

Act No. 9  
Public Acts of 2018  
Approved by the Governor  
January 26, 2018  
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January 26, 2018  
EFFECTIVE DATE: April 26, 2018

**STATE OF MICHIGAN  
99TH LEGISLATURE  
REGULAR SESSION OF 2018**

**Introduced by Reps. Canfield, Lucido, Barrett, Victory, Sheppard, Alexander and Roberts**

# **ENROLLED HOUSE BILL No. 4940**

AN ACT 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:*

Sec. 1. As used in this act:

- (a) "Beans" means Michigan dry, edible beans, except soybeans.
- (b) "Commission" means the Michigan bean commission.
- (c) "Director" means the director of the department of agriculture and rural development.
- (d) "Grower" means any business unit, including a family operation, sole proprietorship, partnership, corporation, company, association, trust, or other business organization engaged in the business of producing beans for sale within 1 of the past 3 years.
- (e) "Processor" means a person that cleans and grades, dries, dehydrates, cans, powders, extracts, cooks, or uses in producing or manufacturing a product or article, ships, or otherwise handles beans, including seed.
- (f) "Selection members" means the commission members selected and appointed for each district created under section 2 and the processor shipper handler member selected and appointed under section 4(2).

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

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

(a) District 1 consists of the counties of Arenac, Bay, and Midland plus all counties north of Midland County that are not otherwise designated in a district.

(b) District 2 consists of the counties of Gratiot and Saginaw.

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

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

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

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

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

Sec. 3. (1) The Michigan bean commission of 9 voting members is created, consisting of a grower from each district created under section 2, 1 member at large, and 1 processor shipper handler member under section 4(2). The director and the dean of the college of agriculture and natural resources of Michigan State University, or their designees, are ex officio members without vote. An appointed member must be of legal voting age in this state, and must be a citizen and resident of this state. Commission members, except for the processor member, must be or must have been engaged in the actual growing or producing of beans within the state.

(2) The terms of office of members of the commission are 3 years after the date of appointment or until their successors are appointed and qualified.

(3) Not less than 5 years after June 29, 1989 and every 5 calendar years after that date, the commission may, with the advice and consent of the director and the commission of agriculture and rural development, reapportion the districts described in section 2. Reapportionment of the districts must be on the basis of 1 or more counties with the amount of planted dry bean acreage being as nearly equal as possible between districts except that if 1 county constitutes greater than 20% of the total bean production within the state, then that county may be divided into 2 or more relatively equal districts.

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

Sec. 4. (1) The governor shall appoint the first members of the commission before January 31, 1966 with the advice and consent of the senate and without use of the nominating procedures provided in this section. Except as provided in subsection (4), the governor shall appoint subsequent members only from the lists of nominees submitted to him or her and subject to the advice and consent of the senate. If a list is not submitted to the governor at least 30 days before the term of office of a member would normally expire, or within 30 days after a vacancy otherwise occurs, the governor may appoint any individual who is otherwise qualified under this act.

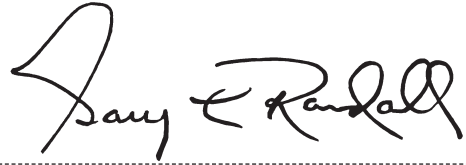
(2) Except for a vacancy for a member at large as provided in subsection (4), a meeting of growers must be held in each district in each year when a vacancy occurs. The commission shall give notice of each meeting by at least 2 insertions in a farm publication of general circulation in the district where the meeting is to be held, with the final insertion to be at least 10 days before the meeting. The commission shall supervise the conduct of the meeting. Two nominees for members of the commission must be selected at each meeting and submitted to the governor. Appointment of a processor shipper handler member must be made only from any list submitted to the governor by the commission with 2 names submitted for the appointment of that member.

(3) A member of the commission who fails to meet the qualifications of this act shall cease to be a member of the commission. Except as provided in subsection (4), this vacancy or a vacancy for another reason must be filled by the governor for the unexpired term in the same manner as the original appointment.

(4) Beginning with the commission's first annual meeting following the effective date of the amendatory act that added this subsection and for every member at-large vacancy that follows, the selection members shall select and appoint the member at large at the commission's annual meeting.

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

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor