# Rules and Regulations of the State of Georgia

# Department 94 AGRICULTURAL COMMODITY COMMISSION FOR CANOLA

*Current through Rules and Regulations filed through November 6, 2026*

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**ADMINISTRATIVE HISTORY**

The **Administrative History** following each Rule gives 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 94-1, entitled "Marketing Order for Canola", containing Rules 94-1-.01 to 94-1-.14, adopted. flied March 1, 1995; effective April 1, 1995, as specified by the Agency.

**Cite as Ga. Comp. R. & Regs. R. dept. 94, ADMINISTRATIVE HISTORY**

# Chapter 94-1. MARKETING ORDER FOR CANOLA.

## Rule 94-1-.01. Product Affected.

All varieties of canola.

**Cite as Ga. Comp. R. & Regs. R. 94-1-.01**
**Authority: O.C.G.A. Sec. 2-8-1*et seq.***
**History.** Original Rule entitled "Product Affected" adopted. F. Mar. 1, 1995; eff. Apr. 1, 1995, as specified by the Agency.

## Rule 94-1-.02. Area of Production Affected.

The entire State of Georgia.

**Cite as Ga. Comp. R. & Regs. R. 94-1-.02**
**Authority: O.C.G.A. Sec. 2-8-1*et seq.***
**History.** Original Rule entitled "Area of Production Affected" adopted. F. Mar. 1, 1995; eff. Apr. 1, 1995, as specified by the Agency.

## Rule 94-1-.03. Scope of Operation.

(1) Research.

(2) Promotion.

(3) Education.

**Cite as Ga. Comp. R. & Regs. R. 94-1-.03**
**Authority: O.C.G.A. Sec. 2-8-1*et seq.***
**History.** Original Rule entitled "Scope of Operation" adopted. F. Mar. 1, 1995; eff. Apr. 1, 1995, as specified by the Agency.

## Rule 94-1-.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. 94-1-.04**
**Authority: O.C.G.A. Sec. 2-8-1*et seq.***
**History.** Original Rule entitled "Extent of Operation" adopted. F. Mar. 1, 1995; eff. Apr. 1, 1995, as specified by the Agency.

## Rule 94-1-.05. Term of Operation.

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

**Cite as Ga. Comp. R. & Regs. R. 94-1-.05**
**Authority: O.C.G.A Sec. 2-8-1*et seq.***
**History.** Original Rule entitled "Term of Operation" adopted. F. Mar. 1, 1995; eff. Apr. 1, 1995, as specified by the Agency.

## Rule 94-1-.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. 94-1-.06**
**Authority: O.C.G.A. Sec. 2-8-1*et seq.***
**History.** Original Rule entitled "Method of Approval" adopted. F. Mar. 1, 1995; eff. Apr. 1, 1995, as specified by the Agency.

## Rule 94-1-.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. 94-1-.07**
**Authority: O.C.G.A. Sec. 2-8-1*et seq.***
**History.** Original Rule entitled "Time for Approval" adopted. F. Mar. 1, 1995; eff. Apr. 1, 1995, as specified by the Agency.

## Rule 94-1-.08. Affected Producers.

This Order shall apply to all producers of canola, including canola produced as seed and other types of oil seed rape for sale within and without this state.

**Cite as Ga. Comp. R. & Regs. R. 94-1-.08**
**Authority: O.C.G.A. Sec. 2-8-1*et seq.***
**History.** Original Rule entitled "Affected Producers" adopted. F. Mar. 1, 1995; eff. Apr. 1, 1995, as specified by the Agency.

## Rule 94-1-.09. Method of Finance.

(1) Projects, undertakings and expenses incurred under this Order shall be financed by an assessment and levy of not more than two percent (2%) of the total gross value per bushel of all canola produced in this state for sale. The assessment and levy shall be against the affected producers of canola. Upon approval of this requisite number of affected producers and effective as of April 1, 1995, a levy assessment of two percent (2%) of the

total gross value per bushel of all canola 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. 94-1-.09**
**Authority: O.C.G.A. Sec. 2-8-1*et seq.***
**History.** Original Rule entitled "Method of Finance" adopted. F. Mar. 1, 1995; eff. Apr. 1, 1995, as specified by the Agency.

## Rule 94-1-.10. Method of Collection.

(1) The levy and assessment provided by this Order shall be collected from producers. As an aid in such collection, handlers, sales agents, packers and processors shall deduct the amount of such levy and assessment from each payment made to the producer and they shall remit the same to the Commissioner of Agriculture for the account of the producer.

(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. 94-1-.10**
**Authority: O.C.G.A. Sec. 2-8-1*et seq.***
**History.** Original Rule entitled "Method of Collection" adopted. F. Mar. 1, 1995; eff. Apr. 1, 1995, as specified by the Agency.

## Rule 94-1-.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. 94-1-.11**
**Authority: O.C.G.A. Sec. 2-8-1*et seq.***
**History.** Original Rule entitled "Administration and Enforcement" adopted. F. Mar. 1, 1995; eff. Apr. 1, 1995, as specified by the Agency.

## Rule 94-1-.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. 94-1-.12**
**Authority: O.C.G.A. Sec. 2-8-1*et seq.***
**History.** Original Rule entitled "Expenditure of Funds" adopted. F. Mar. 1, 1995; eff. Apr. 1, 1995, as specified by the Agency.

## Rule 94-1-.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. 94-1-.13**
**Authority: O.C.G.A. Sec. 2-8-1*et seq.***
**History.** Original Rule entitled "Contracts" adopted. F. Mar. 1, 1995; eff. Apr. 1, 1995, as specified by the Agency.

## Rule 94-1-.14. Records.

It shall be the duty and responsibility of each affected person to keep adequate records that show the true amount of canola 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. 94-1-.14**
**Authority: O.C.G.A. Sec. 2-8-1*et seq.***
**History.** Original Rule entitled "Records" adopted. F. Mar. 1, 1995; eff Apr. 1, 1995, as specified by the Agency.