

STATE POTATO INDUSTRY COMMISSION (EXCERPT)

Act 29 of 1970

290.422 Potato industry commission; creation; appointment, qualifications, and terms of members; vacancies; meetings; chairperson; quorum; conducting business at public meeting; notice of meeting; special meetings; compensation and expenses; handling, use, and disposition of funds; annual fee; gifts, grants, and items of value; books, records, and accounts; availability of documents to public; borrowing money; assessment of outstanding loans; financial report.

Sec. 2. (1) The potato industry commission is created within the department. The commission shall be composed of all of the following:

(a) The director or a person designated by the director from the director's staff, who shall serve ex officio, without vote.

(b) A staff member of Michigan state university appointed by the dean of the college of agriculture and natural resources of that university to serve at the pleasure of the dean, ex officio, without vote.

(c) The following members appointed by the governor with the advice and consent of the senate:

(i) Two individuals representing the snack potato manufacturing industry.

(ii) Two individuals representing the seed potato industry.

(iii) Two individuals representing the fresh potato industry.

(iv) One individual representing shippers.

(v) One individual representing shippers or retailers.

(vi) One individual from any of the categories listed in subparagraphs (i) through (v).

(2) A member appointed by the governor under subsection (1) shall be a citizen and resident of this state who is 18 years of age or older. A commission member who is a grower shall be engaged and have been engaged in growing potatoes within this state for a period of not less than 2 years immediately before appointment, and shall have derived a substantial portion of his or her income from this activity.

(3) The term of office of a commission member appointed under subsection (1)(c) shall be 3 years. The term of an appointed member shall expire on July 1, except that a term shall continue until a successor is appointed and qualified. If during a term a member ceases to possess any of the qualifications prescribed in this act, that member's office shall be vacated. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term and until a successor is appointed and qualified.

(4) The commission shall conduct a meeting of growers and shippers annually.

(5) Annually, the commission members shall elect a chairperson from among its appointed members. A majority of the voting members of the commission constitutes a quorum for the transaction of business and the carrying out of the duties of the commission. The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Meetings of the commission shall be called by the chairperson, except that special meetings shall be called by the chairperson on petition of 5 or more members not later than 7 days after receiving the petition.

(6) The per diem compensation of the members of the commission appointed under subsection (1)(c) shall not exceed \$75.00 plus the reimbursement of expenses incurred in attending a commission meeting.

(7) All funds of the commission shall be handled by the commission and all funds received by the commission shall be used to implement this act. Money received by the commission shall be deposited in banks or other forms of security as may be designated by the commission.

(8) Retailers, processors, and others may support the programs of the commission by paying an annual fee of \$100.00.

(9) The commission may accept gifts, grants, royalties, license fees, interest, income, or other items of value that enhance the programs established under this act.

(10) The commission shall maintain accurate books, records, and accounts of its transactions, which books, records, and accounts shall be open to inspection by the public and shall be subject to audit by the auditor general or a certified public accountant. A document prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, except as otherwise provided in section 4a.

(11) The commission may borrow money in anticipation of the receipt of assessments if all of the following conditions are met:

(a) The loan will not be requested or authorized, or will not mature, within 90 days before a resubmittal or termination referendum regarding an assessment under this act.

(b) The amount of the loan does not exceed 50% of the annual average assessment revenue during the previous 3 years.

(c) The loan repayment period does not exceed the time period during which the assessment is made or the time period during which the assessment can reasonably be expected to be imposed.

(d) The loan has the prior written consent of the director. The director may request an audit of the commission by the auditor general before approving the loan.

(12) The director shall assess against the growers and shippers all outstanding loans approved under subsection (11), including interest, if the assessment is terminated.

(13) The commission shall annually prepare a financial report and shall make that financial report available upon request.

History: 1970, Act 29, Imd. Eff. June 10, 1970;—Am. 1972, Act 292, Imd. Eff. Oct. 30, 1972;—Am. 1975, Act 64, Imd. Eff. May 20, 1975;—Am. 1978, Act 200, Imd. Eff. June 4, 1978;—Am. 1980, Act 304, Imd. Eff. Nov. 26, 1980;—Am. 1992, Act 135, Imd. Eff. July 15, 1992;—Am. 2000, Act 5, Imd. Eff. Feb. 22, 2000;—Am. 2005, Act 59, Imd. Eff. July 7, 2005;—Am. 2013, Act 202, Eff. Mar. 14, 2014.