

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

290.710 Request for accreditation; issuance and publication of determination; preliminary declaration; service fees; effective date of accreditation; referendum; denial of accreditation.

Sec. 10. (1) The department shall issue and publish its determination within 30 days after the close of the hearing. If the determination of the department is to accredit the association, the department shall include a preliminary declaration of accreditation in its determination. The preliminary declaration of accreditation shall clearly state that the association shall represent all producers, members, and nonmembers alike, who are in the bargaining unit and act as exclusive sales agents for the bargaining unit in negotiations with handlers. A producer covered in a declaration of accreditation may join the association and have full membership rights in the association. Handlers shall deduct marketing service fees from the proceeds to be paid to producers for the agricultural commodity in the amount as determined by the association and forward the service fees promptly to the association. The fees shall be within guidelines determined by the department and shall be subject to review by the department upon petition by 15% of the affected producers.

(2) The accreditation of the association by the department shall be effective 30 days after the publication of the preliminary declaration of accreditation. The department shall delay the accreditation of the association if the department receives during the 30-day period a petition signed by at least 1/3 of the producers in the bargaining unit who produce at least 1/3 of the production of the agricultural commodity produced by the bargaining unit, exclusive of quantities contracted with processing cooperatives and produced by handlers, and requesting that the association should not be accredited. The department shall determine, by a mail referendum of bargaining unit producers within 30 days following receipt of the petition, if producers assent to the accreditation of the association. Producers in the bargaining unit shall be considered to have assented to accreditation if more than 50% of the producers in the bargaining unit who produce more than 50% of the volume of the affected commodity assent to representation by the association.

(3) All affected producers, handlers, and other interested parties shall be notified of the outcome of the referendum within 10 days following the referendum. Accreditation shall be effective immediately if producers assent. Accreditation shall be denied without the required assent of the producers.

(4) An association that is denied accreditation may not file another request for accreditation for a period of 1 year.

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