

House Bill 649 (COMMITTEE SUBSTITUTE)

By: Representatives Smith of the 168<sup>th</sup>, Williams of the 178<sup>th</sup>, Lane of the 167<sup>th</sup>, Sims of the 169<sup>th</sup>, Shaw of the 176<sup>th</sup>, and others

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 established agricultural commodity commissions and ratification, contributions,  
4 and balloting relating thereto; to provide for an Agricultural Commodity Commission for  
5 Blueberries; to change certain provisions relating to agricultural commodity commission  
6 composition, appointments, terms of office, and compensation and certification of  
7 membership to Secretary of State, advisory boards, special committees, personnel, legal  
8 representation, eligibility of federation or organization members, acceptance of donations,  
9 voting, and termination; to provide for appointment of commodity commission members; to  
10 provide an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Article 2 of Chapter 8 of Title 2 of the Official Code of Georgia Annotated, relating to  
14 agricultural commodity commissions generally, is amended by revising Code Section 2-8-13,  
15 relating to established agricultural commodity commissions and ratification, contributions,  
16 and balloting relating thereto, as follows:

17 "2-8-13.

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

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

23 (B) The Agricultural Commodity Commission for Eggs established July 1, 1961;

24 (C) The Agricultural Commodity Commission for Peanuts established August 1, 1961;

25 (D) The Agricultural Commodity Commission for Sweet Potatoes established  
26 August 1, 1961;

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

2 (F) The Agricultural Commodity Commission for Tobacco established July 1, 1962;

3 (G) The Agricultural Commodity Commission for Apples established August 1, 1962;

4 and

5 (H) The Agricultural Commodity Commission for Cotton established August 1, 1965.

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

12 (A) The Agricultural Commodity Commission for Soybeans established September 1,  
13 1971;

14 (B) The Agricultural Commodity Commission for Canola established June 24, 1994;

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

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

17 and

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

20 (3) There shall be an Agricultural Commodity Commission for Blueberries established  
21 on the effective date of this paragraph.

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

34 (2) All actions taken by each of the commissions enumerated in paragraph (2) of  
35 subsection (a) of this Code section prior to May 11, 2007, pursuant to terms of  
36 Ga. L. 1969, p. 763, as amended, or this article are ratified; and all funds received by each  
37 of the commissions on or after the effective date shown opposite its name and prior to

1 May 11, 2007, are determined to have been voluntarily contributed pursuant to  
 2 subsection (h) of Code Section 2-8-14 and to constitute trust funds of such commission  
 3 as provided in Code Section 2-8-17. Each of such commissions shall, from and after May  
 4 11, 2007, be organized and constituted, have corporate existence, and possess powers and  
 5 duties as stated in this article and shall be governed and controlled by this article;  
 6 provided, however, that any contract obligation or other undertaking entered into or  
 7 incurred by or in behalf of any such commission prior to May 11, 2007, shall be valid and  
 8 binding if authorized by Ga. L. 1969, p. 763, as amended, or this article.

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

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

17 (3) Prior to April 30, 2010, and each three years thereafter, balloting shall be conducted  
 18 in accordance with Code Section 2-8-23 to determine whether any existing commission  
 19 listed in paragraph (3) of subsection (a) of this Code section shall continue to exist and  
 20 operate under this article."

## 21 SECTION 2.

22 Said article is further amended by revising subsection (b) of Code Section 2-8-14, relating  
 23 to agricultural commodity commission composition, appointments, terms of office, and  
 24 compensation and certification of membership to Secretary of State, advisory boards, special  
 25 committees, personnel, legal representation, eligibility of federation or organization  
 26 members, acceptance of donations, voting, and termination, as follows:

27 "~~(b) The initial two members elected by the agriculture committees of the General~~  
 28 ~~Assembly shall be elected to take office for a term beginning on July 1, 1980, and ending~~  
 29 ~~upon the election of their successors during the regular 1982 session of the General~~  
 30 ~~Assembly. Their successors shall be elected during the 1982 regular session of the General~~  
 31 ~~Assembly; and thereafter future successors~~ Members elected by the agriculture committees  
 32 of the General Assembly shall be elected ~~during each regular session of the General~~  
 33 ~~Assembly convening~~ in even-numbered years. Such members shall be selected so that one  
 34 member is from the northern part of Georgia and one member is from the southern part;  
 35 provided, however, that such geographical requirements shall not apply to such members  
 36 of the Agricultural Commodity Commission for Blueberries. For purposes of this selection

1 the northern part of Georgia shall be that area north of and including Richmond, McDuffie,  
2 Warren, Hancock, Baldwin, Jones, Bibb, Crawford, Upson, Talbot, and Muscogee  
3 counties; and the southern part shall be that area south of such counties. The ~~chairmen~~  
4 chairpersons of the Senate and House committees shall by agreement determine which  
5 committee ~~will~~ shall choose the member from the northern part and which committee ~~will~~  
6 shall choose the member from the southern part. Such members shall serve from the date  
7 of their election until the election of their successors."

8 **SECTION 3.**

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

11 **SECTION 4.**

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