

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013

# A Bill

HOUSE BILL 1580

4  
5 By: Representative Talley

## For An Act To Be Entitled

8 AN ACT CONCERNING AN ARKANSAS BOVINE ANIMAL DISEASE  
9 PROGRAM AND THE USE OF THE LIVESTOCK AND POULTRY  
10 COMMISSION DISEASE AND PEST CONTROL FUND; TO MAKE  
11 TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES.

## Subtitle

15 CONCERNING AN ARKANSAS BOVINE ANIMAL  
16 DISEASE PROGRAM AND THE USE OF THE  
17 LIVESTOCK AND POULTRY COMMISSION DISEASE  
18 AND PEST CONTROL FUND; AND TO MAKE  
19 TECHNICAL CORRECTIONS.

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21  
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23  
24 SECTION 1. Arkansas Code § 2-40-206 is amended to read as follows:

25 2-40-206. Funding of ~~brucellosis~~ Arkansas bovine animal disease  
26 program.

27 (a)(1)(A) In order to fund or partially fund ~~the brucellosis control~~  
28 ~~and eradication~~ an Arkansas bovine animal disease program, there is hereby  
29 levied ~~until July 1, 1990, a fee of one dollar (\$1.00)~~ not to exceed two  
30 dollars (\$2.00) per head on all cattle sold in ~~this~~ the state; ~~after which~~  
31 ~~the.~~

32 (B) The Arkansas Livestock and Poultry Commission shall  
33 establish by rule the amount of the fee ~~it feels~~ necessary to operate and  
34 continue the ~~brucellosis~~ Arkansas bovine animal disease program.

35 (2) The fee shall not be assessed on the resale of ~~any~~ cattle  
36 within ten (10) calendar days after the prior sale if the fee was paid on the



1 prior sale.

2 (b)(1)(A) ~~The fee shall be collected by the purchaser and remitted~~  
 3 shall collect the fee and remit the fee monthly to the Director of the  
 4 Department of Finance and Administration, ~~except that.~~ However, if the sale  
 5 occurs through a livestock auction market or any other agent of the seller,  
 6 the livestock auction market or other agent shall collect and remit the fee.

7 (B)(i) The director may promulgate ~~such rules and~~  
 8 ~~regulations as it deems necessary~~ to implement the collection of the fee.

9 (2)(A) After deducting three percent (3%) for credit to the  
 10 Constitutional Officers Fund and the State Central Services Fund, the  
 11 remainder of funds ~~so~~ remitted to the director shall be deposited ~~in~~ into the  
 12 State Treasury as special revenues and credited to the Livestock and Poultry  
 13 Commission Disease and Pest Control Fund.

14 (B) Before the close of each fiscal year, the Chief Fiscal  
 15 Officer of the State shall ~~determine:~~

16 (i) Determine the amount of funds ~~which that~~ will  
 17 remain at the end of the fiscal year in the Livestock and Poultry Commission  
 18 Disease and Pest Control Fund from fees collected under ~~the provisions of~~  
 19 this section. ~~He or she shall allow such; and~~

20 (ii) Allow the remaining funds to be carried forward  
 21 and made available for the same purposes in the next-succeeding fiscal year.

22 (c) Rules promulgated under this section are subject to the  
 23 Administrative Procedure Act, § 25-15-201 et seq.

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 25 SECTION 2. Arkansas Code § 19-6-448 is amended to read as follows:

26 19-6-448. Livestock and Poultry Commission Disease and Pest Control  
 27 Fund.

28 (a) There is created on the books of the Treasurer of State, the  
 29 Auditor of State, and the Chief Fiscal Officer of the State a special revenue  
 30 fund to be known as the "Livestock and Poultry Commission Disease and Pest  
 31 Control Fund".

32 (b) ~~The Livestock and Poultry Commission Disease and Pest Control Fund~~  
 33 fund shall consist of ~~those~~ the special revenues as specified in § 19-6-  
 34 301(126) ~~there to be used in order to fund or partially fund the brucellosis~~  
 35 ~~control and eradication program as set out in Act 150 of 1985 and Act 151 of~~  
 36 1985 and any other revenues authorized by law.

1           (c) The fund shall be used to fund or partially fund an Arkansas  
2 bovine animal disease program as provided in § 2-40-206.

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4           SECTION 3. Arkansas Code § 19-6-301(126), concerning the enumeration  
5 of special revenues, is amended to read as follows:

6                   (126) Those portions of vaccination fees imposed at livestock  
7 ~~markets, as enacted by Acts 1985, No. 150, and Acts 1985, No. 151, § 2-40-~~  
8 ~~206, under § 2-40-206~~ and that portion of all fines and penalties resulting  
9 from arrests made or citations issued by Arkansas Livestock and Poultry  
10 Commission enforcement officers, § 2-33-113(b);