

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H1/18/99

A Bill

Act 16 of 1999
HOUSE BILL 1075

5 By: Representatives Glover, *Simmons, Allison, Bevis, Angel, Davis, French, Lancaster, Simon, M.*
6 *Steele, Wood, and Faris*
7
8

For An Act To Be Entitled

9
10 "AN ACT TO AMEND THE ARKANSAS RICE RESEARCH AND
11 PROMOTION ACT; AND FOR OTHER PURPOSES."
12

Subtitle

13
14 "AN ACT TO AMEND THE ARKANSAS RICE
15 RESEARCH AND PROMOTION ACT."
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code 2-20-501 is amended to read as follows:

21 "2-20-501. Title.

22 This subchapter shall be known and may be cited as the 'Arkansas Rice
23 Research and Promotion Act of ~~1985~~ 1999.'"
24

25 SECTION 2. Arkansas Code 2-20-505(b)(1) and (2) is amended to read as
26 follows:

27 "(b)(1) The board shall be composed of nine (9) producer members to be
28 appointed by the Governor as follows:

29 (A) Three (3) members shall represent the Arkansas Farm
30 Bureau Federation, Inc.;

31 (B) Two (2) members shall represent Riceland Foods, Inc.;

32 (C) One (1) member shall represent the Agricultural Council
33 of Arkansas;

34 (D) One (1) member shall represent Producers' Rice Mill,
35 Inc.;

36 (E) One (1) member shall represent the Arkansas Rice

1 Council; and

2 (F) One (1) member shall represent the ~~Independent Millers~~
3 independent mills of Arkansas.

4 (2) All of the nine (9) producer members of the board shall be
5 practical producers of rice in the State of Arkansas and shall be ~~members of~~
6 ~~the boards of directors of~~ nominated by their respective organizations."

7
8 SECTION 3. Arkansas Code 2-20-506 is hereby repealed.

9 ~~2-20-506. Referendum in each county.~~

10 ~~(a) The Arkansas Rice Research and Promotion Board shall appoint three~~
11 ~~(3) rice producers from each county who will be responsible for holding a~~
12 ~~referendum in the county.~~

13 ~~(b) The board will set the dates for a referendum.~~

14 ~~(c) Voting shall be in Agricultural Stabilization and Conservation~~
15 ~~Service offices under supervision of three (3) producers appointed to hold a~~
16 ~~referendum.~~

17 ~~(d) Ballots will be furnished by the board.~~

18 ~~(e) The result shall be certified not more than three (3) days after~~
19 ~~election, on forms furnished by the board, by registered mail to the board.~~

20 ~~(f) The board shall be reimbursed from funds collected for costs of~~
21 ~~holding referenda.~~

22
23 SECTION 4. Arkansas Code 2-20-507 is amended to read as follows:

24 "2-20-507. Assessments on grown rice.

25 ~~(a)(1)(A) There is imposed and levied an assessment at the rate of two~~
26 ~~cents (2) per bushel on all rice grown within the state from August 1, 1985,~~
27 ~~until July 1, 1987, and on all rice grown within the state thereafter at a~~
28 ~~rate of three cents (3) per bushel.~~

29 ~~(B) This assessment shall be deducted from the amount paid the~~
30 ~~producer at the first point of sale, whether within or without the state, or~~
31 ~~at the point the rice enters into the United States Department of Agriculture~~
32 ~~loan program.~~

33 ~~(2)(A) The assessment shall not be imposed unless:~~

34 ~~(i) The question of its imposition has been submitted to and~~
35 ~~approved by at least three-fifths (3/5) of the rice producers who vote in the~~
36 ~~referendum to be called and held within ninety (90) days after August 1, 1985;~~

1 and

2 ~~(ii) A minimum of ten percent (10%) of rice producers, as~~
3 ~~determined by latest available agricultural census data, shall have voted.~~

4 ~~(B) The rice producers shall be notified by the Arkansas Rice~~
5 ~~Research and Promotion Board of the results of the referendum.~~

6 ~~(3)(A)(i) The assessment imposed in this section shall be effective~~
7 ~~beginning August 1, 1985.~~

8 ~~(ii) The assessment shall be a continuing levy until either~~
9 ~~terminated by the board or until another election is held at which a majority~~
10 ~~of the rice producers in the state vote against such levy.~~

11 ~~(B)(i) When petitions containing the signatures of twenty percent~~
12 ~~(20%) of the rice producers in the state, as determined by the latest~~
13 ~~available agricultural census, are filed with the board requesting that the~~
14 ~~question of continuing the assessment be submitted to a vote of the rice~~
15 ~~producers, the board shall cause such an election to be held within ninety~~
16 ~~(90) days after the filing of the petitions.~~

17 ~~(ii) The election shall be conducted in the same manner as~~
18 ~~the initial election held on the question of the levy of the assessment.~~

19 ~~(iii) If a majority of the producers voting at the election~~
20 ~~vote against the levy of the assessment, the assessment shall not be levied~~
21 ~~unless and until such a levy is thereafter approved at an election called by~~
22 ~~the board.~~

23 (a) There is imposed and levied:

24 (1) an assessment at the rate of 1.35 cents (\$0.0135) per bushel
25 to be paid by the buyer at the first point of sale, whether within or without
26 the state, on rice grown within the state or at the point the rice enters into
27 the United States Department of Agriculture loan program; and

28 (2) an assessment at the rate of 1.35 cents (\$0.0135) per bushel
29 to be paid by the producer on all rice grown within this state.

30 ~~(b)(1) The assessment imposed and levied by this section shall be~~
31 ~~collected by the Director of the Department of Finance and Administration from~~
32 ~~the buyer of rice at the first point of sale or at the point the rice enters~~
33 ~~into the United States Department of Agriculture loan program.~~

34 ~~(2)(A) The proceeds of the assessment, less not more than three~~
35 ~~percent (3%) to cover cost of collections, shall be deposited with the~~
36 ~~Treasurer of State in a special fund to be established for the board to the~~

1 ~~credit of the board.~~

2 ~~(B) Disbursement shall be made only upon motions duly passed~~
 3 ~~by the board and presented to the Treasurer of State and only for purposes~~
 4 ~~prescribed in this subchapter.~~

5 (b) The assessment imposed and levied by this section shall be collected
 6 by the Director of the Department of Finance and Administration from the buyer
 7 of rice at the first point of sale or at the point the rice enters into the
 8 United States Department of Agriculture loan program.

9 (c) The proceeds of the assessment, less not more than three percent
 10 (3%) to cover cost of collections, shall be deposited with the Treasurer of
 11 State in a special fund to be established for the board to the credit of the
 12 board. Disbursement shall be made only upon motions duly passed by the board
 13 and presented to the Treasurer of State and only for purposes prescribed in
 14 this subchapter."

15
 16 SECTION 5. Arkansas Code 2-20-509 is hereby repealed.

17 ~~2-20-509. Refunds to producers.~~

18 ~~Any rice producer may request and receive a refund of the amount deducted from~~
 19 ~~the sale of his rice if:~~

20 ~~(1) He makes a written application with the Director of the Department~~
 21 ~~of Finance and Administration within forty-five (45) days from the date of~~
 22 ~~sale supported by copies of sales slips signed by the purchaser; and~~

23 ~~(2) The application is filed before the annual accounting is made of~~
 24 ~~the funds not later than July 1 each year.~~

25
 26 SECTION 6. Arkansas Code 2-20-510 is amended to read as follows:

27 "2-20-510. Promotion program - Use of funds.

28 (a) The Arkansas Rice Research and Promotion Board shall plan and
 29 conduct a program of research, extension, market development, and advertising
 30 designed to promote the rice industry in Arkansas.

31 (b)(1)(A) The board is authorized to use the funds derived from the
 32 assessments imposed in this subchapter for these purposes, including basic
 33 administration expenses of the plan.

34 (B) Use of these funds may be applied as prescribed in this
 35 section, within or without Arkansas, including regional, national, and
 36 international applications.

1 (2) The funds may also be used to defray costs of referenda the
2 Arkansas Rice Research and Promotion Board may refer to producers or
3 purchasers of rice."
4

5 SECTION 7. All provisions of this Act of a general and permanent nature
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
7 Revision Commission shall incorporate the same in the Code.
8

9 SECTION 8. If any provision of this Act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the Act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 Act are declared to be severable.
14

15 SECTION 9. All laws and parts of laws in conflict with this Act are
16 hereby repealed.
17

18 SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by the
19 Eighty-second General Assembly that the Arkansas Rice Research and Promotion
20 Act of 1985 is currently subject to litigation; if the assessment levied under
21 that act is ruled invalid substantial damage to the efforts of marketing
22 Arkansas produced rice will result; that this act provides an assessment which
23 is less subject to attack and will assure the continued funding for the
24 program to promote the sale of Arkansas produced rice; and this act should
25 therefore go into effect at the time the existing assessment is ruled invalid
26 if that occurs. Therefore, an emergency is declared to exist and this act
27 being immediately necessary for the preservation of the public peace, health
28 and safety shall become effective on the date of its approval by the Governor.
29 If the bill is neither approved nor vetoed by the Governor, it shall become
30 effective on the expiration of the period of time during which the Governor
31 may veto the bill. If the bill is vetoed by the Governor and the veto is
32 overridden, it shall become effective on the date the last house overrides the
33 veto. However if the occurrences just described occur prior to a court of
34 competent jurisdiction invalidating the current assessment for Rice Research
35 and Promotion, this act shall become effective at the time of that court
36 decision unless the decision occurs later than ninety-one (91) days after

1 adjournment of this regular session in which case this case will become
2 effective ninety-one (91) days after adjournment of the session.

3 /s/ Glover

4 APPROVED: 2/4/1999

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