

### §911.23

shipped by such handler during the immediately preceding twelve-month period, January through December.

[20 FR 4179, June 15, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 40 FR 52604, Nov. 11, 1975; 52 FR 7117, Mar. 9, 1987]

#### §911.23 Selection.

From the nominations made pursuant to §911.22, or from other qualified persons, the Secretary shall select the five grower members of the committee, the four handler members of the committee, and an alternate for each such member.

#### §911.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in §911.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in §911.20.

#### §911.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

#### §911.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§911.22 and 911.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in §911.20.

#### §911.27 Alternate members.

An alternate member of the committee, during the absence or at the re-

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quest of the member for whom he is an alternate, shall act in the place and stead of such member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member and his alternate are unable to attend a committee meeting, the chairman may designate any alternate who is present and who is not serving for any member to serve in such absent member's place and stead: *Provided*, That only grower alternate members may be so designated to serve for grower members and only handler alternate members may be so designated to serve for handler members.

[20 FR 4179, June 15, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 35 FR 16626, Oct. 27, 1970]

#### §911.28 Powers.

The committee shall have the following powers:

- (a) To administer the provisions of this part in accordance with its terms;
- (b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part.
- (c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and
- (d) To recommend to the Secretary amendments to this part.

#### §911.29 Duties.

The committee shall have, among others, the following duties:

- (a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;
- (b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;
- (c) To submit to the Secretary as soon as practicable after the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;
- (d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee

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and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to limes;

(i) To submit to the Secretary such available information as he may request;

(j) To notify, as provided in this part, producers and handlers of all meetings of the committee to consider recommendations for regulation;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee: *Provided*, That the committee shall not pay the travel expenses of more than three such representatives in connection with any one meeting of the committee;

(m) To investigate compliance with the provisions of this part; and

(n) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in lime production within the districts and the production area.

### §911.30 Procedure.

(a) Except as provided in paragraphs (c) and (d), of this section, six members of the committee, including alternates acting for members, shall constitute a quorum and any decision, recommenda-

tion or other action of the committee shall require not less than five concurring votes, including one by a handler, or an alternate acting as such: *Provided*, That if the committee is increased by one, the quorum requirement shall be increased to seven and any decision, recommendation or other action of the committee shall require not less than six concurring votes, including one by a handler or an alternate acting as such.

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided*, That such meetings shall be subject to the establishment of telephone communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place.

(c) For any recommendation of the committee pursuant to §911.53 as to the total quantity of limes deemed advisable to be handled during any week immediately following two or more continuous weeks of regulation pursuant to §911.54 nine members of the committee, including alternates acting for members, shall constitute a quorum and nine concurring votes shall be required. The quorum and voting requirements specified in this paragraph shall not apply to recommendations pursuant to §911.53 to increase the quantity that may be handled during the applicable week or pursuant to §911.54 to terminate or suspend a regulation.

(d) For any recommendation of the committee for an assessment rate exceeding \$0.20 per bushel to be applied pursuant to §911.41, the quorum requirement shall be eight members or alternates acting for members and eight concurring votes shall be required.

[22 FR 2527, Apr. 13, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 37 FR 10498, May 24, 1972; 43 FR 39320, Sept. 5, 1978]

### §911.31 Expenses.

The members of the committee and their respective alternates when performing duties at the direction of the committee, shall be reimbursed for expenses necessarily incurred by them in