

Stricken language would be deleted from and underlined language would be added to present law.
Act 1011 of the Regular Session

State of Arkansas *As Engrossed: H3/9/17 H3/16/17 S3/27/17*
91st General Assembly **A Bill**
Regular Session, 2017

HOUSE BILL 2175

By: Representative D. Douglas

For An Act To Be Entitled

AN ACT TO REPEAL ARCHAIC LANGUAGE IN TITLE 2 OF
ARKANSAS CODE; TO AMEND THE LAW CONCERNING THE
ARKANSAS LIVESTOCK AND POULTRY COMMISSION; TO AMEND
THE LAW CONCERNING CONTROL OF CONTAGIOUS DISEASES;
AND FOR OTHER PURPOSES.

Subtitle

TO REPEAL ARCHAIC LANGUAGE IN TITLE 2 OF
ARKANSAS CODE; TO AMEND THE LAW
CONCERNING THE ARKANSAS LIVESTOCK AND
POULTRY COMMISSION; AND TO AMEND THE LAW
CONCERNING CONTROL OF CONTAGIOUS
DISEASES.

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

SECTION 1. Arkansas Code § 2-33-102(a), concerning members of the
Arkansas Livestock and Poultry Commission, is amended to read as follows:

(a) The Arkansas Livestock and Poultry Commission shall consist of
seven (7) members who are residents and electors of this state to be
appointed by the Governor by and with the advice and consent of the Senate
for terms of seven (7) years and shall be actively engaged in the Arkansas
livestock or poultry industries.

SECTION 2. Arkansas Code § 2-33-103 is amended to read as follows:
2-33-103. Organization and meetings.

(a)~~(1)~~ The Arkansas Livestock and Poultry Commission shall from time



to time select from its membership a chairman and a vice chairman.

~~(2) The executive director shall be ex officio secretary of the commission but shall have no vote on matters coming before it.~~

(b)(1)~~(A)~~ The commission shall adopt and may modify rules for the conduct of its business and shall keep a record of its transactions, findings, and determinations, which shall be public.

~~(B)(2)~~ The rules shall provide for regular meetings and for special meetings at the call of the chairman or the vice chairman if he or she is, for any reason, the acting chairman, either at his or her own instance or upon the written request of at least four (4) members.

~~(2) A quorum shall consist of not less than four (4) members present at any regular or special meeting, and the affirmative vote of this number shall be necessary for the disposition of any business.~~

~~(3)(A) The commission shall meet at such times and places as in each instance may suit the commission's convenience.~~

(c)(1) A majority of the membership of the commission shall constitute a quorum.

(2) A majority vote of those members present shall be required for any action of the commission.

(d) A vacancy on the commission due to death, resignation, removal, or other cause shall be filled by appointment by the Governor for the unexpired portion of the term.

(e) The Governor may remove a member of the commission before the expiration of his or her term for cause only, after notice and a hearing in accordance with §§ 25-17-210 and 25-17-211.

~~(B)(f)~~ All meetings shall be open to the public.

SECTION 3. Arkansas Code § 2-33-104 is amended to read as follows:
2-33-104. ~~Executive~~ Deputy director.

(a)~~(1)~~ The ~~Executive~~ Deputy Director of the Arkansas Livestock and Poultry Commission shall be appointed by ~~and serve at the pleasure of the Governor~~ the Secretary of the Arkansas Agriculture Department.

~~(2) The executive director shall be charged with the duty of administering the fiscal provisions of this subchapter and of other laws where the functions, powers, and duties of the state agency are vested in and imposed upon the commission.~~

~~(3) The applicable provisions of the General Accounting and Budgetary Procedures Law, § 19-4-101 et seq., and the Arkansas Purchasing Law, § 19-11-201 et seq., as these laws relate to the financial transactions of the commission, shall be fully complied with by the executive director.~~

~~(b) The commission may, by resolution duly adopted, delegate to the executive director any of the powers or duties vested in or imposed upon it by law, and these delegated powers or duties may be exercised by the executive director in the name of the commission.~~

~~(c) Subject to the availability of funds for the purpose, the executive director shall employ and, within limitations established by the General Assembly, fix the salaries of veterinarians, animal pathologists, bacteriologists, laboratory technicians, livestock, poultry, and egg-grading inspectors, other personnel, and agents, as the commission shall deem necessary to permit it to effectively carry out the duties imposed upon it by law.~~

~~(d)(1) The executive director shall be custodian of all property held in the name of the commission and shall be ex officio disbursing agent of all funds available for its use.~~

~~(2)(A)(i) The executive director shall furnish bond to the state, with corporate surety thereon, in the penal sum of twenty-five thousand dollars (\$25,000), conditioned that he or she will faithfully perform his or her duties of employment and properly account for all funds received and disbursed by him or her.~~

~~(ii) An additional disbursing agent's bond shall not be required of the executive director.~~

~~(B) The bond shall be filed with the Secretary of State, and executed counterparts thereof shall be filed with the Auditor of State.~~

~~(C) The premiums on the bond shall be paid with funds made available for the use of the commission.~~

SECTION 4. Arkansas Code § 2-33-105 is amended to read as follows:

2-33-105. State Veterinarian.

(a)(1) Subject to the approval of the Arkansas Livestock and Poultry Commission, the ~~Executive Director of the Arkansas Livestock and Poultry Commission~~ Secretary of the Arkansas Agriculture Department shall appoint a State Veterinarian.

(2) The State Veterinarian shall be a person who has been granted the degree of Doctor of Veterinary Medicine ~~by a recognized school of veterinary medicine~~ and ~~who~~ holds a current license issued by the Veterinary Medical Examining Board of this state.

(b)(1) The State Veterinarian shall perform such duties as shall from time to time be prescribed by the commission and the ~~executive director~~ Secretary of the Arkansas Agriculture Department.

(2) The commission may, by resolution duly adopted, delegate to the State Veterinarian any of the powers or duties vested in or imposed upon it by law, and these delegated powers or duties may be exercised by the State Veterinarian in the name of the commission.

~~(c)(1)(A) The State Veterinarian shall furnish bond to the state, with corporate surety thereon, in the penal sum of ten thousand dollars (\$10,000), conditioned that he or she will faithfully perform his or her duties of employment.~~

~~(B) The bond shall be filed with the Secretary of State, and executed counterparts thereof shall be filed with the Auditor of State.~~

~~(2) The premiums on the bond shall be paid with funds made available for the use of the commission.~~

SECTION 5. Arkansas Code § 2-33-106 is repealed.

~~2-33-106. Bonding of employees.~~

~~(a)(1) The Executive Director of the Arkansas Livestock and Poultry Commission may cause any or all employees of the Arkansas Livestock and Poultry Commission to be bonded by corporate surety companies.~~

~~(2) The bonds, individual or blanket, shall be in such amounts and contain such conditions as the executive director shall determine.~~

~~(3) The bonds shall be filed in the office of the commission.~~

~~(b) The premiums on all bonds coming under this section shall be paid with funds made available for the use of the commission.~~

SECTION 6. Arkansas Code § 2-33-107 is amended to read as follows:

2-33-107. Powers and duties generally.

(a)(1) ~~Full authority~~ Authority for the control, suppression, and eradication of livestock and poultry diseases and pests, and supervision of livestock and poultry ~~sanitary~~ work in this state including authority to

promulgate rules governing the handling, sale, and use of vaccines, antigens, and other biological products used for reportable diseases and emergencies affecting livestock and poultry, is vested in the Arkansas Livestock and Poultry Commission.

~~(2) Without limiting the generality of subdivision (a)(1) of this section or of the other provisions of this subchapter or of other applicable law, it shall be the function, power, and duty of the commission to administer the applicable provisions of the following laws as they relate to administration by a state agency:~~

- ~~(A) Act 409, approved May 28, 1907;~~
- ~~(B) Act 171, approved March 2, 1945;~~
- ~~(C) Act 396, approved March 21, 1951;~~
- ~~(D) Act 33, approved February 11, 1957;~~
- ~~(E) Act 34, approved February 11, 1957;~~
- ~~(F) Act 154, approved March 5, 1957;~~
- ~~(G) Act 94, approved February 24, 1959;~~
- ~~(H) Act 179, approved March 6, 1959; and~~
- ~~(I) Act 196, approved March 8, 1961.~~

(b) The commission shall have the authority to:

(1) Enter into cooperative work agreements with any or all ~~the several federal departments and~~ agencies in matters relating to the functions performable by the commission including, but not limited to, general livestock and poultry disease control programs ~~such as brucellosis, tuberculosis, hog cholera, scabies, pullorum, and leucosis;~~

(2)~~(A)(i)~~ Receive and expend any moneys arising from federal means, grants, contributions, gratuities, or reimbursements for or on account of any of the functions at any time performable by the commission.

~~(ii) Unless provisions shall have otherwise been made by the federal agencies furnishing the funds, all moneys shall be deposited in the State Treasury to the credit of the commission if legislative appropriations are, at the time, available for its use.~~

~~(B)(i) In the event the Chief Fiscal Officer of the State shall advise the commission that appropriations are not available, the commission shall have the authority to establish one (1) or more accounts in its name in one (1) or more banks and thereafter deposit the moneys to the credit of one (1) or more of the accounts and withdraw the moneys for the~~

~~purposes for which granted, donated, or received.~~

~~(ii) Before any moneys may be so deposited in a bank, the commission shall obtain the written approval of the Chief Fiscal Officer of the State;~~

(3) Cooperate with similar agencies existing in other states and with the appropriate federal agencies and appropriate other agencies of this state for the purpose of coordinating laws, rules, and regulations governing the interstate movement of livestock and poultry and the products producible therefrom, with the view of safeguarding against animal diseases, insects, and pests and at the same time endeavoring to eliminate interstate trade barriers;

(4) Cooperate with, and receive the cooperation of, all state-supported institutions of higher education in matters of mutual interest relating to the development of the livestock and poultry interests of this state;

(5) Cooperate with the state, district, and county livestock show associations in the promotion and development of the livestock and poultry industry of this state;

(6) Contract and be contracted with; ~~and~~

(7) Take such other action, not inconsistent with law, as it shall deem necessary or desirable to effectively carry out its duties;

(8) Make such modifications or adjustments in disease and pest control and eradication activities and programs as it deems necessary or appropriate to enable it to carry out its responsibilities with respect to such activities and programs;

(9) Obtain, upon majority vote of the commission, health records of livestock and poultry, including records of livestock and poultry produced, sold, processed, or otherwise handled, to enable it to effectively administer and enforce its rules, regulations, and laws relating to disease or pest control and eradication programs; and

(10) Prescribe, by administrative rule, the method and manner for testing and vaccination of livestock or poultry located within the state but such authority shall not interfere with farmer vaccination of his or her own product.

(c) The Arkansas Livestock and Poultry Commission shall have the authority to make, modify, and enforce such rules, regulations, and orders,

not inconsistent with law, as it shall from time to time deem necessary to effectively carry out the functions performable by it.

SECTION 7. Arkansas Code § 2-33-108 is repealed.

~~2-33-108. Authority to stop vehicles, etc.~~

~~(a)(1) Livestock inspectors and other employees of the Arkansas Livestock and Poultry Commission designated by the commission shall have the authority to:~~

~~(A) Stop vehicles transporting livestock or poultry in the state for purposes of examining:~~

~~(i) Livestock being transported in the vehicle;~~

~~(ii) The sanitary conditions of the vehicles transporting the livestock; and~~

~~(iii) The documents relating to the health of the livestock being transported; and~~

~~(B) Make such other inspections as the commission may authorize or direct by administrative rule or regulation to enable it to carry out its responsibilities regarding disease and pest control and eradication.~~

~~(2) Livestock inspectors and other designated employees of the commission shall have no authority to stop vehicles transporting poultry unless and until the commission shall have first issued a proclamation declaring that there is an imminent peril of disease or disaster affecting poultry in the state.~~

~~(b) If the contents of a vehicle are not in compliance with state or federal laws or regulations, the commission employee shall have the authority to detain the vehicle and order the contents to be unloaded and quarantined at the nearest facility until the contents are brought into compliance.~~

~~(c) Such personnel of the commission are further authorized to make arrests or issue citations to appear in court to those parties involved in committing violations of laws and commission regulations designed to control and eradicate diseases in livestock and poultry in the state.~~

~~(d) Such employees designated by the commission shall, upon employment, be required to attend and successfully complete a curriculum offered by the Arkansas Law Enforcement Training Academy.~~

~~(e) Any person or entity who violates this section shall, upon~~

~~conviction, be guilty of a Class A misdemeanor.~~

SECTION 8. Arkansas Code § 2-33-109 is repealed.

~~2-33-109. Rules, regulations, and orders.~~

~~The Arkansas Livestock and Poultry Commission shall have the authority to make, modify, and enforce such rules, regulations, and orders, not inconsistent with law, as it shall from time to time deem necessary to effectively carry out the functions performable by it.~~

SECTION 9. Arkansas Code § 2-33-110 is repealed.

~~2-33-110. Violations in interstate movement.~~

~~In the interstate movement of any livestock, poultry, or other domestic fowl or in the interstate movement of any product derived from livestock, poultry, or other domestic fowl, it shall be a Class A misdemeanor for any person, firm, or corporation to violate any regulation of the Arkansas Livestock and Poultry Commission.~~

SECTION 10. Arkansas Code § 2-33-111 is amended to read as follows:

2-33-111. Livestock and poultry diagnostic services.

(a) The Arkansas Livestock and Poultry Commission may promulgate rules and regulations concerning services performed by ~~its diagnostic laboratories that pertain to all species of livestock and poultry~~ the Arkansas Livestock and Poultry Commission Veterinary Diagnostic Laboratory.

(b)(1) A fee structure may be designed and maintained by the commission for the purpose of defraying the cost of diagnostic services.

(2)(A) The fees collected shall be deposited in the State Treasury as special revenues and shall be credited to the Livestock and Poultry Special Revenue Fund.

(B) Before the close of each fiscal year, the Chief Fiscal Officer of the State shall determine the amount of moneys which will remain at the end of the fiscal year in the account from fees collected under ~~the provisions of this section~~ and shall allow the moneys to be carried forward and made available for the same purposes in the next succeeding fiscal year.

(c)(1) All materials, data, and information received by the Arkansas Livestock and Poultry Commission Veterinary Diagnostic Laboratory are confidential and are not subject to examination or disclosure under the

Freedom of Information Act of 1967, § 25-19-101 et seq.

(2) An employee shall not knowingly disclose any materials, data, or information concerning submissions to the Arkansas Livestock and Poultry Commission Veterinary Diagnostic Laboratory without the consent of the parties involved.

SECTION 11. Arkansas Code § 2-33-112 is repealed.

~~2-33-112. Small animal diagnostic services.~~

~~(a) The Arkansas Livestock and Poultry Commission may promulgate rules and regulations concerning services performed by its diagnostic staff that pertain to small animals such as dogs, cats, and others that are considered to be household or family pets.~~

~~(b)(1) A fee structure may be designed and maintained by the commission for the purpose of defraying the costs of these services.~~

~~(2) The fees collected shall be deposited in the State Treasury as special revenues and shall be credited to the Livestock and Poultry Special Revenue Fund.~~

SECTION 12. Arkansas Code § 2-33-113 is amended to read as follows:

2-33-113. Disposition of fees, revenues, fines, and penalties.

~~(a) All fees and revenues collected by the Arkansas Livestock and Poultry Commission shall be deposited in the State Treasury as special revenues to be used for the maintenance, operation, and improvement of the commission~~ be credited to the Livestock and Poultry Disease Control and Eradication Fund.

~~(b) All fines and penalties resulting from arrests made or citations issued by commission enforcement officers shall be distributed as follows:~~

~~(1) Eighty percent (80%) to the Treasurer of State to be deposited into the State Treasury as special revenues and credited to the Livestock and Poultry Commission Disease and Pest Control Fund to be used as additional revenues for the operation of the enforcement unit; and~~

~~(2) Twenty percent (20%) to the city wherein the violation occurred or, if the violation occurred in an unincorporated area, to the county wherein the violation occurred.~~

SECTION 13. Arkansas Code § 2-33-114(b), concerning the Federal

Arkansas Livestock and Poultry Commission Fund, is amended to read as follows:

(b) Federal funds as may be allotted to the Arkansas Livestock and Poultry Commission for maintenance and operation of its ~~Agriculture Marketing Service Program~~ cooperative programs with the United States Department of Agriculture shall be deposited in the fund created in this section.

SECTION 14. Arkansas Code § 2-33-115 is amended to read as follows:
2-33-115. Fees.

(a) The following fees shall be assessed by the Livestock and Poultry Commission:

~~(1) A fee of two dollars (\$2.00) per head collected on all private ownership cow tests in the state;~~

~~(2)~~(1) A fee of two dollars (\$2.00) per head collected on all horses sold in the state;

~~(3)~~(2) On each state, district, and county fair held in the State of Arkansas there shall be levied a four and one half percent (4.5%) surcharge on each paid admission to the fairs, and such levy shall be remitted to the Treasurer of State, who shall deposit the revenues in the State Treasury to the credit of the Livestock and Poultry Special Revenue Fund or the Livestock and Poultry Disease Control and Eradication Fund as determined by the Secretary of the Arkansas Agriculture Department.

(b) The commission is hereby authorized to promulgate such rules and regulations as are necessary to administer the fees, rates, or charges for services established herein.

SECTION 15. Arkansas Code § 2-33-116 is repealed.

~~2-33-116. Livestock and Poultry Fund funds.~~

~~The Executive Director of the Arkansas Livestock and Poultry Commission, with the approval of the Chief Fiscal Officer of the State, may transfer funds from the Livestock and Poultry Equine Infectious Anemia Control Fund to the Livestock and Poultry Fund Account~~

SECTION 16. Arkansas Code Title 2, Chapter 33, Subchapter, 2 is repealed.

~~Subchapter 2 — Livestock Division~~

~~2-33-201. Livestock.~~

~~There is established a Livestock Marketing Division of the Arkansas Livestock and Poultry Commission which shall have the responsibility of administering, under the direction of the commission, the USDA Beef Carcass Data Service and a feeder pig and feeder calf grading program authorized by this subchapter.~~

~~2-33-202. Rules and regulations.~~

~~The Arkansas Livestock and Poultry Commission shall promulgate such reasonable rules and regulations as it may deem necessary for the enforcement of the provisions of this subchapter.~~

~~2-33-203. Carcass data service.~~

~~(a) The Arkansas Livestock and Poultry Commission is authorized to establish a carcass data service which shall be established in cooperation with the United States Department of Agriculture and shall be in compliance with applicable standards and requirements as prescribed by the United States Department of Agriculture for carcass data services.~~

~~(b) The commission shall have the authority to establish a fee rate payment for the carcass data information, which shall be at least equal to United States Department of Agriculture guidelines, but may be increased by the commission when deemed necessary for the conduct of the program.~~

~~2-33-204. Feeder pig and feeder calf grading program.~~

~~(a) The Arkansas Livestock and Poultry Commission is authorized to establish a feeder pig and feeder calf grading program and shall be empowered to cooperate with the United States Department of Agriculture and other state agencies in this and other states to formulate and establish an "Arkansas Standard" for feeder pigs and feeder calves which shall be equal to or higher than United States Department of Agriculture quality grades as experience would require.~~

~~(b)(1)(A) The commission shall be empowered to establish a fee for feeder pig and feeder calf grading services to be charged those livestock producers requesting such service.~~

~~(B) The fees may be adjusted from time to time as it may~~

~~be deemed necessary by the commission to defray the costs of the program.~~

~~(2)(A) Any livestock producer failing to pay the fees for service in accordance with the regulations promulgated by the commission shall forfeit the right thereafter to benefit from the service until the passed fees are paid.~~

~~(B) All unpaid costs shall be collectible by the commission in the same manner provided by law for collection of delinquent gross receipts taxes.~~

~~2-33-205. Intergovernmental cooperation.~~

~~(a) The Arkansas Livestock and Poultry Commission is authorized to cooperate with the appropriate federal agencies and the appropriate agencies of this state and other states for the purpose of coordinating laws, rules, and regulations governing market news, carcass data, and graded feeder pig and feeder calf sales, with the view of promoting high quality animal products and information.~~

~~(b)(1) The commission may enter in cooperative arrangements with cooperating adjoining states to provide standards of graded sales and cooperative use of graders and news reporters whereby cooperating states may pay a portion of the expenses and salaries of personnel.~~

~~(2) The moneys shall be collected and deposited in the Livestock and Poultry Commission Fund.~~

~~2-33-206. Funds from carcass data and grading programs.~~

~~All funds received by the Livestock and Poultry Commission for providing carcass data and feeder pig and feeder calf grading service shall be deposited in the State Treasury. Upon receipt, the Treasurer of State shall monthly credit the funds as nonrevenue receipts to an account to be known as the Livestock and Poultry Commission Fund to be used for salaries, expenses, equipment, maintenance, operation, and administrative expenses of the graded feeder pig or feeder calf program of the division.~~

~~2-33-207. Spraying of livestock.~~

~~(a) The Arkansas Livestock and Poultry Commission shall make reasonable and necessary rules and regulations for spraying livestock in this state for the eradication and control of ticks and other livestock pests.~~

~~(b)(1)(A) Any person in this state desiring to have livestock sprayed may make application to the commission. Spraying shall be done as soon as possible after application is made, within the limitations of equipment and personnel available to the commission.~~

~~(B) A charge of ten cents (10¢) per head of livestock sprayed shall be charged by the commission to cover necessary costs of chemicals, personnel, and maintenance in spraying the livestock.~~

~~(2) No livestock shall be sprayed until the owner or person in charge thereof shall sign a statement in writing releasing the commission and the State of Arkansas of any claim or liability for any resulting damage to livestock because of the spraying.~~

~~2-33-208. Livestock spraying program payments.~~

~~(a) The Arkansas Livestock and Poultry Commission is authorized to maintain moneys being held in bank accounts derived from payments received in connection with the Livestock Spraying Program, as authorized by law, in bank accounts, and the commission may deposit future receipts from the program in those accounts in banks in this state.~~

~~(b) All of the payments derived from the program on deposit in, or hereafter deposited in, bank accounts as authorized in this section shall be maintained in a fund to be known as the Livestock and Poultry Commission Fund and shall be expended only for the purpose of defraying the costs of materials, supplies, and equipment and other necessary expenses in connection with the program.~~

SECTION 17. Arkansas Code § 2-33-302 is repealed.

~~2-33-302. Civil service system.~~

~~(a) All inspectors, graders, supervisors, and other technical personnel employed by the Arkansas Livestock and Poultry Commission in connection with the Poultry and Egg Grading Program authorized in this subchapter shall be employed in job positions under a civil service system established by the commission.~~

~~(b) The commission shall identify the job positions subject to civil service coverage as authorized in this section and shall establish rules and regulations applicable to qualifications and tenure under the civil service system.~~

SECTION 18. Arkansas Code Title 2, Chapter 32, is amended to add an additional subchapter to read as follows:

Subchapter 5 – Administrative Proceedings

2-32-501. Administrative penalties.

(a) The Arkansas Livestock and Poultry Commission may impose administrative penalties not to exceed five thousand dollars (\$5,000) per violation against a person who violates any provision of this subtitle or any rule adopted by the commission under this subtitle.

(b) The imposition of administrative penalties shall be conducted under the Administrative Procedure Act, § 25-15-201 et seq.

(c) The commission or the Deputy Director of the Arkansas Livestock and Poultry Commission may issue subpoenas.

(d) If a person against whom an administrative penalty has been imposed by the commission as authorized under this section fails to pay the penalty to the commission, the commission may file an action to collect the administrative penalty in the circuit court of the county in which the person resides.

2-32-502. Subpoenas – Refusal to testify.

(a) The Arkansas Livestock and Poultry Commission or a member of the commission may issue a subpoena for a witness to require his or her attendance and testimony before the commission, and to require the production of books, papers, and records in any proceeding before the commission that may be material to questions before the commission.

(b) The subpoena under subsection (a) of this section shall be served by:

(1) The county sheriff of the county in which the person resides;

(2) The deputy of the county sheriff; or

(3) Any other officer authorized by law to serve process in this state.

(c) If a person fails or refuses to comply with a subpoena issued by the commission or a member of the commission, or refuses to testify or answer to a matter in which he or she may lawfully be interrogated, the circuit

court of the county in which the person is domiciled, on application of the commission may:

(1) In term time or vacation, issue an attachment for the person;

(2) Compel the person to:

(A) Comply with the subpoena;

(B) Appear before the commission;

(C) Produce the relevant documents; and

(D) Give his or her testimony upon matters as may be lawfully required; and

(3) Punish for contempt a person who fails to obey an order under this section, if the person disobeys a subpoena.

(d) If a person is not domiciled in this state, the circuit court of the county in which the hearing is held or is to be held shall have jurisdiction.

2-32-503. Administration of oath to witnesses.

A member of the Arkansas Livestock and Poultry Commission or his or her attorney may administer an oath to any witness in any hearing, investigation, or proceeding under this subtitle.

2-32-504. Appellate review.

A person affected by a rule, action, or order made by the Arkansas Livestock and Poultry Commission may obtain review of the rule, action, or order under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

2-32-505. Disposition of fees and penalties.

(a) Fees paid and penalties collected under this subtitle shall be deposited into the State Treasury as special revenues credited to the Livestock and Poultry Commission Disease and Pest Control Fund.

(b) Fees or penalties collected under this subtitle shall be cash funds when received by the Treasurer of the State and shall not be deposited into or deemed a part of the State Treasury for the purpose of:

(1) Arkansas Constitution, Article 5, § 29;

(2) Arkansas Constitution, Article 16, § 12;

(3) Amendment 20 to the Arkansas Constitution; or

(4) Any other constitutional or statutory provision.

SECTION 19. Arkansas Code § 2-34-101 is repealed.

~~2-34-101. Earmark and brand to be recorded.~~

~~(a) Every person in this state who has cattle, hogs, sheep, or goats shall have an earmark and brand, and but one (1) of each, and differing from the earmark and brand of his or her neighbors.~~

~~(b) The earmark and brand shall be recorded by the clerk of the county court where the cattle, hogs, sheep, or goats shall be.~~

SECTION 20. Arkansas Code § 2-34-102 is repealed.

~~2-34-102. Age for branding and earmarking.~~

~~(a) Cattle shall be marked with the earmark or branded with the brand of the owner on or before twelve (12) months old.~~

~~(b) Hogs, sheep, and goats shall be marked with the earmark of the owner on or before they are six (6) months old.~~

SECTION 21. Arkansas Code § 2-34-103 is repealed.

~~2-34-103. Brands or marks of minors.~~

~~(a) A minor owning cattle or hogs separate from those of the parent or guardian may have a brand or mark, which shall be recorded.~~

~~(b) The parent or guardian shall be responsible for the proper use of the mark and brand of any minor.~~

SECTION 22. Arkansas Code § 2-34-104 is repealed.

~~2-34-104. Record of marks and brands.~~

~~(a) It shall be the duty of the clerks of the county courts in each county to keep a well-bound book in which they shall record the marks and brands of each individual who may apply to them for that purpose.~~

~~(b) The book shall be subject to the examination of every citizen of the county at all reasonable office hours, free of charge for the examination.~~

SECTION 23. Arkansas Code § 2-34-105 is repealed.

~~2-34-105. Rebranding or remarking purchased stock.~~

~~(a) A person purchasing or acquiring cattle or other stock, where he~~

~~or she brands or marks them with his or her brand or mark after the acquisition of the animals, shall do it in the presence of one (1) or more of his or her neighbors.~~

~~(b) The neighbors are authorized to certify to the fact of branding or marking being done, where done, and in what brand or mark the cattle or other stock were previously, and in what brand or mark they were rebranded or remarked.~~

SECTION 24. Arkansas Code § 2-34-107 is repealed.

~~2-34-107. Branding or misbranding with intent to defraud.~~

~~(a) As used in this section, "domestic animal" means cattle, horses, sheep, goats, and hogs.~~

~~(b) A person who does the following upon conviction is guilty of a Class C felony:~~

~~(1) Purposely brands, misbrands, marks, or mismarks a domestic animal with an intent to defraud; or~~

~~(2) Purposely brands over a previous brand or cuts out or obliterates a previous mark or brand on a domestic animal with an intent to defraud.~~

SECTION 25. Arkansas Code § 2-34-202 is repealed.

~~2-34-202. Penalty.~~

~~(a) A person who knowingly places a brand that has not been registered with the Arkansas Livestock and Poultry Commission upon livestock and that duplicates a brand that is registered with the commission shall be guilty of a Class A misdemeanor.~~

~~(b) Duplication constitutes the use of a similar brand used in any position on the animal designated for use of a registered brand such as the head, neck, shoulder, rib, hip, or breeching.~~

SECTION 26. Arkansas Code § 2-34-204 is repealed.

~~2-34-204. Rules.~~

~~The Executive Director of the Arkansas Livestock and Poultry Commission may prescribe all rules necessary to carry out this subchapter.~~

SECTION 27. Arkansas Code § 2-34-205(c), concerning custody of county

brand records, is amended to read as follows:

(c) The commission shall furnish a record of any brand record in the county record books to any person for a reasonable fee determined by ~~the Executive Director~~ of the Arkansas Livestock and Poultry Commission to offset the costs of furnishing the record.

SECTION 28. Arkansas Code § 2-34-206 is amended to read as follows:
2-34-206. State Brand Book.

(a) The ~~Executive Director of the~~ Arkansas Livestock and Poultry Commission shall publish the State Brand Book, which shall contain a facsimile of each brand and mark that is registered with the Arkansas Livestock and Poultry Commission showing the name and address of the owner, together with the pertinent laws and rules pertaining to registration and reregistration of brands and marks.

(b) The ~~executive director~~ commission, on or before January 1, 1960, and every five (5) years thereafter, shall publish the State Brand Book showing all the brands recorded with the commission before December 1, 1959, and every five (5) years thereafter.

(c) Supplements to the State Brand Book shall be published annually.

SECTION 29. Arkansas Code § 2-34-208(f), concerning registration of brands, is amended to read as follows:

(f) Applications for registration or reregistration shall be properly signed and notarized and accompanied by a reasonable fee to be determined by ~~the Executive Director~~ of the Arkansas Livestock and Poultry Commission to offset the costs of administering this section.

SECTION 30. Arkansas Code § 2-34-210(a), concerning sale of book, is amended to read as follows:

(a) The State Brand Book and all supplements to the State Brand Book, for a five-year period, shall be sold to the public for a reasonable fee to be determined by ~~the Executive Director~~ of the Arkansas Livestock and Poultry Commission to offset the costs of producing the State Brand Book.

SECTION 31. Arkansas Code § 2-34-212(a)(2)(B), concerning transfers of registered brands, is amended to read as follows:

(B) The fee for recording a transfer of title shall be determined by ~~the Executive Director~~ of the Arkansas Livestock and Poultry Commission based on the costs of administering this section.

SECTION 32. Arkansas Code § 2-34-213 is repealed.

~~2-34-213. Brand Registry Fund.~~

~~All funds collected by the Arkansas Livestock and Poultry Commission or an agent of the commission under this subchapter shall be deposited monthly into the State Treasury as special revenues, and the funds shall be credited by the Treasurer of State to the "Brand Registry Fund", which is established by this section, to be used exclusively for the administration of this subchapter.~~

SECTION 33. Arkansas Code § 2-34-214 is amended to read as follows:

2-34-214. Contracts for administration.

(a)(1) The ~~Executive Director~~ of the Arkansas Livestock and Poultry Commission shall enter into a contract with a private entity that operates primarily as a livestock association to administer the registration and recording of marks and brands under this subchapter.

(2) When the ~~executive director~~ commission enters into a contract under this subsection, the ~~executive director~~ commission shall:

(A) Compensate the private entity for its services;

(B) Appoint the private entity as an agent of the Arkansas Livestock and Poultry Commission for purposes of receiving fees allowed under this subchapter; and

(C) Except as provided in subsection (b) of this section, direct the private entity to perform duties assigned to the commission or the executive director under this subchapter.

(b) The ~~executive director~~ commission shall not contract with a private entity to promulgate rules or set fees under this subchapter.

(c) Records concerning the administration of this subchapter are subject to the Freedom of Information Act of 1967, § 25-19-101 et seq., regardless of whether the records are in the custody or control of the commission or a private entity acting as an agent of the commission under this section.

(d) A private entity entering into a contract with the ~~executive~~

~~director~~ commission under this section shall:

(1) Make a monthly accounting to the commission of all funds received by the private entity as an agency of the commission under this section; and

(2) File with the commission a surety bond of a corporate surety authorized to do business in this state in an amount determined by the commission, conditioned on the faithful performance of the private entity's duties and obligations as an agent of the commission under this subchapter.

SECTION 34. Arkansas Code Title 2, Chapter 34, Subchapter 3, is repealed.

~~Subchapter — Drivers~~

~~2-34-301. Penalty.~~

~~(a) A willful violation of this subchapter shall be a violation.~~

~~(b) At the discretion of the court, an offending party shall upon conviction be fined in any sum not exceeding five hundred dollars (\$500).~~

~~2-34-302. Duty to brand stock.~~

~~All persons driving horses, mules, asses, cattle, sheep, hogs, or other stock through this state are required to have a mark or brand with which they shall uniformly mark or brand their stock on some conspicuous part of the animals.~~

~~2-34-303. Certificate of compliance.~~

~~(a) Upon entering Arkansas, cattlemen from another state shall apply to the Executive Director of the Arkansas Livestock and Poultry Commission and there record his, her, or its mark or brand, and upon the oath or affirmation of one (1) or more credible witnesses who are citizens of the state to the effect that § 2-34-302 has been complied with, the executive director shall give him, her, or it a certificate bearing the seal of the state and attested by the executive director that shows that the parties have complied with the requirements of this section and § 2-34-302.~~

~~(b) A failure to comply with this section subjects the parties to having his, her, or its cattle detained until they procure the necessary~~

~~ertificate.~~

~~2-34-304. Duty to keep other stock separated.~~

~~(a)(1) If, in passing through this state, any horses, asses, cattle, sheep, hogs, or other stock should fall in with, or attempt to follow any drove, it shall be the duty of the drover to turn them out or keep them from following.~~

~~(2) In no case shall he or she mark, brand, kill, or in any way injure them.~~

~~(b)(1) A violation of this section shall be punishable as is prescribed by law for marking, branding, enticing away, or killing stock belonging to another.~~

~~(2) If complaint shall be made to any justice of the peace, verified by the affidavit of the complainant, that the drover has violated this section, he or she shall cause a writ to issue, to be called a writ of detention, which writ may be in the following form, viz:~~

~~State of Arkansas, — County of —, The State of Arkansas: to the sheriff or any constable of — County: Whereas, complaint has been made to me in writing, and under oath by —, that —, a drover (here set forth the cause of complaint.) You are, therefore, hereby commanded to summon the aforesaid to appear before me, at my office in said township, on — day of —, to answer said complaint; and you are hereby commanded to take into possession and detain the drove of cattle (or horses) of the said — until otherwise directed by the undersigned: Herein fail not and make due return of this writ on the of —, 19 — J. P.~~

~~To cause the detention of the drove or other property of the drover and have the stock examined.~~

~~(c) The complainant or any other party may recover his or her property, as in any other case, in which event the drover shall pay all costs accruing under this section.~~

SECTION 35. Arkansas Code Title 2, Chapter 35, Subchapter 2, is repealed.

~~Subchapter 2 — Delivering, Transporting, or Selling of Livestock~~

~~2-35-201. Applicability.~~

~~Wherever the words “hogs, cattle, horses, sheep, goats, and other~~

~~livestock” are used in this subchapter, they shall include these animals whether dead or live.~~

~~2-35-202. Exemptions.~~

~~Nothing in this subchapter shall be construed as to prohibit any person from driving across any county line any horse or mule drawn conveyance or any animal mentioned in this subchapter, or riding any horse or mule across any county line, the animal being driven or ridden by the owner or one who is legally entitled thereto.~~

~~2-35-203. Penalty.~~

~~Anyone violating any provision of this subchapter shall be guilty of a Class B misdemeanor.~~

~~2-35-204. Transfer record.~~

~~(a) Any person who desires to deliver or transport, in any manner whatever, any hogs, cattle, horses, or domestic livestock from one (1) county to another within the state, or from one (1) county to another without the state, shall make in triplicate a written transfer record of the transaction before delivering or transporting the livestock.~~

~~(b) The transfer record shall contain:~~

- ~~(1) The date on which delivery is made;~~
- ~~(2) The name of the seller or deliverer;~~
- ~~(3) The name of the consignee and address thereof;~~
- ~~(4) The description of every individual head to be delivered, the description to be made by fleshmark, earmark, and brand, including the approximate individual weight and the sex thereof;~~
- ~~(5) The date obtained by deliverer or seller; and~~
- ~~(6) The name and address of the person from whom each individual head was obtained, where the head has not been in the possession of and under the seller's mark and brand for six (6) months.~~

~~2-35-205. Standard form.~~

~~The Director of the Department of Finance and Administration is directed to prepare a standard form of transfer record to be used in accordance with this subchapter. The form shall contain the information~~

~~specified in this subchapter and shall contain a space to be used by officers and toll bridge operators to state the information they are directed to furnish.~~

~~2-35-206. Verification of record.~~

~~The transfer record shall contain the information as set out in § 2-35-204 and be sworn and subscribed to before any notary public or any other person authorized to take acknowledgments or before any two (2) owners of real property residing in the seller's township, authorized according to law to take acknowledgments, with the oath and subscription to be made by the seller in person.~~

~~2-35-207. Perjury.~~

~~The law of perjury now in force in the State of Arkansas shall apply to transfer records.~~

~~2-35-208. Filing and acknowledgment of record required.~~

~~(a)(1) When the transfer record shall have been sworn and subscribed to by the seller and before any of the animals mentioned in this subchapter shall be carried, delivered, or transported across any county line, the original of the transfer record shall be filed by the seller or his or her duly authorized agent with the notary public or other person authorized in this subchapter who took the acknowledgment.~~

~~(2) The notary public or other person authorized in this subchapter shall affix his or her name and seal of office, if any, thereto.~~

~~(3)(A) The notary public or other person authorized in this subchapter to take acknowledgments shall file, within forty-eight (48) hours after acknowledging the transfer, one (1) copy of the transfer record in the office of the county clerk.~~

~~(B) The transfer record shall be subject to inspection by any interested person.~~

~~(b) Any person authorized to take acknowledgments under this section failing to file a transfer record as provided in this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100).~~

~~(c) The notary public or any other person authorized by law to take acknowledgments, or any two (2) owners of real property residing in the seller's township, taking the acknowledgment on a transfer record may charge a fee of ten cents (10¢) for each transfer record, irrespective of the number of animals contained thereon, and the county clerk may charge a fee of ten cents (10¢) for filing it.~~

~~2-35-209. Duplicate of record.~~

~~(a) Common carriers, trucks for hire, stockyards, and all other persons are prohibited from receiving any hogs, cattle, horses, sheep, goats, and other domestic livestock for transportation, slaughter, or for any other purpose unless the person offering the hogs, cattle, horses, sheep, goats, and other livestock shall deliver to the common carrier, truck for hire, stockyards, or to any other persons a duplicate copy of the transfer record. This record shall show the complete information as required by this subchapter and bear the signature and seal of a notary public or any other person authorized by law to take acknowledgments or any two (2) owners of real property residing in the seller's township of the county in which the hogs, cattle, horses, sheep, goats, and other livestock are offered for transportation, slaughter, or for any other purposes.~~

~~(b)(1) Common carriers and trucks for hire shall comply with the provisions of this subchapter where these animals are to be transported or delivered from one (1) county to another within the state or from one (1) county to outside the state.~~

~~(2) Stockyards and all other persons shall comply with the provisions of this subchapter where the animals have been transported or delivered from another county within the state.~~

~~2-35-210. Authority to stop and inspect transporting vehicles.~~

~~(a)(1) All peace officers and their deputies, revenue department inspectors, highway patrolmen, Department of Arkansas State Police, toll bridge keepers, ferryboat operators, and constables shall have the authority to stop each and every vehicle transporting any of the animals mentioned in this subchapter for the purpose of inspecting the transfer record carried by the operator of the vehicle and to examine the animals in the vehicle.~~

~~(2) Any officer making an examination shall make a notation on~~

~~the transfer record carried by the driver of the vehicle and shall note the date and time of inspection.~~

~~(b) If any of the named officers, upon investigation, find that the transfer record covers any different animals than those in the vehicle or find that the stock is being transported without the operator having the transfer record, they shall have the authority and it shall be their duty to stop the further transportation of the stock by requiring the driver of the vehicle to proceed to the nearest peace officer where the vehicle and stock can be held until the operator of the vehicle obtains a proper transfer record as provided in this subchapter.~~

~~2-35-211. Additional requirements for slaughtered or stored animals.~~

~~(a) Every person receiving slaughtered, or for slaughter, or for storage, any animal as defined in this subchapter, in addition to the other requirements set out in this subchapter, shall be required to:~~

~~(1)(A) Demand and keep the hide of the animal for the period of twenty-four (24) hours from the date it was received, if it was received dead.~~

~~(B) If the animal is received alive, the hide shall be kept for twenty-four (24) hours after slaughter; and~~

~~(2) Keep a permanent record which shall show the following:~~

~~(A) Date and time of receipt of every animal;~~

~~(B) Name and address of person from whom each animal was purchased;~~

~~(C) Amount paid;~~

~~(D) Mark and brand and brief description of each animal; and~~

~~(E) License number and brief description of the truck or conveyance delivering each animal.~~

~~(b) The hides and records provided for in this section shall be open to the inspection of any citizen.~~

~~(c) Any person, firm, or corporation violating any provisions of this section shall be deemed guilty of a misdemeanor.~~

~~2-35-212. Sales within county.~~

~~(a) Whenever any hogs, cattle, sheep, goats, and other livestock are~~

~~sold for slaughter by anyone within the county and whenever any carcass of any of the named animals is sold by anyone within the county, the seller must make a bill of sale of the animal in duplicate, giving the complete information as contained in § 2-35-204, retaining the duplicate, and delivering the original to the purchaser at the time of delivery of the animal or carcass.~~

~~(b) The seller and purchaser shall keep their respective copies of the bill of sale in their permanent files, subject to inspection at all times by any police officer within the state.~~

~~2-35-213. Bonding of nonresident poultry purchasers.~~

~~(a)(1) Every nonresident poultry processor, distributor, or trucker who customarily purchases any poultry from the producers in this state shall post a bond with the Secretary of State in the amount of ten thousand dollars (\$10,000) with some corporate surety authorized to issue these bonds in this state as surety thereon, to ensure producers of the payment for the poultry if for any reason, including insolvency of the buyer, the buyer shall fail to make payment for the poultry.~~

~~(2) The aggregate liability of the surety to all the producers in no event shall exceed the amount of the bond.~~

~~(b) Any nonresident person engaging in the business of buying poultry who shall purchase any poultry from the producer in this state without having filed the surety bond required in this section shall be guilty of a misdemeanor. Upon conviction, an offender shall be fined in any sum not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500).~~

~~2-35-214. Interstate movement of cattle.~~

~~The interstate movement of cattle shall be exclusively governed and regulated in accordance and compliance with the rules and regulations of the United States Department of Agriculture.~~

~~2-35-215. Interstate shipping points.~~

~~(a) The state inspector of cattle or other livestock requiring inspection under the rules and regulations of the federal government relating to shippers from the State of Arkansas shall provide shipping points to facilitate convenience and expenses to shippers.~~

~~(b)(1) The inspector shall provide shipping points at Little Rock, Pine Bluff, Hot Springs, El Dorado, Hope, DeQueen, Waldron, Danville, Mena, Brinkley, Dermott, Arkadelphia, Batesville, Dumas, Dardanelle, Booneville, Van Buren, Rogers, Perry, Beebe, Monticello, Paris, Star City, Heber Springs, and Elba.~~

~~(2) At each of these places, there shall be provided a dipping vat with a federal representative to control, operate, and inspect all animals brought there for inspection.~~

~~(c) Counties not being under quarantine regulations may be exempt from the provisions of this section.~~

SECTION 36. Arkansas Code § 2-40-101 is repealed.

~~2-40-101. Penalties.~~

~~(a)(1) Any person who assaults or by force or violence resists, opposes, impedes, intimidates, or interferes with any employee of the Arkansas Livestock and Poultry Commission while the employee is engaged in the performance of his or her official duties or because the employee has carried out or is about to carry out his or her official duties shall be guilty of a Class A misdemeanor and shall be punished accordingly.~~

~~(2) If the person uses a dangerous or deadly weapon in the commission of the acts, the person shall be guilty of a Class D felony and shall be punished accordingly.~~

~~(b) Any person who without the use of force or violence resists, opposes, impedes, intimidates, or interferes with any employee of the commission while the employee is engaged in the performance of his or her official duties or because the employee has carried out or is about to carry out his or her official duties shall be guilty of a Class C misdemeanor and shall be punished accordingly.~~

~~(c)(1) Any person who shall bring into or cause to be brought into the state any animal suffering from a contagious or infectious disease or any animal that has been exposed to the contagion or infection of any disease, knowing the animal to have been so diseased or to have been so exposed, shall be guilty of a violation.~~

~~(2)(A) Upon conviction, an offender shall be fined in any sum not to exceed five hundred dollars (\$500).~~

~~(B) In addition, he or she shall be liable to others for~~

~~damages due to infection from the animal.~~

SECTION 37. Arkansas Code § 2-40-102 is repealed.

~~2-40-102. Administration.~~

~~The duty of supervising the livestock sanitary work of this state for the purpose of preventing the introduction and spread of contagious or infectious animal diseases shall be vested in the Arkansas Livestock and Poultry Commission, which may depute to the State Veterinarian so much of the authority granted as it may deem wise and expedient for the prompt performance of the duties referred to in this chapter.~~

SECTION 38. Arkansas Code § 2-40-103 is amended to read as follows:

2-40-103. Duties and enforcement.

(a) It shall be the duty of the Arkansas Livestock and Poultry Commission to:

(1) Inquire into and investigate all outbreaks of contagious or infectious disease of animals;

(2) Establish and promulgate such rules and regulations in regard to isolation or quarantine of infected animals, disinfection of animals and premises, destruction of incurably diseased animals, and disposal of carcasses as it may deem necessary to prevent the spread of disease;

~~(3) Make rules for preventing the spread of disease borne by milk or other dairy products;~~

~~(4)~~(3) Promulgate regulations for the protection of areas from which animal diseases may be eradicated; and

~~(5)~~(4) Draft regulations for compensation for owners of exposed or diseased animals and contaminated equipment or other material unsuitable for proper disinfection or destroyed, or for others for any other necessary expenses or for any other purpose, indemnity being subject to available funds; and.

~~(6) Promulgate regulations for the inspection of carcasses of slaughtered animals and sanitary conditions in and about packing houses slaughtering more than ten thousand (10,000) head of animals for human consumption each year.~~

(b) Any federal veterinary inspector working in Arkansas cooperating with the commission shall have the power of enforcing the rules and

regulations of the commission.

SECTION 39. Arkansas Code § 2-40-104 is repealed.

~~2-40-104. Duty to report.~~

~~It shall be the duty of any owner or person in charge of any animals who discovers, suspects, or has reason to believe that any of his or her domestic animals, or domestic animals in his or her charge, are affected with any contagious or infectious disease, to immediately report the fact, belief, or suspicion to the Arkansas Livestock and Poultry Commission or to the State Veterinarian.~~

SECTION 40. Arkansas Code § 2-40-105 is repealed.

~~2-40-105. Inspectors and agents.~~

~~(a) The State Veterinarian of the Arkansas Livestock and Poultry Commission may appoint inspectors and agents to act under instructions from the State Veterinarian.~~

~~(b) The salary of inspectors and agents shall be determined by the commission and be paid out of such moneys of the commission as may be lawfully used for this purpose.~~

~~(c) Any employee of the Arkansas Livestock and Poultry Commission serving in the capacity of Livestock Inspector, Equine Infectious Anemia Inspector, or any position as delegated by the State Veterinarian, may also assume the responsibilities and perform in the capacity of a Livestock and Poultry Inspector/Investigator or National Poultry Improvement Plan Inspector.~~

SECTION 41. Arkansas Code § 2-40-106 is amended to read as follows:

2-40-106. Examinations and findings.

(a)(1) Any veterinary inspector or other employee duly authorized by the Arkansas Livestock and Poultry Commission shall have the privilege of entering upon any property or premises in this state for the purpose of examining or testing animals which he or she has reason to believe are affected with a contagious or infectious disease so as to constitute a menace to the livestock and poultry of the community.

(2) ~~In case of opposition or hindrance, he~~ He or she may call on one (1) or more peace officers. It shall be their duty to give him or her all

assistance in their power.

(b)(1) When ordered by the State Veterinarian ~~of the commission~~, owners or persons in charge of animals shall assemble them at a designated time and place for the purpose of examining, testing, treating, ~~autopsy~~ necropsy, disinfecting, or for any other purpose.

(2)(A)~~(i)~~ If after examination of suspected animals the veterinary inspector shall find them to be affected with ~~glanders or other contagious or infectious~~ any reportable disease, he or she shall furnish the owner or person in charge of the animals with a report of his or her findings and with a copy of the existing law and rules and regulations of the commission in regard to the disease.

~~(ii) The inspector shall furnish a similar report and copy to the sheriff of the county and to the nearest town marshal or constable, whose duty it shall be to see that the rules and regulations are complied with.~~

(B) Any person who, after notification, shall fail to comply with the regulations shall be guilty of ~~a misdemeanor~~ an administrative penalty. ~~Upon conviction, an offender shall be fined in any sum not to exceed three hundred dollars (\$300).~~ He or she shall also be liable for damages to others due to infection from his or her stock.

SECTION 42. Arkansas Code § 2-40-107 is repealed.

~~2-40-107. Expenses.~~

~~(a) The expenses which may be incurred by the sheriff or marshal in performing his or her duty, as prescribed in this chapter, shall be a valid claim against the county or city in which the services were rendered.~~

~~(b)(1) All expenses incurred by the State Veterinarian employed by the Arkansas Livestock and Poultry Commission in the performance of the duties referred to in this chapter shall be paid out of the fund appropriated to the University of Arkansas for this purpose.~~

~~(2) The conditions of this chapter shall be obligatory on the commission only while the appropriation is available.~~

SECTION 43. Arkansas Code § 2-40-108 is repealed.

~~2-40-108. Anthrax spore vaccine.~~

~~It shall be unlawful to use or sell anthrax spore vaccine in any~~

~~territory, county, or parts thereof where anthrax has been diagnosed and found to exist, unless with the advice and consent of the Arkansas Livestock and Poultry Commission.~~

SECTION 44. Arkansas Code § 2-40-109 is amended to read as follows:

2-40-109. Destruction of diseased poultry flocks.

(a) When the Arkansas Livestock and Poultry Commission determines that any flock of chickens, turkeys, ducks, geese, or other poultry is ~~diseased and that~~ infected with a reportable disease the flock ~~should~~ may be ~~destroyed~~ depopulated or condemned and properly disposed of to prevent the spread of the disease, ~~the commission may negotiate for and buy that flock at a price that would reasonably approximate the market value of that flock if it were not diseased and may dispose of the diseased poultry in such manner as it deems appropriate to prevent the spread of the disease.~~

~~(b) If the commission is unable to acquire a diseased flock of poultry through negotiation, it shall have the authority to condemn the diseased flock and dispose of it to prevent the spread of disease.~~

~~(c)~~(b) The commission is authorized to adopt rules and regulations to prescribe the procedures for condemning a diseased poultry flock as authorized in this section ~~if the procedures for condemnation shall provide the owner an opportunity to be heard in the matter, shall assure him or her fair compensation for the birds, and shall otherwise afford the owner full due process of law in the condemnation process.~~

SECTION 45. Arkansas Code § 2-40-110 is amended to read as follows:

2-40-110. Canine brucellosis.

(a)(1) If a dog tests positive for canine brucellosis, the owner shall:

(A) Report the test results to the Arkansas Livestock and Poultry Commission; ~~and~~

(B) Immediately have the dog neutered, spayed, or ~~destroyed,~~ euthanized; and

(C) Immediately test all other sexually intact dogs on the premises for Canine Brucellosis.

(2) If the owner is unknown, then the person having custody of the dog shall comply with this section.

(3) The sale or adoption of sexually intact dogs from a positive premises is prohibited.

(b) A violation of this section is a Class A misdemeanor. A person who violates this section is subject to an administrative penalty.

SECTION 46. Arkansas Code § 2-40-201 is repealed.

~~2-40-201. Provisions supplemental.~~

~~The provisions of this subchapter shall be supplemental and in addition to the present laws relating to the Arkansas Livestock and Poultry Commission and the disease and pest control and eradication activities of the commission. The provisions of this subchapter shall repeal only those portions of present law that are in direct conflict with the provisions of this subchapter and those which would otherwise limit or restrict the authority granted the commission in this subchapter to alter or revise its livestock and poultry disease and pest control and eradication activities through administrative rules and regulations.~~

SECTION 47. Arkansas Code § 2-40-202 is repealed.

~~2-40-202. Authority of commission generally.~~

~~(a) The Arkansas Livestock and Poultry Commission, by appropriately adopted administrative rules and regulations, is authorized to modify or adjust its disease or pest control and eradication activities and responsibilities so as to make them more effective or conform more closely to federal and state disease or pest control and eradication programs, as they relate to any and all contagious, communicable, or infectious diseases or pests.~~

~~(b) The commission may make such modifications or adjustments in disease and pest control and eradication activities and programs as it deems necessary or appropriate to enable it to carry out its responsibilities with respect to such activities and programs.~~

SECTION 48. Arkansas Code § 2-40-203 is repealed.

~~2-40-203. Power of subpoena.~~

~~(a)(1) The Arkansas Livestock and Poultry Commission shall have the power and authority, by majority vote of the commission, to issue subpoenas and subpoenas duces tecum to obtain health records of livestock and other~~

~~evidence and information to enable it to effectively administer and enforce its rules, regulations, and laws relating to sanitation standards and disease and pest control and eradication programs.~~

~~(2) Livestock market operators and poultry dealers, packers, and producers shall, upon request, furnish the commission, or its representatives, all records of livestock and poultry produced, sold, processed, or otherwise handled by such persons. Such persons and records shall be subject to subpoena by the commission.~~

~~(b) The commission shall not have authority to issue subpoenas and subpoenas duces tecum to obtain poultry health records and other evidence and information regarding poultry.~~

~~(c) Poultry dealers, packers, and producers shall not be required to furnish records of poultry produced, sold, processed, or otherwise handled unless and until the commission shall have first issued a proclamation declaring there to be eminent danger of the existence in the state or transmission into the state of avian influenza or other exotic poultry diseases.~~

SECTION 49. Arkansas Code § 2-40-204 is repealed.

~~2-40-204. Testing and vaccination of livestock.~~

~~(a)(1) The Arkansas Livestock and Poultry Commission shall have the authority, by administrative rule or regulation, to prescribe the method and manner for testing and vaccination of livestock at livestock markets or other places within the state.~~

~~(2) This authority is not to interfere with farmer vaccination of his or her own product.~~

~~(b) The commission shall have the power to contract for services as needed for disease control.~~

SECTION 50. Arkansas Code § 2-40-206 is amended to read as follows:

2-40-206. Funding of bovine disease program.

(a)(1)(A) In order to fund or partially fund the bovine disease control and eradication program, there is levied a fee of one dollar (\$1.00) per head on all cattle sold in this state to be used for the bovine disease control and eradication program.

(B)(i) However, if the ~~Executive~~ Deputy Director of the

Arkansas Livestock and Poultry Commission determines there is an emergency, the ~~executive director~~ Arkansas Livestock and Poultry Commission may promulgate a rule to temporarily raise the fee set in subdivision (a)(1)(A) of this section after receiving approval of the rule from the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee.

(ii) A rule adopted to raise the fee under this subdivision (a)(1)(B) shall be effective only during the period of time the emergency persists or for one (1) year, whichever is shorter.

(iii) If an emergency persists after one (1) year, the commission may promulgate a rule to extend the increased fee for additional one-year periods by following the procedures stated in subdivision (a)(1)(B)(i) of this section each year the rule increasing the fee is to be effective.

(iv) The ~~executive director~~ commission shall not adopt an emergency rule to raise the fee under this subdivision (a)(1)(B).

(2) The fee shall not be assessed on the resale of any cattle within ten (10) calendar days after the prior sale if the fee was paid on the prior sale.

(b)(1) The fee shall be collected by the purchaser and remitted monthly to the Director of the Department of Finance and Administration, except that if the sale occurs through a livestock auction market or any other agent of the seller, the livestock auction market or other agent shall collect and remit the fee. The director may promulgate such rules and regulations as it deems necessary to implement the collection of the fee.

(2)(A) After deducting three percent (3%) for credit to the Constitutional Officers Fund and the State Central Services Fund the remainder of funds so remitted to the director shall be deposited in the State Treasury as special revenues and credited to the Livestock and Poultry Commission Disease and Pest Control Fund.

(B) Before the close of each fiscal year, the Chief Fiscal Officer of the State shall determine the amount of funds which will remain at the end of the fiscal year in the Livestock and Poultry Commission Disease and Pest Control Fund from fees collected under the provisions of this section. He or she shall allow such funds to be carried forward and made available for the same purposes in the next-succeeding fiscal year.

(C) The Director of the Department of Finance and Administration shall release all information related to the fee levied per head on all cattle sold in the state to be used for the bovine disease control and eradication fund when requested by the Secretary of the Arkansas Agriculture Department.

SECTION 51. Arkansas Code § 2-40-209(b), concerning quarantine and violations, is amended to read as follows:

(b) Any person or entity who violates the quarantine rules ~~and regulations~~ lawfully promulgated by the commission ~~pursuant to its statutory authority shall, upon conviction be guilty of a Class A misdemeanor~~ shall be subject to an administrative penalty.

SECTION 52. Arkansas Code § 2-40-210(d), concerning control and eradication of brucellosis, is amended to read as follows:

(d) Any person or entity who violates the provisions of this section shall ~~upon conviction be guilty of a Class A misdemeanor~~ be subject to an administrative penalty.

SECTION 53. Arkansas Code Title 2, Chapter 40, Subchapter 3, is repealed.

~~Subchapter 3 — Dead Animals Generally~~

~~2-40-301. Penalty.~~

~~(a) Any person, company, or corporation in any county of this state failing to do its duty provided in this subchapter or violating any provision of this subchapter shall be guilty of a violation.~~

~~(b) Upon conviction, the offender shall be fined in any sum of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).~~

~~2-40-302. Cremation.~~

~~(a) When any horse, jenny, cow, sheep, goat, hog, dog, or other animal shall die from disease, accident, or other cause in the State of Arkansas, it shall be the duty of the person owning or having possession thereof or exercising control over it to immediately cremate the animal.~~

~~(b) This section shall not apply to any animal killed or slaughtered~~

~~for food or commercial purposes.~~

~~2-40-303. Civil action.~~

~~(a) Any citizen of any county of this state in which the carcass of an animal may be found is empowered to bring action in the name of the State of Arkansas against the owner of the animal so neglected after death.~~

~~(b) No bond for cost shall be required of the citizen bringing the action.~~

SECTION 54. Arkansas Code § 2-40-402 is amended to read as follows:

2-40-402. Penalty.

~~Each violation of A person who violates this subchapter by a responsible person shall constitute a Class A misdemeanor and shall be punishable as provided in the Arkansas Criminal Code be subject to an administrative penalty.~~

SECTION 55. Arkansas Code § 2-40-405 is repealed.

~~2-40-405. Regulations.~~

~~The Arkansas Livestock and Poultry Commission shall promulgate regulations necessary to implement this subchapter.~~

SECTION 56. Arkansas Code § 2-40-501 is repealed.

~~2-40-501. Penalty.~~

~~Any violation of the provisions of this subchapter shall be a Class A misdemeanor.~~

SECTION 57. Arkansas Code § 2-40-502 is repealed.

~~2-40-502. Vaccination required.~~

~~(a) Beginning July 1, 1981, and to the extent that funds are made available, all female calves between the ages of four (4) months and twelve (12) months shall be vaccinated for brucellosis by an official or authorized agent of the Arkansas Livestock and Poultry Commission or by a duly authorized veterinarian or agent of the United States Department of Agriculture.~~

~~(b)(1) All female bovines between the ages of four (4) months and twelve (12) months, which have not been vaccinated for brucellosis as~~

~~provided in this section and which are sold through Arkansas cattle markets or concentration points for movement to Arkansas farms, shall be vaccinated in accordance with this subchapter before being moved from the market.~~

~~(2) Every female bovine which is twelve (12) months of age or older, that is not calfhood vaccinated or spayed between the ages of four (4) months and twelve (12) months and is sold through any livestock market in the state or otherwise sold by one (1) person to another in the state, which heifer is not from a certified brucellosis free herd, shall meet such permanent identification and restriction requirements as may be prescribed by administrative rules and regulations duly adopted by the commission. This requirement will be reviewed by the commission and is subject to amendment or suspension upon achievement of a class free brucellosis status.~~

~~(c) Each calf vaccinated pursuant to this subchapter shall be identified in accordance with the Brucellosis Uniform Methods and Rules of the United States Department of Agriculture.~~

SECTION 58. Arkansas Code § 2-40-503 is repealed.

~~2-40-503. Standards for vaccine.~~

~~All vaccine used under the provisions of this subchapter shall:~~

~~(1) Be furnished or procured by the Arkansas Livestock and Poultry Commission from laboratories approved by the United States Department of Agriculture;~~

~~(2) Conform to standards of viability and potency; and~~

~~(3) Be so handled to assure effective results.~~

SECTION 59. Arkansas Code § 2-40-504 is repealed.

~~2-40-504. Refusal to vaccinate.~~

~~(a) It shall be unlawful for any person, firm, corporation, or association to refuse to submit calves required to be vaccinated and identified under this subchapter for vaccination, to remove official marks required by it, or to simulate official marks.~~

~~(b) If any person, firm, corporation, or association shall refuse to submit calves required to be vaccinated and identified under this subchapter, the Arkansas Livestock and Poultry Commission may incur such expenses as are necessary to properly vaccinate and identify the calves. These expenses shall be borne by the owner of the calves.~~

SECTION 60. Arkansas Code § 2-40-505 is repealed.

~~2-40-505. Enforcement.~~

~~(a)(1) In order to carry out the provisions of this subchapter, any duly authorized representative of the Arkansas Livestock and Poultry Commission or United States Department of Agriculture may enter upon any premises except dwelling houses at a time agreeable to the commission and to the owner of the premises.~~

~~(2) No person shall interfere with a representative while enforcing the provisions of this subchapter.~~

~~(b) The commission may use the services of official veterinarians or agents or employ the services of other veterinarians or agents to carry out the provisions of this subchapter.~~

~~(c) In order to carry into effect the provisions of this subchapter, the commission may adopt such rules and regulations and require such reports and records as may be necessary.~~

SECTION 61. Arkansas Code § 2-40-506 is repealed.

~~2-40-506. Cooperative agreements.~~

~~The Arkansas Livestock and Poultry Commission may enter into cooperative agreements with the United States Department of Agriculture for the control and eradication of brucellosis as provided for in this subchapter.~~

SECTION 62. Arkansas Code § 2-40-507 is repealed.

~~2-40-507. Indemnities.~~

~~The Arkansas Livestock and Poultry Commission is authorized to pay brucellosis indemnities in accordance and compliance with current rules and regulations of the United States Department of Agriculture.~~

SECTION 63. Arkansas Code § 2-40-508 is amended to read as follows:

2-40-508. Legislative intent.

It is further the intent of the General Assembly that the ~~employees of~~ the Livestock and Poultry Commission will continue to vaccinate heifers on the farm and at the sale barns for brucellosis and will carry out all the practices of the commission which have brought the state to its current near

brucellosis-free status.

SECTION 64. Arkansas Code Title 2, Chapter 40, Subchapter 6, is repealed.

~~Subchapter 6—Brucellosis Control Areas~~

~~2-40-601. Petition.~~

~~Whenever seventy five percent (75%) of the cattlemen or owners of seventy five percent (75%) of the cattle in any county in this state, as reflected on the records of the county assessor, shall petition the Arkansas Livestock and Poultry Commission to have the county made a modified certified brucellosis-free area, the commission may declare the county a brucellosis control area.~~

~~2-40-602. Certification.~~

~~(a)(1) Whenever the Arkansas Livestock and Poultry Commission shall declare a county in this state to be a brucellosis control area, the commission shall proceed to conduct such tests and enforce such reasonable rules and regulations as may be necessary to qualify the county for certification or recertification as a modified certified brucellosis-free county, as outlined in the uniform rules and regulations of the United States Department of Agriculture.~~

~~(2) A county may be certified as a brucellosis free area when not more than one percent (1%) of cattle and not more than five percent (5%) of cattle herds are positive to the official agglutination test.~~

~~(b) Whenever seventy five percent (75%) or more of the counties of this state have been certified by the commission as brucellosis free areas, all other counties not so certified shall automatically become brucellosis control areas.~~

~~2-40-603. Administration.~~

~~In order to carry into effect the provisions of this subchapter, the Arkansas Livestock and Poultry Commission may make such rules and regulations and require such reports and records as may be necessary.~~

SECTION 65. Arkansas Code Title 2, Chapter 40, Subchapter 7, is

repealed.

~~Subchapter 7—Hog Cholera~~

~~2-40-701. Hog cholera virus defined.~~

~~“Hog cholera virus” means an unattenuated virus administered to swine for the purpose of immunizing swine from the disease known as hog cholera.~~

~~2-40-702. Penalties.~~

~~(a) Any person violating a provision of this subchapter shall be guilty of a violation and upon conviction shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100).~~

~~(b)(1) It shall be unlawful for any person, firm, corporation, or association to have in possession or to keep, sell, offer for sale, barter, exchange, give away, or otherwise dispose of hog cholera virus in this state, except at the University of Arkansas or another state-supported institution of higher learning and under the supervision of a licensed veterinarian and with a special written permit issued by the Arkansas Livestock and Poultry Commission.~~

~~(2) Any person, firm, corporation, or association violating any provision of this subsection shall be guilty of a violation and upon conviction shall be fined not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500).~~

~~2-40-703. Administration.~~

~~Rules and regulations to accomplish the intent and purposes of this subchapter shall be made by the Arkansas Livestock and Poultry Commission.~~

~~2-40-704. Duty to report.~~

~~All persons having knowledge of or suspicion of the existence of hog cholera shall immediately report it to the Arkansas Livestock and Poultry Commission or an authorized representative of the commission or report it to the county agent or vocational agriculture instructor or local veterinarian, who shall report it to the commission.~~

~~2-40-705. Investigation.~~

~~All reported or suspected cases of hog cholera shall be investigated by~~

~~a representative of the Arkansas Livestock and Poultry Commission, a veterinarian of the Agricultural Research Service, or an accredited veterinarian to confirm the diagnosis.~~

~~2-40-706. Quarantine.~~

~~All herds known or suspected to be infected with or exposed to hog cholera shall be examined, and no swine may be moved into or from the premises except upon written permission of the representative of the Arkansas Livestock and Poultry Commission. If, after proper diagnosis by a representative named in § 2-40-705, cholera is not found, the quarantine will be removed.~~

~~2-40-707. Disposition of swine.~~

~~(a) Carcasses of swine which have died from hog cholera shall be disposed of by the owner by burning, burial, or rendering under the supervision of a representative of the Arkansas Livestock and Poultry Commission.~~

~~(b) Healthy swine, although exposed to cholera, may be removed to slaughtering establishments under permit and supervision of the commission.~~

~~2-40-708. Sanitation.~~

~~(a) All premises, vehicles, and equipment infected with hog cholera shall be cleaned and disinfected under the direct supervision of a representative of the Arkansas Livestock and Poultry Commission.~~

~~(b) All stockyards or auction markets shall be maintained in a reasonably sanitary condition. When a diseased condition exists, markets must clean and disinfect in accordance with federal regulations under supervision or direction of an attending veterinarian or a representative of the commission.~~

SECTION 66. Arkansas Code § 2-40-802 is amended to read as follows:

2-40-802. Penalties and fines.

Any person, firm, or corporation who violates any provision of this subchapter shall, upon conviction, be guilty of a Class A misdemeanor and shall be ordered by the court to comply within seven (7) calendar days with all provisions of this subchapter and all regulations promulgated under this

~~subchapter, or be guilty of contempt of court~~ be subject to an administrative penalty.

SECTION 67. Arkansas Code § 2-40-803 is repealed.

~~2-40-803. Rules, regulations, and orders.~~

~~(a) The Arkansas Livestock and Poultry Commission may promulgate, modify, and enforce the rules, regulations, and orders not inconsistent with law as it shall from time to time deem necessary to effectively carry out the provisions of this subchapter.~~

~~(b) Except as otherwise provided in this subchapter, upon conviction any person or entity that violates a provision of this subchapter or a commission rule or regulation promulgated pursuant to this subchapter is guilty of a Class A misdemeanor.~~

SECTION 68. Arkansas Code § 2-40-808 is amended to read as follows:

2-40-808. Submission of sample and test charts.

~~(a)~~ All blood samples submitted for official equine infectious anemia tests must be accompanied by a properly completed VS Form 10-11 (Equine Infectious Anemia Laboratory Test Form) or other form prescribed by the Arkansas Livestock and Poultry Commission.

~~(b) Photocopies of the form shall not be considered an official record of the test.~~

SECTION 69. Arkansas Code § 2-40-819(a)(1), concerning testing requirements for change of ownership, is amended to read as follows:

(a)(1)(A) All equidae which are sold, bartered, traded, given free of charge, or offered for sale, or any horses otherwise exchanged for any reason within Arkansas except at approved markets must be accompanied by a record of a negative equine infectious anemia test conducted at an approved laboratory within the previous six (6) months.

~~(B) Photocopies of a VS Form 10-11 or other form prescribed by the Arkansas Livestock and Poultry Commission shall not be considered an official record of the test.~~

~~(C)~~(B) A foal less than six (6) months of age is exempt from the testing requirements if the foal is accompanied by, nursing, and included in change of ownership with a negative tested mare.

~~(D)~~(C) A foal sold separately is required to have a negative current official equine infectious anemia test.

SECTION 70. Arkansas Code § 2-40-820 is amended to read as follows:

2-40-820. Movement of equidae through approved market.

(a) All equidae offered for sale or sold at approved markets must:

- (1) Be accompanied by written proof of a negative equine infectious anemia test conducted within the last six (6) months;
- (2) Have a blood sample collected by an accredited veterinarian ~~or an authorized agent of the Arkansas Livestock and Poultry Commission at the market~~ and test negative to an official equine infectious anemia test performed by an approved laboratory before the animal leaves the market;
- (3) Have a blood sample collected by an accredited veterinarian or an authorized agent of the commission at the market and be quarantined to the market until negative results are received from an approved laboratory;
- (4) Be "S" branded and consigned to slaughter before receiving test results; or
- (5) Be allowed to return to their premises of origin prior to unloading and prior to consignment and be quarantined to the premises of origin until tested negative. The equidae must be tested within thirty (30) days.

~~(b) A photocopy of a VS Form 10-11 or other form prescribed by the commission shall not be considered an official record of test.~~

~~(e)~~(b) A foal less than six (6) months of age sold with and nursing a negative-tested mare is exempt from the testing requirements of this subchapter.

~~(d)~~(1)(c)(1) A known reactor or known exposed equidae shall not be consigned for sale at an approved market unless permitted by authorized commission personnel.

(2) An animal which is found to be a reactor or exposed through testing conducted at an approved market must be maintained in a quarantine pen and isolated from all other equidae in the sale facility.

(3)(A) The quarantine pen must be clearly identified by sign or paint using the word "Quarantined" on all sides.

(B) Letters must be one foot (1') high.

~~(e)~~(d) It is the market owner's responsibility to make sure that all

equines sold meet these requirements.

SECTION 71. Arkansas Code § 2-40-821(b), concerning requirements of equidae participating in equine activities, is repealed.

~~(b) A photocopy of a VS Form 10-11 or other form prescribed by the commission shall not be accepted as an official record of the test.~~

SECTION 72. Arkansas Code § 2-40-828 is repealed.

~~2-40-828. Reports of violations.~~

~~Any citizen may report to the Arkansas Livestock and Poultry Commission an equidae that the citizen has reason to believe has not been tested as required by this subchapter.~~

SECTION 73. Arkansas Code Title 2, Chapter 40, Subchapter 9, is repealed.

~~Subchapter 9 — Tick Control Program~~

~~2-40-901. Purpose.~~

~~(a) Tick infestations are becoming increasingly severe and are affecting unrelated segments of our economy such as tourism. It is in the best interest of the people of the state to secure a more effective regulatory mechanism to address this concern.~~

~~(b) The purpose of this subchapter is to establish an effective and equitable procedure by which the state can assist its agricultural interests in controlling the tick infestation problem.~~

~~2-40-902. Cost sharing.~~

~~Under this subchapter, control will be effected by the provision of a cost-sharing program, through which the state will offset the cost to the livestock owner of purchasing the insecticide used in treating his or her livestock for the tick infestation problem.~~

~~2-40-903. Administration.~~

~~(a)(1) The Arkansas Livestock and Poultry Commission shall establish rules and regulations as needed to fulfill the purpose of this subchapter.~~

~~(2) These rules and regulations shall include, but not be~~

~~limited to:~~

~~(A) Establishing criteria covering eligibility to the program, such as a brucellosis free herd;~~

~~(B) Maintaining a list of approved vendors of suitable insecticides;~~

~~(C) Determining the most expeditious method of reimbursing the insecticide vendors;~~

~~(D) Setting the amount, on a fixed dollars per gallon basis, which the state will provide in order to adequately and equitably support this program; and~~

~~(E) Setting penalties for those acting in violation of the purpose of this subchapter.~~

~~(b) The county agricultural extension service may assist in receiving and processing all applications for insecticide under the program, according to the rules and regulations laid down by the commission.~~

~~2-40-904. Arsenical dip.~~

~~(a)(1) The Arkansas Livestock and Poultry Commission, working in cooperation with the University of Arkansas Cooperative Extension Service, is authorized to provide arsenical dip for the charging of vats, in which to dip cattle for the purpose of reducing ticks in the State of Arkansas, to any county in the State of Arkansas when, in the judgment of the State Veterinarian, dipping is necessary.~~

~~(2) Counties desiring dipping shall establish dipping vats within the respective counties at locations to be designated by the county court, acting in conjunction with the State Veterinarian.~~

~~(b) No arsenical dip is to be furnished by the commission for the charging of any dipping vat unless the vat and its adjacent drain pens have a cover which, in the judgment of the State Veterinarian or his or her agent, is sufficient to prevent dilution of the dipping solution by rain.~~

~~(c) Counties which establish vats under the provisions of this subchapter shall have preference in any dipping program hereinafter carried out by the commission or the State Veterinarian.~~

~~2-40-905. Dipping vats.~~

~~(a)(1) The establishment of vats for the dipping of cattle shall be~~

~~done by the county court.~~

~~(2) The maintenance of the vats and the dipping of cattle shall be under the supervision of the county judge.~~

~~(b) Dipping shall be carried out once each month between May 1 and November 1 of each year.~~

~~2-40-906. Stock range rider.~~

~~(a) The county judge in each county establishing vats shall designate and appoint some qualified person to be known as a stock range rider to act during the dipping season and conduct the dipping operations in his or her county according to such rules and regulations as may be promulgated by the State Veterinarian or the Arkansas Livestock and Poultry Commission.~~

~~(b)(1) The stock range rider shall receive as his or her compensation the sum of two hundred dollars (\$200) per month from May 1 to November 1, to be paid by the county.~~

~~(2) The quorum court of the county shall make an appropriation to pay the salary and the expenses of establishing the vats provided for in this subchapter.~~

SECTION 74. Arkansas Code Title 2, Chapter 40, Subchapter 10, is repealed.

~~Subchapter 10 — Cattle Quarantine Lines~~

~~2-40-1001. Penalty for stock crossing lines.~~

~~(a) Any owner of stock who shall allow his or her stock to drift across a quarantine line that has been established by law shall be guilty of a Class C misdemeanor.~~

~~(b) This section shall apply only to a resident owning cattle and living on land adjoining a quarantine line or within five (5) miles of a quarantine line and shall not apply to a dealer or a dealer's agent who is driving cattle out of a quarantine territory.~~

~~2-40-1002. Federal quarantine line.~~

~~(a)(1) It shall be unlawful for any person or corporation to drive or transport any cattle from south to north across the cattle quarantine line~~

~~within the State of Arkansas as it may be fixed by the proper authorities of the United States.~~

~~(2) This section shall not apply to a person or corporation driving or transporting cattle across the quarantine line as infected cattle or as cattle from an infected district or to a person driving any cattle across the line during the time it is not prohibited by the authorities of the United States.~~

~~(b)(1) Any person or corporation that shall violate a provision of this section, being either the owner of the cattle, the carrier, or the driver for hire, or otherwise, shall be guilty of a violation.~~

~~(2) Upon conviction, an offender shall be fined in any sum not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200).~~

~~(c)(1) Any citizen of this state shall have the power, and it shall be the duty of all peace officers of the respective counties of this state, to stop any cattle driven or transported or being driven or transported across the quarantine line from south to north and impound and drive or transport the cattle back south of the quarantine line.~~

~~(2) All costs and expenses incurred by a citizen or peace officer in impounding or driving the cattle back south of the quarantine line shall be taxed as costs against the person or corporation convicted of the unlawful driving of the cattle across the quarantine line in violation of this section.~~

~~(d) A court of competent jurisdiction in any county north of the quarantine line through which or into which cattle shall be driven shall have cognizance of a violation of a provision of this section.~~

~~2-40-1003. District quarantine line.~~

~~(a) There shall be established by the State of Arkansas a district cattle quarantine line described as follows: Beginning at the northwest corner of Benton County and running south along the west boundary line of the state to the southwest corner of Washington County; thence in an easterly direction following the southern boundary lines of Washington, Madison, Newton, and Searey Counties to the northwest corner of Van Buren County, thence south following the line between Van Buren and Pope Counties to the southwest corner of Van Buren County; thence in an easterly direction following the southern boundary line of Van Buren and Cleburne Counties to~~

~~the southeast corner of Cleburne County; thence in a northerly direction following the line between Cleburne and White Counties to the southwest corner of Independence County; thence east twelve (12) miles following the south line of Independence County to the Jackson County line; thence south six (6) miles to the southwest corner of Jackson County; thence in an easterly direction to the southeast corner of Jackson County; thence in a northerly direction following the east line of Jackson County to the Lawrence County line; thence east along the south line of Lawrence County, to the southeast corner thereof; thence north along the east line of Lawrence County to the southern line of Greene County; thence along the southern line of Greene County to the Missouri line.~~

~~(b) If, at any time, it shall be found after investigation by the Arkansas Livestock and Poultry Commission that the district cattle quarantine line established by this section should be changed so as to further include or exclude one (1) or more counties or parts of counties, and the recommendation is approved by the commission, it shall be submitted to the Governor, who shall, by proclamation, make the change. The quarantine line thus established shall, from that date, replace the district cattle quarantine line of this section.~~

~~(c) All cattle above the district cattle quarantine line of subsection (a) of this section or of the line modified by subsection (b) of this section bearing boophilus annulatus ticks shall be considered as affected with a contagious disease.~~

~~(d) This section shall not interfere with the shipment of cattle by ears which are being transported across the state to other markets or places of destination outside of the state or territory included in the quarantine district.~~

~~2-40-1004. Penalties for cattle drifting or being transported across district line.~~

~~(a)(1) Cattle from below the district cattle quarantine line shall not be allowed to drift across the quarantine line, and the owner of the cattle allowing them to so drift across shall be guilty of a violation.~~

~~(2)(A) Upon conviction, the owner shall be fined in any sum of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500).~~

~~(B) This penalty shall not apply to an adjoining landowner as described in § 2-40-1001.~~

~~(3) Cattle from above the quarantine line that drift across the quarantine line shall be subject to the laws affecting other cattle below the quarantine line.~~

~~(b)(1) At no season of the year shall cattle be driven or transported across the district quarantine line without a certificate of inspection by a federal or state veterinary inspector.~~

~~(2) Any person so driving or transporting cattle or any person found aiding or abetting in the driving or transporting of cattle shall be guilty of a violation and upon conviction shall be fined in any sum of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) for each offense.~~

~~2-40-1005. Enforcement of district quarantine.~~

~~(a)(1) It shall be the duty of any peace officer of this state who apprehends any person violating this subchapter to have the party arrested and brought before the proper authorities for a speedy trial.~~

~~(2) In the prosecution of offenders under this subchapter by a peace officer, they shall not be required to give bond for costs.~~

~~(b) Any officer finding any cattle which have been driven across the line in violation of this subchapter shall, upon such finding, seize and impound the cattle and hold them as security against all fines and costs of prosecution of the owner of the cattle for the violating of this subchapter.~~

~~(c)(1) It shall be the duty of any officer, upon finding the cattle, as soon as costs of prosecution, fine, etc., are settled, to drive the cattle back across the quarantine line as near the route over which they came as possible.~~

~~(2)(A) The officer shall be allowed the sum of five dollars (\$5.00) per day for such labor.~~

~~(B) The sum shall be paid by the parties violating this subchapter.~~

~~2-40-1006. Requirements for railroads.~~

~~(a)(1) It shall be unlawful for any railroad company carrying cattle from other states or territories below the quarantine line established by the~~

~~United States Department of Agriculture, or from below the district cattle quarantine line in this state, to unload cattle at any point in Arkansas above the district cattle quarantine line, except at such points as may be designated by the Arkansas Livestock and Poultry Commission and under such restrictions as are prescribed by the United States Department of Agriculture.~~

~~(2) Pursuant to § 2-40-1003(d), cattle may be transported over the district cattle quarantine line and unloaded when accompanied by a certificate of inspection by a federal or state veterinary inspector.~~

~~(b) It shall be unlawful for any railway company to throw out from any ear, which since last cleansing has contained cattle from below the district cattle quarantine line of this state or from below the quarantine line established by the United States Department of Agriculture in other states or territories, the excreta, litter, or other refuse, at any point in Arkansas north of the quarantine line, except under such restrictions as are prescribed by the United States Department of Agriculture.~~

~~(c) Railroad companies in Arkansas shall fence all their rights-of-way above the district cattle quarantine line established by § 2-40-1003(d).~~

SECTION 75. Arkansas Code Title 2, Chapter 40, Subchapter 11, is repealed.

~~Subchapter 11 — Rabies~~

~~2-40-1101. Entire county as infested area.~~

~~(a) The Arkansas Livestock and Poultry Commission is authorized, in the case of a severe outbreak of rabies in any county in this state, to declare an entire county as a rabies infested area.~~

~~(b) Upon declaring any county as a rabies infested area, the commission is authorized to pay up to one half ($\frac{1}{2}$) the cost of the vaccine used in vaccinating cattle in the county against rabies, and shall pay the entire cost of providing vaccine for use by humans bitten or exposed to rabies infested animals.~~

SECTION 76. Arkansas Code § 2-40-1303 is amended to read as follows:

2-40-1303. Violation.

~~Each violation of this subchapter by a responsible person shall~~

~~constitute a Class A misdemeanor and shall be punishable accordingly~~ A person who violates this subchapter shall be subject to an administrative penalty.

SECTION 77. Arkansas Code § 2-40-1304 is repealed.

~~2-40-1304. Regulations.~~

~~(a) The Arkansas Livestock and Poultry Commission shall promulgate regulations necessary to implement this subchapter.~~

~~(b) The commission shall, by regulation, specify:~~

~~(1) The requirements for disposal ditches and incineration;~~

~~(2) The method of burying large animal carcasses and parts thereof; and~~

~~(3) All other methods and procedures found acceptable by the commission for the disposal of large animal carcasses and parts thereof.~~

SECTION 78. Arkansas Code § 2-40-1305 is repealed.

~~2-40-1305. Responding to complaints.~~

~~The Arkansas Livestock and Poultry Commission shall have the responsibility to respond to and take appropriate action concerning complaints relating to large animal carcasses.~~

/s/D. Douglas

APPROVED: 04/06/2017