

House Bill 174

By: Representatives Ray of the 108th, Black of the 144th, James of the 114th, Purcell of the 122nd and Greene of the 134th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 2-8-63 of the Official Code of Georgia Annotated, relating to the
2 finding of assent or approval of peanut producers required for a marketing order to become
3 effective, commission authorization to issue order regulating peanuts, amendments, notice,
4 rules and regulations, and expiration and extension of orders, so as to change certain
5 provisions relating to finding of assent or approval of peanut producers required for
6 marketing order to become effective, commission authorization to issue order regulating
7 peanuts, amendments, notice, rules and regulations, and expiration and extension of orders,
8 so as to change certain provisions relating to approval of extension of marketing orders by
9 peanut producers in a referendum; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 2-8-63 of the Official Code of Georgia Annotated, relating to the finding of
13 assent or approval of peanut producers required for a marketing order to become effective,
14 commission authorization to issue order regulating peanuts, amendments, notice, rules and
15 regulations, and expiration and extension of orders, is amended by striking subsections (h)
16 and (i) and inserting in lieu thereof the following:

17 "(h) In the event either one of the following conditions is complied with, a marketing order
18 shall be extended for a period of three years after the date of its original expiration:

19 (1) Assent has been given in writing to such marketing order by not less than two-thirds
20 of the producers participating; or

21 (2) Approval or favor of such marketing order has been given by producers in a
22 referendum among producers directly affected if ~~at least 66 2/3 percent~~ a majority of the
23 votes cast in such referendum favor the extension of such marketing order.

24 (i) If the commission determines that a referendum shall be held, the commission shall
25 establish a referendum period of 30 days, such referendum period to terminate at least 30
26 days prior to the expiration date of the marketing order which is the subject of such

1 referendum. At the close of such referendum period, the commission shall count and
2 tabulate the ballots cast during such period. If from such tabulation the commission finds
3 that the number of producers voting in favor of the extension of such marketing order is ~~not~~
4 ~~less than 66 2/3 percent~~ a majority of the total number of ballots cast, then such marketing
5 order shall be extended for a period of three years after the expiration date. If it is found
6 from the tabulation of such referendum that the number of producers who had voted in
7 favor of the extension of such marketing order is ~~less than the required 66 2/3 percent~~ not
8 a majority of the total number of ballots cast, then the marketing order shall expire,
9 terminate, and be of no force and effect as provided in subsection (g) of this Code section."

10

SECTION 2.

11 All laws and parts of laws in conflict with this Act are repealed.