

Senate Bill 165

By: Senator Bulloch of the 11th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 8 of Title 2 of the Official Code of Georgia Annotated,  
2 relating to agricultural commodity commissions generally, so as to change certain provisions  
3 relating to ratification of commissions, governance by said chapter, and balloting to  
4 determine continued existence; to provide an effective date; to repeal conflicting laws; and  
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 8 of Title 2 of the Official Code of Georgia Annotated, relating to  
9 agricultural commodity commissions generally, is amended by revising Code Section 2-8-13,  
10 relating to ratification of commissions, governance by said chapter, and balloting to  
11 determine continued existence, as follows:

12 "2-8-13.

13 (a)(1) Each of the following commissions heretofore established pursuant to the 'Georgia  
14 Agricultural Commodities Promotion Act,' (Ga. L. 1961, p. 301), as amended, effective  
15 from the date set forth below opposite its name, is ratified and confirmed as a public  
16 corporation and instrumentality of the State of Georgia from and since such date:

17 ~~(1)~~(A) The Agricultural Commodity Commission for Milk established July 1, 1961;

18 ~~(2)~~(B) The Agricultural Commodity Commission for Eggs established July 1, 1961;

19 ~~(3)~~(C) The Agricultural Commodity Commission for Peanuts established August 1,  
20 1961;

21 ~~(4)~~(D) The Agricultural Commodity Commission for Sweet Potatoes established  
22 August 1, 1961;

23 ~~(5)~~(E) The Agricultural Commodity Commission for Peaches established May 1, 1962;

24 ~~(6)~~(F) The Agricultural Commodity Commission for Tobacco established July 1, 1962;

25 ~~(7)~~(G) The Agricultural Commodity Commission for Apples established August 1,  
26 1962; and

1       ~~(8)~~(H) The Agricultural Commodity Commission for Cotton established August 1,  
2       1965.

3       (2) Each of the following entities that were formed de facto to act as commodity  
4       commissions upon presentation by the producers of the affected agricultural commodity  
5       of a list of nominees for appointment and on which ex officio members elected by the  
6       House Committee on Agriculture and Consumer Affairs and the Senate Agriculture and  
7       Consumer Affairs Committee served, is ratified and confirmed as a public corporation  
8       and instrumentality of the State of Georgia from and since such date:

9       (A) The Agricultural Commodity Commission for Soybeans established September 1,  
10       1971;

11       (B) the Agricultural Commodity Commission for Canola established June 24, 1994;

12       (C) The Agricultural Commodity Commission for Pecans established June 24, 1994;

13       (D) The Agricultural Commodity Commission for Corn established March 24, 1995;

14       and

15       (E) The Agricultural Commodity Commission for Vegetables established June 19,  
16       2006.

17       **(b)(1)** All actions taken by each of the commissions enumerated in paragraph (1) of  
18       subsection (a) of this Code section prior to July 1, 1969, pursuant to terms of Ga. L. 1961,  
19       p. 301, as amended, are ratified; and all funds received by each of the commissions after  
20       the effective date shown opposite its name and prior to July 1, 1969, are determined to  
21       have been voluntarily contributed pursuant to subsection (h) of Code Section 2-8-14 and  
22       to constitute trust funds of such commission as provided in Code Section 2-8-17. Each  
23       of the aforesaid such commissions ~~and each commission hereafter created by law~~ shall,  
24       from and after July 1, 1969, be organized and constituted, have corporate existence, and  
25       possess powers and duties as stated in this ~~chapter~~ article and shall be governed and  
26       controlled by this ~~chapter~~ article; provided, however, that any contract obligation or other  
27       undertaking entered into or incurred by or in behalf of any such commission prior to July  
28       1, 1969, shall be valid and binding if authorized by Ga. L. 1961, p. 301, as amended.

29       (2) All actions taken by each of the commissions enumerated in paragraph (2) of  
30       subsection (a) of this Code section prior to the effective date of this paragraph pursuant  
31       to terms of Ga. L. 1969, p. 763, as amended, or this article are ratified; and all funds  
32       received by each of the commissions on or after the effective date shown opposite its  
33       name and prior to the effective date of this paragraph are determined to have been  
34       voluntarily contributed pursuant to subsection (h) of Code Section 2-8-14 and to  
35       constitute trust funds of such commission as provided in Code Section 2-8-17. Each of  
36       such commissions shall, from and after the effective date of this paragraph, be organized  
37       and constituted, have corporate existence, and possess powers and duties as stated in this

1 article and shall be governed and controlled by this article; provided, however, that any  
2 contract obligation or other undertaking entered into or incurred by or in behalf of any  
3 such commission prior to the effective date of this paragraph shall be valid and binding  
4 if authorized by Ga. L. 1969, p. 763, as amended, or this article.

5 (c)(1) Prior to April 30, 1971, and each three years thereafter, balloting shall be  
6 conducted in accordance with Code Section 2-8-23 to determine whether any existing  
7 commission listed in paragraph (1) of subsection (a) of this Code section shall continue  
8 to exist and operate under this article.

9 (2) Prior to April 30, 2009, and each three years thereafter, balloting shall be conducted  
10 in accordance with Code Section 2-8-23 to determine whether any existing commission  
11 listed in paragraph (2) of subsection (a) of this Code section shall continue to exist and  
12 operate under this article."

13 **SECTION 2.**

14 This Act shall become effective upon its approval by the Governor or upon its becoming law  
15 without such approval.

16 **SECTION 3.**

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