



Ohio Revised Code

Section 924.09 Levying assessments.

Effective: December 19, 2016

Legislation: House Bill 471 - 131st General Assembly

(A) Each operating committee may make assessments upon the marketable agricultural commodity for which the marketing program was established.

(B) No operating committee shall levy any assessment:

(1) That was not approved by the producers affected by the program;

(2) That exceeds two cents per bushel of corn or soybeans or two per cent of the average market price of any other agricultural commodity during the preceding marketing year as defined for the commodity by the United States department of agriculture or, if there is no such definition, by the director of agriculture;

(3) Against any producer who is not eligible to vote in a referendum for the marketing program that the operating committee administers.

(C) The director may require a producer, processor, distributor, or handler of an agricultural commodity for which a marketing program has been established under sections 924.01 to 924.16 of the Revised Code to withhold assessments from any amounts that the producer, processor, distributor, or handler owes to producers of the commodity and, notwithstanding division (B)(3) of this section, to remit them to the operating committee. Any processor, distributor, or handler who pays for any producer any assessment that is levied under authority of this section may deduct the amount of the assessment from any moneys that the processor, distributor, or handler owes to the producer.

(D) No operating committee shall use any assessments that it levies for any political or legislative purpose, or for preferential treatment of one person to the detriment of any other person affected by the marketing program.



(E) The operating committee of each marketing program shall refund to a producer the assessments that it collects from the producer not later than sixty days after receipt of a valid application by the producer for a refund, provided that the producer complies with the procedures for a refund that were included in the program under division (B)(3) of section 924.04 of the Revised Code.

(F) Each application for a refund of assessments levied for a program established after April 10, 1985 shall be made on a form provided by the director of agriculture. Each operating committee for such a program shall ensure that refund forms are available where assessments for its program are withheld.

A producer, processor, distributor, or handler marketing cattle subject to the "Beef Promotion and Research Act," as amended, shall remit the assessment for the national cattlemen's beef promotion and research board, as specified in the "Beef Promotion and Research Act," 99 Stat. 1597 (1985), 7 U.S.C. 2904(8), to the state beef marketing program if the state beef marketing program is a qualified state beef council as defined by that act. Division (E) of this section does not apply to such assessments collected by the state beef marketing program on behalf of the national cattlemen's beef promotion and research board pursuant to the "Beef Promotion and Research Act," as amended, for which the producers that pay the assessments receive credits from the board.