

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1618

5 By: Representative Wing
6 By: Senator Hill
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW REGARDING CATFISH PROCESSORS
10 AND COMMERCIAL BAIT AND ORNAMENTAL FISH; TO TRANSFER
11 THE POWERS, DUTIES, AND RESPONSIBILITIES OF THE STATE
12 PLANT BOARD REGARDING CATFISH PROCESSORS AND
13 COMMERCIAL BAIT AND ORNAMENTAL FISH TO THE DEPARTMENT
14 OF AGRICULTURE; AND FOR OTHER PURPOSES.

Subtitle

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16
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18 TO TRANSFER THE POWERS, DUTIES, AND
19 RESPONSIBILITIES OF THE STATE PLANT BOARD
20 REGARDING CATFISH PROCESSORS AND
21 COMMERCIAL BAIT AND ORNAMENTAL FISH TO
22 THE DEPARTMENT OF AGRICULTURE.
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. DO NOT CODIFY. TEMPORARY LANGUAGE. Rules.

28 (a)(1) The transfer of duties from the State Plant Board to the
29 Department of Agriculture under this act does not affect the orders, rules,
30 directives, registration, licensing, or standards made or promulgated by the
31 State Plant Board under § 2-5-201 et seq. and § 2-6-101 et seq. before the
32 effective date of this act.

33 (2) The orders, rules, directives, registration, licensing, or
34 standards of the State Plant Board promulgated under § 2-5-201 et seq. and §
35 2-6-101 et seq. shall continue to be in effect until they are amended or
36 repealed under authority given by this law.



1 (b) A proposed rule that has been initiated by the State Plant Board
 2 under § 2-5-201 et seq. and § 2-6-101 et seq. but is not final shall be
 3 transferred to the Department of Agriculture to continue through the rule
 4 promulgation process under the Administrative Procedure Act, § 25-15-201 et
 5 seq.

6
 7 SECTION 2. Arkansas Code § 2-5-203 is amended to read as follows:
 8 2-5-203. Definitions.

9 As used in this subchapter+,

10 ~~(1) "Board" means the State Plant Board; and~~

11 ~~(2) "Person" "person"~~ means an individual, partnership, limited
 12 liability company, corporation, association, or two (2) or more individuals
 13 having a joint or common interest.

14
 15 SECTION 3. Arkansas Code §§ 2-5-204 through 2-5-208 are amended to
 16 read as follows:

17 2-5-204. Powers and duties of ~~State Plant Board~~ Department of
 18 Agriculture.

19 (a) The ~~State Plant Board~~ Department of Agriculture shall:

20 (1) Administer this subchapter and the ~~Commercial Bait and~~
 21 ~~Ornamental Fish Fund~~ Livestock and Poultry Special Revenue Fund;

22 (2) Certify the commercial bait and ornamental fish that meet
 23 the standards and qualifications of the ~~board~~ department under this
 24 subchapter;

25 (3) Investigate methods of production and the occurrence of
 26 certain diseases, undesirable plants, undesirable animals, and other
 27 contaminants of commercial bait and ornamental fish and fisheries;

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

30 (5)~~(A)~~ Promulgate all rules the ~~board~~ department considers
 31 necessary or desirable to implement this subchapter+; and

32 ~~(B) The board shall establish~~ (6) Establish in its rules
 33 the management practices, testing procedures, and appropriate science
 34 criteria required for certification under this subchapter.

35 ~~(b) The board may authorize the Director of the State Plant Board to~~
 36 ~~appoint any deputy the board considers necessary to implement this subchapter~~

1 If necessary to prevent the spread of disease, the State Veterinarian
 2 in consultation with the Secretary of the Department of Agriculture may issue
 3 orders under this subchapter for the:

- 4 (1) Isolation or quarantine of infected fish;
- 5 (2) Disinfection of premises;
- 6 (3) Destruction of incurably-diseased fish; and
- 7 (4) Disposal of fish.

8
 9 2-5-205. Certificates.

10 (a) A person that has met the standards and qualifications established
 11 by the ~~State Plant Board~~ Department of Agriculture under this subchapter
 12 shall receive from the ~~board~~ department a commercial bait and ornamental fish
 13 certificate.

14 (b) The certificate shall be in the form prescribed by the ~~board~~
 15 department and shall attest that the commercial bait and ornamental fish
 16 covered by the certificate have met the standards and qualifications
 17 established by the ~~board~~ department under this subchapter.

18 (c) The certificate shall be displayed only by a person who is
 19 certified under this subchapter.

20
 21 2-5-206. Fees.

22 (a) The ~~State Plant Board~~ Department of Agriculture may prescribe
 23 application, certification, and other fees to cover the costs of inspection,
 24 certification, and marketing under this subchapter.

25 (b) All fees collected under this subchapter shall be deposited into
 26 the ~~Commercial Bait and Ornamental Fish~~ Livestock and Poultry Special Revenue
 27 Fund to be used by the ~~board~~ department to administer this subchapter.

28
 29 2-5-207. Unlawful acts – Penalties – Revocation of certificate.

30 (a) It is unlawful for any person to:

31 (1) Use the term “Arkansas certified” or any similar term
 32 concerning the quality of bait or ornamental fish without the proper
 33 certification from the ~~State Plant Board~~ Department of Agriculture;

34 (2) Falsely advertise or represent any bait or ornamental fish
 35 as being certified by the ~~board~~ department;

36 (3) Use any emblem, label, or language for the purpose of

1 misleading a person into believing that any bait or ornamental fish has been
 2 certified by the ~~board~~ department when the certification has not been
 3 obtained;

4 (4) Misuse any tag, label, or certificate issued by the ~~board~~
 5 department;

6 (5) Obtain or attempt to obtain the certification of any bait or
 7 ornamental fish by making a false statement or misrepresentation to the ~~board~~
 8 department or to the ~~board's~~ department's inspectors, deputies, or agents;

9 (6) Violate any rule of the ~~board~~ department under this
 10 subchapter; or

11 (7) Violate any agreement made as a condition for receiving a
 12 certificate.

13 (b) ~~Any person who pleads guilty or nolo contendere to or is found~~
 14 ~~guilty of violating this section is guilty of a violation and shall be~~
 15 ~~punished by a fine of not less than twenty-five dollars (\$25.00) nor more~~
 16 ~~than five hundred dollars (\$500) for each offense~~ A person who violates this
 17 subchapter or the rules promulgated under this subchapter is subject to
 18 suspension or revocation of certification or a civil penalty as provided by
 19 rule, or both.

20 (c)(1) A certificate issued under this subchapter may be revoked by
 21 the ~~Director of the State Plant Board~~ Secretary of the Department of
 22 Agriculture after a hearing before the ~~director~~ secretary or his or her
 23 designee, regardless of whether a prosecution is commenced.

24 (2)(A) ~~Any person whose certificate is revoked by the director~~
 25 ~~is entitled to an appeal to the board.~~

26 (B) The decision of the ~~board on appeal is final~~
 27 department may be appealed as provided in the Arkansas Administrative
 28 Procedure Act, § 25-15-201 et seq.

29
 30 2-5-208. Intergovernmental cooperation.

31 In administering this subchapter, the ~~State Plant Board~~ Department of
 32 Agriculture shall cooperate to the fullest extent possible with other
 33 agencies of the state and the federal government.

34
 35 SECTION 4. Arkansas Code § 2-6-103(1), concerning the definition of
 36 "board" under the Arkansas Catfish Processor Fair Practices Act of 1987, is

1 repealed.

2 ~~(1) "Board" means the State Plant Board;~~

3

4 SECTION 5. Arkansas Code § 2-6-103(7), concerning the definition of
5 "board" under the Arkansas Catfish Processor Fair Practices Act of 1987, is
6 repealed.

7 ~~(7) "Director" means the Director of the State Plant Board or~~
8 ~~his or her designee;~~

9

10 SECTION 6. Arkansas Code § 2-6-104 is amended to read as follows:
11 2-6-104. Administration.

12 (a) This chapter shall be administered by the ~~State Plant Board~~
13 Department of Agriculture.

14 (b) The ~~board~~ department is authorized to promulgate such rules as may
15 be necessary for the efficient enforcement of this chapter, including the
16 establishment of reasonable fees for registering with the ~~board~~ department.

17 (c) If necessary to prevent the spread of disease, the State
18 Veterinarian in consultation with the Secretary of the Department of
19 Agriculture may issue orders under this subchapter for the:

- 20 (1) Isolation or quarantine of infected fish;
- 21 (2) Disinfection of premises;
- 22 (3) Destruction of incurably-diseased fish; and
- 23 (4) Disposal of fish.

24

25 SECTION 7. Arkansas Code § 2-6-105 is amended to read as follows:
26 2-6-105. Registration and suspension – Exception.

27 (a)(1) Except as provided in subsection (e) of this section, every
28 catfish processor in the state shall register with the ~~State Plant Board~~
29 Department of Agriculture.

30 (2) Applications for registration as a catfish processor under
31 this chapter shall be made on forms prescribed by the ~~Director of the State~~
32 ~~Plant Board~~ department.

33 (3) Every application is to be accompanied by an application fee
34 of one hundred fifty dollars (\$150), a certified financial statement in a
35 form prescribed by the ~~director~~ department, and any further information the
36 ~~director~~ department may by rule require.

1 (b) The ~~board~~ department shall promulgate such rules as necessary to
 2 secure the performance of catfish purchasing obligations.

3 (c) Whenever, after due notice and hearing, the ~~board~~ department finds
 4 any registrant is insolvent or has violated any provisions of this chapter,
 5 it may issue an order suspending the registrant for a reasonable specified
 6 period. The order of suspension shall take effect within five (5) days unless
 7 suspended, modified, or set aside by the ~~board~~ department or a court of
 8 competent jurisdiction.

9 (d) If the ~~board~~ department finds any processor is insolvent, is
 10 issuing invalid or insufficient checks, or is causing a breach of contract
 11 with the producer by failure to pay the producer in accordance with the
 12 contract, the ~~board~~ department shall issue an order requiring the processor
 13 to cease and desist from purchasing catfish except under such conditions as
 14 the ~~board~~ department may prescribe to effectuate the purposes of this
 15 chapter.

16 (e) Those processors whose average annual purchases from catfish
 17 producers do not exceed one hundred thousand dollars (\$100,000) shall be
 18 exempt from the provisions of this section.
 19

20 SECTION 8. Arkansas Code § 2-6-106 is amended to read as follows:

21 2-6-106. Unlawful practices – Penalties.

22 (a)(1) With respect to catfish or catfish products, it shall be
 23 unlawful for any processor to engage in or use any unfair, unjustly
 24 discriminatory, or deceptive practice.

25 (2) If any person subject to this chapter violates any of the
 26 provisions of this chapter or of any order of the ~~State Plant Board~~
 27 Department of Agriculture under this chapter relating to the purchase, sale,
 28 or handling of catfish, he or she shall be liable to the person injured for
 29 the full amount of damages sustained in consequence of the violation.

30 (b) This liability may be enforced either by complaint to the ~~board~~
 31 department or by suit in any circuit court of competent jurisdiction. This
 32 section shall not in any way abridge or alter the remedies now existing at
 33 common law or by statute, but the provisions of this section are in addition
 34 to those remedies.

35 (c) The ~~board~~ department is authorized to apply for and the court is
 36 authorized to grant a temporary or permanent injunction restraining any

1 person from violating or continuing to violate any of the provisions of this
 2 chapter or any rule promulgated under this chapter, notwithstanding the
 3 existence of other remedies at law. The injunction shall be issued without
 4 bond.

5 (d) The ~~board~~ department may assess civil penalties against any Class
 6 A registrant as follows:

7 (1) Not more than fifty dollars (\$50.00) for each day payment to
 8 the producer is late under § 2-6-107(a)(2);

9 (2) Not more than one hundred dollars (\$100) for each day
 10 payment to the producer is late under the contract between the registrant and
 11 the producer; and

12 (3) In instances where the registrant has paid a producer with
 13 an invalid or insufficient check, not more than two hundred dollars (\$200)
 14 for each day the check is invalid or insufficiently funded.

15 (e) Civil penalties collected under this subchapter shall be deposited
 16 into the Livestock and Poultry Special Revenue Fund.

17
 18 SECTION 9. Arkansas Code § 2-6-107(b), concerning the requirement
 19 related to bonding by a Class A registrant, is amended to read as follows:

20 (b)(1) Regardless of the method elected under subdivision (a)(2) of
 21 this section to purchase catfish products, a Class A registrant, before the
 22 transaction, shall be required to:

23 (A) Be bonded in the amount of two hundred fifty thousand
 24 dollars (\$250,000) or in an amount which may be determined by the ~~State Plant~~
 25 ~~Board~~ Department of Agriculture;

26 (B) Post a security bond in the amount of two hundred
 27 fifty thousand dollars (\$250,000) or in an amount which may be determined by
 28 the ~~board~~ department; or

29 (C) Provide cash security, letters of credit, and such
 30 other evidences of security as shall be authorized by the ~~board~~ department.

31 (2) However, if a Class A registrant purchases catfish solely
 32 and exclusively from producers that are also the owners of the processor,
 33 then the Class A registrant is exempt from the bonding or security
 34 requirements imposed under subdivision (b)(1) of this section.

35
 36 SECTION 10. Arkansas Code § 2-6-107(e)(3), concerning the contents of

1 the ticket related to the weight of catfish, is amended to read as follows:

2 (3) The ticket shall also contain the following:

3 (A) The name and address of the processor;

4 (B) The name of the owner of the catfish being weighed;

5 (C) The date the catfish are weighed;

6 (D) The signature of the individual who weighs the
7 catfish; and

8 (E) Any additional information as the ~~board~~ department
9 deems necessary for the lawful and accurate recording of the weight of the
10 catfish.

11
12 SECTION 11. Arkansas Code § 2-6-107(g), concerning the responsibility
13 for enforcement of methods related to the purchase of catfish, is amended to
14 read as follows:

15 (g) The ~~board~~ department shall be responsible for the enforcement of
16 this section, and its agents shall perform periodic inspections of processing
17 plants to ensure that the provisions of this section are being carried out
18 and that all deductions for foreign material are legitimate and fair to the
19 producer.

20
21 SECTION 12. Arkansas Code § 2-6-109 is amended to read as follows:

22 2-6-109. Receivership – Petition – Assets.

23 (a) The ~~Director of the State Plant Board~~ Secretary of the Department
24 of Agriculture or his or her designee in his or her discretion may, following
25 a suspension of a Class A registrant as provided in this chapter, file a
26 verified petition in the proper court requesting that the ~~director~~ secretary
27 be appointed as a receiver to take custody of catfish in the registrant's
28 facility and to provide for the disposition of those assets in the manner
29 provided in this chapter and under the supervision of the court.

30 (b) The petition shall be filed in the county in which the registrant
31 is located. The proper court shall appoint the ~~director~~ secretary as
32 receiver.

33 (c) Upon the filing of the petition, the court shall issue ex parte
34 such temporary orders as may be necessary to preserve or protect the assets
35 in receivership, or the value thereof, and the rights of producers, until a
36 plan of disposition is approved.

1
2 SECTION 13. Arkansas Code § 2-6-110 is amended to read as follows:

3 2-6-110. Receivership – Plan for disposition of catfish.

4 A petition filed by the ~~Director of the State Plant Board~~ Secretary of
5 the Department of Agriculture under § 2-6-109 shall be accompanied by the
6 ~~director's~~ secretary's plan for disposition of the processed catfish. The
7 plan may provide for the pro rata delivery of part or all of the processed
8 catfish to producers holding weigh tickets, or may provide for the sale under
9 the supervision of the ~~director~~ secretary of part or all of the processed
10 catfish for the benefit of those producers, or may provide for any
11 combination thereof, as the ~~director~~ secretary in his or her discretion
12 determines to be necessary to minimize losses.
13

14 SECTION 14. Arkansas Code § 2-6-111 is amended to read as follows:

15 2-6-111. Receivership – Hearings on plan – Notice – Service.

16 (a) When a petition is filed by the ~~Director of the State Plant Board~~
17 Secretary of Department of Agriculture or his or her designee under § 2-6-109
18 the clerk of court shall set a date for hearing on the ~~director's~~ secretary's
19 proposed plan of disposition at a time not less than ten (10) nor more than
20 fifteen (15) calendar days after the date the petition is filed.

21 (b) Copies of the petition, the notice of hearing, and the ~~director's~~
22 secretary's plan of disposition shall be served upon the Class A registrant
23 and upon the surety company issuing the Class A registrant's bond in the
24 manner required for service of an original notice.

25 (c) A delay in effecting service upon the Class A registrant or surety
26 shall not be cause for denying the appointment of a receiver and shall not be
27 grounds for invalidating any action or proceeding in connection therewith.
28

29 SECTION 15. Arkansas Code § 2-6-112(a), concerning receivership and
30 notification to weigh ticket holders, is amended to read as follows:

31 (a) The ~~Director of the State Plant Board~~ Secretary of the Department
32 of Agriculture shall cause a copy of each of the documents served upon the
33 Class A registrant under § 2-6-111 to be mailed by ordinary mail to every
34 person holding a weigh ticket issued by the Class A registrant, as determined
35 by the records of the Class A registrant or the records of the ~~director~~
36 secretary.

1
2 SECTION 16. Arkansas Code §§ 2-6-113 through 2-6-116 are amended to
3 read as follows:

4 2-6-113. Receivership – Publication of notification of receiver’s
5 appointment.

6 When appointed as a receiver under this chapter the ~~Director of the~~
7 ~~State Plant Board~~ Secretary of the Department of Agriculture shall cause
8 notification of the appointment to be published once each week for two (2)
9 consecutive weeks in a newspaper of general circulation in each of the
10 counties in which the Class A registrant maintains a business location, and
11 in a newspaper of general circulation in this state.

12
13 2-6-114. Receivership – Designee – Duties of ~~director~~ secretary.

14 The ~~Director of the State Plant Board~~ Secretary of the Department of
15 Agriculture may designate ~~one (1) of his or her employees~~ an employee to
16 appear on behalf of the ~~director~~ secretary in any proceedings before the
17 court with respect to the receivership, and to exercise the functions of the
18 ~~director~~ secretary as receiver, except that the ~~director~~ secretary shall
19 determine whether or not to petition for the appointment as receiver, shall
20 approve the proposed plan for disposition of processed catfish, shall approve
21 the proposed plan for distribution of any cash proceeds, and shall approve
22 the proposed final report.

23
24 2-6-115. Receivership – Applicability of administrative procedures.

25 The actions of the ~~Director of the State Plant Board~~ Secretary of the
26 Department of Agriculture in connection with petitioning for appointment as a
27 receiver, and all actions under such appointment, shall not be subject to the
28 provisions of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

29
30 2-6-116. Receivership – Sureties.

31 When the ~~Director of the State Plant Board~~ Secretary of the Department
32 of Agriculture or his or her designee is appointed as receiver under this
33 chapter, the surety on the bond of the Class A registrant shall be joined as
34 a party defendant by the ~~director~~ secretary. If required by the court, the
35 surety shall pay the bond proceeds, or so much thereof as the court finds
36 necessary, into the court, and when so paid the surety shall be absolutely

1 discharged from any further liability under the bond to the extent of the
2 payment.

3
4 SECTION 17. Arkansas Code § 2-6-117(a), concerning receivership and
5 the notice of claims filing deadline, is amended to read as follows:

6 (a) When appointed as receiver under this chapter, the ~~Director of the~~
7 ~~State Plant Board~~ Secretary of the Department of Agriculture or his or her
8 designee is authorized to give notice in the manner specified by the court to
9 persons holding weigh tickets issued by the Class A registrant to file their
10 claims within sixty (60) calendar days after the date of appointment.

11
12 SECTION 18. Arkansas Code §§ 2-6-118 through 2-6-123 is amended to
13 read as follows:

14 2-6-118. Receivership – Sale of processed catfish – Merchandiser.

15 (a) When the court approves the sale of processed catfish the ~~Director~~
16 ~~of the State Plant Board~~ Secretary of the Department of Agriculture shall
17 employ a merchandiser to effect the sale of those commodities.

18 (b) A person employed as a merchandiser must meet the following
19 requirements:

20 (1) The person shall be experienced or knowledgeable in the
21 operation of processors registered under this chapter, and if the person has
22 ever held a registration certificate issued under this chapter, the person
23 shall never have had the registration suspended;

24 (2) The person shall be experienced or knowledgeable in the
25 marketing of aquacultural products;

26 (3) The person shall not be the holder of a weigh ticket issued
27 by the Class A registrant and shall not have a claim against the Class A
28 registrant, whether as a secured or unsecured creditor, and otherwise shall
29 not have any pecuniary interest in the Class A registrant or the Class A
30 registrant's business.

31 (c) The merchandiser shall be entitled to reasonable compensation as
32 determined by the ~~director~~ secretary.

33 (d) A sale of processed catfish shall be made in a commercially
34 reasonable manner and under the supervision of the ~~director~~ secretary.

35 (e) The ~~director~~ secretary shall have authority to sell the processed
36 catfish, and provisions of the Uniform Commercial Code, § 4-1-101 et seq., to

1 the contrary notwithstanding, any processed catfish so sold shall be free of
2 all liens and other encumbrances.

3
4 2-6-119. Receivership – Distribution to producers.

5 The plan of disposition, as approved by the court, shall provide for
6 the distribution of the processed catfish, or the proceeds from the sale of
7 processed catfish or the proceeds from any surety bond, or any combination
8 thereof, less expenses incurred by the ~~Director of the State Plant Board~~
9 Secretary of the Department of Agriculture in connection with the
10 receivership, to producers on a pro rata basis as their interests are
11 determined. Distribution shall be without regard to any setoff, counterclaim,
12 or charge.

13
14 2-6-120. Receivership – Continued operation of business.

15 The ~~Director of the State Plant Board~~ Secretary of the Department of
16 Agriculture or his or her designee may, with the approval of the court,
17 continue the operation of all or any part of the business of the Class A
18 registrant on a temporary basis and take any other course of action or
19 procedure which will serve the interests of the producers.

20
21 2-6-121. Receivership – Reimbursement.

22 The ~~Director of the State Plant Board~~ Secretary of the Department of
23 Agriculture shall be entitled to reimbursement out of processed catfish or
24 proceeds held in receivership for all expenses incurred as court costs or in
25 handling and disposing of processed catfish, and for all other costs directly
26 attributable to the receivership. The right of reimbursement of the ~~director~~
27 secretary shall be prior to any claims against the processed catfish or
28 proceeds of sale thereof and shall constitute a claim against the surety bond
29 of the Class A registrant.

30
31 2-6-122. Receivership – Proceeds – Termination.

32 In the event the approved plan of disposition requires the sale of
33 processed catfish, or the distribution of proceeds from the surety bond, or
34 both, the ~~Director of the State Plant Board~~ Secretary of the Department of
35 Agriculture or his or her designee shall submit to the court a proposed plan
36 of distribution of those proceeds. Upon such notice and hearing as may be

1 required by the court, the court shall accept or modify the proposed plan.
 2 When the plan is approved by the court and executed by the ~~director~~ secretary
 3 or his or her designee, the ~~director~~ secretary or his or her designee shall
 4 be discharged and the receivership terminated.

5
 6 2-6-123. Receivership – Final report.

7 At the termination of the receivership, the ~~Director of the State Plant~~
 8 ~~Board~~ Secretary of the Department of Agriculture shall file a final report
 9 containing the details of his or her actions, together with such additional
 10 information as the court may require.

11
 12 SECTION 19. Arkansas Code § 19-6-301(34), concerning the enumeration
 13 of special revenues related to the Arkansas Livestock and Poultry Commission,
 14 is amended to add additional subdivisions to read as follows:

15 (I) Commercial bait and ornamental fish fees collected under the
 16 Commercial Bait and Ornamental Fish Act, § 2-5-201 et seq.; and

17 (J) Catfish processor civil penalties collected under the
 18 Arkansas Catfish Processor Fair Practices Act of 1987, § 2-6-101 et seq.;
 19

20 SECTION 20. Arkansas Code § 19-6-480 is amended to read as follows:

21 19-6-480. Livestock and Poultry Special Revenue Fund.

22 (a) The Livestock and Poultry Special Revenue Fund shall consist of
 23 those special revenues as specified in § 19-6-301(33) and (34), and §§ 2-5-
 24 204, 2-5-206, and 2-6-106 ~~which that~~ are not required for support of the
 25 Arkansas Livestock and Poultry Commission Poultry and Egg Grading Program,
 26 there to be used for those purposes as set out by law.

27 (b) The Director of the Arkansas Livestock and Poultry Commission,
 28 with the approval of the Chief Fiscal Officer of the State, shall have the
 29 authority to transfer funds from the Livestock and Poultry Special Revenue
 30 Fund to the Livestock and Poultry Fund Account.

31
 32 SECTION 21. Arkansas Code § 19-6-801 is repealed.

33 ~~19-6-801. Commercial Bait and Ornamental Fish Fund.~~

34 ~~(a) There is established on the books of the Treasurer of State, the~~
 35 ~~Auditor of State, and the Chief Fiscal Officer of the State a fund to be~~
 36 ~~known as the "Commercial Bait and Ornamental Fish Fund".~~

1 ~~(b) The fund is to be used by the State Plant Board to administer the~~
2 ~~Commercial Bait and Ornamental Fish Act, § 2-5-201 et seq.~~

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