

"AN ACT TO AUTHORIZE THE LIVESTOCK AND POULTRY COMMISSION TO ACQUIRE DISEASED POULTRY FLOCKS AND TO DISPOSE OF THE BIRDS TO PREVENT THE SPREAD OF DISEASE; AND FOR OTHER PURPOSES."

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

SECTION 1. When the Arkansas Livestock and Poultry Commission determines that any flock of chickens, turkeys, ducks, geese or other poultry is diseased and that such flock should be destroyed and properly disposed of to prevent the spread of the disease, the Commission may negotiate for and buy such flock at a price that would reasonably approximate the market value of such 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. 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. The Commission is authorized to adopt rules and regulations to prescribe the procedures for condemning a diseased poultry flock as authorized herein, provided such procedures for condemnation shall provide the owner an opportunity to be heard in the matter, shall assure him fair compensation for the birds, and shall otherwise afford the owner full due process of law in the condemnation process.

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. EMERGENCY. It is hereby found and determined by the General Assembly that when disease breaks out in a poultry flock, it may spread rapidly from that flock to other flocks nearby unless the diseased poultry is destroyed immediately; that in order to avoid the spread of poultry disease, it is urgent that the Livestock and Poultry Commission be granted the authority to acquire diseased flocks of poultry through negotiation or condemnation and to destroy those flocks to prevent further spread of the disease; that this Act grants such authority to the Livestock and Poultry Commission and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: 3/26/87

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