

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1936

By: Representative Mahony

"AN ACT TO AUTHORIZE THE LIVESTOCK AND POULTRY COMMISSION TO COLLECT FROM POULTRY AND EGG PROCESSORS IN THE STATE FOR POULTRY AND EGG GRADING AND EGG PRODUCTS INSPECTION SERVICES PERFORMED BY STATE AND FEDERAL PERSONNEL AND TO COLLECT FOR SUCH SERVICES AND TO REMIT A PORTION THEREOF TO THE U.S. DEPARTMENT OF AGRICULTURE FOR SERVICES PERFORMED BY PERSONNEL OF THAT DEPARTMENT; TO PROVIDE THAT ALL FUNDS COLLECTED BY THE LIVESTOCK AND POULTRY COMMISSION FOR SUCH SERVICES SHALL BE DEPOSITED IN THE STATE TREASURY AND CREDITED TO THE POULTRY AND EGG GRADING FUND; AND FOR OTHER PURPOSES."

WHEREAS, under the existing cooperative agreement between the State of Arkansas and the U.S. Department of Agriculture, the USDA bills Arkansas poultry and egg processors for poultry and egg grading and egg products inspection services performed by both federal and State personnel, collects such charges and remits to the State a portion of the charges collected for services of State personnel; and

WHEREAS, under the present law, Act 49 of 1965, the Livestock and Poultry Commission has the authority to enter into cooperative agreements with the USDA whereby the Livestock and Poultry Commission will bill poultry and egg processors for poultry and egg grading and egg products inspection services performed by federal and State graders and inspectors, to collect for such services and to remit a portion to the USDA, and it would appear to be advantageous to both the State of Arkansas and the Arkansas processors of poultry and eggs for the State to become the billing and collecting agency for such services; and

WHEREAS, in order for the State to assume the responsibility for such billing and collection, it is necessary that an appropriation be made to the Livestock and Poultry Commission out of which the Department can make payments to the USDA of funds collected for services performed by USDA inspectors and graders,
NOW THEREFORE,
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Livestock and Poultry Commission is hereby authorized to enter into a cooperative agreement with the U.S. Department of Agriculture whereby the Livestock and Poultry Commission will bill poultry and egg processors in Arkansas for poultry and egg grading and egg products inspection services performed by State and federal personnel and will collect charges for such services and remit a portion thereof to the U.S. Department of Agriculture for the services performed by personnel of the U.S. Department of Agriculture, in accordance with the provisions of Act 49 of 1965 and acts amendatory thereto.

SECTION 2. All funds collected by the Livestock and Poultry Commission from poultry and egg processors for poultry and egg grading and egg products inspection services shall be deposited in the State Treasury as non-revenue receipts and shall be credited to the Poultry and Egg Grading Fund to be used for funding the poultry and egg grading and egg products inspection program and to make payments to the U.S. Department of Agriculture for poultry and egg grading and poultry products inspection services performed by employees of the U.S. Department of Agriculture.

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

SECTION 4. It is hereby found and determined by the General Assembly that because of the case Ricarte v. State, CR 86-31, a question has arisen over the validity of Act 1216 of the Extended Session of 1976; that this Act is a reenactment of the former law; and that the immediate passage of this Act is necessary to clarify the state of the law on this issue. 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.

