

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1238 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/11/05

A Bill

HOUSE BILL 2574

5 By: Representative Petrus
6
7

8 **For An Act To Be Entitled**

9 AN ACT TO ASSIGN TO THE ARKANSAS STATE PLANT
10 BOARD SPECIFIED POWERS, DUTIES, AND
11 RESPONSIBILITIES, INCLUDING THE DUTY TO DEVELOP
12 AND ENFORCE REGULATIONS RELATING TO RICE
13 IDENTIFIED AS HAVING CHARACTERISTICS OF
14 COMMERCIAL IMPACT; AND FOR OTHER PURPOSES.
15

16 **Subtitle**

17 ARKANSAS RICE CERTIFICATION ACT.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 *SECTION 1. Arkansas Code Title 2, Chapter 15 is amended to add an*
23 *additional subchapter to read as follows:*

24 2-15-201. Title.

25 This subchapter shall be known and may be cited as the "Arkansas Rice
26 Certification Act".
27

28 2-15-202. Definitions.

29 As used in this subchapter:

30 (1) "Characteristics of commercial impact" means characteristics
31 that may adversely affect the marketability of rice in the event of
32 commingling with any other rice and includes, but is not limited to those
33 characteristics:

34 (A) That cannot be identified without the aid of
35 specialized equipment or testing;



1 (B) That create a significant economic impact in their
2 removal from commingled rice; and

3 (C) Whose removal from commingled rice is not feasible;
4 and

5 (2) "Person" includes any individual, partnership, limited
6 liability company, limited liability partnership, corporation, firm, company,
7 or any other entity doing business in Arkansas.

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9 2-15-203. Prohibition of rice with characteristics of commercial
10 impact.

11 No person may introduce, sell, plant, produce, harvest, transport,
12 store, process, or otherwise handle rice identified as having characteristics
13 of commercial impact, except in compliance with the provisions of this
14 subchapter and the rules adopted by the State Plant Board.

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16 2-15-204. Administration – Duties of the State Plant Board.

17 (a) The State Plant Board shall:

18 (1) Administer and enforce this subchapter;

19 (2) Promulgate rules to implement the purposes and requirements
20 of this subchapter, including rules that will establish a penalty matrix for
21 violations of this subchapter and the rules promulgated under this
22 subchapter; and

23 (3) Receive and investigate complaints regarding alleged
24 violations of this subchapter and rules promulgated by the board.

25 (b) The board may:

26 (1) Prohibit or place restrictions on the selling, planting,
27 producing, harvesting, transporting, storing, processing, or other handling
28 of rice identified as having characteristics of commercial impact; and

29 (2) Charge a reasonable fee to cover the cost of inspections and
30 other activities permitted under this subchapter.

31 (c) All moneys received by the board under provisions of this
32 subchapter and the rules adopted by the board shall be deposited in the Plant
33 Board Fund to be used for carrying out the provisions of this subchapter.

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35 2-15-205. Scientific Review Committee.

36 (a) The State Plant Board may appoint a Scientific Review Committee.

1 (b) The committee shall review and make recommendations to the board
2 concerning all matters contained in this subchapter, including, but not
3 limited to:

4 (1) Identifying rice that has characteristics of commercial
5 impact;

6 (2) Reviewing rice identified as having characteristics of
7 commercial impact upon receipt of a petition from the purveyor of the rice;

8 (3) Recommending rules establishing terms and conditions for
9 planting, producing, harvesting, selling, transporting, processing, storing,
10 or otherwise handling rice identified pursuant to subdivision (b)(1) of this
11 section; and

12 (4) Reviewing the efficacy of terms, conditions, and identity
13 preservation programs imposed on the planting, producing, harvesting,
14 transporting, drying, storing, or other handling of rice identified pursuant
15 to subdivision (b)(1) of this section using the most current industry
16 standards and generally accepted scientific principles.

17
18 2-15-206. Violations – Notice.

19 (a) Upon receiving a complaint alleging that a person has violated the
20 provisions of this subchapter or rules of the State Plant Board, the board
21 shall provide notice to the person and an opportunity for the person to
22 respond to the complaint.

23 (b) If the board determines that the complaint warrants further
24 action, the board shall notify the person in writing of the board's decision.

25 (c) The board may seek injunctive relief, commence a civil action
26 against the person, or seek other remedies provided by law.

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28 2-15-207. Exemptions.

29 The provisions of this subchapter shall not apply to research conducted
30 by federal, state, or private entities, including institutions of higher
31 education, which conforms to and is in compliance with all state and federal
32 laws and rules for laboratory management practices.

33
34 2-15-208. Penalties.

35 (a)(1) The State Plant Board may impose a civil penalty for violation
36 of § 2-15-203.

1 (2) The penalty shall not exceed one hundred thousand dollars
2 (\$100,000).

3 (3) Each day of a continuing violation of § 2-15-203 shall be a
4 separate violation.

5 (b) The board may bring an action in any court of competent
6 jurisdiction to collect a penalty under this section and may recover all
7 attorney's fees, costs, and expenses incurred by the board in bringing the
8 action.

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10 SECTION 2. This act shall expire on July 1, 2009.

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12 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
13 General Assembly of the State of Arkansas that rices identified as having
14 characteristics of commercial impact may pose an economic threat to the well-
15 being of the people of this state; that the growing, harvesting, and selling
16 of rice is an important part of this state's economy; and that it is
17 necessary for this act to become effective on August 1, 2005, to avoid any
18 additional detriment to this state. Therefore, an emergency is declared to
19 exist and this act being immediately necessary for the preservation of the
20 public peace, health, and safety shall become effective on August 1, 2005.

21
22 /s/ Petrus

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25 APPROVED: 3/24/2005

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