

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Scott**

A Bill

ACT 191 OF 1995
SENATE BILL 68

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 2-6-105 AND TO REPEAL 2-6-
9 108 RELATING TO LICENSING AND REGULATION OF CATFISH
10 PROCESSORS; AND FOR OTHER PURPOSES."

Subtitle

13 "TO AMEND ARKANSAS CODE 2-6-105 AND TO
14 REPEAL 2-6-108 RELATING TO LICENSING AND
15 REGULATION OF CATFISH PROCESSORS; AND
16 FOR OTHER PURPOSES."

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

20 SECTION 1. Arkansas Code 2-6-105 is amended to read as follows:

21 "2-6-105. Registration and suspension - Exception.

22 (a) Except as provided in subdivision (e), every catfish processor in the
23 state shall register with the State Plant Board. Applications for
24 registration as a catfish processor under this subchapter shall be made on
25 forms prescribed by the director. Every application is to be accompanied by
26 an application fee of one hundred fifty dollars (\$150) and a certified
27 financial statement in a form prescribed by the director and any further
28 information the director may by regulation require.

29 (b) The board shall promulgate such rules and regulations as necessary to
30 secure the performance of catfish purchasing obligations.

31 (c) Whenever, after due notice and hearing, the board finds any
32 registrant is insolvent or has violated any provisions of this chapter, it may
33 issue an order suspending the registrant for a reasonable specified period.
34 The order of suspension shall take effect within five (5) days unless
35 suspended, modified, or set aside by the board or a court of competent
36 jurisdiction.

1 (d) If the board finds any processor is insolvent, or is issuing invalid
2 or insufficient checks, or is causing a breach of contract with the producer
3 by failure to pay the producer in accordance with the contract, the board
4 shall issue an order requiring the processor to cease and desist from
5 purchasing catfish except under such conditions as the board may prescribe to
6 effectuate the purposes of this chapter.

7 (e) Those processors whose average annual purchases from catfish
8 producers do not exceed *one hundred thousand dollars (\$100,000)* shall be
9 exempt from the provisions of this section."

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11 SECTION 2. Arkansas Code 2-6-108 is hereby repealed.

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13 SECTION 3. All provisions of this act of a general and permanent nature
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
15 Revision Commission shall incorporate the same in the Code.

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17 SECTION 4. If any provision of this act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 act are declared to be severable.

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23 SECTION 5. All laws and parts of laws in conflict with this act are
24 hereby repealed.

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26 /s/Scott

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28 APPROVED: 2-8-95

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