

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Gibson**

A Bill

SENATE BILL 6

For An Act To Be Entitled

8 "AN ACT TO AMEND THE ARKANSAS CATFISH PROCESSOR FAIR
9 PRACTICES ACT TO REQUIRE CATFISH PROCESSORS TO USE A
10 WEIGHING DEVICE WHICH ELECTRONICALLY PRINTS A TICKET
11 THAT PROVIDES AN EXACT DUPLICATE OF THE WEIGHT
12 INDICATED; TO REQUIRE CERTAIN INFORMATION ON THE
13 PRINTED TICKETS; *TO CREATE A CATFISH INDUSTRY DEVELOPMENT*
14 *PROGRAM WITHIN THE ARKANSAS DEVELOPMENT FINANCE AUTHORITY;*
15 AND FOR OTHER PURPOSES."

16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code 2-6-107 is hereby amended by adding at the end
20 thereof the following subsections:

21 "(d) At the time catfish are delivered to a processor and unloaded from
22 a live-haul truck, the processor shall weigh the catfish using a device that
23 is of a type suitable for the weighing of catfish. Deductions for trash fish,
24 turtles and other foreign material except water shall be determined by a
25 separate weighing of the same. There
26 shall be no water tare nor deductions made for water in weighing baskets.
27 Processors are responsible for draining water from weighing baskets.

28 (e) Scales used to weigh catfish and foreign material under this
29 section must be capable of electronically printing a ticket that provides an
30 exact duplicate of the weight indicated. A copy of the ticket shall be
31 provided to the producer at the time of weighing. The
32 ticket shall also contain the following:

- 33 (1) the name and address of the processor;
34 (2) the name of the owner of the catfish being weighed;
35 (3) the date the catfish is weighed;

1 (4) the signature of the individual who weighs the catfish;
2 and

3 (5) any additional information as the State Plant Board deems
4 necessary for the lawful and accurate recording of the weight of the
5 catfish.

6 (f) Processors who process less than 17,500 pounds of catfish per week
7 are not required to use the electronic printing scales otherwise
8 required by this section.

9 (g) The State Plant Board shall be responsible for the enforcement of
10 this section, and its agents shall perform periodic inspections of processing
11 plants to insure that the provisions of this section are being carried out and
12 that all deductions for foreign material are legitimate and fair to the
13 producer."

14
15 SECTION 2. (a) *There is hereby created a Catfish Industry Development*
16 *Program within the Arkansas Development Finance Authority. The office will be*
17 *staffed with adequate personnel to carry out its functions as itemized and*
18 *described in this section and in the authority's appropriation legislation.*

19 (b) *The functions of the Catfish Industry Development Program shall*
20 *include:*

21 (1) *Monitor and advise the Governor and the authority on federal*
22 *and state legislative issues affecting the catfish industry;*

23 (2) *Identify job creation opportunities in the catfish industry;*

24 (3) *Identify new catfish industry enterprises as well as assist*
25 *in implementing a catfish industry awareness program in this state;*

26 (4) *Identify problems in the catfish industry and develop*
27 *necessary policies and programs to address the problems;*

28 (5) *Develop financing programs to provide funds for new and*
29 *existing catfish industry enterprises; and*

30 (6) *Perform such other duties as prescribed by the Governor and*
31 *the chairman of the authority.*

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33 SECTION 3. All provisions of this Act of a general and permanent nature
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
35 Revision Commission shall incorporate the same in the Code.

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

SECTION 5. All laws and parts of laws in conflict with this Act are hereby repealed.

/s/Gibson