

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 2574

"ARKANSAS RICE CERTIFICATION ACT."

Amendment No. 1 to House Bill No. 2574.

Amend House Bill No. 2574 as originally introduced:

Page 1, delete lines 22 through 26 and substitute the following:

“SECTION 1. Arkansas Code Title 2, Chapter 15 is amended to add an additional subchapter to read as follows:

2-15-201. Title.

This subchapter shall be known and may be cited as the “Arkansas Rice Certification Act”.

2-15-202. Definitions.

As used in this subchapter:

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

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

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

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

(2) “Person” includes any individual, partnership, limited liability company, limited liability partnership, corporation, firm, company, or any other entity doing business in Arkansas.

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

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

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

(a) The State Plant Board shall:

(1) Administer and enforce this subchapter;



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

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

(b) The board may:

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

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

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

2-15-205. Scientific Review Committee.

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

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

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

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

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

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

2-15-206. Violations – Notice.

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

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

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

2-15-207. Exemptions.

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

2-15-208. Penalties.

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

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

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

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

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

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

The Amendment was read _____
By: Representative Petrus
BBC/VJF - 03-10-2005 12:43
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Chief Clerk