

STATE POTATO INDUSTRY COMMISSION (EXCERPT)
Act 29 of 1970

290.428 Referendum; votes; rules; petition to terminate shipper assessments; referendum by mail; conditions for termination of shipper assessments; adoption of assessment increase; public hearing; findings and recommendations; assent to proposal.

Sec. 8. (1) Within 60 days after the effective date of the 2013 amendments to this section, the department shall hold a referendum. For the purpose of the referenda under this act, each grower and shipper who is in compliance with section 4 is entitled to 1 vote. The director may promulgate rules for conducting a referendum under this act.

(2) Notwithstanding any other provision of this act, if the director receives a petition, bearing the signatures of not less than 33-1/3% of all shippers, to terminate the shipper assessments, the director shall conduct a referendum by mail. The shipper assessments shall be terminated if more than 50%, by number, of the shippers voting representing more than 50% of the volume of potatoes purchased, sold, or shipped the previous year, vote in favor of terminating the assessment.

(3) Notwithstanding any other provision of this act, if the director receives a petition signed by 25% of the growers for the adoption of an assessment increase above that provided for in section 4(1), he or she shall give notice of a public hearing on the proposed assessment increase. The director may require all shippers as individuals or through their trade associations to file with him or her within 30 days a report, properly certified, showing the correct names and addresses of all growers from whom the shipper received potatoes in the marketing season next preceding the filing of the report. The information contained in the individual reports of shippers filed with the director pursuant to this subsection shall not be made public by the director and shall not be made available to anyone for private use.

(4) The director shall issue a decision within 45 days after the close of the public hearing required under subsection (3) based upon his or her findings, and deliver, by mail or otherwise, copies of the findings and recommendation, approving or disapproving of the proposed assessment increase to all parties of record appearing at the hearing and any other interested parties. The recommendation shall contain the text in full of any proposed assessment increase. The recommendation shall be substantially within the purview of the notice of hearings and shall be supported by evidence taken at the hearing or by documents of which the director is authorized to take official notice.

(5) After recommending the increase of an assessment, the director shall determine by a referendum whether the affected growers assent to the proposed action. The director shall conduct the referendum by mail within 45 days after the issuance of the recommendation. The affected growers shall be considered to have assented to the proposal if more than 50% by number of those voting representing more than 50% of the volume of potatoes produced by those voting assent to the proposal. The director shall establish procedures for determination of volume for the conduct of referenda and other necessary procedures.

(6) For the purpose of referenda under this act, a grower is entitled to 1 vote representing a single firm, individual proprietorship, corporation, company, association, partnership, or husband-wife or family ownership.

History: 1970, Act 29, Imd. Eff. June 10, 1970;—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.