

Senate Bill 486

By: Senators Harper of the 7th, Walker III of the 20th, Anderson of the 24th, Sims of the 12th, Goodman of the 8th and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

1 To amend Article 6 of Chapter 8 of Title 2 of the Official Code of Georgia Annotated,  
2 relating to the Agricultural Commodity Commission for Propane, so as to provide for full or  
3 partial remote communication with regard to public hearings; to provide for notice of  
4 hearings; to revise referendum requirements and procedures for issuing, amending, and  
5 renewing marketing orders; to provide for related matters; to repeal conflicting laws; and for  
6 other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Article 6 of Chapter 8 of Title 2 of the Official Code of Georgia Annotated, relating to the  
10 Agricultural Commodity Commission for Propane, is amended by revising Code Section  
11 2-8-209, relating to marketing orders and public hearings, as follows:

12 "2-8-209.

13 (a) The commission is authorized to issue, administer, and enforce marketing orders.

14 (b)(1) Whenever the commission has reason to believe that the issuance of a marketing  
15 order will tend to effectuate the declared policy of this article with respect to propane, it  
16 shall give due notice of and an opportunity for a public hearing either in person or wholly

17 or partially by means of remote communication as determined by the commission  
18 thereon.

19 (2) Notice of any hearing called for such purpose shall be given by the commission by  
20 publishing a notice of such hearing for a period of not less than five days ~~in a newspaper~~  
21 ~~of general circulation published in the City of Atlanta and in such other newspapers as~~  
22 ~~the commission may prescribe~~ on the commission's website and in the Farmers and  
23 Consumers Market Bulletin or other similar publication that will effectively notify those  
24 affected by such marketing order or amendment. ~~No such public hearing shall be held~~  
25 ~~prior to five days after the last day of such period of publication.~~ The commission shall  
26 also mail a copy or communicate electronically such notice of hearing and a copy of such  
27 proposed marketing order or proposed amendments to all dealers and distributors of  
28 propane whose names and addresses are on file with the commission. ~~Such notice of~~  
29 ~~hearing shall in all respects comply with the requirements of Chapter 13 of Title 50, the~~  
30 ~~'Georgia Administrative Procedure Act.'~~

31 (3) The hearing and all testimony shall be public, ~~and all testimony shall be received~~  
32 ~~under oath.~~ A full and complete record of the proceedings at such hearing shall be made  
33 and maintained on file in the office of the commission. The hearing shall, in all respects,  
34 be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative  
35 Procedure Act.' The hearing may be conducted by the commission or by a member of the  
36 commission, as may be designated by the commission in each instance, but no decision  
37 shall be made based on hearings conducted other than by the commission itself, at which  
38 a majority of the members thereof are present, until the members of the commission have  
39 been afforded an opportunity to review the hearing record. When the commission  
40 conducts hearings, its recommendation shall be based on the findings reached after a  
41 review of the record of such hearings."

**SECTION 2.**

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43 Said article is further amended by revising Code Section 2-8-211, relating to requirements  
44 for referendum, as follows:

45 "2-8-211.

46 (a)(1) No marketing order issued pursuant to this article shall be made effective by the  
47 commission until a referendum thereon is held.

48 (2) The commission shall determine:

49 (A) The amount of the proposed assessment established by the marketing order;

50 (B) The time and place of the referendum;

51 (C) Procedures for conducting the referendum and the counting of votes;

52 (D) The proposed effective date for the imposition of the assessment established by the  
53 marketing order, which shall be no be less than 90 days from the date the referendum  
54 ballot is required to be returned to the commission in order to be considered on the  
55 question presented; and

56 (E) Any other matters pertaining to the referendum.

57 (b) The amount of the proposed assessment established by the marketing order shall be  
58 stated on the referendum ballot. The amount may not exceed four-tenths of one cent for  
59 each gallon of propane sold in this state by distributors to dealers.

60 (c) All dealers may vote in the referendum. Each dealer shall have one vote. Any dispute  
61 over eligibility to vote or any other matter relating to the referendum shall be resolved by  
62 the commission. The commission shall make reasonable efforts to provide all dealers with  
63 notice of the referendum and an opportunity to vote.

64 (d) A proposed assessment shall become effective if more than ~~50~~ 25 percent of the  
65 notified eligible dealers in the state who are engaged within the area specified in such  
66 marketing order or amendment thereto vote and more than ~~50percent~~ two-thirds of the  
67 eligible votes cast by the dealers are cast in favor of the assessment. If the assessment is  
68 approved by the referendum, then the commission shall notify the department of the

69 amount and the effective date of the assessment. The department shall notify all dealers  
70 of the assessment.

71 (e)(1) Each distributor, as the owner of propane at the time of odorization, or at the time  
72 of import of odorized propane, shall make the assessment based on the volume of  
73 odorized propane sold in this state and placed in commerce in this state.

74 (2) Each distributor shall collect the assessment from the dealer to whom the sale is made  
75 and shall remit to the commission the sum of the amount of the assessment multiplied by  
76 the number of gallons of propane sold to any dealer during the assessment period.

77 (f) A distributor shall keep records of the number of gallons of propane sold to dealers.  
78 All documents or records regarding purchases and sales shall be made available to the  
79 commission upon its written request for the purpose of determining the distributor's  
80 compliance with the provisions of this article. The commission shall keep the records  
81 confidential and shall not disclose the records except to its accountants, attorneys, or  
82 financial advisors without a court order directing it to do so."

83

### **SECTION 3.**

84 All laws and parts of laws in conflict with this Act are repealed.