

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1078

By: Representatives George and Hinshaw

"AN ACT TO PROVIDE FOR THE COLLECTION OF THE FEDERAL ASSESSMENT OF ONE DOLLAR PER HEAD ON CATTLE SOLD IN THE STATE FOR THE SUPPORT OF A BEEF PROMOTION AND RESEARCH PROGRAM; TO PROVIDE FOR THE PROPER DISPOSITION OF ALL FUNDS COLLECTED PURSUANT TO SUCH ASSESSMENT; AND FOR OTHER PURPOSES."

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

SECTION 1. It is hereby found and determined by the General Assembly that the present Arkansas law which creates the Arkansas Beef Council authorizes an assessment of twenty-five cents (25_) per head on all cattle sold in the State; that since the enactment of the Arkansas law, the U. S. Congress and the Department of Agriculture have established a national beef promotion and research program under which there is an assessment of one dollar (\$1.00) per head on all cattle sold; that under the national program, a qualified state beef council is authorized to retain fifty cents (50_) of each one dollar per head assessment for financing a state beef promotion and research program if authorized by state law; that the one dollar per head national assessment is currently required to be collected but is subject to a referendum within twenty-two months after the issuance of the beef promotion and research order by the Secretary of Agriculture; that it is essential that appropriate legislation be enacted in Arkansas to provide for the collection of the one dollar per head assessment and the retention by the state of fifty cents of each such one dollar assessment during the interim from the date of the order until the referendum process is completed and thereafter in the event the producers voting at the referendum approve a continuation of the assessment, but to further assure that in the event the producers voting at the referendum vote against continuing the one dollar per head assessment, the present Arkansas law providing for an assessment of twenty-five cents per head

will be automatically reactivated. Therefore, it is the intent and purpose of this Act to suspend the collection of the twenty-five cents per head assessment provided for in Act 160 of 1983 and to provide for the collection of the one dollar per head national assessment levied for beef promotion and research so long as the national program continues in effect, with fifty cents of the assessment to be retained for the Arkansas Beef Council, and to provide that if the producers voting at the referendum provided for in the Beef Promotion and Research Act of 1985 and the administrative order issued pursuant thereto vote to discontinue the one dollar per head national assessment then the provisions of Act 160 of 1983 and the assessment of twenty-five cents per head of cattle sold in the State will be reactivated the same as if the national program had never existed.

SECTION 2. The assessment levied pursuant to the national beef promotion and research program in the amount of one dollar (\$1.00) per head of cattle sold shall be collected, reported and remitted to the Arkansas Commissioner of Revenues by the persons, in the manner and at the times prescribed by the Beef Promotion and Research Act of 1985 and the administrative orders and rules issued pursuant to the provisions of that Act, and records concerning cattle sales and the collection of assessments shall be maintained and the national beef promotion and research program shall in all respects be conducted in Arkansas in conformity with federal law, orders and regulations regarding the program, so long as the national beef promotion and research program is in effect.

SECTION 3. The Commissioner of Revenues is authorized to adopt appropriate rules and regulations not inconsistent with this Act or the federal law, orders and rules regarding the national beef promotion and research program as he may deem necessary to carry out the intent and purposes of and to assure compliance with this Act and the federal laws, orders and rules relating to the national beef promotion and research program.

SECTION 4. The Commissioner of Revenues shall deposit in the State Treasury all funds collected by him pursuant to this Act and the Beef Promotion and Research Act of 1985 and the federal administrative orders and rules issued pursuant to that Act and the State Treasurer shall, beginning

with funds collected by him on and after the first day of the month next following the effective date of this Act, (a) credit to the National Beef Promotion Account which is hereby created in the Arkansas Beef Council Fund, fifty cents (50_) of each one dollar (\$1.00) per head assessment collected, (b) deduct three percent (3%) of the remaining funds for credit to the Constitutional and Fiscal Agencies Fund, and (c) credit the remainder of such funds to the State Beef Promotion Account which is hereby created in the Arkansas Beef Council Fund.

Funds credited to the National Beef Promotion Account shall be remitted by the Arkansas Beef Council to the Cattleman's Beef Promotion and Research Board established in the Beef Promotion and Research Act of 1985, in the manner prescribed in that Act and in administrative orders and rules issued pursuant to that Act.

Funds credited to the State Beef Promotion Account shall be used in such manner as the Arkansas Beef Council deems appropriate for Arkansas beef promotion and research and for the operation and maintenance of the Arkansas Beef Council office and payment of expenses of the Council members.

SECTION 5. The provisions of this Act shall remain in effect so long as the national beef promotion and research program established by the Beef Promotion and Research Act of 1985 and the administrative orders and rules issued pursuant to that Act continue in effect but if such program is terminated as a result of the referendum provided for in that Act or for any other reason the provisions of this Act shall expire and thereafter the provisions of Act 160 of 1983 as now or hereafter amended concerning the levy and collection of an assessment on cattle sold in the State to support the Arkansas Beef Promotion and Research Program shall be enforced. The provisions of this Act shall not repeal or modify the provisions of Act 160 of 1983 but the provisions of that Act so far as they relate to the levy and collection of an assessment of twenty-five cents (25_) per head on cattle sold in the State, shall be suspended until such time as the national beef promotion and research program is terminated.

SECTION 6. EMERGENCY. It is hereby found and determined by the General Assembly that it is essential to the best interests of the beef industry in the State that legislation be enacted to comply with and conform to the provi-

sions of the federal law known as the Beef Promotion and Research Act of 1985, and the federal administrative orders and rules issued pursuant to that Act, that this Act is designed to enable the Arkansas Beef Council to conform to and comply with the federal law and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

