

House Bill 1093 (AS PASSED HOUSE AND SENATE)

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

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 provide for an
3 Agricultural Commodity Commission for Wine and Grapes; to provide a definition; to
4 provide for composition, powers, and terms of office of the commission; to provide for
5 limitations on assessments; to provide for related matters; to provide an effective date; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

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

16 **SECTION 2.**

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

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

23 "(6) Prior to December 31, 2023, and each three years thereafter, balloting shall be
24 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

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

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

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

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

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

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

124 **SECTION 4.**

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

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

129 **SECTION 5.**

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

132

SECTION 6.

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