

STATE POTATO INDUSTRY COMMISSION (EXCERPT)
Act 29 of 1970

290.424 Assessment on growers and shippers; rates; exemption; shipper application and certificate; records; inspection; reports; payment of assessment by shipper; limitation on assessment increase.

Sec. 4. (1) An assessment at the rate of not more than 5-1/2 cents per hundredweight on potatoes grown in the state shall be levied upon each particular lot or quantity of potatoes and imposed upon each grower with 20 or more acres in the production of potatoes and not more than 1-1/2 cents per hundredweight shall be levied on each particular lot or quantity of potatoes shipped by each shipper within this state as provided by this act. Not later than July 1 of each year, the commission shall determine the assessment rates for that year and shall notify each grower and shipper of the applicable rate.

(2) A grower with less than 20 acres in the production of potatoes is considered to be in full compliance with this act and may participate in the programs established under this act if the grower pays an assessment based upon his or her production over 3 of the last 5 years.

(3) Each grower shall pay the grower assessment on all potatoes grown in the state by the grower. The shipper shall deduct the grower assessment from money due the grower and remit the grower assessment to the commission. In addition, each shipper shall pay to the commission the shipper assessment on all potatoes purchased, sold, or shipped in the state by the shipper.

(4) The assessment shall not be imposed upon potatoes retained by a grower and used for the grower's own seed purposes or own home consumption.

(5) Every shipper of potatoes shall file an application with the commission on forms prescribed and furnished by the commission which shall contain the name under which the shipper is transacting business within the state, the place or places of business and location of loading and shipping places and agents of the shipper, the names and addresses of the persons constituting a firm or partnership and, if a corporation, the corporation name and the names and addresses of its principal officers and agents within the state. The commission shall issue a certificate to the shipper and a shipper shall not sell or ship potatoes until the certificate is furnished as required by this section.

(6) Each shipper and grower shall keep, as a part of his or her permanent records, a record of all purchases, sales, and shipments of potatoes, which records shall be open for inspection at all times. Each shipper and grower shall file a report with the commission stating the quantity of potatoes received, sold, or shipped by him or her, on forms to be furnished by the commission. The report to be prepared by each shipper is due not later than 15 days after the end of the calendar quarter. The report to be prepared by each grower is due not later than July 15 of each year. Both shippers and the growers shall report further pertinent information as the commission prescribes. With the filing of the report, each shipper shall pay to the commission the assessment provided by this act.

(7) An assessment under this section shall not be increased above the rate assessed on the effective date of the amendatory act that added this subsection unless authorized by a referendum pursuant to section 8.

History: 1970, Act 29, Imd. Eff. June 10, 1970;—Am. 1972, Act 292, Imd. Eff. Oct. 30, 1972;—Am. 1976, Act 13, Imd. Eff. Feb. 20, 1976;—Am. 1980, Act 304, Imd. Eff. Nov. 26, 1980;—Am. 1996, Act 99, Imd. Eff. Mar. 5, 1996;—Am. 2013, Act 202, Eff. Mar. 14, 2014.