



Ohio Revised Code

Section 924.04 Petition for referendum to establish or amend marketing program.

Effective: December 19, 2016

Legislation: House Bill 471 - 131st General Assembly

(A) Except as provided in division (E) of this section, producers of an Ohio agricultural commodity may present the director of agriculture with a petition signed by the lesser of one thousand or twenty per cent of all such producers requesting that the director hold a referendum in accordance with section 924.06 of the Revised Code to establish a marketing program for that commodity or to amend an existing program.

(B) At the time of presentation of the petition to the director under division (A) of this section, the petitioners also shall present the proposed amendment or a proposed program, which shall include all of the following:

(1) The rate of assessment to be made on the marketable agricultural commodity, which shall not exceed two per cent of the average market price of that agricultural commodity during the preceding marketing year as defined by the United States department of agriculture or, if there is no such definition, by the director;

(2) Terms, conditions, limitations, and other qualifications for assessment;

(3) Procedures to refund the assessment;

(4) Requirements for appointed or elected committees.

(C) Before making a decision under this division to approve or disapprove a proposed program or an amendment, including an amendment proposed under division (E) of this section, the director shall publish in at least two appropriate periodicals designated by the director a notice that the program or amendment has been proposed and informing interested persons of the procedures for submitting comments regarding the proposal. After publishing the notice, the director shall provide interested persons with a copy of the proposed program or proposed amendment to an existing program and an



opportunity to comment on the proposed program or amendment for thirty days after the publication of the notice. The petitioners may make changes to the proposed program or amendment based upon the comments received. The director may make technical changes to the proposal to ensure compliance with sections 924.01 to 924.16 of the Revised Code. Subsequent to any changes made by the petitioners or any technical changes made by the director to a proposed program or amendment to an existing program, the director may approve or disapprove the proposed program or amendment to an existing program.

(D) If the director approves a program or amendment proposed under division (A) of this section, with any changes made under division (C) of this section, the director shall hold a referendum in accordance with section 924.06 of the Revised Code to establish a marketing program for that commodity or to amend an existing program.

(E)(1) Notwithstanding any other provisions of this chapter, at the request of an operating committee, the director may approve an amendment to an established marketing program without a referendum for any of the following reasons:

- (a) Making changes necessary to comply with revisions or additions to or deletions from this chapter enacted after the establishment of the marketing program;
- (b) Correcting typographical errors or making other grammatical or nonsubstantive wording changes;
- (c) Updating the marketing program's governance provisions other than those addressing the rate of assessment on the marketable agricultural commodity, a producer's right to a refund, a change in the definition of producer, and the termination of the marketing program;
- (d) Adjusting the representation on the marketing program's operating committee to reflect shifts in geographic location of producers and volume of a commodity's production.

(2) The procedures and requirements established under division (C) of this section apply to an amendment proposed under division (E) of this section.

(3) As used in division (E)(1) of this section, "established marketing program" includes a marketing



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program established by referendum under this section or otherwise established under this chapter.