

As Introduced

124th General Assembly

Regular Session
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H. B. No. 455

REPRESENTATIVES Aslanides, Seitz, Hollister, Schaffer

A BILL

To amend sections 924.07, 924.09, and 924.12 of the
Revised Code to revise certain provisions of the
law governing agricultural commodity marketing
programs.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 924.07, 924.09, and 924.12 of the
Revised Code be amended to read as follows:

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Sec. 924.07. (A) When the producers of an agricultural
commodity who vote in a referendum favor a proposed marketing
program, the director of agriculture shall order the program
established and, if the marketing program does not provide for the
election of an operating committee, appoint an operating committee
consisting of ~~an odd number~~ of producers of said the commodity to
administer the program. Each operating committee shall consist of
not less than five three nor more than fifteen members producers.

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(B) Of the members first appointed to an operating committee,
the director shall appoint approximately one-third for one-year
terms, approximately one-third for two-year terms, and the
remainder for three-year terms. Thereafter, he the director shall
appoint each member for a three-year term unless the appointee is
to fill a vacancy in which case he the appointee shall be

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appointed for the unexpired term. Each such subsequent appointment
shall be made prior to the expiration date of the preceding or
vacant term.

(C) The director shall not appoint any member of an operating
committee to serve more than three successive full three-year
terms.

(D) The director shall appoint members of each operating
committee from a list of candidates recommended by the producers
of the agricultural commodity for which the marketing program is
established. Insofar as possible the members shall be equitably
distributed by geographic and production areas. Any list of
candidates recommended to the director by producers shall include
not less than twice as many candidates as the number of members
which are to be appointed, but in no case shall a list include
fewer than three names.

(E) The director, or his the director's designee, is an ex
officio member of each operating committee, with the right to
vote.

(F) Each member of an operating committee, except the
director or his the director's designee, is entitled to actual and
necessary travel and incidental expenses while attending meetings
of the committee or while engaged in the performance of official
responsibilities delegated to the committee. No member of such a
committee shall receive in excess of thirty dollars per day, in
addition to such travel and incidental expenses, or for more than
twenty-four days per year for duties performed as a member of such
the committee.

(G) No person is civilly liable for any actions taken in good
faith as a member of an operating committee.

Sec. 924.09. (A) Each operating committee may make
assessments upon the marketable agricultural commodity for which

the marketing program was established.	52
(B) No operating committee shall levy any assessment:	53
(1) which <u>That</u> was not approved by the producers affected by the program;	54
(2) which <u>That</u> exceeds two cents per bushel of corn, soybeans, or wheat, or two per cent of the average market price of any other agricultural commodity during the preceding marketing year as defined for the commodity by the United States department of agriculture or, if there is no such definition, by the director;	55
(3) Against any producer who is not eligible to vote in a referendum for the marketing program which <u>that</u> the operating committee administers.	56
(C) The director of agriculture may require a producer, processor, distributor, or handler of an agricultural commodity for which a marketing program has been established under sections 924.01 to 924.16 of the Revised Code to withhold assessments from any amounts that he <u>the producer, processor, distributor, or</u> <u>handler</u> owes to producers of the commodity and, notwithstanding division (B)(3) of this section, to remit them to the director. Any processor, distributor, or handler who pays for any producer any assessment which <u>that</u> is levied under authority of this section, may deduct the amount of such <u>the</u> assessment from any moneys which <u>he</u> <u>that the processor, distributor, or handler</u> owes to the producer.	57
(D) No operating committee shall use any assessments which <u>that</u> it levies for any political or legislative purpose, or for preferential treatment of one person to the detriment of any other person affected by the marketing program.	58
(E) Each <u>The operating committee of each</u> marketing program shall require a refund of <u>to</u> a producer the assessments collected	59

~~by its operating committee under this section that it collects from the producer not later than thirty sixty days after receipt of an a valid application by a the producer for a refund, provided that the producer complies with the procedures for a refund that were included in the program under division (B)(3) of section 924.04 of the Revised Code.~~ 83
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In the case of the state beef marketing program, in lieu of giving a refund to a producer, the director of the program's operating committee may forward the refund to the cattlemen's beef promotion and research board pursuant to the "Beef Promotion and Research Act," 99 Stat. 1597 (1985), 7 U.S.C.A. 2901, and amendments thereto, and shall credit that amount to the total amount owed by the producer to the federal beef program. Each application for a refund of assessments levied for a program established after April 10, 1985 shall be made on a form provided by the director of agriculture. Each operating committee for such a program shall ensure that refund forms are available where assessments for its program are withheld. 89
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Sec. 924.12. (A) The director of agriculture may temporarily suspend the operation of a marketing program, or any part thereof, for any reason, upon recommendation by the operating committee for the program, for a period of not more than twelve consecutive months. 101
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(B) At least once in each five years of operation, or at any time upon written petition by the lesser of twenty per cent or one thousand of the producers affected by a marketing program, the director shall hold a hearing as prescribed in Chapter 119. of the Revised Code to consider the continuation of the program. 106
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(C) Within thirty days after the close of any hearing to consider the continuation of a marketing program, the director shall recommend continuation or termination of the program, and 111
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shall give public notice, and notify each producer of record, all parties appearing at the hearing, and other interested parties, of his the recommendation by publication in the applicable trade journal and in the register of Ohio. The director also shall provide notice of the recommendation to any other person who, in writing, has requested notification.

(D) When the director recommends termination of a marketing program established before April 10, 1985, he shall, within forty-five days, conduct a referendum to determine whether the affected producers favor the proposed termination. The affected producers favor the termination of the program if fifty-one per cent or more, by number, of the producers who vote in the referendum, vote in favor of termination of the program and represent fifty-one per cent or more of the volume of the affected agricultural commodity which was produced in the preceding marketing year by all producers who voted in the referendum.

(E) When the director recommends termination of a marketing program established on or after April 10, 1985, he the director shall, within forty-five days, conduct a referendum to determine whether the affected producers favor the proposed termination. The affected producers favor the termination of the program if a majority of the producers who vote in the referendum vote in favor of termination of the program.

Section 2. That existing sections 924.07, 924.09, and 924.12 of the Revised Code are hereby repealed.