

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**

# **A Bill**

**ACT 128 OF 1995**  
**HOUSE BILL 1123**

4 **By: Representative Hinshaw, et al.**

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## **For An Act To Be Entitled**

8 "AN ACT TO EXPAND THE AUTHORITY OF THE ARKANSAS LIVESTOCK  
9 AND POULTRY COMMISSION RELATING TO THE CONTROL AND  
10 ERADICATION OF BRUCELLOSIS; TO ENABLE THE COMMISSION TO  
11 ORDER THE DEPOPULATION OF BRUCELLOSIS INFECTED OR EXPOSED  
12 BOVINE HERDS AFTER NEGOTIATIONS FOR INDEMNIFICATION HAVE  
13 FAILED TO PROVIDE FOR A HEARING BY THE HERD OWNER WITH THE  
14 COMMISSION SHOULD EXCEPTION BE TAKEN TO A DEPOPULATION  
15 ORDER; AND FOR OTHER PURPOSES."

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## **Subtitle**

18 "TO EXPAND THE AUTHORITY OF THE  
19 LIVESTOCK AND POULTRY COMMISSION  
20 RELATING TO CONTROL AND ERADICATION OF  
21 BRUCELLOSIS."

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

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25 SECTION 1. Any bovine herd infected with or directly exposed to  
26 brucellosis shall be depopulated at the discretion of and subject to the rules  
27 and regulations of the Arkansas Livestock and Poultry Commission. The herd(s)  
28 shall be identified and destroyed within thirty (30) days of written order to  
29 the owner(s). Owner(s) will be notified by delivery of the order or by  
30 certified mail. One (1) extension of thirty (30) days, if presented in  
31 writing to the Commission, will be considered in extenuating circumstances.

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33 SECTION 2. The state veterinarian or his designated representative will  
34 negotiate with the owner through the use of available federal and state funds  
35 to depopulate brucellosis infected or exposed bovine herds.

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1 SECTION 3. If the state veterinarian and the herd owner are unable to  
2 arrive at an agreement to depopulate infected or exposed bovine herd(s), the  
3 Commission, on advice of the state veterinarian and in public meeting, is  
4 authorized to issue a written order to depopulate a herd and to provide  
5 indemnification to the herd owner at the current established per head rate  
6 with such indemnification to be paid from federal and state funds available  
7 therefor. Should the herd owner desire, the Commission will hear testimony by  
8 the owner and any witnesses he desires to present arguments as to why the  
9 herd(s) should not be depopulated. Following the hearing, the Commission  
10 shall determine whether to affirm or repeal its order to depopulate.

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12 SECTION 4. The Commission shall adopt appropriate rules and regulations  
13 concerning depopulation, negotiation, and hearing procedures.

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15 SECTION 5. Any person or entity who violates the provisions of this Act  
16 shall upon conviction be guilty of a Class A misdemeanor.

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18 SECTION 6. All provisions of this act of a general and permanent nature  
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 7. If any provision of this act or the application thereof to  
23 any person or circumstance is held invalid, such invalidity shall not affect  
24 other provisions or applications of the act which can be given effect without  
25 the invalid provision or application, and to this end the provisions of this  
26 act are declared to be severable.

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28 SECTION 8. All laws and parts of laws in conflict with this act are  
29 hereby repealed.

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APPROVED: 2-1-95

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