

House Bill 1093

By: Representatives Meeks of the 178th, McCall of the 33rd, Pirkle of the 155th, Ridley of the 6th, and Watson of the 172nd

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 8 of Title 2 of the Official Code of Georgia Annotated, relating to agricultural commodity commissions generally, so as to provide for an Agricultural Commodity Commission for Wine and Grapes; to provide a definition; to provide for composition, powers, and terms of office of the commission; to provide for limitations on assessments; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 8 of Title 2 of the Official Code of Georgia Annotated, relating to agricultural commodity commissions generally, is amended in Code Section 2-8-11, relating to definitions, by revising paragraph (9) as follows:

"(9) 'Producer' means any person engaged within this state in the business of producing or causing to be produced for market any agricultural commodity as defined in this Code section. In the case of the Agricultural Commodity Commission for Wine and Grapes, such term means a farm winery as defined in subsection (a) of Code Section 3-6-21.1."

SECTION 2.

Said article is further amended in Code Section 2-8-13, relating to commissions previously established are ratified and governed by chapter, contributions deemed voluntary, and balloting to determine continued existence, by adding new paragraphs to subsection (a) and subsection (c) to read as follows:

"(6) There shall be an Agricultural Commodity Commission for Wine and Grapes established on July 1, 2020."

"(6) Prior to December 31, 2023, and each three years thereafter, balloting shall be conducted in accordance with Code Section 2-8-23 to determine whether any existing

25 commission listed in paragraph (6) of subsection (a) of this Code section shall continue
26 to exist and operate under this article."

27 **SECTION 3.**

28 Said article is further amended in Code Section 2-8-14, relating to composition,
29 appointments, terms of office, compensation, certification, advisory boards, special
30 committees, personnel, legal representation, acceptance of donations, voting, and
31 termination, by revising paragraph (5) of subsection (a), subsection (b), and subsection (c)
32 and by adding a new subsection to read as follows:

33 "(5) ~~Five~~ Except as otherwise provided in subsection (c.1) of this Code section, five
34 additional members, who shall be producers of the affected agricultural commodity, to
35 be appointed by the ex officio members of the commission; provided, however, that such
36 additional membership of the Agricultural Commodity Commission for Beef shall consist
37 of three beef cattle farmers, one dairy farmer, and one individual involved in the
38 marketing of cattle; and provided, further, that for the Agricultural Commodity
39 Commission for Cotton, the number of additional members appointed pursuant to this
40 paragraph shall be seven. For the purposes of the appointment of such additional
41 members, the two members elected by each of the agriculture committees of the General
42 Assembly, who shall serve as members of each commission, shall be deemed to be ex
43 officio members."

44 "(b) ~~Members~~ Except as otherwise provided in subsection (c.1) of this Code section,
45 members elected by the agriculture committees of the General Assembly shall be elected
46 during each regular session of the General Assembly convening in even-numbered years.
47 Such members shall be selected so that one member is from the northern part of Georgia
48 and one member is from the southern part. For purposes of this selection the northern part
49 of Georgia shall be that area north of and including Richmond, McDuffie, Warren,
50 Hancock, Baldwin, Jones, Bibb, Crawford, Upson, Talbot, and Muscogee counties; and the
51 southern part shall be that area south of such counties. The chairpersons of the Senate and
52 House committees shall by agreement determine which committee shall choose the
53 member from the northern part and which committee shall choose the member from the
54 southern part. Such members shall serve from the date of their election until the election
55 of their successors."

56 "(c) ~~The~~ Except as otherwise provided in subsection (c.1) of this Code section, the
57 appointment of additional members of the commission by the ex officio members thereof,
58 as provided in this Code section, shall be made by them from a list of nominees, submitted
59 by the producers of the affected agricultural commodity, containing the names of double
60 the number of appointments to be made. In the event of a controversy as to the producer

group authorized to submit a list of nominees for appointment as members of the commission, the ex officio members shall consider and determine all issues pertaining thereto and upon making their determination shall make the appointments in accordance with such determination. Initial appointments shall be made for three members for a term of three years each from the effective date of their appointment and until their successors are appointed and qualified and two members for a term of two years each from the effective date of their appointment and until their successors are appointed and qualified. Thereafter, successors shall be appointed for a term of three years each from the effective date of their appointment and until their successors are appointed and qualified. Vacancies shall be filled by appointment by the ex officio members of the commission, in like manner, for the unexpired term, except that vacancies in the office of a member elected by a legislative committee shall be filled for the unexpired term by the legislative committee which made the previous appointment. Any appointed member shall be eligible for reappointment provided he or she is nominated as provided in subsection (b) of this Code section."

"(c.1)(1) The Agricultural Commodity Commission for Wine and Grapes shall also be composed of:

(A) Two members, who shall be producers of wine, appointed by the ex officio members of the Agricultural Commodity Commission for Wine and Grapes. Said members shall serve initial terms of two years and subsequent terms of three years from the effective date of their appointment and until their successors are appointed and qualified;

(B) One member appointed by the ex officio members of the Agricultural Commodity Commission for Wine and Grapes who shall be a producer of wine and shall reside in one of the following counties of this state: Banks, Bartow, Catoosa, Chattooga, Cherokee, Dade, Dawson, Elbert, Fannin, Floyd, Forsyth, Franklin, Gilmer, Gordon, Habersham, Hall, Hart, Jackson, Lumpkin, Madison, Murray, Pickens, Rabun, Stephens, Towns, Union, Walker, White, or Whitfield. In appointing such member, the ex officio members shall consider any recommendations of the board of directors of Georgia Wine Producers, Inc. Such member shall serve a three-year term from the effective date of his or her appointment and until a successor is appointed and qualified;

(C) One member appointed by the ex officio members of the Agricultural Commodity Commission for Wine and Grapes who shall be a producer of wine and shall reside in one of the following counties of this state: Baldwin, Barrow, Bibb, Bleckley, Bulloch, Burke, Butts, Candler, Carroll, Chattahoochee, Clarke, Clayton, Cobb, Columbia, Coweta, Crawford, DeKalb, Douglas, Effingham, Emanuel, Fayette, Fulton, Glascock, Greene, Gwinnett, Hancock, Haralson, Harris, Heard, Henry, Houston, Jasper,

Jefferson, Jenkins, Johnson, Jones, Lamar, Laurens, Lincoln, Macon, Marion,
 McDuffie, Meriwether, Monroe, Morgan, Muscogee, Newton, Oconee, Oglethorpe,
 Paulding, Peach, Pike, Polk, Putnam, Richmond, Rockdale, Schley, Screven, Spalding,
 Talbot, Taliaferro, Taylor, Treutlen, Troup, Twiggs, Upson, Walton, Warren,
 Washington, Wilkes, or Wilkinson. In appointing such member, the ex officio members
 shall consider any recommendations of the board of directors of Georgia Wine
 Producers, Inc. Such member shall serve a three-year term from the effective date of
 his or her appointment and until a successor is appointed and qualified; and
 (D) One member appointed by the ex officio members of the Agricultural Commodity
 Commission for Wine and Grapes who shall be a producer of wine and shall reside in
 one of the following counties of this state: Appling, Atkinson, Bacon, Baker, Ben Hill,
 Berrien, Brantley, Brooks, Bryan, Calhoun, Camden, Charlton, Chatham, Clay, Clinch,
 Coffee, Colquitt, Cook, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols,
 Evans, Glynn, Grady, Irwin, Jeff Davis, Lanier, Lee, Liberty, Long, Lowndes,
 McIntosh, Miller, Mitchell, Montgomery, Pierce, Pulaski, Quitman, Randolph,
 Seminole, Stewart, Sumter, Tattnall, Telfair, Terrell, Thomas, Tift, Toombs, Turner,
 Ware, Wayne, Webster, Wheeler, Wilcox, or Worth. In appointing such member, the
 ex officio members shall consider any recommendations of the board of directors of
 Georgia Wine Producers, Inc. Such member shall serve a three-year term from the
 effective date of his or her appointment and until a successor is appointed and qualified.
 (2) Vacancies shall be filled by appointment by the ex officio members of the
 Agricultural Commodity Commission for Wine and Grapes, in like manner, for the
 unexpired term, except that vacancies in the office of a member elected by a legislative
 committee shall be filled for the unexpired term by the legislative committee which made
 the previous appointment. Any appointed member shall be eligible for reappointment
 provided he or she is nominated as provided in this Code section."

SECTION 4.

Said article is further amended in Code Section 2-8-23.1, relating to limitations on assessments, by adding a new subsection to read as follows:

"(c) No marketing order issued by the Agricultural Commodity Commission for Wine and
 Grapes shall exceed the highest excise tax levied under Code Section 3-6-50."

SECTION 5.

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