



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2709

Introduced 2/21/2013, by Rep. Wayne Rosenthal

SYNOPSIS AS INTRODUCED:

505 ILCS 145/25
505 ILCS 145/30
505 ILCS 145/70
505 ILCS 145/75

Amends the Wheat Development Act. Provides that the Director of the Department of Agriculture shall appoint a temporary wheat development program committee whose members are nominated by an association representing wheat producers. Provides that the total assessment levied on the commodity of any affected producer may (rather than shall) be up to 1.5 cents per bushel of wheat produced and sold by the producer as established by the temporary program committee. Provides that a refund owed to the producer shall be payable only if the application has been made to the board within 90 days (instead of 60 days). Effective immediately.

LRB098 08615 CEL 38733 b

1 AN ACT concerning agriculture.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Wheat Development Act is amended by changing
5 Sections 25, 30, 70, and 75 as follows:

6 (505 ILCS 145/25)

7 Sec. 25. Temporary program committee; proposals;
8 procedures. After the effective date of this Act if there are
9 sponsors willing and able to meet the requirements of Section
10 35, the Director shall appoint a temporary wheat development
11 program committee consisting of 7 members who are wheat
12 producers nominated by an association representing wheat
13 producers to develop a wheat development program proposal. The
14 proposal shall be considered at a public hearing. After the
15 close of the public hearing, the Director and temporary wheat
16 development program committee shall send copies of their
17 findings to all parties of record appearing at the hearing. If
18 the proposal is approved by the temporary wheat development
19 program committee, a referendum shall be held on the proposal
20 in accordance with Section 30 of this Act.

21 The Director, upon recommendation of the temporary wheat
22 development program committee, shall establish procedures for
23 the qualifications of producers for wheat development

1 programs, the participation of producers in hearings and
2 referenda, and other procedures necessary in the development
3 and adoption of a wheat development program. These procedures
4 shall not be subject to the provisions of the Illinois
5 Administrative Procedure Act; however, the Director shall take
6 any necessary steps to inform affected persons of the
7 procedures, including publication of the procedures in the
8 Illinois Register.

9 (Source: P.A. 90-377, eff. 8-14-97.)

10 (505 ILCS 145/30)

11 Sec. 30. Referenda; petitions. Within 90 days after final
12 approval of any proposed wheat development program by the
13 temporary wheat development program committee, the Director
14 shall determine by referendum whether the affected producers
15 assent to the proposed wheat development program. The proposed
16 wheat development program is approved when a majority of those
17 voting in the referendum vote in favor of the proposed wheat
18 development program. Following approval of the program, the
19 Department shall file the program with the Secretary of State
20 as provided in Section 5-65 of the Illinois Administrative
21 Procedure Act.

22 If a proposed wheat development program is not approved by
23 referendum, no additional referendum on a wheat development
24 program may be held for 2 years from the date of the close of
25 the referendum period. An additional referendum shall be called

1 by the Director upon request by petition of 500 producers of
2 wheat from across the State. Before holding an additional
3 referendum, the Director shall appoint a temporary wheat
4 development program committee consisting of 7 members who are
5 wheat producers nominated by an association representing wheat
6 producers. The temporary wheat development program committee
7 shall follow the procedures set forth in Section 25.

8 (Source: P.A. 90-377, eff. 8-14-97.)

9 (505 ILCS 145/70)

10 Sec. 70. Assessments. A properly qualified wheat
11 development program shall provide for assessments against
12 producers of the affected commodity to defray the costs of the
13 activities provided for in the wheat development program.
14 Assessments authorized in a wheat development program shall be
15 based on the quantity of commodity marketed and shall be
16 equitably assessed against all affected producers.

17 The total assessment levied on the commodity of any
18 affected producer may ~~shall~~ be up to 1.5 cents per bushel of
19 wheat produced and sold by that producer as established by the
20 temporary program committee. After the first 5 years a program
21 is in operation, the wheat development board may request the
22 Director to hold a referendum to increase the assessment rate.

23 A referendum to increase the assessment rate shall be
24 considered approved if a majority of those producers voting in
25 the referendum vote in favor of the increase. The wheat

1 development board shall increase the rate as set in the
2 referendum.

3 The wheat development board shall require the first
4 purchaser of wheat to withhold and remit the assessments to the
5 wheat development board. A first purchaser remitting the
6 assessments for any producer shall deduct the proper amount of
7 assessment from any amount that he owes to the producer. The
8 wheat development board shall have the power to cause any duly
9 authorized agent or representative to enter upon the premises
10 of any purchaser of wheat and examine or cause to be examined
11 only books, papers, and records that deal in any way with
12 respect to the payment of the assessment or enforcement of this
13 Act.

14 (Source: P.A. 90-377, eff. 8-14-97.)

15 (505 ILCS 145/75)

16 Sec. 75. Refunds. A producer who has sold wheat and has an
17 assessment deducted from the sale price may, by application in
18 writing to the board, secure a refund in the amount deducted.
19 The refund shall be payable only if the application has been
20 made to the board within 90 ~~60~~ days after the deduction.
21 Interest shall be allowed and paid at the rate of 6% per annum
22 upon the total amount of the assessment imposed by this Act,
23 except that if any assessment is refunded within 90 days after
24 an application for refund has been made within the required 60
25 days after deduction or within 90 days after the first

1 purchaser of wheat remits the assessments withheld and deducted
2 to the wheat development board, whichever is later, no interest
3 shall be allowed on such assessment. An application for refund
4 by a producer shall provide proof of assessment deducted.

5 (Source: P.A. 90-377, eff. 8-14-97.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.