

House Bill 1669

By: Representatives Black of the 144<sup>th</sup>, Ray of the 108<sup>th</sup>, Roberts of the 131<sup>st</sup>, Purcell of the 122<sup>nd</sup>, and James of the 114<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 8 of Title 2 of the Official Code of Georgia Annotated, relating to  
2 agricultural commodities promotion, so as to change certain provisions relating to  
3 assessments to defray expenses, borrowing in anticipation of collections, use and repayment  
4 of contributions in lieu of advance deposits, collection and enforcement of assessments  
5 generally, disposition and investment of proceeds, and audits; to change certain provisions  
6 relating to collection of assessments by civil actions and penalties for delinquent payment;  
7 to change certain provisions relating to assessments to defray expenses of peanut marketing  
8 orders, budgets for administration, authority to borrow money, contributions in lieu of  
9 advance deposits, collection of assessments, rules, enforcement of payment, deposit and  
10 disbursement of moneys, and investment of moneys; to change certain provisions relating  
11 to assessments constituting personal debt of peanut producers, action for collection, fee for  
12 late payment, and cumulative remedies; to provide a contingent effective date; to provide for  
13 contingent repeal; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 style="text-align:center">**SECTION 1.**

16 Chapter 8 of Title 2 of the Official Code of Georgia Annotated, relating to agricultural  
17 commodities promotion, is amended by striking Code Section 2-8-27, relating to assessments  
18 to defray expenses, borrowing in anticipation of collections, use and repayment of  
19 contributions in lieu of advance deposits, collection and enforcement of assessments  
20 generally, disposition and investment of proceeds, and audits, and inserting in lieu thereof  
21 the following:

22 "2-8-27.

23 (a)(1) For the purpose of providing funds to defray the necessary expenses incurred by  
24 the Commissioner or the commission in the formulation, issuance, administration, and  
25 enforcement of each marketing order issued under this article, each such marketing order  
26 shall provide for the levying and collection of assessments in sufficient amounts to defray

1 such expenses. Each marketing order shall indicate the maximum rate of any such  
2 assessment which may be collected and the proportion, if any, payable by each producer  
3 and handler directly regulated or affected by such marketing order. In administering such  
4 marketing order, the commission shall adopt, from time to time, budgets to cover  
5 necessary expenses and the assessment rate necessary to provide sufficient funds. If the  
6 commission finds that each such budget and assessment rate are proper and equitable and  
7 will provide sufficient moneys to defray the necessary expenses, it may approve such  
8 budget and rate of assessment and order that each producer and handler so assessed shall  
9 pay to the Commissioner or the commission, at such times and in such installments as the  
10 commission may prescribe, an assessment, based upon the units in which such  
11 agricultural commodity is marketed or upon any other uniform basis which the  
12 commission determines to be reasonable and equitable, but in amounts which (1) in the  
13 case of producers will not exceed 2 1/2 percent of the gross dollar volume of sales of the  
14 commodity affected by all such producers regulated by such marketing order, or (2) in  
15 the case of processors, distributors, or other handlers will not exceed 2 1/2 percent of the  
16 gross dollar volume of purchases of the commodity affected by the marketing order from  
17 producers or of the gross dollar volume of sales of the commodity affected by the  
18 marketing order and handled by all such processors, distributors, or other handlers  
19 regulated by such marketing order during the marketing season or seasons during which  
20 such marketing order is effective.

21 (2) No assessments levied and collected under this subsection shall be used in carrying  
22 out any advertising or sales promotion plans.

23 (b)(1) Each marketing order which authorizes the carrying out of advertising and sales  
24 promotion plans shall provide for the levying and collection of assessments in sufficient  
25 amounts to defray the expenses of such activities. Each such marketing order shall  
26 indicate the maximum rate of any such assessment and the proportion, if any, payable by  
27 each producer and handler directly regulated or affected by such marketing order. The  
28 commission shall adopt budgets to cover such expenses and establish the assessment rate  
29 necessary to provide sufficient funds. If the commission finds that each such budget and  
30 assessment rate are proper and equitable and will provide sufficient moneys to defray  
31 such expenses, they may approve such budget and approve and levy such assessment.  
32 Any assessments so established shall be based upon the units in which such agricultural  
33 commodity is marketed or upon any other uniform basis which the commission  
34 determines to be proper and equitable. Any assessment rates established under this  
35 subsection shall be in amounts not to exceed 4 percent of the gross dollar volume of sales  
36 by all producers or by all processors, distributors, or other handlers of such agricultural

1 commodity regulated by such marketing order during the marketing season or seasons  
2 during which such marketing order is effective.

3 (2) Assessments levied and collected under this subsection shall be the only assessments  
4 used in carrying out advertising or sales promotion plans for purposes of this article.

5 (3) Any producer may at any time elect not to be subject to any assessment levied for  
6 purposes of this subsection, and any producer who has so elected in accordance with this  
7 paragraph shall be exempt from levy, not be assessed, and have no liability for  
8 assessment for purposes of this subsection. Any producer who has so elected may  
9 thereafter cancel such election at any time, in which event the producer's exemption shall  
10 cease. Any such election or cancellation by a producer shall be submitted in writing to  
11 the commission that levied the assessment, in such form and manner as specified by the  
12 Commissioner.

13 ~~(c) In lieu of the assessments to defray the costs of formulation, issuance, administration,~~  
14 ~~and enforcement of the marketing order and of advertising or sales promotion provided for~~  
15 ~~in subsections (a) and (b) of this Code section, if the marketing order contains provisions~~  
16 ~~for advertising or sales promotion as authorized in this article, the commission may~~  
17 ~~approve and fix one assessment not exceeding 6 1/2 percent of the gross dollar volume of~~  
18 ~~sales of such commodity by all producers or by all processors, distributors, or other~~  
19 ~~handlers of such agricultural commodity regulated by such marketing order during the~~  
20 ~~marketing season or seasons during which such marketing order is effective. The method~~  
21 ~~and manner of assessment and collection thereof and the limitations and restrictions~~  
22 ~~applicable thereupon shall conform in all respects with subsection (b) of this Code section,~~  
23 ~~except as to the maximum amount of such assessment. In such case, the commission shall~~  
24 ~~approve the proportions of such assessments which may be expended to defray the costs~~  
25 ~~of formulation, issuance, administration, and enforcement of the marketing order and of~~  
26 ~~such advertising or sales promotion program, provided that the proportion of such~~  
27 ~~assessments which may be allocated in such manner to defray the cost of such~~  
28 ~~administrative activities for such marketing order shall in no case exceed the maximum~~  
29 ~~amount authorized in subsection (a) of this Code section. Reserved.~~

30 (d) In the event that any commission has reason to believe that the administration of a  
31 marketing order will be facilitated or the attainment of the purposes and objectives of the  
32 marketing order will be promoted thereby, the commission is authorized to borrow money,  
33 with or without interest, to carry out any provision of any marketing order authorized by  
34 this article and may hypothecate anticipated assessment collections applicable to such  
35 respective provisions.

36 (e) In lieu of requiring advance deposits for defraying administrative or advertising and  
37 sales promotion expenses until such time as sufficient moneys are collected for such

1 purposes from the payment of assessments established pursuant to this Code section, the  
2 Commissioner is authorized to receive and disburse for such purposes contributions made  
3 by producers, processors, distributors, or other handlers. Neither the commission nor the  
4 Commissioner shall be held responsible for the repayment of such contributions, provided  
5 that whenever collections from the payment of established assessments credited to the  
6 respective marketing order accounts are sufficient so to warrant, the commission shall  
7 recommend and the Commissioner shall repay contributions or shall authorize the  
8 application of such contributions to the assessment obligations of the persons who made  
9 such contributions.

10 (f)(1) Each and every handler of the agricultural commodities for which an assessment  
11 has been established by or pursuant to this article shall, at the time of purchase of any  
12 such commodity from the producer thereof, collect from such producer the assessment  
13 established by or in accordance with this article and remit the same to the Commissioner  
14 for the use of the commission for which the same was levied. The liability of such  
15 handler under this article shall not be discharged except upon receipt of such sums by the  
16 Commissioner. For the purpose of this subsection, to ensure compliance with this Code  
17 section, and for the administrative convenience of the Commissioner in enforcing  
18 payment and collection of such assessments, delivery by a producer to a handler for  
19 processing of any agricultural commodity upon which an assessment has been established  
20 shall be deemed a sale of such commodity within the meaning of this Code section; and  
21 the assessment shall thereupon attach and become due, regardless of whether such  
22 handler actually purchases such agricultural commodity for himself or only processes  
23 same for a consideration payable by the producer or another person and such agricultural  
24 commodity is thereafter sold to another person, provided that upon collection of such  
25 assessment by the handler to whom such agricultural commodity is so delivered for  
26 processing only, no further or additional assessment shall attach or become due by reason  
27 of the subsequent sale by such producer of such processed agricultural commodity to  
28 another person or handler.

29 (2) This subsection shall not apply to an assessment against a producer from which such  
30 producer is exempt under subsection (b) of this Code section.

31 (g) The Commissioner may prescribe such rules as may be necessary and reasonable for  
32 the orderly reporting and transmitting of assessments by handlers and may take all legal  
33 action necessary to enforce payment of the same by handlers. The Commissioner is  
34 authorized to issue executions for the same in like manner as executions are issued for ad  
35 valorem property taxes due the state. It shall be the duty of each and every sheriff of this  
36 state and their lawful deputies, upon the request of the Commissioner, to levy and collect  
37 such executions and to make their return thereof to the Commissioner in like manner as

1 such tax executions are levied and return thereof made to county tax collectors and tax  
 2 commissioners. The Commissioner shall likewise be authorized to collect, by execution as  
 3 above provided or otherwise, directly from the producer against whom any assessment  
 4 levied under this Code section may be found due whenever it is determined that such  
 5 producer has sold such affected commodity or commodities giving rise to such liability to  
 6 a person other than to a handler who has collected such assessment and is required by this  
 7 Code section to remit the same to the Commissioner. Furthermore, the Commissioner may  
 8 proceed against such producer and the purchaser of such commodity simultaneously if the  
 9 purchaser is a handler required to collect such assessment, until satisfaction is obtained.

10 (h) Any moneys collected by the Commissioner or the commission pursuant to this article  
 11 shall be deposited in a bank or other depository approved by the commission and shall be  
 12 disbursed by the Commissioner only for the necessary expenses incurred by the  
 13 commission and the Commissioner, as approved by the commission. Funds so collected  
 14 shall be deposited and disbursed in conformity with appropriate rules and regulations  
 15 prescribed by the Commissioner. All such expenditures by the Commissioner shall be  
 16 audited at least annually by the state auditor and a copy of such audit shall be delivered  
 17 within 30 days after the completion thereof to the Governor, the Commissioner, and the  
 18 affected commission. If any such commission is abolished, any funds remaining in its  
 19 hands at such time shall be used to pay the existing obligations of such commission and the  
 20 expenses incurred in winding up the affairs of such commission. Any excess remaining  
 21 shall escheat to the state and shall be paid by the Commissioner into the state treasury as  
 22 unclaimed trust funds.

23 (i) Moneys deposited by the Commissioner pursuant to this Code section which the  
 24 commission determines are available for investment may be invested or reinvested by the  
 25 Commissioner as provided for funds of this state or of any retirement system created by  
 26 law, provided that all moneys invested shall be invested in those areas of production that  
 27 will provide a return at the highest bank interest rate available. It shall be the duty of the  
 28 commission annually to review these investments and determine that this Code section is  
 29 complied with."

## 30 SECTION 2.

31 Said chapter is further amended by striking Code Section 2-8-28, relating to collection of  
 32 assessments by civil actions and penalties for delinquent payment, and inserting in lieu  
 33 thereof the following:

34 "2-8-28.

35 (a) Any assessment levied or established in accordance with this article in such specified  
 36 amount as may be determined by the Commissioner or the commission pursuant to this

1 article shall constitute a personal debt of every person so assessed and shall be due and  
 2 payable to the Commissioner when payment is called for by the Commissioner. In the  
 3 event of the failure of such person to pay any such assessment upon the date determined  
 4 by the Commissioner, the Commissioner may file an action against such person in a court  
 5 of competent jurisdiction for the collection thereof.

6 (b) In the event that any producer or handler duly assessed pursuant to this article fails to  
 7 pay to the Commissioner the amount so assessed on or before the date specified by the  
 8 Commissioner, the Commissioner is authorized to add to such unpaid assessment an  
 9 amount not exceeding 10 percent of such unpaid assessment to defray the cost of enforcing  
 10 the collection of such unpaid assessment.

11 (c) The provisions of subsection (a) of this Code section with respect to collection of  
 12 assessments by action are in addition to and cumulative of the provisions of this article  
 13 authorizing the issuance of executions for assessments by the Commissioner. The 10  
 14 percent penalty authorized to be assessed upon delinquent assessments under subsection  
 15 (b) of this Code section may likewise be included in any execution issued by the  
 16 Commissioner. Such remedies may be pursued concurrently until satisfaction is obtained  
 17 upon either. Any penalty recovered shall become a part of the principal assessment levied  
 18 and shall be for the use of the commission entitled thereto as are other moneys received  
 19 under this article.

20 (d) This Code section shall not apply to an assessment against a producer from which such  
 21 producer is exempt under subsection (b) of Code Section 2-8-27."

### 22 SECTION 3.

23 Said chapter is further amended by striking Code Section 2-8-67, relating to assessments to  
 24 defray expenses of peanut marketing orders, budgets for administration, authority to borrow  
 25 money, contributions in lieu of advance deposits, collection of assessments, rules,  
 26 enforcement of payment, deposit and disbursement of moneys, and investment of moneys,  
 27 and inserting in lieu thereof the following:

28 "2-8-67.

29 (a)(1) For the purpose of providing funds to defray the necessary expenses incurred by  
 30 the commission in the formulation, issuance, administration, and enforcement of each  
 31 marketing order issued under this article, each such marketing order shall provide for the  
 32 levying and collection of assessments in sufficient amounts to defray such expenses. Each  
 33 marketing order shall indicate the maximum rate of any such assessment which may be  
 34 collected and the proportion, if any, payable by each producer and handler directly  
 35 regulated or affected by such marketing order. In administering such marketing order, the  
 36 commission shall adopt, from time to time, budgets to cover necessary expenses and the

1 assessment rate necessary to provide sufficient funds. If the commission finds that each  
2 such budget and assessment rate are proper and equitable and will provide sufficient  
3 moneys to defray the necessary expenses, it may approve such budget and rate of  
4 assessment and order that each producer and handler so assessed shall pay to the  
5 commission, at such times and in such installments as the commission may prescribe, an  
6 assessment, based upon the units in which peanuts are marketed or upon any other  
7 uniform basis which the commission determines to be reasonable and equitable, but in  
8 amounts which (1) in the case of producers will not exceed 2 1/2 percent of the gross  
9 dollar volume of sales of the peanuts affected by all such producers regulated by such  
10 marketing order, or (2) in the case of processors, distributors, or other handlers will not  
11 exceed 2 1/2 percent of the gross dollar volume of purchases of peanuts affected by the  
12 marketing order from producers or of the gross dollar volume of sales of peanuts affected  
13 by the marketing order and handled by all such processors, distributors, or other handlers  
14 regulated by such marketing order during the marketing season or seasons during which  
15 such marketing order is effective.

16 (2) No assessments levied and collected under this subsection shall be used in carrying  
17 out any advertising or sales promotion plans.

18 (b)(1) Each marketing order which authorizes the carrying out of advertising and sales  
19 promotion plans shall provide for the levying and collection of assessments in sufficient  
20 amounts to defray the expenses of such activities. Each such marketing order shall  
21 indicate the maximum rate of any such assessment and the proportion, if any, payable by  
22 each producer and handler directly regulated or affected by such marketing order. The  
23 commission shall adopt budgets to cover such expenses and establish the assessment rate  
24 necessary to provide sufficient funds. If the commission finds that each such budget and  
25 assessment rate are proper and equitable and will provide sufficient moneys to defray  
26 such expenses, they may approve such budget and approve and levy such assessment.  
27 Any assessments so established shall be based upon the units in which peanuts are  
28 marketed or upon any other uniform basis which the commission determines to be proper  
29 and equitable. Any assessment rates established under this subsection shall be in amounts  
30 not to exceed 4 percent of the gross dollar volume of sales by all producers or by all  
31 processors, distributors, or other handlers of peanuts regulated by such marketing order  
32 during the marketing season or seasons during which such marketing order is effective.

33 (2) Assessments levied and collected under this subsection shall be the only assessments  
34 used in carrying out advertising or sales promotion plans for purposes of this article.

35 (3) Any producer may at any time elect not to be subject to any assessment levied for  
36 purposes of this subsection, and any producer who has so elected in accordance with this  
37 paragraph shall be exempt from levy, not be assessed, and have no liability for

1 assessment for purposes of this subsection. Any producer who has so elected may  
2 thereafter cancel such election at any time, in which event the producer's exemption shall  
3 cease. Any such election or cancellation by a producer shall be submitted in writing to  
4 the commission, in such form and manner as specified by the Commissioner.

5 (c) ~~In lieu of the assessments to defray the costs of formulation, issuance, administration,~~  
6 ~~and enforcement of the marketing order and of advertising or sales promotion provided for~~  
7 ~~in subsections (a) and (b) of this Code section, if the marketing order contains provisions~~  
8 ~~for advertising or sales promotion as authorized in this article, the commission may~~  
9 ~~approve and fix one assessment not exceeding 6 1/2 percent of the gross dollar volume of~~  
10 ~~sales of such peanuts by all producers or by all processors, distributors, or other handlers~~  
11 ~~of such peanuts regulated by such marketing order during the marketing season or seasons~~  
12 ~~during which such marketing order is effective. The method and manner of assessment and~~  
13 ~~collection thereof and the limitations and restrictions applicable thereupon shall conform~~  
14 ~~in all respects with subsection (b) of this Code section, except as to the maximum amount~~  
15 ~~of such assessment. In such case, the commission shall approve the proportions of such~~  
16 ~~assessments which may be expended to defray the costs of formulation, issuance,~~  
17 ~~administration, and enforcement of the marketing order and of such advertising or sales~~  
18 ~~promotion program, provided that the proportion of such assessments which may be~~  
19 ~~allocated in such manner to defray the cost of such administrative activities for such~~  
20 ~~marketing order shall in no case exceed the maximum amount authorized in subsection (a)~~  
21 ~~of this Code section. Reserved.~~

22 (d) In the event that the commission has reason to believe that the administration of a  
23 marketing order will be facilitated or the attainment of the purposes and objectives of the  
24 marketing order will be promoted thereby, the commission is authorized to borrow money,  
25 with or without interest, to carry out any provision of any marketing order authorized by  
26 this article and may hypothecate anticipated assessment collections applicable to such  
27 respective provisions.

28 (e) In lieu of requiring advance deposits for defraying administrative or advertising and  
29 sales promotion expenses until such time as sufficient moneys are collected for such  
30 purposes from the payment of assessments established pursuant to this Code section, the  
31 commission is authorized to receive and disburse for such purposes contributions made by  
32 producers, processors, distributors, or other handlers. The commission shall not be held  
33 responsible for the repayment of such contributions, provided that whenever collections  
34 from the payment of established assessments credited to the respective marketing order  
35 accounts are sufficient so to warrant, the commission shall repay contributions or shall  
36 authorize the application of such contributions to the assessment obligations of the persons  
37 who made such contributions.

1 (f)(1) Each and every handler of peanuts for which an assessment has been established  
2 by or pursuant to this article shall, at the time of purchase of any such peanuts from the  
3 producer thereof, collect from such producer the assessment established by or in  
4 accordance with this article and remit the same to the commission. The liability of such  
5 handler under this article shall not be discharged except upon receipt of such sums by the  
6 commission. For the purpose of this subsection, to ensure compliance with this Code  
7 section, and for the administrative convenience of the commission in enforcing payment  
8 and collection of such assessments, delivery by a producer to a handler for processing of  
9 any peanuts upon which an assessment has been established shall be deemed a sale of  
10 such peanuts within the meaning of this Code section; and the assessment shall thereupon  
11 attach and become due, regardless of whether such handler actually purchases such  
12 peanuts for himself or only processes same for a consideration payable by the producer  
13 or another person and such peanuts are thereafter sold to another person, provided that  
14 upon collection of such assessment by the handler to whom such peanuts are so delivered  
15 for processing only, no further or additional assessment shall attach or become due by  
16 reason of the subsequent sale by such producer of such processed peanuts to another  
17 person or handler.

18 (2) This subsection shall not apply to an assessment against a producer from which such  
19 producer is exempt under subsection (b) of this Code section.

20 (g) The commission may prescribe such rules as may be necessary and reasonable for the  
21 orderly reporting and transmitting of assessments by handlers and may take all legal action  
22 necessary to enforce payment of the same by handlers. The commission is authorized to  
23 issue executions for the same in like manner as executions are issued for ad valorem  
24 property taxes due the state. It shall be the duty of each and every sheriff of this state and  
25 their lawful deputies, upon the request of the commission, to levy and collect such  
26 executions and to make their return thereof to the commission in like manner as such tax  
27 executions are levied and return thereof made to county tax collectors and tax  
28 commissioners. The commission shall likewise be authorized to collect, by execution as  
29 provided in this subsection or otherwise, directly from the producer against whom any  
30 assessment levied under this Code section may be found due whenever it is determined that  
31 such producer has sold such affected peanuts giving rise to such liability to a person other  
32 than to a handler who has collected such assessment and is required by this Code section  
33 to remit the same to the commission. Furthermore, the commission may proceed against  
34 such producer and the purchaser of such peanuts simultaneously if the purchaser is a  
35 handler required to collect such assessment, until satisfaction is obtained.

36 (h) Any moneys collected by the commission pursuant to this article shall be deposited in  
37 a bank or other depository approved by the commission and shall be disbursed by the

1 commission only for the necessary expenses incurred by the commission, as approved by  
2 the commission. Funds so collected shall be deposited and disbursed in conformity with  
3 appropriate rules and regulations prescribed by the commission. All such expenditures by  
4 the commission shall be audited at least annually by the state auditor and a copy of such  
5 audit shall be delivered within 30 days after the completion thereof to the Governor and the  
6 commission. If the commission is abolished, any funds remaining in its hands at such time  
7 shall be used to pay the existing obligations of the commission and the expenses incurred  
8 in winding up the affairs of the commission. Any excess remaining shall escheat to the  
9 state and shall be paid into the state treasury as unclaimed trust funds.

10 (i) Moneys deposited by the commission pursuant to this Code section which the  
11 commission determines are available for investment may be invested or reinvested by the  
12 commission as provided for funds of this state or of any retirement system created by law,  
13 provided that all moneys invested shall be invested in those areas of production that will  
14 provide a return at the highest bank interest rate available. It shall be the duty of the  
15 commission annually to review these investments and determine whether they are in  
16 compliance with this Code section."

#### 17 **SECTION 4.**

18 Said chapter is further amended by striking Code Section 2-8-68, relating to assessments  
19 constituting personal debt of peanut producers, action for collection, fee for late payment,  
20 and cumulative remedies, and inserting in lieu thereof the following:

21 "2-8-68.

22 (a) Any assessment levied or established in accordance with this article in such specified  
23 amount as may be determined by the commission pursuant to this article shall constitute  
24 a personal debt of every person so assessed and shall be due and payable to the commission  
25 when payment is called for by the commission. In the event of the failure of such person  
26 to pay any such assessment upon the date determined by the commission, the commission  
27 may file an action against such person in a court of competent jurisdiction for the collection  
28 thereof.

29 (b) In the event that any producer or handler duly assessed pursuant to this article fails to  
30 pay to the commission the amount so assessed on or before the date specified by the  
31 commission, the commission is authorized to add to such unpaid assessment an amount not  
32 exceeding 10 percent of such unpaid assessment to defray the cost of enforcing the  
33 collection of such unpaid assessment.

34 (c) The provisions of subsection (a) of this Code section with respect to collection of  
35 assessments by action are in addition to and cumulative of the provisions of this article  
36 authorizing the issuance of executions for assessments by the commission. The 10 percent

1 penalty authorized to be assessed upon delinquent assessments under subsection (b) of this  
2 Code section may likewise be included in any execution issued by the commission. Such  
3 remedies may be pursued concurrently until satisfaction is obtained upon either. Any  
4 penalty recovered shall become a part of the principal assessment levied and shall be for  
5 the use of the commission as are other moneys received under this article.

6 (d) This Code section shall not apply to an assessment against a producer from which such  
7 producer is exempt under subsection (b) of Code Section 2-8-67."

8 **SECTION 5.**

9 This Act shall become effective if and when the United States Supreme Court holds or  
10 affirms in any decision rendered by it prior to July 1, 2006, that collection of mandatory  
11 assessments to pay for generic advertising of an agricultural commodity pursuant to statute  
12 is unconstitutional as a violation of the First Amendment to the Constitution of the United  
13 States, including without limitation by affirming the decision of the United States Court of  
14 Appeals for the Eighth Circuit in the case of Livestock Marketing Association v. United  
15 States Department of Agriculture, Nos. 02-2769/2832, slip. op. (8th Cir. July 8, 2003), which  
16 held that collection of mandatory assessments from producers to pay for generic advertising  
17 of beef and beef products under the federal Beef Promotion and Research Act of 1985, 7  
18 U.S.C. Section 2901, et seq., is unconstitutional as a violation of the First Amendment to the  
19 Constitution of the United States. If the United States Supreme Court does not so hold or  
20 affirm in any decision rendered by it prior to July 1, 2006, this Act shall not become effective  
21 and shall stand repealed on July 1, 2006.

22 **SECTION 6.**

23 All laws and parts of laws in conflict with this Act are repealed.