

Hall of the House of Representatives

91st General Assembly - Regular Session, 2017

Amendment Form

Subtitle of House Bill No. 2175

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.

Amendment No. 2 to House Bill No. 2175

Amend House Bill No. 2175 as engrossed, H3/9/17 (version: 03/09/2017 11:38:37 AM):

Page 1, line 32, delete "and" and substitute "or"

AND

Page 5, delete line 2, and substitute the following:
"and other biological products used for reportable diseases and emergencies affecting livestock and poultry,"

AND

Page 8, delete lines 17 through 22, and substitute the following:
"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."

AND

Page 13, immediately after SECTION 17, insert an additional section to read as follows:

"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 Natural Resources Commission may issue subpoenas under § 15-22-208.

(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."

AND

Appropriately renumber the sections of the bill

The Amendment was read _____
By: Representative D. Douglas
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Chief Clerk