

(Pub. L. 115–254, div. E, §1305, Oct. 5, 2018, 132 Stat. 3472.)

§ 8705. Assessments

(a) Assessments

The order shall provide that assessments shall be paid by a manufacturer if the manufacturer has manufactured concrete masonry products during a period of at least 180 days prior to the date the assessment is to be remitted.

(b) Collection

(1) In general

Assessments required under the order shall be remitted by the manufacturer to the Board in the manner prescribed by the order.

(2) Timing

The order shall provide that assessments required under the order shall be remitted to the Board not less frequently than quarterly.

(3) Records

As part of the remittance of assessments, manufacturers shall identify the total amount due in assessments on all sales receipts, invoices or other commercial documents of sale as a result of the sale of concrete masonry units in a manner as prescribed by the Board to ensure compliance with the order.

(c) Assessment rates

With respect to assessment rates, the order shall contain the following terms:

(1) Initial rate

The assessment rate on concrete masonry products shall be \$0.01 per concrete masonry unit sold.

(2) Changes in the rate

(A) Authority to change rate

The Board shall have the authority to change the assessment rate. A two-thirds majority of voting members of the Board shall be required to approve a change in the assessment rate.

(B) Limitation on increases

An increase or decrease in the assessment rate with respect to concrete masonry products may not exceed \$0.01 per concrete masonry unit sold.

(C) Maximum rate

The assessment rate shall not be in excess of \$0.05 per concrete masonry unit.

(D) Limitation on frequency of changes

The assessment rate may not be increased or decreased more than once annually.

(d) Late-payment and interest charges

(1) In general

Late-payment and interest charges may be levied on each person subject to the order who fails to remit an assessment in accordance with subsection (b).

(2) Rate

The rate for late-payment and interest charges shall be specified by the Secretary.

(e) Investment of assessments

Pending disbursement of assessments under a budget approved by the Secretary, the Board

may invest assessments collected under this section in—

(1) obligations of the United States or any agency of the United States;

(2) general obligations of any State or any political subdivision of a State;

(3) interest-bearing accounts or certificates of deposit of financial institutions that are members of the Federal Reserve System; or

(4) obligations fully guaranteed as to principal and interest by the United States.

(f) Assessment funds for regional initiatives

(1) In general

The order shall provide that not less than 50 percent of the assessments (less administration expenses) paid by a manufacturer shall be used to support research, education, and promotion programs and projects in support of the geographic region of the manufacturer.

(2) Geographic regions

The order shall provide for the following geographic regions:

(A) Region I shall comprise Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia.

(B) Region II shall comprise Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

(C) Region III shall comprise Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

(D) Region IV shall comprise Arizona, Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

(E) Region V shall comprise Alaska, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

(3) Adjustment of geographic regions

The order shall provide that the Secretary may, upon recommendation of the Board, modify the composition of the geographic regions described in paragraph (2).

(Pub. L. 115–254, div. E, §1306, Oct. 5, 2018, 132 Stat. 3478.)

§ 8706. Referenda

(a) Initial referendum

(1) Referendum required

During the 60-day period immediately preceding the proposed effective date of the order issued under section 8703 of this title, the Secretary shall conduct a referendum among manufacturers eligible under subsection (b)(2) subject to assessments under section 8705 of this title.

(2) Approval of order needed

The order shall become effective only if the Secretary determines that the order has been approved by a majority of manufacturers voting who also represent a majority of the machine cavities in operation of those manufacturers voting in the referendum.