

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 191 OF 1991
HOUSE BILL 1304

4 **By: Representatives George, Whorton and Hunton**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. §20-59-404 TO INCREASE
9 FEES IN THE GRADE 'A' MILK PROGRAM; AND FOR OTHER
10 PURPOSES."

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12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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14 SECTION 1. Ark. Code Ann. §20-59-404 is hereby amended to read as
15 follows:

16 "20-59-404. Inspection fees.

17 (a) In order to make the Grade 'A' milk and milk products inspection
18 and regulation program self-supporting, the Accounting Division of the
19 Department of Health shall collect on a monthly basis unless otherwise stated
20 the following Grade 'A' milk and milk products inspection fees:

21 (1) Producers shall pay \$.030 per 100 pounds of Grade 'A' milk
22 inspected by the state.

23 (2) Importers of raw Grade 'A' milk produced and inspected in
24 another state and imported into Arkansas as raw Grade 'A' milk shall pay an
25 inspection fee of ten dollars (\$10.00) for each sample analyzed by the
26 laboratory of the Department of Health.

27 (3) Milk plants shall pay \$.030 per 100 pounds of Grade 'A' milk
28 processed or distributed.

29 (4) Producer-distributors shall pay \$.065 per 100 pounds of Grade
30 'A' milk produced or sold.

31 (5) Milk haulers who sample and transport Grade 'A' milk in the
32 state, shall pay an annual permit fee of ten dollars (\$10.00). The fee shall
33 be due January 1 of each year.

34 (6) Distributors of Grade 'A' milk processed by plants outside
35 of Arkansas and sold in the state shall pay \$.030 per 100 pounds or a monthly
36 minimum fee of two hundred dollars (\$200) per month plus ten dollars (\$10.00)

1 for each sample analyzed by the laboratory of the Department of Health. The
2 larger of the two (2) sums shall be paid during the following month.

3 (7) Single service plants shall pay an annual permit fee of two
4 hundred dollars (\$200). This fee shall not be applied to plants paying a milk
5 inspection fee. The fee shall be due January 1 of each year.

6 (b) If any person fails, neglects, or refuses to pay the above fee and
7 is delinquent for a period of thirty (30) days, the Director of the Department
8 of Health is directed and empowered to prohibit the person from distributing,
9 hauling, selling, or otherwise handling Grade 'A' milk or milk products in
10 the state and shall suspend their permit and withdraw all inspection service
11 from the establishment until fees are paid in full.

12 (c)(1) The Grade 'A' milk and milk products inspection fees shall not
13 be greater than the actual cost of the inspections.

14 (2) If there is a balance in the Milk Inspection Fees Fund
15 equivalent to ninety-day maintenance of the Arkansas Grade 'A' milk program,
16 one (1) month of the milk inspection fees shall be forgiven.

17 (d) The fees set forth in subsection (a) of this section may be
18 increased by up to one half cent (\$.005) beginning July 1, 1992, upon
19 certification by the Chief Fiscal Officer of the State that the expenditures
20 of the Grade 'A' milk program exceed the amount of fees collected. Any
21 request for an increase in fees shall be reviewed by the Advisory Committee to
22 the Arkansas Grade 'A' Milk Program.

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24 SECTION 2. All provisions of this act of a general and permanent nature
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
26 Revision Commission shall incorporate the same in the Code.

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28 SECTION 3. If any provision of this act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.

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34 SECTION 4. All laws and parts of laws in conflict with this act are
35 hereby repealed.

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SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Eighth General Assembly that this act should become effective at the beginning of the next fiscal year; that the beginning of the next fiscal year is July 1, 1991; that unless this emergency clause is adopted this act may not become effective until after that date. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: 2-19-91