

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, after "901.43" insert ", 926.01"	1
In line 7 of the title, after "sections" insert "926.011,"	2
In line 11 of the title, after "boar" insert "and to revise a definition in the Agricultural Commodity Handlers Law"	3 4
In line 12, after "901.43" insert ", 926.01"	5
After line 78, insert:	6
 <b>"Sec. 926.01.</b> As used in this chapter:	7
 (A) "Agricultural commodity" means corn, soybeans, wheat, or any other agricultural crop that the director of agriculture may designate by rule. "Agricultural commodity" does not mean any grain that is purchased for sale as seed.	8 9 10 11
 (B) "Agricultural commodity handling" or "handling" means any of the following:	12 13
 (1) Engaging in or participating in the business of purchasing from producers agricultural commodities for any use	14 15



in excess of thirty thousand bushels annually;	16
(2) Operating a warehouse as a bailee for the receiving,	17
storing, shipping, or conditioning of an agricultural commodity;	18
(3) Receiving into a warehouse an agricultural commodity	19
purchased under a delayed price agreement;	20
(4) Providing marketing functions, including storage,	21
delayed price marketing, deferred payment, feed agreements, or	22
any other marketing transaction whereby control is exerted over	23
the monetary proceeds of a producer's agricultural commodities	24
by a person other than the producer.	25
(C) "Agricultural commodity handler" or "handler" means	26
any person who is engaged in the business of agricultural	27
commodity handling.	28
(D) "Depositor" means:	29
(1) Any person who delivers an agricultural commodity to a	30
licensed handler for storage, conditioning, shipment, or sale;	31
(2) Any owner or legal holder of a ticket or receipt	32
issued for an agricultural commodity who is a creditor of the	33
licensed handler for the value of the agricultural commodity;	34
(3) Any licensed handler storing an agricultural commodity	35
that the licensed handler owns solely, jointly, or in common	36
with others in a warehouse owned or controlled by the licensed	37
handler or any other licensed handler.	38
(E) "Receipt" means a warehouse receipt issued by a	39
licensed handler.	40
(F) "Nonnegotiable receipt" means a receipt on which it is	41
stated that the agricultural commodity received will be	42

delivered to the depositor or to the order of any other person 43  
named in the receipt. 44

(G) "Negotiable receipt" means a receipt on which it is 45  
stated that the agricultural commodity received will be 46  
delivered to the bearer or to the order of any person named in 47  
the receipt. 48

(H) "Ticket" means a scale weight ticket, a load slip, or 49  
any evidence, other than a receipt, given to a depositor by a 50  
licensed handler upon delivery of an agricultural commodity to 51  
the handler. 52

(I) "Warehouse" means any building, bin, protected 53  
enclosure, or similar premises under the control of a licensed 54  
or unlicensed handler used for receiving, storing, shipping, or 55  
handling an agricultural commodity. 56

(J) "Storage" means the deposit of an agricultural 57  
commodity into a warehouse either for the account of the 58  
licensed handler operating the warehouse or for the account of a 59  
depositor. "Storage" includes unapplied and hold grain tickets. 60

(K) "Producer" means any person who grows an agricultural 61  
commodity on land that the person owns or leases. 62

(L) "Agent" means any person, other than a producer, who 63  
delivers an agricultural commodity to a licensed handler, either 64  
for sale or for storage, for the account of the producer. 65

(M) "Agricultural commodity tester" or "tester" means a 66  
person who operates a moisture meter and other quality testing 67  
devices to determine the quality of an agricultural commodity. 68

(N) "Federally licensed grain inspector" means a person 69  
who is licensed by the United States department of agriculture 70

under the "United States Grain Standards Act," 39 Stat. 482 71  
(1916), 7 U.S.C. 71, as amended, to test and grade grain, as 72  
"grain" is defined in that act. 73

(O) "Bailee" means a person to whom an agricultural 74  
commodity is delivered in trust for storage in a warehouse with 75  
title remaining in the name of the depositor. 76

(P) "Bailor" means a person who delivers an agricultural 77  
commodity to a bailee in trust for storage in a warehouse with 78  
title remaining in the name of the depositor. 79

(Q) "Bailment agreement" means a bailor-bailee agreement 80  
between a depositor and a licensed handler as stated in the 81  
terms of a receipt that is issued for an agricultural commodity 82  
in storage and subject to the requirements of this chapter 83  
governing the use of a receipt. 84

(R) "Delayed price agreement" means a written executory 85  
contract executed by and between a licensed handler and a 86  
depositor that covers the sale and transfer of title of an 87  
agricultural commodity and states in its written terms the 88  
service charges and the method for pricing the commodity at a 89  
later date. 90

(S) "Delayed price marketing" means the sale and transfer 91  
of title of an agricultural commodity with the price to be 92  
established at a later date according to the terms of a delayed 93  
price agreement. 94

(T) "Deferred payment" means the deferral of payment to a 95  
depositor by a licensed handler for an agricultural commodity to 96  
which the licensed handler has taken title, for the purpose of 97  
deferring income of the depositor from one tax year to another. 98

(U) "Feed agreement" means a written contract executed by 99  
and between a licensed handler and a producer or depositor who 100  
delivers an agricultural commodity to the licensed handler for 101  
storage whereby each of the following applies: 102

(1) The producer or depositor transfers title to the 103  
agricultural commodity to the licensed handler in exchange for a 104  
nominal sum; 105

(2) The producer, upon delivery of the agricultural 106  
commodity to the licensed handler, becomes a creditor of the 107  
licensed handler due to the lien that arises under section 108  
926.021 of the Revised Code; 109

(3) All or part of the agricultural commodity is returned 110  
to the producer at a later date and used for feed purposes. 111

(V) Notwithstanding section 1.02 of the Revised Code, 112  
"and" shall not be read "or" and "or" shall not be read "and." 113

(W) "Grain bank" means the storage of an agricultural 114  
commodity under a bailment agreement with the commodity normally 115  
returned to the bailor at a later date as an ingredient of a 116  
processed feed. "Grain bank" as defined in this division has the 117  
same meaning for purposes of agricultural commodity 118  
transactions. 119

(X) "Regular price bid" means the current basis bid or 120  
cash price of a handler licensed under this chapter." 121

In line 808, after "901.43" insert ", 926.01" 122

In line 811, after "sections" insert "926.011," 123

The motion was \_\_\_\_\_ agreed to.

<u>SYNOPSIS</u>	124
<b>Agricultural Commodity Handlers Law changes</b>	125
<b>R.C. 926.01 and 926.011 (repealed)</b>	126
For purposes of the definition of "storage" in the	127
Agricultural Commodity Handlers Law, retains the definition, but	128
states that it includes unapplied and hold grain tickets.	129
Defines "grain bank" for purposes of the agricultural	130
commodity law in addition to defining it for purposes of	131
agricultural commodity transactions as under current law.	132
Defines "regular price bid" for purposes of the	133
agricultural commodity law as the current basis bid or cash	134
price of an agricultural commodity handler licensed under that	135
law. (Though this term is being defined by the amendment, it is	136
not used in the agricultural commodity law.)	137