



Arkansas Rice Promotion Statutes

Ark. Code Ann. §§ 2-20-501 through -511

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

§ 2-20-501. Title

This subchapter shall be known and may be cited as the “Arkansas Rice Research and Promotion Act of 1999”.

§ 2-20-502. Objective

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

§ 2-20-503. Applicability of provisions

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

§ 2-20-504. 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 assessment imposed in this subchapter.

(b) The director shall collect the penalty levied in this subchapter, 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 an assessment or penalty from operating his or her business or engaging in business as a buyer of rice until the delinquent assessment or penalty is paid.

(c)(1) 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 in this subchapter or who shall hinder or in any way delay or prevent the inspection shall be guilty of a violation.

(2) Upon conviction, an offender shall be punished by a fine not exceeding five hundred dollars (\$500).

§ 2-20-505. Rice Research and Promotion Board

(a) The Arkansas Rice Research and Promotion Board is created.

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

(A) Three (3) members shall represent the Arkansas Farm Bureau Federation;

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

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

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

(E) One (1) member shall represent the Arkansas Rice Council; and

(F) One (1) member shall represent the independent mills of Arkansas.

(2) All of the nine (9) producer members of the board shall be practical producers of rice in the State of Arkansas and shall be nominated by their respective organizations.

(3) Each year, not less than thirty (30) days prior to the expiration of the terms of the current board members whose terms expire in that year, the organizations named in subdivision (b)(1) of this section shall submit to the Governor names of two (2) nominees for each position to be filled on the board from the respective organizations, and the Governor shall appoint the new members from each list of nominees.

(4) 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.

(c) 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 those officers or specifically designated by the board. All officers shall serve for a period of one (1) year and until their successors are duly elected.

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

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

§ 2-20-507. Assessments on grown rice

(a) There are imposed and levied:

(1) An assessment at the rate of one and thirty-five hundredths cents (1.35¢) per bushel to be paid by the buyer at the first point of sale, whether within or without the state, on rice grown within the state or at the point the rice enters into the United States Department of Agriculture loan program; and

(2) An assessment at the rate of one and thirty-five hundredths cents (1.35¢) per bushel to be paid by the producer on all rice grown within this state.

(b) 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 rice at the first point of sale or at the point the rice enters into the United States Department of Agriculture loan program.

(c)(1) 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 Arkansas Rice Research and Promotion Board to the credit of the board.

(2) Disbursement 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) The funds derived from the assessment paid by a buyer at the first point of sale shall be used for:

(A) Market development and promotion;

(B) Basic administration expenses; and

(C) Defraying the costs of referenda that the board may refer to buyers of rice.

- (2) The funds derived from the assessment paid by a producer shall be used for:
 - (A) Rice extension and rice research;
 - (B) Basic administration expenses; and
 - (C) Defraying the costs of referenda that the board may refer to producers of rice.
- (3) Funds under subdivisions (d)(1) and (2) of this section may be applied within or without Arkansas, including regional, national, and international applications.

§ 2-20-508. Record maintenance requirement

- (a)(1) Every buyer shall keep a complete and accurate record of all rice handled by him or her.
 - (2) The records shall be in such form and contain other information as the Arkansas Rice Research and Promotion Board shall prescribe by rule or regulation.
 - (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 of the Department of Finance and Administration or any duly authorized agent or representative of him or her.
- (b)(1) At such times as the director may require, every buyer shall submit reports or otherwise document any information deemed necessary for the efficient collection of the assessment imposed in this subchapter.
 - (2) The director shall have the power to cause any duly authorized agent or representative to enter upon the premises of any buyer of rice and examine or cause to be examined by the agent any books, papers, and records which deal in any way with respect to the payment of the assessment or enforcement of the provisions of this subchapter.

§ 2-20-510. Promotion and research programs

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