

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.