Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 108

HOUSE BILL 2115

AN ACT

AMENDING SECTIONS 3-468.01, 3-468.02, 3-468.04, 3-468.06 AND 41-2706, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA CITRUS RESEARCH COUNCIL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

STATE OF SENATE ARIZONA

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 3-468.01, Arizona Revised Statutes, is amended to read:

3-468.01. Arizona citrus research council; appointment; term

A. The Arizona citrus research council is established consisting of seven producers appointed by the governor. The members shall be appointed as follows:

1. Three producers from district one, including Yuma county.

2. Two producers from district two, including Maricopa, Pima and Pinal counties.

3. Two producers appointed at large.

B. The governor may consult with any recognized organization in this state that represents citrus producers in appointing members to the council.

C. The term of office of each council member is for three years beginning January 1 and ending December 31 of the appropriate year. Members are limited to two consecutive terms of office, EXCEPT THAT A MEMBER WHO IS APPOINTED TO FILL A VACANCY MAY SERVE TWO CONSECUTIVE TERMS PLUS THE UNEXPIRED TERM THAT FILLS THE VACANCY. A MEMBER WHO COMPLETES A SECOND THREE-YEAR TERM IS INELIGIBLE FOR REAPPOINTMENT FOR ONE YEAR. On the expiration of a term of a member or in the event of a vacancy, the governor shall appoint a successor.

D. The office of a member is deemed vacant and the governor shall appoint a person to fill the remainder of the term under any of the following circumstances:

1. The member is no longer a producer.

2. The member is unable to perform ~~his~~ THE duties OF THE OFFICE.

3. The absence of the member from four consecutive council meetings if the absences have not been excused by the council.

E. Members of the council are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

Sec. 2. Section 3-468.02, Arizona Revised Statutes, is amended to read:

3-468.02. Powers and duties of the council

A. The council shall:

1. Receive and disburse monies to be used in administering this article.

2. Annually elect a chairman, secretary and treasurer from among its members.

3. Meet at least once each calendar quarter or at such times as called by the chairman or when requested by four or more members of the council. A quorum consists of four or more members of the council of which at least one member shall be from district one and one member from district two.

4. Keep a permanent record of its proceedings and make these records available for public inspection for any lawful purpose.

5. Prepare for the governor and the citrus industry an annual report of its activities, receipts and expenditures. A copy of the annual report shall be available to any interested citrus producer and the general public on request.

~~6. Provide for an annual audit of its accounts by a qualified public accounting firm and make an annual financial statement available to any producer and the auditor general on request.~~

~~7.~~ 6. Organize and administer any referendum called under subsection C, paragraph 11 of this section.

~~8.~~ 7. Prescribe fees to be assessed within the limits prescribed in section 3-468.04.

B. The council may authorize or contract for ~~programs relating to~~:

1. Research, development and survey programs concerning varietal development.

2. Programs for citrus pest eradication.

3. Programs concerning production, harvesting, handling and hauling from field to market.

4. Any other programs, excluding sales or marketing, that the council deems to be appropriate for the purposes of this article.

C. The council may:

1. Disseminate reliable information, including the results of research studies, surveys and information obtained as a result of research.

2. Sue and be sued as a council, without individual liability, for acts of the council within the scope of the powers and duties conferred on it by this article.

3. Enter into contracts to carry out the purposes of this article, including contracts for research and development of citrus.

4. Appoint advisory groups composed of representatives from organizations, institutions, or businesses related to or interested in the welfare of the citrus industry.

5. Make grants to research agencies for financing appropriate studies, or for purchase or acquisition of equipment and facilities consistent with this article.

6. Employ or retain and fix the compensation of a qualified person or a qualified entity to manage on behalf of the council and other personnel that are necessary to carry out the provisions of this article.

7. Cooperate with any local, state or nationwide organization or agency engaged in work or activities similar or related to those of the council and enter into contracts with such organizations or agencies for carrying on joint programs.

8. Act jointly and in cooperation with this state or any other state or the federal government, and spend monies to administer any program deemed by the council to be beneficial to the citrus industry of this state.

9. Adopt rules necessary to promptly and effectively administer this article.

10. Accept grants, donations, contributions, gifts, property or services or other assistance from public or private sources to further the objectives of this article.

11. Refer to the citrus producers in this state for an advisory vote the question of setting fees or establishing or continuing any program authorized by this article.

12. Investigate and prosecute in the name of this state any action or suit to enforce the collection or ensure payment of the authorized fees.

13. PROVIDE FOR AN ANNUAL AUDIT OF ITS ACCOUNTS BY A QUALIFIED PUBLIC ACCOUNTING FIRM AND, IF AN AUDIT OR FINANCIAL STATEMENT IS PREPARED, SHALL MAKE THE AUDIT OR FINANCIAL STATEMENT AVAILABLE TO THE GENERAL PUBLIC AND THE AUDITOR GENERAL ON REQUEST.

Sec. 3. Section 3-468.04, Arizona Revised Statutes, is amended to read:

3-468.04. Fees; collection; budget

A. On or before July 1 of each calendar year, the council shall assess a fee of not more than one and one-half cents per standard carton of citrus produced. For the purposes of this subsection, "standard carton" means a container or package prescribed for each kind of citrus fruit pursuant to article 2 of this chapter and rules adopted under that article.

B. Each grower-shipper, shipper and handler shall keep a complete and accurate record of all citrus handled by such entities and the producer. These records shall contain such information as required to be kept for the citrus, fruit and vegetable revolving fund pursuant to articles 2 and 4 of this chapter and rules adopted pursuant to those articles.

C. Assessments shall be collected from the grower-shipper, shipper or handler first marketing the citrus being assessed. The grower-shipper, shipper or handler is a trustee of the monies until they are paid to the council pursuant to subsection B and according to procedures established pursuant to articles 2 and 4 of this chapter and rules adopted pursuant to those articles. A citrus producer is responsible for paying the fee unless the fee is withheld for payment by the grower-shipper, shipper or handler first marketing the citrus.

D. Before establishing the annual fee, the council shall establish a budget. The budget is effective on approval of the council.

E. Title 41, chapter 6 does not apply to setting and collecting the fee under this section, but the council shall provide thirty days' advance notice of the meeting at which ~~the~~ ANY fee will be ~~adopted~~ INCREASED and the amount of the proposed fee. The council shall receive public testimony at the meeting regarding the fee.

Sec. 4. Section 3-468.06, Arizona Revised Statutes, is amended to read:

3-468.06. Deposit of fees; use on termination

A. Monies collected pursuant to this article shall be deposited in the council's accounts ~~to be~~ THAT ARE administered by the department AS THE

1 COUNCIL'S AGENT and disbursed as approved by the council for the purposes
2 prescribed in this article.
3 B. If the council is terminated, any monies in the council's accounts
4 shall be expended to meet existing legal obligations of the council. The
5 council shall expend any remaining monies on any program consistent with this
6 article.
7 C. On notice from the council, the state treasurer shall invest and
8 divest monies in the account as provided by section 35-313, and monies earned
9 from investment shall be credited to the account.
10 Sec. 5. Section 41-2706, Arizona Revised Statutes, is amended to read:
11 41-2706. Applicability of chapter
12 A. This chapter applies to the solicitation of grants initiated after
13 August 6, 1999.
14 B. This chapter does not apply to:
15 1. Any grant program that was exempt from chapter 23, article 3 of
16 this title and for which administrative rules establishing grant solicitation
17 procedures were adopted pursuant to chapter 6 of this title before August 6,
18 1999.
19 2. The Arizona board of regents and schools, colleges, institutions
20 and universities under its control if the Arizona board of regents adopts
21 rules or policies governing the award of grants that encourage as much
22 competition as practicable.
23 3. Grants made by the cotton research and protection council for
24 research programs related to cotton production or protection.
25 4. GRANTS MADE BY THE ARIZONA CITRUS RESEARCH COUNCIL FOR RESEARCH
26 PROGRAMS UNDER SECTION 3-468.02, SUBSECTION C, PARAGRAPH 3 OR 5.

APPROVED BY THE GOVERNOR APRIL 19, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2004.

STATE OF SENATE ARIZONA

Passed the House February 3, 2004,

by the following vote: 56 Ayes,

1 Nays, 3 Not Voting

Jake Flake

Speaker of the House

Norman L. Moore

Chief Clerk of the House

Passed the Senate April 6, 2004,

by the following vote: 23 Ayes,

6 Nays, 1 Not Voting

Ken Bennett

President of the Senate

Christine Billington

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

_____

Secretary to the Governor

Approved this _____ day of

_____, 20_____,

at _____ o'clock _____ M.

_____

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

_____

Secretary of State

H.B. 2115

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 13, 2004,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

Jake Flake
Speaker of the House

Herman L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13th day of April, 2004,

at 12:59 o'clock P. M.

Jennifer Ybarra
Secretary to the Governor

Approved this 19 day of

April, 2004,

at 11:30 o'clock A M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 19 day of April, 2004,

at 4:30 o'clock P. M.

Janice K. Brewer
Secretary of State

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