

## **Michigan Blueberry Research & Education Program Creating the Michigan Blueberry Commission**

### **Purposes**

This program is developed for the purpose of improving the economic position and competitiveness of the Michigan Blueberry industry. This shall be accomplished by supporting research, education, and promotion programs. The goal for this program is to keep Michigan’s blueberry industry on the cutting edge of new technology as well as implementation of new research that keep Michigan’s blueberry farmers economically viable in the world market into the future. This program shall emphasize advancements in blueberry research, information delivery, and Michigan industry-wide collaboration.

### **Authority**

This program for Michigan’s blueberry industry is authorized by the Director of the Michigan Department of Agriculture and Rural Development, pursuant to the “Agricultural Commodities Marketing Act” 1965 PA 232, as amended, MCL 290.651-MCL 290.674.

### **Extent**

All blueberries sold (for processing or fresh purposes), handled, or distributed in the channels of trade shall conform with the provisions and procedures of this program.

### **Definitions**

“Blueberry”- means commercially cultivated highbush blueberries that are produced and marketable in Michigan for the purpose of processing and fresh market sales.

“Commission” – means the Michigan Blueberry Commission established under this program.

“Department” – means the state Department of Agriculture and Rural Development.

“Director”- means the Director of the state Department of Agriculture and Rural Development.

“District” – means the geographic division of the production area as established herein.

“First Handler” – means any person engaged in the operation of packing, grading, freezing, canning, dehydrating, fermenting, distilling, extracting, preserving, grinding, crushing or in any other way preserving or changing the form of Michigan blueberries for selling or offering for sale marketable blueberries in commercial quantities as defined in the program, who as owner, agent, or otherwise, ships or causes blueberries to be shipped.

“Fresh” - means blueberries that are sold other than for processing uses either directly or indirectly to consumers from farmers operated by a producer as defined.

“Processing” - means to alter, change, or modify blueberries in such as manner as to change their original form or appearance for marketing purposes.

“Producer” - means any person engaged in the business of producing or causing to be produced for any processing or fresh market outlet a quantity of more than 50,000 pounds within any one growing and marketing season within the last three years.

“Research” – means programs directed toward the development of improved pest management, cultural practices, new varieties of blueberries, or programs that result in more efficient blueberry production, new product development, new handling procedures, or improved education.

## **Michigan Blueberry Commission**

### **Establishment**

The Michigan Blueberry Commission is hereby established to administer the Michigan Blueberry Research & Education Program, pursuant to the “Agricultural Commodities Marketing Act” 1965 PA 232, as amended, MCL 290.651-MCL 290.674.

### **Membership**

The Michigan Blueberry Commission shall be composed of seven blueberry producers. Also, the Director of the Michigan Department of Agriculture and Rural Development (or his or her designee), and a member of the Michigan State University College of Agriculture and Natural Resources (appointed by the Dean), shall serve as non-voting ex-officio members.

### **Terms of Office**

The regular term of office of members of the Michigan Blueberry Commission shall be three years, expiring on December 31 of the third year, or until their successors are appointed and qualified. However the appointed members at the beginning of the program shall be on a staggered term of one member for a term expiring December 31, 2017; three members each for a term expiring December 31, 2018; and three members each for a term expiring December 31, 2019.

### **Districts**

To determine a basis for selecting committee members, the following districts are hereby established:

District No. 1 (North) consists of all counties north of the southern boundary of Allegan County including Allegan, Ottawa, Muskegon, Oceana, and other counties to the east and north.

District No. 2 (South) consists of all counties south of the northern border of Van Buren county including Van Buren, Berrien and other counties to the east.

## **Selection**

The Governor shall appoint members from districts as follows:

District No. 1 (North)                      3 members

District No. 2 (South)                      3 members

At Large    1 member

A nominee list of at least two names per Commission member shall be submitted annually to the Governor not later than October 1 for terms that are expiring. Appointment of members shall be made from lists of names submitted to the Governor by the Michigan State Horticultural Society or any other Michigan agricultural organization representing the producers of Michigan blueberries.

## **Acceptance**

Any person appointed as a Commission member shall qualify by filing a written acceptance and oath of office within 10 days after being notified by the Governor of the appointment.

## **Vacancies**

To fill any vacancy occasioned by the failure of any person appointed as a committee member to qualify as a producer, or in the event of the death, removal, resignation, or disqualification of any member, a successor for the unexpired term of such member shall be nominated and appointed in the manner specified under selection and acceptance.

## **Disqualification**

A Commissioner is no longer qualified to serve if they cease to be a producer.

## **Procedure**

A simple majority of voting members of the Commission shall be necessary to constitute a quorum. A simple majority of concurring votes shall be required to pass any motion or approve any committee action. At assembled public meetings all votes shall be cast in person.

## **Expenses and Compensation**

1. The Commission is authorized to incur such expenses as are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Director determines to be appropriate.
2. Commission members when acting on Commission business will be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties, and in the exercise of their powers. In addition, they may receive compensation at the rate to be determined by the Commission, not to exceed \$75.00 for each day or portion thereof, spent in attending Commission business.

## **Fiscal Year**

The fiscal period of this Commission shall begin and end on an annual basis, the date of which shall be established by the Commission with the approval of the Director.

## **Powers**

The Commission shall have the following powers:

1. To administer the provisions of the program in accordance with its term and provisions;
2. To make procedures to effectuate the terms and provision of this program;
3. To receive, investigate, and report to the Commissioners complaints of violation of the provisions of this program;
4. To recommend to the Director amendments to this program;
5. To receive and administer funding from state and federal institutions to support the program; and
6. To receive and administer funding from royalties generated from research.

## **Duties**

It shall be among other things, the duty of the Commission:

1. Annually, within 60 days after the beginning of each fiscal year, to meet and organize to select a chair and such other officers as may be necessary, to select subcommittees of committee members, and to adopt procedures and policies for the conduct of its business as it may deem advisable;

2. To furnish to the Director such available information as may be requested;
3. To appoint employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of those persons;
4. To collect and assemble information and data necessary to the proper administration of the program;
5. To keep minutes, books, and records which clearly reflect all the acts and transactions of the Commission. The minutes, books and records shall be subject to examination during normal business hours by the Director or the Director's authorized agent or representative. Minutes of each Commission meeting shall be reported promptly to the Director. At the end of each season an annual report of operation shall be furnished to the Director;
6. Prior to each fiscal year, to prepare a budget of its anticipated receipts and expenses for the fiscal period. At any time during, or subsequent to, a given fiscal period, the Commission may recommend the approval of an amended budget;
7. To cause the books for the Commission to be audited by a certified public accountant at least once each fiscal period, and such other times as the Commission may deem necessary or as the Director may request. The report of such an audit shall show the receipt and expenditure of funds collected. A copy of each report shall be made available at the principal office of the Commission for inspection by producers and a copy of each such report shall be furnished to the Director.

## **Assessments**

### **A. Assessments**

1. Assessments for the fiscal period shall be fixed upon producers at a maximum rate of .003 cents per pound of blueberries sold. The Commission shall annually set the assessment rate.
2. When blueberries are shipped outside the state of Michigan for processing, fresh packing, or marketing, then the first handler of the blueberries in Michigan shall be responsible for the assessment payment.
3. The Director shall direct the first handlers or processors to collect and remit the producer assessments to the Commission account as designated by the Director. Payment to this account shall be made no later than November 30 of the year in which the assessment is levied for blueberries.

4. In the event that blueberries have not been delivered to a first handler or processor it shall be the responsibility of the producer to pay the assessment directly to the Commission.
5. The assessment shall be accompanied with a report form provided by the Commission which would include the name of the first handler, processor, or producer; and also the address, volume of blueberries purchased or handled from each producer, and the amount of the assessment collected.

**B. Accounting**

1. If, at the end of the fiscal period, the assessments collected are in excess of the expenses incurred, such excess shall be accounted for in accordance with one of the following:
  - a. If such excess is not retained in a reserve, as provided in subparagraph (b) of this section, it shall be refunded proportionately to the producers from whom it was collected.
  - b. The Commission may establish and maintain during one or more fiscal periods reserve funds equal to approximately one fiscal period's expenses. Such reserve funds may be used for all authorized expenses.
2. Upon the expiration of the term of office of any member of the Commission, the member shall account for all receipts and disbursements and deliver all property and funds of the Commission in their possession to the Commission and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the Commission full title to all the property, funds, and claims vested in such member pursuant to the research and education program.

**Provisions**

- A. The Commission is authorized to carry out research programs designed to improve the production and acceptability of Michigan blueberries and to contribute to the effectiveness of the Michigan Blueberry Research and Education Program.
- B. The Commission is authorized to gather and prepare research information and reports which are necessary for the proper operation of the program.
- C. The Commission is authorized to create and implement programs, and cooperate with other entities on promotional and educational efforts, to create new and larger markets for Michigan blueberries.

- D. The Commission is authorized to contract with any appropriate person or organization as it deems necessary for accomplishing the purposes of this program.
- E. The Commission may cooperate with other agencies, committees, units of government, persons, and organizations to effectuate the purpose of the program. This cooperation may include cost sharing opportunities.
- F. The Commission is authorized to receive money from state and federal agencies to fulfill the purpose of the program.
- G. The Commission is authorized to receive royalties, licensing fees, and gifts to support the purposes of this program.

### **Compliance and Reports**

- A. Upon request of the Commission and with approval of the Director, producers and first handlers shall furnish to the Director reports and other information pertaining to the quantity of blueberries (pounds) delivered for processing or fresh sales as may be necessary for the Commission to properly and effectively perform its duties under this program.
  - 1. Reports required from each first handler shall include a complete list of all producers and their addresses from whom they received blueberries during each harvest period, together with the quantity of blueberries received from each producer, and the amount of assessments withheld from each producer.
  - 2. All individual reports shall be held confidential by the Commission on behalf of the Director and their staff including the department accountants and auditors. Compilation of general public reports is authorized from data submitted, provided there is no disclosure of the identity of the producers or their operations.
  - 3. Records or data as required by the Commission shall be maintained by the producer or first handler for a period of three years.

### **Separability**

If any provision or section of this research and education program is declared invalid, is amended, suspended, or terminated, or the application thereof to any person, circumstance, or thing is held invalid, neither the validity of the remainder or the applicability to the other persons, circumstances, or things shall be affected.

## **Miscellaneous**

- A. This program may be terminated in accordance with the provision of 1965 PA 232, as amended, MCL 290.651-MCL 290.674.
- B. This program shall become effective May 1, 2017.