

### Excerpts from Arizona Revised Statutes, Title 3, Article 9 ARIZONA GRAIN RESEARCH AND PROMOTION COUNCIL

The current check-off rate is \$.025 per cwt. (\$.50 per ton) for **barley and wheat produced in Arizona for use as food, feed, seed or any industrial or commercial use.**

#### **3-581. Definitions**

2. "First buyer" (purchaser) means a person, partnership, corporation or cooperative that purchases grain from a producer in the first instance or a public or private lienholder, secured party or pledgee, or assignee of the lienholder, .... who gains title to the grain from the grower as a result of exercising any legal rights .... regardless of when the lien, security interest or pledge was created. First buyer also includes a public or private person who acquires a lien or security interest or receives a pledge after the grain is harvested.

3. "Grain" means the seed of barley and wheat of all classes produced for use as food, feed, seed or any industrial or commercial use.

5. "Producer" means a person, partnership, corporation or cooperative in this state that produces and sells grain in commercial channels. In the case of a partnership, each partner who regularly receives a portion of the gross receipts directly from the buyer is considered a producer.

#### **3-584. Power and duties of the council**

A. The council shall:

5. Establish fees to be assessed within the limits prescribed in § 3-587.

C. The council may:

4. Investigate and prosecute in the name of this state any action or suit to enforce the collection or ensure payment of the fees authorized and to sue and be sued in the name of the council.

#### **3-587. Budget and fees; report**

C. The first purchaser shall collect and remit the fees to the council pursuant to the forms, procedures and periodic reports or returns as the council prescribes. [The first purchaser shall remit the fees to the council on or before the tenth day of the month following collection of the fee or as prescribed by the council.](#)

#### **3-591. Failure to make report**

If a person subject to the fee required by this article fails to make a report and remittance as required, the council shall determine the amount of the fee according to its best information and judgment, which amount so fixed is prima facie correct. The person failing to make the report shall pay the fee within ten days after notice of the amount of the fee so fixed and computed by the council, together with a penalty of five per cent of the amount of the fee. The person may dispute the fee as fixed by the council and request a hearing to determine the amount of the fee and penalty to be imposed. No payment may be made until the council enters its order determining the amount of payment, but the person shall pay the fee and any penalties assessed within ten days of notice of the decision.

#### **3-592. Refund of fees**

A producer may by the use of forms provided by the council and on presentation of such proof as the council may require, have the fee refunded. A request for refund must be received in the office of the council within sixty days following the payment of the fee. The council shall make refunds within thirty days of the request for refund if the fee sought to be refunded has been received.....