

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H2/23/09 S3/10/09

A Bill

HOUSE BILL 1451

5 *By: Representatives Hoyt, Reynolds, T. Baker, Breedlove, J. Brown, Cole, L. Cowling, Dismang, George,*
6 *Hall, Harrelson, Hawkins, House, Lovell, McCrary, Overbey, Perry, Pierce, Powers, Saunders, Slinkard,*
7 *Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, J. Roebuck, Pyle, M. Burris, M. Martin,*
8 *Ragland*

9 *By: Senators Bryles, J. Jeffress, G. Jeffress, J. Taylor, D. Wyatt*

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For An Act To Be Entitled

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AN ACT TO ENSURE AN ADEQUATE SUPPLY OF ARKANSAS
14 MILK FOR ARKANSAS CONSUMERS; TO STABILIZE AND
15 STIMULATE DAIRY FARMS IN ARKANSAS; TO CREATE THE
16 DAIRY STABILIZATION FUND; AND FOR OTHER PURPOSES.

17

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Subtitle

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AN ACT TO ENSURE AN ADEQUATE SUPPLY OF
20 ARKANSAS MILK FOR ARKANSAS CONSUMERS; TO
21 STABILIZE AND STIMULATE DAIRY FARMS IN
22 ARKANSAS; AND TO CREATE THE DAIRY
23 STABILIZATION FUND.

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

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SECTION 1. Arkansas Code Title 2, Chapter 10, is amended to add an
29 additional subchapter to read as follows:

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2-10-201. Definitions.

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As used in this subchapter:

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(1) "Butter" means the fatty substance obtained from milk by

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churning;

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(2) "Cheese" means solid foods made from pressed curds of milk,

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including hard, American, processed, shredded, mozzarella, and cream;

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(3) "Cultured milk products" means yogurt, cottage cheese, and



1 sour cream;

2 (4)(A) "Dairy products" means refrigerated or frozen items sold
3 to consumers in Arkansas that are processed directly from raw milk.

4 (B) "Dairy products" does not include a dairy product that
5 is used as an ingredient for a nondairy finished product;"

6 (5) "Fluid milk" means whole, reduced fat, skim, flavored, and
7 buttermilk, including cream and half and half;

8 (6) "Ice cream" means flavored cream or custard made from milk,
9 sweetened and frozen, including full fat, low fat, ice milk, frozen yogurt,
10 and milk sherbet;

11 (7) "Milk producer" means any person or entity that operates a
12 bovine dairy farm that possesses a valid permit signed by the administrator
13 of the Arkansas Grade "A" Milk Program; and

14 (8) "Wholesaler" means a person or entity that is engaged as a
15 distributor or manufacturer who receives, stores, manufactures, or sells milk
16 or other dairy products to retail sellers in Arkansas.

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18 2-10-202. Dairy fee.

19 (a) A wholesaler shall pay a dairy fee of not more than thirty cents
20 (30¢) per hundred weight on packaged milk and an equivalent amount as
21 determined by the Secretary of the Arkansas Agriculture Department on other
22 dairy products sold in Arkansas.

23 (b)(1) The dairy stabilization fee shall be assessed and collected by
24 the Director of the Department of Finance and Administration.

25 (2) The director shall deposit the dairy fee into general
26 revenues.

27 (c) A wholesaler that is subject to the dairy fee under this section
28 shall file a monthly return and remit the fee for the month to the Director
29 of the Department of Finance and Administration on or before the 15th day of
30 the month next following the month in which the sale was made.

31 (d) The secretary shall provide quarterly reports to the Arkansas Milk
32 Stabilization Board regarding the assessment, collection, and disbursement of
33 moneys collected under this section.

34 (e) If an Arkansas retailer purchases milk or dairy products from an
35 unlicensed wholesaler, distributor, or manufacturer for sale in Arkansas, the
36 retailer shall pay the fee when the property is transferred to a retail store

1 for sale to the ultimate consumers as reflected in the records of the
2 retailer.

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4 2-10-206. Rules.

5 The Director of the Department of Finance and Administration shall
6 adopt rules to implement this subchapter.

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8 SECTION 2. Arkansas Code Title 19, Chapter 6, Subchapter 8 is amended
9 to add an additional section to read as follows:

10 19-6-811. Dairy Stabilization Fund.

11 (a) There is created on the books of the Treasurer of State, the
12 Auditor of State, and the Chief Fiscal Officer of the State an Arkansas
13 Agriculture Department Stabilization Program fund.

14 (b)(1) Moneys from a Dairy Stabilization program appropriation from
15 general revenues shall be deposited into the State Treasury to the credit of
16 the Arkansas Agriculture Department Stabilization Program fund.

17 (2) The fund also shall consist of any other revenues as may be
18 authorized by law.

19 (c) The Secretary of the Arkansas Agriculture Department shall use the
20 fund to provide:

21 (1) Dairy stabilization grants under § 2-10-203; and

22 (2) Milk production and quality incentives under § 2-10-204.

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24 /s/ Hoyt
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