

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

A Bill

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

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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
27 rules and regulations of the Arkansas Livestock and Poultry Commission. The
28 herd(s) shall be identified and destroyed within thirty (30) days of written
29 order to the owner(s). Owner(s) will be notified by delivery of the order or
30 by 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
34 will negotiate with the owner through the use of available federal and state
35 funds to depopulate brucellosis infected or exposed bovine herds.

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

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

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

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

SECTION 7. 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 8. All laws and parts of laws in conflict with this act are hereby repealed.

