Senate Engrossed House Bill

FILED

JANICE K. BREWER
SECRETARY OF STATE

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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)

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~~ FIVE producers appointed by the governor. The members shall be appointed as follows:

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

2. ~~Two producers~~ ONE PRODUCER 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 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~~ THREE or more members of the council. A quorum consists of ~~four~~ THREE 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. Organize and administer any referendum called under subsection C, paragraph 11 of this section.

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

B. The council may authorize or contract for:

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 3-526.01, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

B. The governor may consult with any recognized vegetable grower and shipper organizations in this state 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 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. 4. Section 3-527.01, Arizona Revised Statutes, is amended to read:

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

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

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

2. One apple, grape or tree fruit producer.

3. One iceberg lettuce producer from Yuma county.

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

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

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

D. The office of any 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 the duties on the council.

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

4. 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. 5. Incumbency

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

APPROVED BY THE GOVERNOR APRIL 16, 2007.

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