

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/15/05

A Bill

HOUSE BILL 2797

5 By: Representatives L. Evans, Davenport, Norton, Overbey, S. Prater, Rankin, Scroggin, Wood
6 By: Senator Glover
7

For An Act To Be Entitled

10 AN ACT TO ESTABLISH A COMMERCIAL BAIT AND
11 ORNAMENTAL FISH PROGRAM UNDER THE STATE PLANT
12 BOARD; AND FOR OTHER PURPOSES.
13

Subtitle

14 TO ESTABLISH A COMMERCIAL BAIT AND
15 ORNAMENTAL FISH PROGRAM UNDER THE STATE
16 PLANT BOARD.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 *SECTION 1. Arkansas Code Title 2, Chapter 5, is amended to add an*
23 *additional subchapter to read as follows:*

24 *2-5-201. Title – Purpose.*

25 *(a) This subchapter shall be known and may be cited as the "Commercial*
26 *Bait and Ornamental Fish Act".*

27 *(b) The purpose of this subchapter is to:*

28 *(1) Establish a voluntary certification program to provide high*
29 *quality, farm-raised bait and ornamental fish, free of certain diseases,*
30 *undesirable plants, undesirable animals, and other contaminates deemed*
31 *injurious to the fish or fisheries;*

32 *(2) Conduct programs to promote the use and sale of certified*
33 *bait and ornamental fish raised in Arkansas; and*

34 *(3) Provide state oversight and funding from the beneficiaries*
35 *of the program.*
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1 2-5-202. Definitions.

2 As used in this subchapter:

3 (1) "Board" means the State Plant Board; and

4 (2) "Person" means individuals, partnerships, limited liability
5 companies, corporations, associations, or two (2) or more individuals having
6 a joint or common interest.

7
8 2-5-203. Powers and duties of State Plant Board.

9 (a) The State Plant Board shall:

10 (1) Administer this subchapter and the Commercial Bait and
11 Ornamental Fish Fund;

12 (2) Certify the commercial bait and ornamental fish that meet
13 the standards and qualifications of the board under this subchapter;

14 (3) Investigate methods of production and the occurrence of
15 certain diseases, undesirable plants, undesirable animals, and other
16 contaminates of commercial bait and ornamental fish and fisheries;

17 (4) Conduct marketing programs to promote the use and sale of
18 certified bait and ornamental fish raised in Arkansas; and

19 (5)(A) Promulgate all rules and regulations the board considers
20 necessary or desirable to implement this subchapter.

21 (B) The board shall establish in its rules and regulations
22 the management practices, testing procedures, and appropriate science
23 criteria required for certification under this subchapter.

24 (b) The board may authorize its director to appoint any deputies it
25 considers necessary to implement this subchapter.

26
27 2-5-204. Certificates.

28 (a) Persons that have met the standards and qualifications established
29 by the State Plant Board under this subchapter shall receive from the board a
30 commercial bait and ornamental fish certificate.

31 (b) The certificate shall be in the form prescribed by the board and
32 shall attest that the commercial bait and ornamental fish covered by the
33 certificate have met the standards and qualifications established by the
34 board under this subchapter.

35 (c) The certificate shall only be displayed by persons that are
36 certified under this subchapter.

1
2 2-5-205. Fees.

3 (a) The State Plant Board may prescribe application, certification,
4 and other fees to cover the costs of inspection, certification, and marketing
5 under this subchapter.

6 (b) All fees collected under this subchapter shall be deposited in the
7 Commercial Bait and Ornamental Fish Fund to be used by the board to
8 administer this subchapter.

9
10 2-5-206. Unlawful acts – Penalties – Revocation of certificate.

11 (a) It shall be unlawful for any person to:

12 (1) Use the term "Arkansas certified" or any similar term
13 concerning the quality of bait or ornamental fish without the proper
14 certification from the State Plant Board;

15 (2) Falsely advertise or represent any bait or ornamental fish
16 as being certified by the board;

17 (3) Use any emblem, label, or language for the purpose of
18 misleading persons into believing that any bait or ornamental fish has been
19 certified by the board when the certification has not been obtained;

20 (4) Misuse any tag, label, or certificate issued by the board;

21 (5) Obtain or attempt to obtain the certification of any bait or
22 ornamental fish by making false statements or misrepresentations to the board
23 or to the board's inspectors, deputies, or agents;

24 (6) Violate any of the rules and regulations of the board under
25 this subchapter; or

26 (7) Violate any agreement made as a condition for receiving a
27 certificate.

28 (b) Any person who pleads guilty or nolo contendere to or is found
29 guilty of violating the provisions of this section is guilty of a misdemeanor
30 and shall be punished by a fine of not less than twenty five dollars (\$25.00)
31 nor more than five hundred dollars (\$500) for each offense.

32 (c)(1) A certificate issued under this subchapter may be revoked by
33 the Director of the State Plant Board after a hearing before the director,
34 irrespective of whether a prosecution is commenced.

35 (2)(A) Any person whose certificate is revoked by the director
36 shall be entitled to an appeal to the board.

