eight of the growers must be appointed to represent seven districts throughout the State. District 1, which consists of the Upper Peninsula, is represented by two growers. The remaining six districts are represented by one grower each. The ninth and 10<sup>th</sup> growers serve at large. (The districts are described in **BACKGROUND**, below.)

Under the bill, with the advice and consent of the MDA Director and the Agriculture Commission, the Potato Industry Commission could reapportion the number of Commission members or member districts, or both. Reapportionment of the districts would have to be on the basis production or industry representation.

Reapportionment could begin 30 days after the bill's effective date. Reapportionment of either members or districts could not occur more than twice in any five-year period, and could not occur within six months before a referendum.

After reapportionment, if a member's residence fell outside the district he or she was representing, and fell within another member's district, both members would continue to serve on the Commission for a term equal to the remaining term of the member who served for the longer period of time.

If reapportionment created a district within which no member serving on the Commission resided, then a member would have to be selected as prescribed in Section 2 of the Act (the section the bill would amend, which includes provisions for filling a vacancy). After a reapportionment or redistricting, the Commission temporarily could have more members than prescribed by Section 2 until the term of the longest-serving member from a district expired.

The bill specifies that, in the case of a reapportionment, the provisions of the bill would prevail over any conflicting provisions of Section 2.

MCL 290.442

## **BACKGROUND**

Public Act 29 of 1970 requires the State Potato Industry Commission to foster, develop, and promote Michigan's potato industry through research, advertising, market expansion, education, the development of new markets, and the development and dissemination of market and industry information. To fund the Commission's activities, the Act requires growers and shippers to pay an assessment on potatoes grown in the State.

Every five years, the Commission must conduct a referendum at which growers vote on whether the Commission is to continue levying the assessment and otherwise carrying out the Act. The Act also provides for referenda on whether to terminate the assessment on shippers, or whether to terminate the Commission, if the MDA Director receives petitions containing a sufficient number of signatures.

Growers on the Commission represent the following districts:

- District 1: Upper Peninsula
- District 2: Antrim, Benzie, Charlevoix, Clare, Crawford, Emmet, Grand Traverse, Kalkaska, Lake, Leelanau, Manistee, Mason, Missaukee, Osceola, Otsego, Roscommon, and Wexford Counties
- District 3: Alcona, Alpena, Iosco, Montmorency, Ogemaw, Oscoda, and Presque Isle Counties
- District 4: Isabella, Kent, Mecosta, Montcalm, Newago, and Oceana Counties
- District 5: Arenac, Bay, Gladwin, Gratiot, Huron, Midland, Saginaw, Sanilac, and Tuscola Counties
- District 6: Allegan, Barry, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Ionia, Kalamazoo, Muskegon, Ottawa, St. Joseph, and Van Buren Counties
- District 7: Genesee, Hillsdale, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Shiawassee, Washtenaw, and Wayne Counties

Legislative Analyst: Suzanne Lowe

## **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Craig Thiel

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.