

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Representative Tullis

HOUSE BILL 1640

"AN ACT TO AMEND SECTION 4 OF ACT 114 OF 1941, AS AMENDED [ARK. STAT. 82-915], THE MANUFACTURED MILK ACT, TO INCREASE CERTAIN FEES AND REQUIRE PRODUCERS OF MANUFACTURED MILK TO PAY AN ANNUAL FEE TO THE DEPARTMENT OF HEALTH; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 4 of Act 114 of 1941, as amended, the same being Arkansas Statute 82-915, is hereby amended to read as follows:

"Section 4. (1) Frozen Dessert Manufacturers' License. For purposes of licensing, a dairy plant manufacturing or packaging frozen dessert such as ice cream, ice cream mix, ice milk, ice milk mix, frozen malted milk, frozen custard, ice or ice sherbets, and novelties shall be licensed as a frozen dessert manufacturer. Any person making frozen dessert for sale shall be required to procure from the Director of the Department of Health an annual frozen dessert manufacturers' license for each location or plant where frozen dessert is manufactured. Method for determining license fee for frozen dessert manufacturers' licenses shall be based on the gallons of mix or the finished products manufactured or sold the previous year. License fee shall be based on previous year production:

Up to and including	10,000 gallons	\$ 30.00
10,001 -	20,000 gallons	50.00
20,001 -	100,000 gallons	100.00
100,001 -	350,000 gallons	200.00
350,001 -	500,000 gallons	300.00
500,001 -	750,000 gallons	400.00
750,000 -	1,000,000 gallons	500.00
1,000,001 -	and up	600.00

(2) Dairy Plant License. A dairy products plant manufacturing, processing or packaging any dairy products other than those listed above as frozen desserts shall be required to have a Dairy Plant License. Every person buying or receiving milk, cream, or dairy products for manufacturing, processing, or packaging shall be required to procure from the Director of the Department of Health an annual dairy plant license for each location where milk, cream, or dairy products are received for the purpose of manufacturing, processing, or packaging. Methods for determining license fees for plant license shall be as follows:

(a) For a plant purchasing fluid milk, the fee shall be based on pounds of fluid milk received the previous year:

Up to and including	5,000,000 lbs. milk	\$ 50.00
5,000,001 -	15,000,000 lbs.	100.00
15,000,001 -	25,000,000 lbs.	200.00
25,000,001 -	40,000,000 lbs.	300.00
40,000,001 -	60,000,000 lbs.	400.00
60,000,001 -	and up	500.00

(b) For a plant receiving cream, the fee shall be based on pounds of butterfat received the previous fiscal year:

Up to and including	200,000 lbs. butterfat	\$ 50.00
200,001 -	400,000 lbs.	100.00
400,001 -	600,000 lbs.	200.00
600,001 -	1,000,000 lbs.	300.00
1,000,001 -	and up	400.00

(3) Receiving or Transfer Plant License. Any plant where fluid milk and/or cream not in consumer packages is received on consignment or otherwise, stored, or transported, but where packaging, processing or manufacturing does not occur shall be required to have an annual Receiving or Transfer Plant License for each location or plant where milk and/or cream is received. Methods for determining license fee for Receiving or Transfer Plant License shall be as follows:

(a) The license fee for a receiving or transfer plant receiving fluid milk shall be one half the fee based on schedule under subsection 2(a) of this section above.

(b) The license fee for a receiving or transfer plant receiving cream shall be one half the fee based on schedule under subsection 2(b) of

this section above.

(c) If a receiving or transfer plant receives both fluid milk and cream, license fee shall be one half the fee based on combination of schedules under subsection 2(a) and (b) of this section above.

(4) Samplers and Graders License. Every person receiving or buying milk or cream on the basis of its chemical or physical constituents shall be or have in his employ, in or on each milk transport tank truck, a licensed milk sampler and grader. Applications to become a licensed sampler and grader shall be made to the Director of the Department of Health upon such forms as he may prescribe. Annual license fee of Ten Dollars (\$10.00) shall be required of each person who qualifies for a license. The license shall expire on April 1st of each succeeding year. In order to qualify for a license, the applicant shall satisfy the Director of the Department of Health, either by a written examination or otherwise, that he is honest and competent to do sampling work. An identification card stating his name and address, and bearing the same number as his license shall be issued him at the time his license is issued and shall be carried on his person at all times while on duty.

(5) Milk Testers License and Fee. Every person receiving or buying milk or cream on the basis of its chemical or physical constituents, shall be, or have in his employ, a licensed milk tester to make the official analysis; and no other person shall be allowed to make such tests in any creamery, cheese factory, milk depot, milk plant, ice cream factory, milk condensery, or similar plant where milk or cream is bought or received on a basis of its chemical or physical constituents. Application to become a licensed Milk Tester shall be made to the Director of the Department of Health upon such forms as he may prescribe. All licenses shall expire on the next succeeding April 1st and the fee shall be Ten Dollars (\$10.00). The required fee shall accompany the application; and if the applicant shall be found upon examination to be qualified and competent, the Director of the Department of Health shall issue to him a license. Licensed testers are also qualified and permitted to act as samplers.

(6) Mellorine Plant License. For a Mellorine Plant making, processing, manufacturing, freezing, or packaging mellorine or mellorine mix, the method for determining license fee for Mellorine Manufacturers' License shall be based on the gallons of mix or the finished products manufactured or sold the

previous year. License shall be based on the previous year production:

Up to and including	10,000 gallons	\$ 30.00
10,001 -	20,000 gallons	50.00
20,001 -	100,000 gallons	100.00
100,001 -	350,000 gallons	200.00
350,001 -	500,000 gallons	300.00
500,001 -	750,000 gallons	400.00
750,001 -	1,000,000 gallons	500.00
1,000,001 -	and up	600.00

(7) Manufacturing Milk Fee. Every dairy which produces milk or cream to be used for manufacturing purposes shall be required to procure from the Director of the Department of Health a manufacturing milk permit. Any dairy may obtain a manufacturing milk permit by paying an annual permit fee of twenty-five dollars (\$25.00) to the Department of Health and by meeting the minimum requirements of the Rules and Regulations Pertaining to Milk for Manufacturing Purposes. Permit fees shall be due by June 30 of each year. Grade 'A' dairies with suspended permits and selling milk for manufacturing purposes will be given a ninety (90) day exemption from the requirement of obtaining a manufacturing milk permit, provided they meet the requirements of a manufactured milk producer."

SECTION 2. Act 114 of 1941, the same being Arkansas Statute 82-912 et seq., is hereby amended by adding a new section to read as follows:

"Section 8. All fees and fines collected under this Act are hereby declared 'special revenues' and shall be deposited in the State Treasury to the credit of the Public Health Fund.

Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the Disbursing Officer for the Department of Health is hereby authorized to transfer all unexpended funds relative to manufactured milk that pertain to fees collected, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following fiscal year."

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. EMERGENCY. It is hereby found and determined by the General Assembly that due to current economic conditions, budgetary constraints may limit the ability of the Department of Health to adequately provide needed services unless some license fees are increased; that it is most equitable to make this increase effective immediately upon passage of this Act. 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.

