

January 21, 1976

These people did not want this changed. If carried through in the language, unless someone wants to offer an amendment, I think we should defeat this bill because it breaks the precedent of commodity check-offs, where we check-off from a person that cannot receive benefits from price increases. These contract people are in this position.

I did not vote on this going out of committee. I feel it would be a very bad precedent to take that a businessman could take a check-off from his employee to promote the sale of a product he manufactures under the same theory, assuming that man would come back and get the check-off back. If we do not change this I have to oppose the bill right on through. I'll leave it at that. Thank you.

SENATOR SIMPSON: Senator Mills.

SENATOR MILLS: Mr. President, I have a question of Senator Schmit.

SENATOR SIMPSON: Will Senator Schmit yield to a question?

SENATOR SCHMIT: I yield.

SENATOR MILLS: Senator Schmit, Section 9, page 8.

SENATOR SCHMIT: Yes.

SENATOR MILLS: On line 9 it says ... well it starts on line ... "any fees remitted to the director may be refunded by the director upon written application". Does that mean that if the director really doesn't want to refund that amount, that has been applied for, that he really doesn't have to?

SENATOR SCHMIT: No, it does not, Senator Mills.

SENATOR MILLS: I wish you'd explain it to me. I don't object. I just want it explained to me.

SENATOR SCHMIT: No, you are correct in asking the question. The "may" definition was used because of the fact that there might be a situation which the fee would amount to ... the refund would amount to a dollar or two. For that reason we put in the provision exempting the small producer.

I want to make one correction. One of the alert newsmen caught the fact that I said "5¢ per dozen", the check-off is 5¢ per 30 dozen case of eggs, not 5¢ per dozen.

The director "shall"... I'd have no objection changing the "may" to "shall" if you wanted to do it that way. I believe it would perhaps handicapp him a little bit. I don't think there's any problem involved, if there is I would certainly be willing to change it. I would prefer to leave it as is and hope that if a problem developed we could change it later on.