



Arkansas Wheat Promotion Statutes

Ark. Code Ann. §§ 2-20-601 through -610

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

§ 2-20-601. Objective

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

§ 2-20-602. Applicability of provisions

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

§ 2-20-603. 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 wheat 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).

§ 2-20-604. Weight promotion board

(a) The Arkansas Wheat 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) Two (2) members shall represent the Arkansas Wheat Growers Association; and
- (D) Two (2) members shall represent the Agricultural Council of Arkansas.

(2) All of the nine (9) members of the board shall be practical producers of wheat 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 above 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.

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

§ 2-20-605. Referendum

(a) The Arkansas Wheat Promotion Board shall appoint three (3) wheat producers from each county who will be responsible for holding a referendum in the county.

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

(c) In all such referenda, in order to be eligible to vote, the producer must have produced wheat in the crop year immediately preceding the referendum.

(d) Voting shall be in Agricultural Stabilization and Conservation Service offices under supervision of the three (3) producers appointed to hold the referendum.

(e) Ballots will be furnished by the board.

(f) 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.

(g) The board shall be reimbursed from funds collected for costs of holding referenda.

§ 2-20-606. Assessments

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

(2) This assessment shall 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 wheat enters into the United States Department of Agriculture loan program.

(3) This assessment may be extended for an indefinite period of time or until twenty percent (20%) of the producers ask for return of funds; then another referendum shall be called by the board in the manner set forth in this subchapter.

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

(2)(A) The proceeds of the assessment, less not more than three percent (3%) to cover 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.

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

§ 2-20-607. Record maintenance requirement

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

(2) The records shall be in such form and contain other information as the Arkansas Wheat 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 wheat 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.

§ 2-20-608. Refunds

Any wheat producer may request and receive a refund of the amount deducted from the sale of his or her wheat if:

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

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

§ 2-20-609. Promotion; funds

(a) The Arkansas Wheat Promotion Board shall plan and conduct a program of research, extension, market development, and advertising designed to promote the wheat industry in Arkansas.

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

(B) Use of these funds may be applied, as prescribed in this section, 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.

§ 2-20-610. Resident agent

The resident agent of the Arkansas Wheat Promotion Board shall be the executive vice president of Arkansas Farm Bureau Federation, or his or her designee.