
SENATE BILL NO. 208—SENATOR RHODS

MARCH 21, 2005

Referred to Committee on Natural Resources

SUMMARY—Requires State Department of Agriculture to establish and administer program of education, research and information on beef under certain circumstances. (BDR 50-535)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the State Department of Agriculture; requiring the Department to establish and administer a program of education, research and information on beef under certain circumstances; authorizing the Department to fix a special assessment on cattle to provide money for the program; providing a penalty for failing to pay the special assessment by the required date; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under the federal Beef Promotion and Research Act of 1985, a \$1 fee is
2 assessed against livestock owners for each head of cattle. The proceeds from the
3 fee are transferred to the qualified state beef council to be used in the promotion of
4 beef and beef products. (7 U.S.C. §§ 2901 et seq.) In Nevada, the proceeds are
5 deposited into the Account for the Promotion of Beef in the State General Fund.
6 (NRS 561.407)

7 The United States Eighth Circuit Court of Appeals has held that the assessment
8 required under the Beef Promotion and Research Act of 1985 violates the first
9 amendment rights of livestock owners because it compels the funding of speech.
10 (*United States Department of Agriculture v. Nebraska Cattlemen, Inc.*, 335 F.3d
11 711 (8th Cir. 2003))

12 This bill changes the name of the Account for the Promotion of Beef to the
13 Account for the Program of Education, Research and Information on Beef. This bill
14 further authorizes the State Department of Agriculture to fix a special assessment of
15 \$1 per head on all cattle except calves that have not been weaned. The proceeds
16 from the special assessment must credited to the Account for the Program of
17 Education, Research and Information on Beef.



18 This bill further requires the State Department of Agriculture to conduct a
19 program of education, research and information on beef and beef products.

20 This bill becomes effective only if the federal Beef Promotion and Research
21 Act of 1985 is repealed by Congress or declared unconstitutional by the United
22 States Supreme Court.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 561.407 is hereby amended to read as follows:
2 561.407 1. The Account for the ~~[Promotion]~~ **Program** of
3 **Education, Research and Information on** Beef is hereby created in
4 the State General Fund.

5 2. The interest and income earned on the money in the Account
6 for the ~~[Promotion]~~ **Program** of **Education, Research and**
7 **Information on** Beef, after deducting any applicable charges, must
8 be credited to the Account.

9 **Sec. 2.** Chapter 575 of NRS is hereby amended by adding
10 thereto the provisions set forth as sections 3 to 7, inclusive, of this
11 act.

12 **Sec. 3.** *As used in sections 3 to 7, inclusive, of this act,*
13 *"Department" means the State Department of Agriculture.*

14 **Sec. 4. 1.** *The Department shall establish and administer a*
15 *program of education, research and information on beef designed*
16 *to:*

17 *(a) Increase the consumption of beef and beef products by*
18 *members of the general public;*

19 *(b) Gather, publicize and disseminate accurate and scientific*
20 *information that emphasizes the importance of the use and*
21 *consumption of beef and beef products in relation to the public*
22 *health, the economy, and the diet and proper nutrition of children*
23 *and adults;*

24 *(c) Study the methods which are employed in producing,*
25 *processing, manufacturing, marketing and distributing beef and*
26 *beef products in order to comply with the sanitary and other*
27 *regulations which are imposed by local, state and federal*
28 *governmental entities;*

29 *(d) Gather and disseminate information regarding the high*
30 *standards which are observed and imposed upon the cattle*
31 *industry to ensure the production of pure and wholesome beef and*
32 *beef products;*

33 *(e) Gather and disseminate information regarding the harmful*
34 *effects on the public health resulting from the disintegration or*
35 *instability of the cattle industry, the factors and conditions unique*
36 *to the cattle industry which tend to cause an unbalanced*



1 *production of beef, and the price of beef and beef products in*
2 *relation to the cost of other items of food in a balanced diet; and*

3 *(f) Gather and disseminate information regarding the*
4 *nutritional qualities of beef and beef products, public consumption*
5 *patterns and trends, and the factors which tend to promote*
6 *increased consumption of beef and beef products, stabilize the*
7 *industry and foster an improved understanding and more efficient*
8 *cooperation among producers and processors of beef and the*
9 *members of the public who consume beef.*

10 *2. Information concerning beef and beef products must be*
11 *approved by the State Board of Agriculture before it may be*
12 *disseminated through any informational or promotional*
13 *campaigns undertaken through the program of education,*
14 *research and information established pursuant to this section.*

15 *3. The Department may enter into a contract or other*
16 *agreement with any appropriate public or private entity to carry*
17 *out the provisions of this section.*

18 **Sec. 5.** *1. Upon receipt of the declaration from owners of*
19 *livestock pursuant to NRS 575.130, the Department may fix a*
20 *special assessment on all cattle except calves that have not been*
21 *weaned, the rate of which must not exceed \$1 per head. The*
22 *proceeds of the special assessment must be deposited in the State*
23 *Treasury for credit to the Account for the Program of Education,*
24 *Research and Information on Beef created by NRS 561.407.*

25 *2. If such a special assessment is fixed, any person who paid*
26 *the special assessment may, during the month of April of the year*
27 *after he pays the special assessment, file a claim for a refund with*
28 *the Department, accompanied by a receipt showing the payment.*
29 *Upon verification of the claim, the Department shall transmit the*
30 *claim to the State Controller. As soon as practicable after*
31 *receiving the claim, the State Controller shall pay to the person*
32 *who submitted the claim the amount of the refund specified by the*
33 *Department. The refund must be paid from the Account for the*
34 *Program of Education, Research and Information on Beef.*

35 **Sec. 6.** *Any owner of livestock who fails to pay a special*
36 *assessment levied pursuant to section 5 of this act by December 1*
37 *of each year in which the Department levies the special assessment*
38 *forfeits to the Department a penalty of 5 percent of the amount of*
39 *the assessment due and 1 percent of the assessment due for each*
40 *month of delay or fraction thereof after December 31 of the year*
41 *that the assessment became due. The Department, if satisfied the*
42 *delay was excusable, may excuse any part of the penalty. The*
43 *penalty must be paid to the Department and deposited for credit to*



1 *the Account for the Program of Education, Research and*
2 *Information on Beef created by NRS 561.407.*

3 **Sec. 7.** *Any assessment levied pursuant to section 5 of this*
4 *act constitutes a personal debt of the person so assessed. If a*
5 *person fails to pay an assessment, including all penalties, the*
6 *Department may, at any time within 3 years after the date of*
7 *delinquency, bring and maintain a civil action against the person*
8 *to recover the amount of the delinquent assessment and penalties.*

9 **Sec. 8.** This act becomes effective on the date on which the
10 Beef Promotion and Research Act of 1985, 7 U.S.C. §§ 2901 et seq.,
11 is:

- 12 1. Repealed by the Congress of the United States; or
- 13 2. Declared to be unconstitutional by the United States
- 14 Supreme Court,
- 15 ➔ whichever occurs first.

