

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

CHAPTER 64

# **HOUSE BILL 2113**

AN ACT

AMENDING SECTIONS 3-468.01, 3-468.02, 3-526.01 AND 3-527.01, ARIZONA REVISED  
STATUTES; RELATING TO AGRICULTURAL COMMODITY COUNCILS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 3-468.01. Arizona citrus research council; appointment; term

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

8 1. ~~Three~~ TWO producers from district one, including Yuma county.

9 2. ~~Two producers~~ ONE PRODUCER from district two, including Maricopa,  
10 Pima and Pinal counties.

11 3. Two producers appointed at large.

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

14 C. The term of office of each council member is for three years  
15 beginning January 1 and ending December 31 of the appropriate year. Members  
16 are limited to two consecutive terms of office, except that a member who is  
17 appointed to fill a vacancy may serve two consecutive terms plus the  
18 unexpired term that fills the vacancy. A member who completes a second  
19 three-year term is ineligible for reappointment for one year. On the  
20 expiration of a term of a member or in the event of a vacancy, the governor  
21 shall appoint a successor.

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

25 1. The member is no longer a producer.

26 2. The member is unable to perform the duties of the office.

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

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

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

34 3-468.02. Powers and duties of the council

35 A. The council shall:

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

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

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

- 1           4. Keep a permanent record of its proceedings and make these records  
2 available for public inspection for any lawful purpose.
- 3           5. Prepare for the governor and the citrus industry an annual report  
4 of its activities, receipts and expenditures. A copy of the annual report  
5 shall be available to any interested citrus producer and the general public  
6 on request.
- 7           6. Organize and administer any referendum called under subsection C,  
8 paragraph 11 of this section.
- 9           7. Prescribe fees to be assessed within the limits prescribed in  
10 section 3-468.04.
- 11           B. The council may authorize or contract for:
  - 12           1. Research, development and survey programs concerning varietal  
13 development.
  - 14           2. Programs for citrus pest eradication.
  - 15           3. Programs concerning production, harvesting, handling and hauling  
16 from field to market.
  - 17           4. Any other programs, excluding sales or marketing, that the council  
18 deems to be appropriate for the purposes of this article.
- 19           C. The council may:
  - 20           1. Disseminate reliable information, including the results of research  
21 studies, surveys and information obtained as a result of research.
  - 22           2. Sue and be sued as a council, without individual liability, for  
23 acts of the council within the scope of the powers and duties conferred on it  
24 by this article.
  - 25           3. Enter into contracts to carry out the purposes of this article,  
26 including contracts for research and development of citrus.
  - 27           4. Appoint advisory groups composed of representatives from  
28 organizations, institutions, or businesses related to or interested in the  
29 welfare of the citrus industry.
  - 30           5. Make grants to research agencies for financing appropriate studies,  
31 or for purchase or acquisition of equipment and facilities consistent with  
32 this article.
  - 33           6. Employ or retain and fix the compensation of a qualified person or  
34 a qualified entity to manage on behalf of the council and other personnel  
35 that are necessary to carry out the provisions of this article.
  - 36           7. Cooperate with any local, state or nationwide organization or  
37 agency engaged in work or activities similar or related to those of the  
38 council and enter into contracts with such organizations or agencies for  
39 carrying on joint programs.
  - 40           8. Act jointly and in cooperation with this state or any other state  
41 or the federal government, and spend monies to administer any program deemed  
42 by the council to be beneficial to the citrus industry of this state.
  - 43           9. Adopt rules necessary to promptly and effectively administer this  
44 article.

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

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

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

9           13. Provide for an annual audit of its accounts by a qualified public  
10 accounting firm and, if an audit or financial statement is prepared, shall  
11 make the audit or financial statement available to the general public and the  
12 auditor general on request.

13           Sec. 3. Section 3-526.01, Arizona Revised Statutes, is amended to  
14 read:

15           3-526.01. Arizona iceberg lettuce research council;  
16                                   appointment; term

17           A. The Arizona iceberg lettuce research council is established  
18 consisting of seven producers appointed by the governor. The members shall  
19 be appointed as follows:

20           1. Four producers from ~~district one, including Yuma and La Paz~~  
21 ~~counties~~ COUNTY.

22           ~~2. One producer from district two, including the remainder of the~~  
23 ~~iceberg lettuce producing areas in this state.~~

24           ~~3-~~ 2. Two THREE producers appointed at large FROM ANY ICEBERG LETTUCE  
25 PRODUCING AREA IN THIS STATE.

26           B. The governor may consult with any recognized vegetable grower and  
27 shipper organizations in this state in appointing members to the council.

28           C. The term of office of each council member is for three years  
29 beginning January 1 and ending December 31 of the appropriate year. Members  
30 are limited to two consecutive terms of office, except that a member who is  
31 appointed to fill a vacancy may serve two consecutive terms plus the  
32 unexpired term that fills the vacancy. A member who completes a second  
33 three-year term is ineligible for reappointment for one year. On the  
34 expiration of a term of a member or in the event of a vacancy, the governor  
35 shall appoint a successor.

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

39           1. The member is no longer a producer.

40           2. The member is unable to perform the duties of the office.

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

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

1           Sec. 4. Section 3-527.01, Arizona Revised Statutes, is amended to  
2 read:

3           3-527.01. Citrus, fruit and vegetable advisory council;  
4                           membership; terms; vacancy; compensation

5           A. The citrus, fruit and vegetable advisory council is established  
6 consisting of members appointed by the governor as follows:

7           1. ~~Two~~ ONE citrus PRODUCER producers, ~~one from Yuma or La Paz county~~  
8 ~~and one from Maricopa, Pinal or Pima county.~~

9           2. One apple, grape or tree fruit producer.

10          3. One iceberg lettuce producer from Yuma county.

11          4. ~~Three~~ FOUR fruit or vegetable producers, excluding producers  
12 exclusively engaged in growing citrus, apples, grapes or tree fruit,  
13 including one fruit or vegetable producer from Maricopa, Pinal or Pima county  
14 and one from Yuma or La Paz county.

15          B. The governor may consult with any recognized citrus, fruit and  
16 vegetable growers and shipper organizations in this state in making  
17 appointments to the council.

18          C. The term of office of each council member is three years and shall  
19 begin on January 1 and end on December 31 of the appropriate year. On the  
20 expiration of a term of a member or in the event of a vacancy, a successor  
21 shall be appointed by the governor.

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

25           1. The member is no longer a producer.

26           2. The member is unable to perform the duties on the council.

27           3. The member has become a resident of another state.

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

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

33          Sec. 5. Incumbency

34          This act does not affect the membership of any incumbent member of the  
35 Arizona citrus research council, the Arizona iceberg lettuce research council  
36 or the citrus, fruit and vegetable advisory council. All current members may  
37 continue to serve the terms to which they were appointed. The changes in  
38 membership contemplated by this act shall occur through attrition. The  
39 governor shall appoint future members according to the provisions of this  
40 act.

APPROVED BY THE GOVERNOR APRIL 16, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2007.

Passed the House February 5, 2007

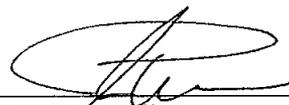
Passed the Senate April 3, 2007

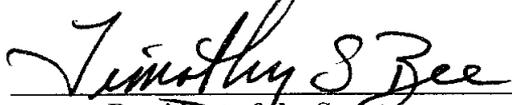
by the following vote: 56 Ayes,

by the following vote: 27 Ayes,

2 Nays, 2 Not Voting

1 Nays, 2 Not Voting

  
\_\_\_\_\_  
Speaker of the House

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Chief Clerk of the House

  
\_\_\_\_\_  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

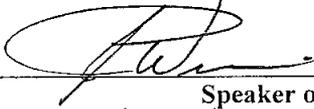
\_\_\_\_\_  
Secretary of State

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

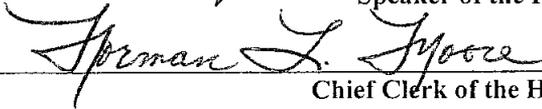
April 10, 2007,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting



Speaker of the House



Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

10th day of April, 2007,

at 11:25 o'clock a. M.



Secretary to the Governor

Approved this 16 day of

April, 2007,

at 2<sup>30</sup> o'clock 1<sup>30</sup> M.



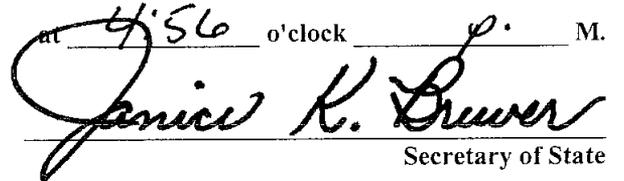
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 14 day of April, 2007,

at 4:56 o'clock p. M.



Secretary of State

H.B. 2113