

**MICHIGAN DEPARTMENT OF AGRICULTURE  
& RURAL DEVELOPMENT**

In the matter of the proposed Michigan  
Wheat Program<sup>1</sup>:  
Findings, Recommendations, and Order

**OPINION AND ORDER OF THE DIRECTOR:  
MICHIGAN WHEAT PROGRAM**

Order of July 19, 2011 on the proposed program known as the Michigan Wheat Program.

**I. DISCUSSION**

The Agricultural Commodities Marketing Act, 1965 PA 232, as amended; MCL 290.651 et seq, authorizes the establishment of commodity marketing programs. Pursuant to statute, the Director of the Michigan Department of Agriculture and Rural Development<sup>2</sup> is responsible for establishing temporary committees to draft marketing programs, conduct public hearings, and determine by referenda of commodity producers whether such programs shall be established.

**II. HISTORY OF PROCEEDINGS**

In February 2011, the Michigan Department of Agriculture & Rural Development Director Keith Creagh received sufficient valid petition signatures from Michigan wheat producers requesting the establishment of a marketing program for wheat and the Director appointed a temporary committee to develop a proposed program. The petitions further requested at least one public hearing to gather comments and gauge interest in a referendum for the creation of the Michigan Wheat Program under 1965 PA 232. Two public hearings were held and comments were received, as well as written comments received via e-mail and regular mail service.

The hearing records of both public hearings and the written testimony received were reviewed. Based on this information, several changes were made to the proposed program and were outlined in an Opinion and Order signed by the Director of the Michigan Department of Agriculture and Rural Development dated May 12, 2011.

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<sup>1</sup> In the May 23, 2011 Opinion and Order of the Director, the name of the program was erroneously stated as the Michigan Wheat Committee. The correct name of the program is the Michigan Wheat Program.

<sup>2</sup> Executive Order 2011-2 changed the Michigan Department of Agriculture to the Michigan Department of Agriculture & Rural Development

Additionally, it was ordered that the proposed program proceed to a referendum vote of producers as authorized by MCL 290.661.

### **III. REFERENDUM**

A producer referendum for Michigan wheat producers was scheduled to be held from June 20, 2011 through July 1, 2011. Procedures for the referendum were established. A mailing list of 8,302 producers was compiled by the United States Department of Agriculture, Michigan Agricultural Statistics, and the mailing coordinated with the Michigan Department of Technology, Management and Budget, Mail and Delivery Services. On June 17, 2011, the Official Referendum Response Form with complete instructions and a postage paid return envelope were mailed by first class mail using this list. The procedures required that to be declared valid an Official Referendum Response Form shall:

1. Have a legible and complete name and mailing address of the producer.
2. Have its envelope postmarked no later than July 1, 2011, or if mailed or hand delivered, but not postmarked, be date stamped at the Michigan Department of Agriculture and Rural Development in Lansing no later than July 1, 2011.
3. Be signed by a producer as defined in 1965 PA 232, as amended.
4. Contain a vote on the question on the Official Referendum Return Form.
5. Indicate the total bushels of wheat produced for sale in any one of the following years: 2010, 2009, or 2008.

### **IV. PROCESSING, VERIFICATION AND TABULATION OF BALLOTS**

The Operational Services and Central Licensing Unit of the Michigan Department of Agriculture and Rural Development forwarded all unopened return envelopes with Official Referendum Response Forms to the Executive Office. The Executive Office staff opened and date stamped each Official Referendum Response Form with the date it was received and then placed them in a locked drawer. Grower identification and individual production information is kept completely confidential.

As indicated by the July 1, 2011 postmark, 1,510 Official Referendum Response Forms were received. 136 Official Referendum Response Forms were disqualified because of late postmark, no signature, no vote indicated, no production listed, did not meet the \$800 sales requirement, and/or production year not identified. Of the remaining 1,374 Official Referendum Response Forms, the following votes were cast regarding the establishment of the Michigan Wheat Program: 747 producers voted yes (54%) representing 6,107,731.47 bushels (54%) and 627 producers voted no (46%) representing 5,243,187.27 bushels (46%).

These results meet the requirements of 1965 PA 232, Section 11(1); MCL 290.661(1) which state:

“The affected producers shall be considered to have assented to the proposal if more that 50% by number of those voting representing more than 50% of the volume of the affected commodity produced by those voting assent to the proposal.”

**V. ORDERING PARAGRAPHS**

Having examined the referendum results as stated above and being fully advised in these matters, I find that:

1. The Department has jurisdiction in this matter under 1921 PA 13, Sec. 5, as amended, MCL 285.5; and 1965 PA 232, as amended; MCL 290.651 et seq.;
2. The Department has received Official Referendum Response Forms in which 747 producers (54%) representing 6,107,731.47 bushels (54%) voted to establish the Michigan Wheat Program and 627 producers (46%) representing 5,243,187.27 bushels (46%) voted against the establishment of the Michigan Wheat Program;

**THEREFORE, IT IS HEREBY ORDERED** that the Michigan Wheat Program shall be established since more than 50% of those voting, representing more than 50% of the production volume, assented to the program.

**FURTHER, IT IS ORDERED** that the Michigan Wheat Program shall be established beginning September 1, 2011 and ending August 31, 2016. As provided for in 1965 PA 232, as amended, Section 21, the Michigan Wheat Program shall be resubmitted to a referendum of the producers during each fifth year of operation.

By:   
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Keith Creagh, Director  
Michigan Department of Agriculture  
& Rural Development

Dated: July 19, 2011 at Lansing, Michigan