

AGRICULTURAL MARKETING AND BARGAINING ACT (EXCERPT)
Act 344 of 1972

290.707 Accreditation of association; requirements.

Sec. 7. An association shall be accredited upon determination by the department that the association meets all of the following:

(a) The association meets the requirements of the Capper-Volstead act, 7 USC 291 to 292.

(b) The association has submitted a copy of its bylaws, which shall provide all of the following:

(i) Each member of the association shall have 1 vote in all votes of the membership of the association.

(ii) Officers or directors shall be elected by a majority of the members voting or by delegates representing a majority of the membership.

(iii) All elections shall be by secret ballot.

(c) The association has marketing and bargaining contracts for the current or next marketing period with more than 50% of the producers of an agricultural commodity who are in the bargaining unit and these contracts cover more than 50% of the quantity of that commodity produced by producers in the bargaining unit. The department may determine the quantity produced by the bargaining unit using information on production in prior marketing periods, current market information, and projections on production during the current marketing period. The department shall exclude from that quantity any quantity of the agricultural commodity contracted by producers with producer owned and controlled processing cooperatives and any quantity produced by handlers. An association whose main purpose is bargaining but which processes a surplus into a form which is not the subject of bargaining is not a processing cooperative. The contracts with members shall specify the agricultural commodity and that the members have appointed the association as their exclusive agent in negotiations with handlers for prices and other terms of trade with respect to the sale and marketing of the agricultural commodity and obligate them to dispose of their production or holdings of the agricultural commodity through or at the direction of the association.

(d) The association has established and authorized a marketing and bargaining committee to negotiate with handlers for the agricultural commodity. The committee shall be composed of members elected by the members in a secret ballot election. The production of the agricultural commodity shall comprise a significant portion of the total farming operation of each committee member. Members who have any quantity of the commodity contracted with a producer owned and controlled processing cooperative are not eligible to serve on a marketing and bargaining committee for such commodity.

History: 1972, Act 344, Eff. Mar. 30, 1973;—Am. 2012, Act 119, Imd. Eff. May 2, 2012.