Rules and Regulations of the State of Georgia

Department 472 AGRICULTURAL COMMODITY COMMISSION FOR PECANS

Current through Rules and Regulations filed through October 27, 2026

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule give the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Chapter 472-1 entitled "Marketing Order for Pecans" containing Rules 472-1-.01 to 472-1-.14 has been adopted. Filed June 15, 1995; effective September 1, 1995, as specified by the Agency.

Rules 472-1-.09 and 472-1-.10 amended.F.Jun. 16, 2014; eff. Aug. 1, 2014, as specified by the Agency.

Cite as Ga. Comp. R. & Regs. R. dept. 472, ADMINISTRATIVE HISTORY

Chapter 472-1. MARKETING ORDER FOR PECANS.

Rule 472-1-.01. Product Affected.

Pecans.

Cite as Ga. Comp. R. & Regs. R. 472-1-.01
Authority: O.C.G.A. Sec. 2-8-1*et seq.*
History. Original Rule entitled "Product Affected" adopted. F. Jun. 15, 1995; eff. Sept. 1, 1995, as specified by the Agency.

Rule 472-1-.02. Area of Production Affected.

The entire State of Georgia.

Cite as Ga. Comp. R. & Regs. R. 472-1-.02
Authority: O.C.G.A. Sec. 2-8-1*et seq.*
History. Original Rule entitled "Area of Production Affected" adopted F. Jun. 15, 1995; eff. Sept. 1, 1995, as specified by the Agency.

Rule 472-1-.03. Scope of Operation.

(1) Research--(Production and Market Development).

(2) Promotion.

(3) Education.

Cite as Ga. Comp. R. & Regs. R. 472-1-.03
Authority: O.C.G.A. Sec. 2-8-1*et seq.*
History. Original Rule entitled "Scope of Operation" adopted. F. Jun 15, 1995; eff. September 1, 1995, as specified by the Agency.

Rule 472-1-.04. Extent of Operation.

The extent of operation under the statutory authority shall be as determined by the Commission within the limitations of the statutory authority. The Commission shall have the right to determine the activities of the Commission and the expenditure of funds under any one or all of the areas permitted under statutory authority.

Cite as Ga. Comp. R. & Regs. R. 472-1-.04
Authority: O.C.G.A. Sec. 2-8-1*et seq.*
History. Original Rule entitled "Extent of Operation" adopted F. Jun. 15, 1995; eff. Sept. 1, 1995, as specified by the Agency.

Rule 472-1-.05. Term of Operation.

The term of operation under this Order shall be for a three year period beginning September 1, 1995 and ending August 31, 1998, unless extended as provided by law.

Cite as Ga. Comp. R. & Regs. R. 472-1-.05
Authority: O.C.G.A. Sec. 2-8-1*et seq.*
History. Original Rule entitled "Term of Operation" adopted. F. Jun. 15, 1995; eff. Sept. 1, 1995, as specified by the Agency.

Rule 472-1-.06. Method of Approval.

(1) The approval of this order shall be by referendum of the affected producers as authorized and provided by O.C.G.A. 2-8-23 paragraphs (3) and (5).

(2) The approval shall be determined by the Commission at the close of such referendum period or provided by O.C.G.A. 2-8-23 paragraphs (3) and (5).

(3) The approval or disapproval of affected producers shall be upon an individual producer basis.

Cite as Ga. Comp. R. & Regs. R. 472-1-.06
Authority: O.C.G.A. Sec. 2-8-1*et seq.*
History. Original Rule entitled "Method of Approval" adopted. F. Jun. 15, 1995; eff. Sept. 1, 1995, as specified by the Agency.

Rule 472-1-.07. Time for Approval.

In the event the Commission, after a public hearing, determines that a referendum shall be held, a thirty (30) day period shall be set during which time ballots shall be received. The Commission has the authority to declare this order approved upon the results of tabulation revealing the requisite numbers of favorable ballots from producers who produce the requisite percentage.

Cite as Ga. Comp. R. & Regs. R. 472-1-.07
Authority: O.C.G.A. Sec. 2-8-1*et seq.*
History. Original Rule entitled "Time for Approval" adopted. F. Jun. 15, 1995; eff. Sept. 1, 1995, as specified by the Agency.

Rule 472-1-.08. Affected Producers.

This Order shall apply to all producers of pecans for sale within and without this state who have 30 acres or more of pecan trees planted in a grove-like manner.

Cite as Ga. Comp. R. & Regs. R. 472-1-.08
Authority: O.C.G.A. Sec. 2-8-1*et seq.*
History. Rule entitled "Affected Producers" adopted. F. Jun. 15, 1995; eff. Sept. 1, 1995. as specified by the agency.

Rule 472-1-.09. Method of Finance.

(1) Projects, undertakings and expense incurred under this Order shall be financed by an assessment and levy of not more than one (1¢) cent per pound on in-shell pecans produced in this state for sale. The assessment and levy shall be against the affected producers of pecans. Upon approval of this requisite number of affected producers and effective as of August 1, 2014, a levy assessment of one (1¢) cent per pound on in-shell pecans is hereby made. Such levy shall continue of force and effect until this Order is

suspended or superseded as provided by law and during the time this order remains of force and effect.

(2) To the end that the Commission shall have such funds to defray expenses pending the collection of such funds under the levy and assessment herein provided, the Commission shall be authorized to borrow money and hypothecate anticipated collections as authorized by O.C.G.A. 2-8-27(d).

Cite as Ga. Comp. R. & Regs. R. 472-1-.09
Authority: O.C.G.A. 2-8-1*et seq.*
History. Original Rule entitled "Method of Finance" adopted. F. Jun. 15, 1995; eff. Sept. 1, 1995, as specified by the Agency.
Amended: F.Jun. 16, 2014; eff. Aug. 1, 2014, as specified by the Agency.

Rule 472-1-.10. Method of Collection.

(1) The levy and assessment provided by this Order shall be collected from affected producers. As aid in such collection, buyers, handlers, distributors, sales agents, and processors shall deduct amount of such levy and assessment from each payment made to the affected producer and they all remit the same to the Commissioner of Agriculture for the account of the producer. The first handler will collect and remit the one cent (1¢) per pound assessment on all pecans purchased from affected producers.

(2) The Commissioner is authorized in the collection of funds to adopt and utilize a reporting and auditing method of collecting the levy and assessment provided herein.

Cite as Ga. Comp. R. & Regs. R. 472-1-.10
Authority: O.C.G.A. 2-8-1*et seq.*
History. Original Rule entitled "Method of Collection" adopted. F. Jun 15, 1995; eff. September 1, 1995, as specified by the Agency.
Amended: F. Jun. 16, 2014; eff. Aug. 1, 2014, as specified by the Agency.

Rule 472-1-.11. Administration and Enforcement.

The Commissioner of Agriculture shall administer and enforce the provisions of this Order, particularly as to the collection of levies and assessments.

Cite as Ga. Comp. R. & Regs. R. 472-1-.11
Authority: O.C.G.A. Sec. 2-8-1*et seq.*
History. Original Rule entitled "Administration and Enforcement" adopted. F. Jun. 15, 1995; eff. Sept. 1, 1995, as specified by the Agency.

Rule 472-1-.12. Expenditure of Funds.

The Commission is hereby authorized to expend funds of the Commission as it deems necessary to defray the costs and expenses incurred under this Order. The Commission is further authorized to expend funds to defray the actual costs and expenses of the Commission, including employees, special committees, advisory boards and individuals to aid, advise and assist the Commission in the performance of its duties.

Cite as Ga. Comp. R. & Regs. R. 472-1-.12
Authority: O.C.G.A. Sec. 2-8-1*et seq.*
History. Original Rule entitled "Expenditure of Funds" adopted. F. Jun. 15, 1995; eff. Sept. 1, 1995, as specified by the Agency.

Rule 472-1-.13. Contracts.

The Commission may enter into contracts as it deems necessary and advisable in the performance of its duties under the provisions of this Order, for the performance of duties and services, as the Commission shall deem necessary and proper.

Cite as Ga. Comp. R. & Regs. R. 472-1-.13
Authority: O.C.G.A Sec. 2-8-1*et seq.*
History. Original Rule entitled "Contracts" adopted, F. Jun. 15, 1995; eff. Sept. 1, 1995, as specified by the Agency.

Rule 472-1-.14. Records.

It shall be the duty and responsibility of each affected person to keep adequate records that show the true amount of pecans produced, sold, or purchased by him. and to make such records available for inspection and audit by the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 472-1-.14
Authority: O.C.G.A Sec. 2-8-1*et seq.*
History. Original Rule entitle "Records" adopted F. Jun. 15, 1995; eff. Sept. 1, 1995, as specified by the Agency.