



Arkansas Corn & Grain Sorghum Promotion Statutes

Ark. Code Ann. §§ 2-20-801 through -806

Current through 2012 Fiscal Sess. and the Nov. 6, 2012 election

§ 2-20-801. Purpose

The purpose of this subchapter is to promote the growth and development of the corn and grain sorghum industry in Arkansas by research, extension, promotion, and market development, thereby promoting the general welfare of the people of Arkansas.

§ 2-20-802. Penalties

(a)(1) Any buyer who fails to file a report or pay any assessment within the required time set by the Director of the Department of Finance and Administration shall forfeit to the director a penalty of five percent (5%) of the assessment determined to be due plus one percent (1%) for each month of delay, or fraction of a month, after the first month after the report was required to be filed or the assessment became due.

(2) The penalty shall be paid to the director and shall be disposed of by him or her in the same manner as funds derived from the payment of the assessment imposed in this subchapter.

(b) The director shall collect the penalty levied in this section, together with the delinquent assessment, by any or all of the following methods:

(1) Voluntary payment by the person liable;

(2) Legal proceedings instituted in a court of competent jurisdiction; or

(3) Injunctive relief to enjoin any buyer owing the assessment or penalty, or both, from operating his or her business or engaging in business as a buyer of corn or grain sorghum until the delinquent assessment or penalty, or both, is paid.

(c) Any person required to pay the assessment provided for in this subchapter who refuses to allow full inspection of the premises or any book, record, or other document relating to the liability of the person for the assessment imposed by this subchapter or who shall hinder or in any way delay or prevent the inspection shall be guilty of a violation and upon conviction shall be punished by a fine not exceeding five hundred dollars (\$500).

§ 2-20-803. Application of Act

The provisions of this subchapter shall not apply to any person who purchases one thousand (1,000) or less bushels of corn or grain sorghum in any calendar year.

§ 2-20-804. Arkansas Corn and Grain Sorghum Promotion Board; creation; members; officers

(a)(1) The Arkansas Corn and Grain Sorghum Promotion Board is created and domiciled in Little Rock, Arkansas, 10720 Kanis Road, and is composed of seven (7) producer members appointed by the Governor as provided in this subsection.

(2) All of the seven (7) producer members of the board shall be practical producers of corn or grain sorghum in the State of Arkansas and shall be nominated by their respective

organizations.

(3) Within ten (10) days following July 1, 1997, each of the following organizations, namely, the Arkansas Farm Bureau Federation, Inc., Riceland Foods, and the Agricultural Council of Arkansas, shall submit the names of five (5) practical corn or grain sorghum producers to the Governor, and he or she shall appoint three (3) members from the list submitted by the Arkansas Farm Bureau Federation, and two (2) members from the lists submitted by each of the other above-named organizations to serve on the board.

(4) The members selected as provided in this section from the Arkansas Farm Bureau Federation, shall draw lots to determine their terms so that two (2) of the members will serve for terms of two (2) years and one (1) shall serve for a term of one (1) year, and the members from each of the other organizations shall draw lots for terms so that one (1) shall serve for a term of one (1) year and one (1) shall serve for a term of two (2) years. Thereafter, each member selected shall serve for a term of two (2) years and until his or her successor is duly selected as provided in this section.

(5) Each year thereafter not less than thirty (30) days prior to the expiration of the terms of the current board members whose terms expire, the organizations named in subdivision (a)(3) of this section shall submit to the Governor names of two (2) nominees named for each position to be filled on the board from the respective organizations, and the Governor shall appoint from each list of nominees the new member or members.

(b)(1) The members of the board shall meet and organize immediately after their appointment and shall elect a chair, a vice chair, and a secretary-treasurer from the membership of the board, whose duties shall be those customarily exercised by the officers or specifically designated by the board.

(2) The board may establish rules and regulations for its own government and for the administration of affairs of the board.

(c) The resident agent of the board shall be the executive vice president of the Arkansas Farm Bureau Federation, or his or her designee.

§ 2-20-805. Referendum; appointment of three persons in each county to hold the referendum; assessment records of buyers

(a)(1) The Arkansas Corn and Grain Sorghum Promotion Board shall appoint three (3) corn or grain sorghum producers from each county who will be responsible for holding a referendum in the county.

(2) The board will set the dates for the referendum and prescribe procedures to be followed in conducting the referendum.

(3) Voting shall be in farm service agency offices under supervision of the three (3) producers appointed to hold the referendum.

(4) Ballots will be furnished by the board.

(5) The results shall be certified not more than three (3) days after election on forms furnished by the board by registered mail to the board.

(6) The board shall be reimbursed from funds collected for costs of holding the referendum.

(b)(1) There is imposed and levied an assessment at the rate of one cent (1¢) per bushel on all corn and grain sorghum grown within the state.

(2) This assessment is to be deducted from the amount paid the producer at the first point of sale, whether within or without the state or at the point the corn or grain sorghum enters into the United States Department of Agriculture loan program. However, the assessment shall not be imposed unless and until:

(A) The question of its imposition has been submitted to and approved by sixty percent (60%) of the corn and grain sorghum producers who vote in the referendum to be called and held within nine (9) months following July 1, 1997; and

(B) A minimum of ten percent (10%) of the total corn and grain sorghum producers in this state as determined by latest available agricultural census data shall have voted.

(3) The corn and grain sorghum producers shall be notified by the board of the results of the referendum.

(4) The assessment imposed in this section shall be effective beginning July 1, 1998.

(5) This assessment may be extended for an indefinite period of time or until twenty percent (20%) of the producers shall petition the board to hold a referendum on whether the program should be continued, then another referendum shall be called by the board in the manner set forth in this section.

(6) In all such referenda, in order to be eligible to vote, the producer must have produced corn or grain sorghum in the crop year immediately preceding the referendum.

(c)(1) The assessment imposed and levied by this section shall be collected by the Director of the Department of Finance and Administration from the buyer of corn or grain sorghum at the first point of sale or when the corn or grain sorghum enters the United States Department of Agriculture loan program.

(2) The proceeds of the assessment, less not more than three percent (3%) to cover the cost of collections, shall be deposited with the Treasurer of State in a special fund to be established for the board to the credit of the board. Disbursement from the special fund shall be made only upon a motion duly passed by the board and presented to the Treasurer of State and only for a purpose prescribed in this subchapter.

(d)(1) Every buyer shall keep a complete and accurate record of all corn and grain sorghum handled by him or her.

(2) The records shall be in such form and contain other information as the board shall by rule or regulation prescribe.

(3) The record shall be preserved for a period of one (1) year and shall be offered for inspection at any time upon written demand by the director or any duly authorized agent or representative of the director.

(4) Every buyer, at such time or times as the director may require, shall submit reports or otherwise document any information deemed necessary for the efficient collection of the assessment imposed in this section.

(5) The director shall have the power to cause any duly authorized agent or representative to enter upon the premises of any buyer of corn or grain sorghum and examine or cause to be examined by the agent any book, paper, and record which deal in any way with respect to the payment of the assessment or enforcement of the provisions of this subchapter.

§ 2-20-806. Research and extension program

(a)(1) The Arkansas Corn and Grain Sorghum Promotion Board shall plan and conduct a program of research and extension designed to promote the corn and grain sorghum industry in Arkansas, and the board may use the funds derived from the assessments imposed in this subchapter for these purposes, including basic administration expenses of the plan.

(2) This program may include a program of market development as determined by the board.

(b)(1) Use of these funds may be applied as prescribed in this subchapter within or without the State of Arkansas, including regional, national, and international applications.

(2) The funds may also be used to defray costs of referenda.