

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1117

5 By: Representative A. Davis  
6 By: Senator Hester  
7

## For An Act To Be Entitled

8  
9 AN ACT TO CREATE THE TRANSFORMATION AND EFFICIENCIES  
10 ACT OF 2019; TO TRANSFER VARIOUS STATE AGENCIES AND  
11 TO ESTABLISH THE CABINET-LEVEL DEPARTMENT OF  
12 AGRICULTURE; TO DECLARE AND EMERGENCY; AND FOR OTHER  
13 PURPOSES.  
14

## Subtitle

15  
16  
17 TO CREATE THE TRANSFORMATION AND  
18 EFFICIENCIES ACT OF 2019; TO TRANSFER  
19 VARIOUS STATE AGENCIES AND TO ESTABLISH  
20 THE CABINET-LEVEL DEPARTMENT OF  
21 AGRICULTURE; AND TO DECLARE AND  
22 EMERGENCY.  
23

24  
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. Arkansas Code Title 25, Chapter 43, Subchapter 2 is amended  
28 to read as follows:

29 Subchapter 2 – Department of Agriculture

30  
31 25-43-201. Department of Agriculture.

32 There is created the Department of Agriculture as a cabinet-level  
33 department.

34  
35 25-43-202. State entities transferred to the Department of  
36 Agriculture.



1           (a) As provided in § 25-38-206 and § 25-38-211, the following boards,  
2 commissions, and office, or parts thereof, are transferred to the Department  
3 of Agriculture:

4           (1) The Abandoned Pesticide Advisory Board, created under § 8-7-  
5 1204;

6           (2) The Arkansas Agriculture Board, created under § 25-38-207;

7           (3) The Arkansas Bureau of Standards, created under § 4-18-311;

8           (4) The Arkansas Boll Weevil Eradication Committee, created  
9 under § 2-16-612;

10          (5) The Arkansas Farm Mediation Office, created under § 2-7-201;

11          (6) The Arkansas Fire Ant Advisory Board, created under § 2-16-  
12 701;

13          (7) The Arkansas Forestry Commission, created under § 15-31-101;

14          (8) The Arkansas Livestock and Poultry Commission, created under  
15 § 2-33-101;

16          (9) The Arkansas Milk Stabilization Board, created under § 2-10-  
17 103;

18          (10) The Arkansas Natural Resources Commission, created under §  
19 15-20-201;

20          (11) The Arkansas Seed Arbitration Committee, created under § 2-  
21 23-104;

22          (12) The Arkansas State Board of Registration for Foresters,  
23 created under § 17-31-201;

24          (13) The Arkansas State Board of Registration for Professional  
25 Soil Classifiers, created under §17-47-201;

26          (14) The Arkansas Unpaved Road Program, created under § 14-305-  
27 104;

28          (15) The Commission on Water Well Construction, created under §  
29 17-50-201;

30          (16) The Liter Utilization Committee, created under § 15-20-  
31 1110;

32          (17) The Private Wetland and Riparian Zone Creation,  
33 Restoration, and Conservation Committee, created under § 26-51-1503; and

34          (18) The Ouachita River Commission, created under § 15-23-803;

35          (19) The Red River Compact Commission, created under § 15-23-  
36 501;

- 1                   (20) The State Plant Board, created under § 2-16-206;
- 2                   (21) The Veterinary Medical Examining Board, created under § 17-
- 3 101-201;
- 4                   (22) The Wetlands Technical Advisory Committee, created under §
- 5 15-22-1003.

6           (b) If there is a conflict between the cabinet-level transfers of the  
 7 state entities listed in subdivisions (a)(1)-(22) of this section and either  
 8 the transfer of these same state entities under § 25-38-211 or the transfer  
 9 of their respective personnel, administrative functions, and human resource  
 10 and accounting operations under § 25-38-206, then the transfer provisions  
 11 under § 25-38-206 and § 25-38-211 shall apply.

12           SECTION 2. Arkansas Code § 25-38-202 is amended to read as follows:

13           25-38-202. Creation – Appointment of secretary.

14           (a) There is created the ~~Arkansas Agriculture Department~~ Department of  
 15 Agriculture as a cabinet-level department under §25-43-105.

16           (b)(1) The executive head of the department shall be the Secretary of  
 17 the ~~Arkansas Agriculture Department~~ Department of Agriculture.

18           (2) The secretary shall be selected by the Arkansas Agriculture  
 19 Board, and the name shall be submitted to the Governor for confirmation. The  
 20 secretary shall serve at the pleasure of the Governor.

21           (3) The secretary may:

22                   (A) Delegate to the employees of the Department of  
 23 Agriculture any of the powers or duties of the department required to  
 24 administer the:

25                                   (i) Statutory duties; or

26                                   (ii) Rules, orders, or directives promulgated or  
 27 issued by the:

28   (a) Abandoned Pesticide Advisory Board;

29   (b) Arkansas Agriculture Board;

30   (c) Arkansas Boll Weevil Eradication

31 Committee;

32   (d) Arkansas Bureau of Standards;

33   (e) Arkansas Farm Mediation Office;

34   (f) Arkansas Fire Ant Advisory Board;

35   (g) Arkansas Forestry Commission;

36   (h) Arkansas Livestock and Poultry Commission;



1           (2) Coordinate all existing programs and create any new programs  
2 that will enhance the marketing of the state's agricultural products to  
3 intrastate, national, and international markets;

4           (3) Establish a clearinghouse for collecting, correlating,  
5 analyzing, and interpreting marketing and educational information and data  
6 concerning the needs of and resources for agriculture, aquaculture,  
7 horticulture, forestry, and kindred industries;

8           (4) Develop a website devoted to marketing and education  
9 concerning agriculture, aquaculture, horticulture, forestry, and kindred  
10 industries, including a distinctive logo publicizing products as "Grown in  
11 Arkansas";

12           (5) Encourage the organization of neighborhood and county  
13 agricultural clubs and associations;

14           (6) Coordinate the various activities of the department with  
15 those of the federal government and other states on matters pertaining to  
16 agriculture, aquaculture, horticulture, forestry, and kindred industries and  
17 enter into agreements for that purpose;

18           (7) Coordinate with existing programs concerning agriculture,  
19 aquaculture, horticulture, forestry, and kindred industries with the  
20 ~~University of Arkansas~~ Division of Agriculture of the University of Arkansas;

21           (8) Make all contracts and grants and employ, to the extent  
22 funds are available, such personnel as may be necessary to carry out the  
23 purposes of this chapter; and

24           (9) Assist other departments, agencies, and institutions of the  
25 state and federal governments, when so requested, by performing services in  
26 conformity with the purposes of this chapter;

27           (10) Establish a uniform allowance program for certain staff and  
28 field employees;

29           (11) Prepare and submit annually to the Governor a report of the  
30 departments expenditures and accomplishments, including information from all  
31 entities administered by the department; and

32           (12) Designate employees who shall have the powers of peace  
33 officers or institutional law enforcement officers in the enforcement of the  
34 criminal laws of this state.

35  
36           SECTION 4. Arkansas Code § 25-38-204 is repealed.

1       ~~25-38-204. Type 1 transfers of various agricultural agencies.~~

2       ~~The following departments, institutions, other agencies, or parts~~  
3 ~~thereof, are transferred to the Arkansas Agriculture Department by a type 1~~  
4 ~~transfer, as provided for in § 25-2-104, under which the departments,~~  
5 ~~institutions, other agencies, or parts thereof, shall be administered under~~  
6 ~~the direction and supervision of that principal department, but shall retain~~  
7 ~~the same prescribed statutory powers, authorities, duties, and functions as~~  
8 ~~they had before the transfer.~~

9             ~~(1) Abandoned Pesticide Advisory Board, created under § 8-7-~~  
10 ~~1204;~~

11             ~~(2) Arkansas Forestry Commission, created under § 15-31-101;~~

12             ~~(3) Arkansas Livestock and Poultry Commission, created under §~~  
13 ~~2-33-101;~~

14             ~~(4) State Plant Board, created under § 2-16-206; and~~

15             ~~(5) Aquaculture business enterprise facilities and operations~~  
16 ~~with the Arkansas Development Finance Authority.~~

17  
18       SECTION 5. Arkansas Code § 25-38-206 is amended to read as follows:

19       25-38-206. Transfer of personnel, administrative functions, human  
20 resources, and accounting offices.

21       (a) ~~The human resource and accounting operations~~ All administrative  
22 functions, including without limitation the human resource and accounting  
23 operations, of the following boards, ~~and commissions, bureau, committees,~~  
24 program, and office shall be administered under the direction and supervision  
25 of the ~~Arkansas Agriculture Department~~ Department of Agriculture:

26             (1) The State Plant Board;

27             (2) The Arkansas Livestock and Poultry Commission; ~~and~~

28             (3) The Arkansas Forestry Commission;

29             (4) The Arkansas Natural Resources Commission;

30             (5) The Arkansas State Board of Registration for Foresters;

31             (6) The Veterinary Medical Examining Board;

32             (7) The Abandoned Pesticide Advisory Board;

33             (8) The Commission on Water Well Construction;

34             (9) The Red River Compact Commission;

35             (10) The Arkansas Bureau of Standards;

36             (11) The Arkansas State Board of Registration for Professional

- 1 Soil Classifiers;
- 2 (12) The Arkansas Farm Mediation Office;
- 3 (13) The Arkansas Boll Weevil Eradication Committee;
- 4 (14) The Arkansas Fire Ant Advisory Board;
- 5 (15) The Arkansas Milk Stabilization Board;
- 6 (16) The Arkansas Seed Arbitration Committee;
- 7 (17) The Arkansas Unpaved Road Program;
- 8 (18) The Liter Utilization Committee;
- 9 (19) The Ouachita River Commission;
- 10 (20) The Arkansas Agriculture Board;
- 11 (21) The Private Wetland and Riparian Zone Creation,
- 12 Restoration, and Conservation Committee; and
- 13 (22) The Wetlands Technical Advisory Committee.
- 14 (b) The boards, and commissions, committees, bureau, program, and
- 15 office subject to transfer of the administration of human resource and
- 16 accounting operations administrative functions under subsection (a) of this
- 17 section shall make available to the department all records of whatever type
- 18 concerning their human resource and accounting operations the administrative
- 19 functions of the boards, commissions, committees, bureau, program, or office.
- 20 (c)(1) All personnel employed by the boards, commissions, committees,
- 21 bureau, program, or office transferred under § 25-38-211 and subsection (a)
- 22 of this section shall be employees of the Department of Agriculture.
- 23 (2) All job descriptions, duties, salaries, and benefits shall
- 24 be determined by the Secretary of the Department of Agriculture as consistent
- 25 with Arkansas law.
- 26 (3) All programs and positions funded by special funds allocated
- 27 by law to the boards, commissions, committees, bureau, program, or office
- 28 subject to the transfer under § 25-38-211 and subsection (a) of this section
- 29 shall continue to be used for the designated purposes of the programs and
- 30 positions.
- 31 (4) The department shall provide all administrative support,
- 32 employment needs, and staff to carry out the rules, directives, and orders
- 33 promulgated or issued by the entities transferred under subsection (a) of
- 34 this section and § 25-38-211.
- 35 (d) "Administrative functions" does not include the promulgation of
- 36 rules or issuance of orders on behalf of any of the entities transferred

1 under subsection (a) of this section and § 25-38-211.  
2

3 SECTION 6. Arkansas Code Title 25, Chapter 38, Subchapter 2, is  
4 amended to add an additional section to read as follows:

5 25-38-211. Transfers of certain agricultural boards, commissions,  
6 committees, bureau, program, or office.

7 (a) As provided in this section and in § 25-38-206, the following  
8 boards, commissions, committees, bureau, program, or office, or parts  
9 thereof, are transferred to the Department of Agriculture:

10 (1) The Abandoned Pesticide Advisory Board, created under § 8-7-  
11 1204;

12 (2) The Arkansas Agriculture Board, created under § 25-38-207;

13 (3) The Arkansas Bureau of Standards, created under § 4-18-311;

14 (4) The Arkansas Boll Weevil Eradication Committee, created  
15 under § 2-16-612;

16 (5) The Arkansas Farm Mediation Office, created under § 2-7-201;

17 (6) The Arkansas Fire Ant Advisory Board, created under § 2-16-  
18 701;

19 (7) The Arkansas Forestry Commission, created under § 15-31-101;

20 (8) The Arkansas Livestock and Poultry Commission, created under  
21 § 2-33-101;

22 (9) The Arkansas Milk Stabilization Board, created under § 2-10-  
23 103;

24 (10) The Arkansas Natural Resources Commission, created under §  
25 15-20-201;

26 (11) The Arkansas Seed Arbitration Committee, created under § 2-  
27 23-104;

28 (12) The Arkansas State Board of Registration for Foresters,  
29 created under § 17-31-201;

30 (13) The Arkansas State Board of Registration for Professional  
31 Soil Classifiers, created under §17-47-201;

32 (14) The Arkansas Unpaved Road Program, created under § 14-305-  
33 104;

34 (15) The Commission on Water Well Construction, created under §  
35 17-50-201;

36 (16) The Liter Utilization Committee, created under § 15-20-



- 1 1110;  
2 (17) The Private Wetland and Riparian Zone Creation,  
3 Restoration, and Conservation Committee, created under § 26-51-1503; and  
4 (18) The Ouachita River Commission, created under § 15-23-803;  
5 (19) The Red River Compact Commission, created under § 15-23-  
6 501;  
7 (20) The State Plant Board, created under § 2-16-206;  
8 (21) The Veterinary Medical Examining Board, created under § 17-  
9 101-201;  
10 (22) The Wetlands Technical Advisory Committee, created under §  
11 15-22-1003.
- 12 (b) The transfer under subdivision (a) of this section supersedes  
13 previous transfers, including without limitation the transfers under § 25-38-  
14 204.
- 15 (c) For purposes of this section, the Department of Agriculture shall  
16 be considered a principal department as established by Acts 1971, No. 38.
- 17 (d) The transferred entities shall be administered under the direction  
18 and supervision of the Department of Agriculture but shall continue to  
19 exercise their statutory authority, powers, duties, and functions as before  
20 the transfer, including without limitation the promulgation of rules, the  
21 collection of fees, and the creation of programs.
- 22 (e) All revenue, including without limitation cash funds, special  
23 revenue, trust fund income, federal grants, aid, reimbursements, nonrevenue  
24 receipts, and other moneys held in accounts by the transferred boards,  
25 commissions, bureau, or office, including without limitation unexpended  
26 balances that may be carried forward, shall continue to be held in the  
27 accounts and shall be used solely for the purposes for which the revenue was  
28 collected as provided by law.
- 29 (f) All records, personnel, and unexpended balances of state  
30 appropriations or allocations, including the functions of budgeting and  
31 purchasing, are transferred to the Department of Agriculture.
- 32 (g) All real property owned by a transferred entity shall remain in  
33 the name of the transferred entity, to be administered by the Department of  
34 Agriculture, and all other property shall be transferred to the Department of  
35 Agriculture.

36

1 SECTION 7. Arkansas Code § 2-1-102(c)(1), concerning the definition of  
2 "sustainable" agriculture, is amended to read as follows:

3 (c)(1) ~~The Arkansas Agriculture Department~~ Department of Agriculture  
4 and the State Plant Board shall interpret any administrative rule promulgated  
5 by a state or federal agency that establishes standards for harvesting or  
6 producing agricultural crops in accordance with the definition and guidelines  
7 provided in this section.

8

9 SECTION 8. Arkansas Code § 2-5-204(b), concerning powers and duties of  
10 the State Plant Board, is repealed.

11 ~~(b) The board may authorize the Director of the State Plant Board to~~  
12 ~~appoint any deputy the board considers necessary to implement this~~  
13 ~~subchapter.~~

14

15 SECTION 9. Arkansas Code § 2-7-201 is amended to read as follows:  
16 2-7-201. Creation.

17 (a) There is hereby created within the ~~Arkansas Development Finance~~  
18 ~~Authority~~ Department of Agriculture the Arkansas Farm Mediation Office which  
19 shall administer the Arkansas Farm Mediation Program to provide mediation and  
20 debt management services to farmers and their creditors in the State of  
21 Arkansas.

22 (b)(1) The program shall be administered by the ~~President of the~~  
23 ~~Arkansas Development Finance Authority~~ Secretary of the Department of  
24 Agriculture who shall employ mediators and administrative staff in such  
25 numbers as are necessary and as the General Assembly may appropriate to carry  
26 out the provisions of this chapter.

27 (2) The ~~president~~ Secretary of the Department of Agriculture may  
28 apply to the United States Secretary of Agriculture or any other agency or  
29 department for any financial assistance for the administration and operation  
30 of the program.

31 (3) The ~~president~~ Secretary of the Department of Agriculture or  
32 his or her designee shall select mediators who are knowledgeable in the areas  
33 of finance, agriculture, and negotiation and shall train them in any other  
34 matters as are necessary to carry out their functions under this chapter.

35 (4) The ~~president~~ Secretary of the Department of Agriculture may  
36 promulgate rules to carry out the provisions of this chapter.

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SECTION 10. Arkansas Code § 2-10-103(i) is amended to read as follows:

(i) The Secretary of the ~~Arkansas Agriculture Department~~ Department of Agriculture and the ~~Deputy Director of the Arkansas Livestock and Poultry Commission~~ shall assist the board when necessary by providing resources and guidance.

SECTION 11. Arkansas Code § 2-10-104(a)(5) is repealed.

~~(5) By December 31, 2007, provide a copy of the proposed plan determined in subdivision (a)(4) of this section to the Secretary of the Arkansas Agriculture Department and any other person or entity requesting a copy of the proposed plan;~~

SECTION 12. Arkansas Code § 2-10-104(c)(1), concerning the powers and duties of the Arkansas Milk Stabilization Board, is amended to read as follows:

(c)(1) Once reviewed by the Legislative Council, the ~~Arkansas Agriculture Department~~ Department of Agriculture shall implement the plan.

SECTION 13. Arkansas Code § 2-10-203(b)(1)(A), concerning the creation of the Dairy Stabilization Grant, is amended to read as follows:

(b)(1)(A) If funds are available, the Secretary of the ~~Arkansas Agriculture Department~~ Department of Agriculture shall calculate monthly the difference between the average monthly blend price of milk received by Arkansas milk producers as estimated by the secretary and seventy percent (70%) of the average monthly cost of producing milk in Missouri and Tennessee as estimated by the United States Department of Agriculture.

SECTION 14. Arkansas Code § 2-10-204(a), concerning milk production and quality incentives, is amended to read as follows:

(a) If funds are available, as an incentive to continue milk production and to improve milk quality, the Secretary of the ~~Arkansas Agriculture Department~~ Department of Agriculture may pay a milk producer the following incentive payments:

(1)(A) Fifty cents (50¢) per hundred weight of milk for each hundred weight of milk produced above the milk producer's average annual milk

1 production.

2 (B) A milk producer's average annual milk production  
 3 specified under subdivision (a)(1)(A) of this section shall be calculated  
 4 over the two (2) years preceding the year of disbursement; and

5 (2) Fifty cents (50¢) per hundred weight of milk if the milk  
 6 contains a somatic cell count of less than four hundred thousand (400,000).  
 7

8 SECTION 15. Arkansas Code § 2-10-205 is amended to read as follows:  
 9 2-10-205. Rules.

10 The ~~Director~~ Secretary of the Department of Finance and Administration  
 11 and the Secretary of the ~~Arkansas Agriculture Department~~ Department of  
 12 Agriculture shall adopt rules to implement this subchapter.  
 13

14 SECTION 16. Arkansas Code § 2-15-406 is amended to read as follows:  
 15 2-15-406. State Plant Board – Reports.

16 The State Plant Board may report to the ~~Governor and to the Arkansas~~  
 17 ~~Agriculture Department~~ Department of Agriculture concerning industrial hemp  
 18 policies and practices that may result in the proper legal growing,  
 19 management, use, and marketing of the state's potential industrial hemp  
 20 industry, including without limitation:

- 21 (1) Federal laws and regulatory constraints;
- 22 (2) The economic and financial feasibility of an industrial hemp  
 23 market in Arkansas;
- 24 (3) Arkansas businesses that might use industrial hemp;
- 25 (4) Examination of research on industrial hemp production and  
 26 use;
- 27 (5) The potential for globally marketing Arkansas industrial  
 28 hemp;
- 29 (6) A feasibility study of private funding for the Arkansas  
 30 industrial hemp research program;
- 31 (7) Enforcement concerns;
- 32 (8) Statutory and regulatory schemes for growing of industrial  
 33 hemp by private producers; and
- 34 (9) Technical support and education about industrial hemp.  
 35

36 SECTION 17. Arkansas Code § 2-16-207(c) and (d), concerning powers and

1 duties of the State Plant Board, are amended to read as follows:

2 (c)(1) The board shall make rules for carrying out the provisions and  
3 requirements of this subchapter, including rules under which ~~its~~ the  
4 inspectors and other employees of the Department of Agriculture shall:

5 (A) Inspect places, plants and plant products, and things  
6 and substances used or connected herewith;

7 (B) Investigate, control, eradicate, and prevent the  
8 dissemination of insect pests, diseases, and noxious weeds; and

9 (C) Supervise or cause the treatment, cutting, and  
10 destruction of infected or infested plants and plant products.

11 (2) For the purpose of preventing fraud and misrepresentation,  
12 the board shall make rules governing the transportation, distribution, or  
13 sale of sorghum seed, hybrid corn seed, and other seeds intended for  
14 planting.

15 (d) For the purpose of carrying out the provisions and requirements of  
16 this subchapter, of the rules made, and notices given pursuant thereto, the  
17 board and ~~its~~ the inspectors and employees of the Department of Agriculture  
18 shall have power to enter into or upon any place and to open any bundle,  
19 package, or other container of plants or plant products.

20

21 SECTION 18. Arkansas Code § 2-16-208 is amended to read as follows:

22 2-16-208. Director of board.

23 ~~(a) For the purpose of carrying out the provisions of this subchapter,~~  
24 ~~the State Plant Board shall employ, prescribe the duties of, and fix the~~  
25 ~~compensation for a Director of the State Plant Board. With the approval of~~  
26 ~~the board, the director may employ such inspectors or other employees as may~~  
27 ~~be required and may incur such expenses as may be necessary within the limits~~  
28 ~~of the appropriation made by law.~~

29 ~~(b)~~ Director of the State Plant Board shall be appointed  
30 by the board with the approval of the Governor and shall serve at the  
31 pleasure of the Governor.

32 ~~(c)(1) The director shall furnish a bond of five thousand dollars~~  
33 ~~(\$5,000) with sufficient sureties approved by the board for the faithful~~  
34 ~~performance of his or her duties of this subchapter and the rules of the~~  
35 ~~board.~~

36 ~~(2) Any person suffering damage by reason of the acts or~~

1 omissions of the chief inspector or his or her duly authorized deputies or  
2 employees may bring action on the bond for damages.

3 ~~(3) The board may require to indemnify the director that similar~~  
4 ~~bonds shall be furnished by deputies, inspectors, or employees.~~

5 ~~(d) The board shall cooperate with other departments, boards, and~~  
6 ~~officers of this state and of the United States as far as possible.~~

7 (b)(1) The Department of Agriculture may delegate to the director any  
8 of the powers or duties required to administer the:

9 (A) Statutory duties of the State Plant Board; and

10 (B) Rules, orders, or directives promulgated or issued by  
11 the board.

12 (2) The director may exercise the powers and duties delegated to  
13 him or her under subdivision (b)(1) of this section in the name of the State  
14 Plant Board and the Department of Agriculture.

15  
16 SECTION 19. Arkansas Code § 2-16-209(d), concerning the transportation  
17 of insect pests and duties of the State Plant Board, is amended to read as  
18 follows:

19 (d) ~~Inspectors of the board~~ carrying out the provisions of this  
20 subchapter on issuance of a written notice may cause to be held or to be sent  
21 out of the state or to be destroyed any plant, plant product, or other  
22 substance which has been brought into or is being transported within the  
23 state in violation of any state or federal law, rule, or regulation. They may  
24 stop and detain for inspection any person, car, or other carrier.

25  
26 SECTION 20. Arkansas Code § 2-16-306 is amended to read as follows:

27 2-16-306. Enforcement.

28 ~~(a)(1) The provisions of this subchapter and the rules promulgated~~  
29 ~~hereunder shall be carried out by the Director of the State Plant Board, who~~  
30 ~~shall serve without extra compensation.~~

31 ~~(2) The director may, with the approval of the board, employ~~  
32 ~~such inspectors or other employees as may be required and may incur such~~  
33 ~~expenses as may be necessary, within the limits of the appropriation made by~~  
34 ~~law or declared by the Governor.~~

35 ~~(b)~~ For the purposes of carrying out the requirements of this  
36 subchapter, and the rules made and notices given pursuant thereto, the board

1 ~~and its~~ inspectors and employees of the Department of Agriculture shall have  
 2 the right to enter into or upon any place and for purpose of inspection to  
 3 open any bundle, package, or other container of plants, plant products,  
 4 articles, or substances.

5 ~~(e)-(1)~~(b)(1) In the enforcement of this subchapter and of the rules  
 6 made pursuant thereto, the ~~board~~ State Plant Board may summon witnesses;  
 7 require the production of any books, papers, or documents it deems material;  
 8 administer oaths; and hear witnesses.

9 (2) It shall be the duty of each sheriff in the state to serve a  
 10 summons when requested by the board.

11

12 SECTION 21. Arkansas Code § 2-16-405(b), concerning the administration  
 13 of pesticide control by the State Plant Board, is amended to read as follows:

14 (b) The administrative functions vested in the board by this  
 15 subchapter shall be considered to be delegated to the employees of the ~~State~~  
 16 ~~Plant Board~~ Department of Agriculture or ~~its~~ the department's authorized  
 17 representatives on behalf of the State Plant Board.

18

19 SECTION 22. Arkansas Code § 2-16-702(a), concerning members of the  
 20 Arkansas Fire Ant Advisory Board, is amended to read as follows:

21 (a) The Arkansas Fire Ant Advisory Board shall be composed of the Vice  
 22 President for Agriculture of the University of Arkansas System, the head of  
 23 the Department of Entomology at the University of Arkansas at Fayetteville or  
 24 his or her representative, the ~~Director of the State Plant Board~~ Secretary of  
 25 the Department of Agriculture or his or her representative, and the following  
 26 to be appointed from an ant-infested area by the ~~chair~~ Chair of the Arkansas  
 27 Fire Ant Advisory Board:

- 28 (1) A representative of an Arkansas environmental interest
- 29 group;
- 30 (2) A county extension agent or a member of the general public;
- 31 (3) A representative of the farm or ranch industry;
- 32 (4) A representative of the horticultural or nursery industry;
- 33 and
- 34 (5) A representative of the Arkansas Pest Control Association.

35

36 SECTION 23. Arkansas Code § 2-18-104 is amended to read as follows:

1           2-18-104. Rules.

2           The State Plant Board:

3                   (1) Shall promulgate all rules necessary to carry into effect  
4 the purpose of this chapter, which is to provide supplies of high-grade seed,  
5 true to name and free from disease, for planting purposes; and

6                   (2) Shall make rules to protect the interest of breeders who  
7 have developed high-quality strains of seed; ~~and~~

8                   ~~(3) May appoint or may authorize the Director of the State Plant~~  
9 ~~Board to appoint such deputies as shall be necessary to carry into effect the~~  
10 ~~purpose of this chapter.~~

11

12           SECTION 24. Arkansas Code § 2-22-104 is amended to read as follows:

13           2-22-104. Administration.

14           The State Plant Board is vested with the authority to carry out the  
15 provisions of this chapter through the ~~Director of the State Plant Board,~~  
16 ~~the State Apiarist, section head, and deputies~~ Department of Agriculture.

17

18           SECTION 25. Arkansas Code § 2-23-104(a)(1)(A), concerning the members  
19 of the arbitration committee for the arbitration of defective seed claims, is  
20 amended to read as follows:

21           (a)(1)(A) ~~The Director of the State Plant Board~~ Secretary of the  
22 Department of Agriculture shall appoint an arbitration committee composed of  
23 six (6) members and six (6) alternate members with one (1) member and one (1)  
24 alternate to be appointed upon the recommendation of each of the following:

25                           (i) The President of the Arkansas Seed Growers  
26 Association;

27                           (ii) The President of the Arkansas Seed Dealers  
28 Association;

29                           (iii) The President of the Arkansas Farm Bureau  
30 Federation; and

31                           (iv) The President of the Agricultural Council of  
32 Arkansas.

33

34           SECTION 26. Arkansas Code § 2-23-104(b)(1), concerning the members of  
35 the arbitration committee for the arbitration of defective seed claims, is  
36 amended to read as follows:



1 (b)(1) The committee shall elect a chairperson from ~~its~~ the  
 2 committee's membership and the Director of the State Plant Board Secretary of  
 3 the Department of Agriculture, or his or her designee, shall serve as  
 4 secretary of the committee and shall not vote.

5  
 6 SECTION 27. Arkansas Code § 2-32-501(c), concerning administrative  
 7 penalties imposed by the Arkansas Livestock and Poultry Commission, is  
 8 amended to read as follows:

9 (c) ~~The commission or the Deputy Director of the Arkansas Livestock~~  
 10 ~~and Poultry Commission or the commission's designee~~ may issue subpoenas.

11  
 12 SECTION 28. Arkansas Code § 2-33-104 is amended to read as follows:

13 2-33-104. ~~Deputy director~~ Director.

14 (a) ~~The Deputy Director of the Arkansas Livestock and Poultry~~  
 15 ~~Commission shall be appointed by the Governor, in consultation with the~~  
 16 ~~Secretary of the Arkansas Agriculture Department~~ Department of Agriculture.

17 (b)(1) The secretary may delegate to the director any of the powers or  
 18 duties required to administer the:

19 (A) Statutory duties of the Arkansas Livestock and Poultry  
 20 Commission; and

21 (B) Rules, orders, or directives promulgated or issued by  
 22 the commission.

23 (2) The director may exercise the powers and duties delegated to  
 24 him or her under subdivision (b)(1) of this section in the name of the  
 25 Arkansas Livestock and Poultry Commission and the Department of Agriculture.

26  
 27 SECTION 29. Arkansas Code § 2-33-105 is amended to read as follows:

28 2-33-105. State Veterinarian.

29 (a)~~(1)~~ ~~Subject to the approval of the Arkansas Livestock and Poultry~~  
 30 ~~Commission, the Director of the Arkansas Livestock and Poultry Commission~~ The  
 31 Secretary of the Department of Agriculture shall appoint employ a State  
 32 Veterinarian.

33 ~~(2)~~(b) The State Veterinarian shall be a person who has been  
 34 granted the degree of Doctor of Veterinary Medicine and holds a current  
 35 license issued by the Veterinary Medical Examining Board of this state.

36 (b)(1) ~~The State Veterinarian shall perform such duties as shall from~~

1 ~~time to time be prescribed by the commission and the Secretary of the~~  
2 ~~Arkansas Agriculture Department.~~

3 ~~(2) The commission may, by resolution duly adopted, delegate to~~  
4 ~~the State Veterinarian any of the powers or duties vested in or imposed upon~~  
5 ~~it by law, and these delegated powers or duties may be exercised by the State~~  
6 ~~Veterinarian in the name of the commission.~~

7  
8 SECTION 30. Arkansas Code § 2-33-111, concerning livestock and poultry  
9 diagnostic services, is amended to add an additional subsection to read as  
10 follows:

11 (d)(1) The Arkansas Livestock and Poultry Commission Veterinary  
12 Diagnostic Laboratory shall be administered by the Department of Agriculture.

13 (2)(A) The Department of Agriculture may by rule assign  
14 additional laboratory duties and functions to the Arkansas Livestock and  
15 Poultry Commission Veterinary Diagnostic Laboratory.

16 (B) Additional laboratory duties and functions assigned  
17 under subdivision (d)(2)(A) of this section shall be funded by the Department  
18 of Agriculture and not by the special revenues established in subsection (b)  
19 of this section.

20  
21 SECTION 31. Arkansas Code § 2-33-115(a), concerning fees assessed by  
22 the Livestock and Poultry Commission, is amended to read as follows:

23 (a) The following fees shall be assessed by the Arkansas Livestock and  
24 Poultry Commission:

25 (1) A fee of two dollars (\$2.00) per head collected on all  
26 horses sold in the state; and

27 (2) On each state, district, and county fair held in the State  
28 of Arkansas there shall be levied a four and five-tenths percent (4.5%)  
29 surcharge on each paid admission to the fairs, and such levy shall be  
30 remitted to the Treasurer of State, who shall deposit the revenues in the  
31 State Treasury to the credit of the Livestock and Poultry Special Revenue  
32 Fund or the Livestock and Poultry Commission Disease and Pest Control Fund as  
33 determined by the Secretary of the ~~Arkansas Agriculture Department~~ Department  
34 of Agriculture.

35  
36 SECTION 32. Arkansas Code § 2-33-308 is amended to read as follows:

1 2-33-308. Overtime compensation.

2 The ~~Arkansas Livestock and Poultry Commission's Poultry and Egg Grading~~  
3 ~~Program~~ Department of Agriculture is hereby authorized to pay ordinary,  
4 customary, and necessary overtime compensation in accordance with rules  
5 promulgated by the Chief Fiscal Officer of the State to those employees,  
6 including egg and poultry grader supervisors, engaged in the inspection and  
7 grading of eggs and poultry products under the Arkansas Livestock and Poultry  
8 Commission's Poultry and Egg Grading Program.

9  
10 SECTION 33. Arkansas Code § 2-34-205(b) and (c), concerning custody of  
11 county brand records, are amended to read as follows:

12 (b) The ~~commission~~ Department of Agriculture shall collect all county  
13 brand record books and place them in its office and preserve them as public  
14 records on behalf of the commission.

15 (c) The ~~commission~~ department shall furnish a record of any brand  
16 record in the county record books to any person for a reasonable fee  
17 determined by the ~~commission~~ department to offset the costs of furnishing the  
18 record.

19  
20 SECTION 34. Arkansas Code § 2-34-210(b), concerning the sale of the  
21 State Brand Book, is amended to read as follows:

22 (b) A supplement to the State Brand Book shall be sold to the public  
23 for a reasonable fee determined by the ~~Deputy Director of the Arkansas~~  
24 ~~Livestock and Poultry Commission~~ Department of Agriculture to offset the  
25 costs of producing the supplement.

26  
27 SECTION 35. The introductory language to Arkansas Code § 4-18-311,  
28 concerning the creation of the State Division of Weights and Measures, is  
29 amended to read as follows:

30 There is hereby created a State Division of Weights and Measures  
31 located for administrative purposes within the Arkansas Bureau of Standards  
32 of the State Plant Board administered by the Department of Agriculture. The  
33 division is charged with, but not limited to, performing the following  
34 functions on behalf of the citizens of the state:

35  
36 SECTION 36. Arkansas Code § 4-18-312(g), concerning the powers and

1 duties of the State Plant Board, is amended to read as follows:

2 (g) Delegate to ~~appropriate personnel~~ the Department of  
3 Agriculture any of these responsibilities for the proper administration of  
4 the board.

5

6 SECTION 37. Arkansas Code § 4-18-312(p), concerning the powers and  
7 duties of the State Plant Board, is amended to read as follows:

8 (p) Provide for the training of weights and measures personnel,  
9 and may also establish minimum training and performance requirements which  
10 shall then be met by all weights and measures personnel, whether county,  
11 municipal, or state. The ~~Director of the~~ State Plant Board may adopt the  
12 training standards of the National Conference on Weights and Measures'  
13 National Training Program.

14

15 SECTION 38. Arkansas Code § 4-18-313 is amended to read as follows:

16 4-18-313. Special police powers.

17 When necessary for the enforcement of this subchapter or regulations  
18 promulgated pursuant thereto, ~~the State Plant Board is~~ personnel designated  
19 by the Department of Agriculture on behalf of the Arkansas Bureau of  
20 Standards are:

21 (a) Authorized to enter any commercial premises during normal  
22 business hours, except that in the event such premises are not open to the  
23 public, he/she shall first present his/her credentials and obtain consent  
24 before making entry thereto, unless a search warrant has previously been  
25 obtained.

26 (b) Empowered to issue stop-use, hold, and removal orders with  
27 respect to any weights and measures commercially used, stop-sale, hold, and  
28 removal orders with respect to any packaged commodities or bulk commodities  
29 kept, offered, or exposed for sale.

30 (c) Empowered to seize, for use as evidence, without formal  
31 warrant, any incorrect or unapproved weight, measure, package, or commodity  
32 found to be used, retained, offered, or exposed for sale or sold in violation  
33 of the provisions of this subchapter or regulations promulgated pursuant  
34 thereto.

35 (d) Empowered to stop any commercial vehicle and, after  
36 presentation of his credentials, inspect the contents, require that the

1 person in charge of that vehicle produce any documents in his possession  
2 concerning the contents, and require him to proceed with the vehicle to some  
3 specified place for inspection.

4 (e) With respect to the enforcement of this subchapter, the  
5 ~~board~~ department is hereby vested with special police powers, and is  
6 authorized to arrest, with warrant, any violator of this subchapter.  
7

8 SECTION 39. Arkansas Code § 4-18-325 is amended to read as follows:

9 4-18-325. Restraining order and injunction.

10 The ~~Director of the State Plant Board~~ or its designee is authorized to  
11 apply to any court of competent jurisdiction for a restraining order, or a  
12 temporary or permanent injunction, restraining any person from violating any  
13 provision of this subchapter.  
14

15 SECTION 40. Arkansas Code § 4-18-329(a), concerning the fees for tests  
16 and inspections by the Arkansas Bureau of Standards of the State Plant Board,  
17 is amended to read as follows:

18 (a) The Arkansas Bureau of Standards of the State Plant Board  
19 administered through the Department of Agriculture shall collect charges as  
20 provided in this section for the testing and certification of testing  
21 apparatus and for testing and inspection made pursuant to this chapter.  
22

23 SECTION 41. Arkansas Code § 4-18-334(a), concerning the Director of  
24 the Arkansas Bureau of Standards, is amended to read as follows:

25 (a) The Director of the Arkansas Bureau of Standards is appointed by  
26 the Governor, ~~and~~ shall serve at the pleasure of the Governor, and shall  
27 report to the Secretary of the Department of Agriculture.  
28

29 SECTION 42. Arkansas Code § 4-18-334(c), concerning the Director of  
30 the Arkansas Bureau of Standards, is repealed.

31 ~~(e) The director may establish divisions or offices within the~~  
32 ~~Arkansas Bureau of Standards as he or she may deem necessary for the~~  
33 ~~administration of the duties of the bureau.~~  
34

35 SECTION 43. Arkansas Code § 4-18-334(d)(4), concerning the Director of  
36 the Arkansas Bureau of Standards, is amended to read as follows:

1           (4) Make a report to the ~~Governor~~ Secretary of the Department of  
2 Agriculture on the activities of his or her office at the end of each fiscal  
3 year.

4  
5           SECTION 44. Arkansas Code § 4-18-335 is repealed.

6           ~~4-18-335. Staff and equipment of the Arkansas Bureau of Standards.~~

7           ~~(a) The Arkansas Bureau of Standards shall be composed of a deputy~~  
8 ~~director, state investigators, and technical and clerical personnel of~~  
9 ~~weights and measures sufficient to accomplish the intent of this subchapter.~~

10           ~~(b) The powers and duties given to and imposed upon the Director of~~  
11 ~~the Arkansas Bureau of Standards by this subchapter are also given to and~~  
12 ~~imposed upon the deputy director and investigators when acting at the~~  
13 ~~direction of the director.~~

14  
15           SECTION 45. Arkansas Code § 8-4-104(b)(2), concerning the members of  
16 the Arkansas Pollution Control and Ecology Commission, is amended to read as  
17 follows:

18           (2) The other six (6) members of the Arkansas Pollution Control  
19 and Ecology Commission shall be:

20           (A) ~~The Director~~ Secretary of the Department of Health or  
21 his or her designee; and

22           (B)(i) The directors of the Arkansas State Game and Fish  
23 Commission, ~~the Arkansas Forestry Commission,~~ the Arkansas Natural Resources  
24 Commission, the Oil and Gas Commission, and the Arkansas Geological Survey.

25           (ii) Any director specified in subdivision  
26 (b)(2)(B)(i) of this section may designate the agency's deputy director or  
27 assistant director to serve in lieu of the director; and

28           (C) The Secretary of the Department of Agriculture or his  
29 or her designee.

30  
31           SECTION 46. Arkansas Code § 8-7-1204(b), concerning the Abandoned  
32 Pesticide Advisory Board, is amended to read as follows:

33           (b) The Abandoned Pesticide Advisory Board shall be composed of up to  
34 six (6) members:

35           (1) One (1) member shall be a representative from the Arkansas  
36 Farm Bureau Federation;

1 (2) One (1) member shall be a representative from the Arkansas  
2 Natural Resources Commission;

3 (3) One (1) member shall be a representative from the University  
4 of Arkansas Cooperative Extension Service;

5 (4) One (1) member shall be a representative from the Arkansas  
6 Department of Environmental Quality;

7 (5) One (1) member may be a representative from the United  
8 States Natural Resources Conservation Service; and

9 (6) One (1) member shall be a representative from the ~~State~~  
10 ~~Plant Board~~ Department of Agriculture, who shall serve as the Chair of the  
11 Abandoned Pesticide Advisory Board.

12  
13 SECTION 47. Arkansas Code § 12-75-132(b), concerning the creation of  
14 the Arkansas Homeland Security Advisory Group, is amended to read as follows:

15 (b) The advisory group shall consist of representatives of federal,  
16 state, and local agencies and professional associations as determined by the  
17 Director of the Arkansas Department of Emergency Management. The advisory  
18 group shall include, at a minimum, representatives of the following:

19 (1) Arkansas ~~Department~~ Division of Emergency Management;

20 (2) Arkansas Ambulance Association;

21 (3) Arkansas Association of Chiefs of Police;

22 (4) Arkansas Association of Fire Chiefs;

23 (5) Arkansas Citizen Corps Point of Contact;

24 (6) ~~Arkansas Department~~ Division of Environmental Quality;

25 (7) Department of Health;

26 (8) Arkansas Emergency Management Association Inc.;

27 (9) Arkansas Highway Police Division of the Arkansas Department  
28 of Transportation;

29 (10) ~~Arkansas Livestock and Poultry Commission~~ Department of  
30 Agriculture;

31 (11) Arkansas Municipal League;

32 (12) National Guard;

33 (13) 61st Civil Support Team of the National Guard;

34 (14) Arkansas Sheriffs' Association;

35 (15) ~~Department~~ Division of Arkansas State Police;

36 (16) ~~State Plant Board~~;

- 1           ~~(17)~~ County Judges Association of Arkansas;
- 2           ~~(18)~~(17) Centers for Disease Control and Prevention;
- 3           ~~(19)~~(18) ~~Department~~ Division of Information Systems;
- 4           ~~(20)~~(19) Federal Bureau of Investigation;
- 5           ~~(21)~~(20) Health Resources and Services Administration of the
- 6 United States Department of Health and Human Services;
- 7           ~~(22)~~(21) United States Secret Service;
- 8           ~~(23)~~(22) United States Attorney for the Eastern District of
- 9 Arkansas; and
- 10           ~~(24)~~(23) United States Attorney for the Western District of
- 11 Arkansas.

12

13           SECTION 48. Arkansas Code § 14-305-105(a) and (b), concerning the  
 14 application process and criteria for selection under the Arkansas Unpaved  
 15 Roads Program Act, are amended to read as follows:

16           (a)(1) After completing training in best management practices, a  
 17 county may submit an application to receive funding for an unpaved road  
 18 project to the ~~Rural Services Division of the Arkansas Economic Development~~  
 19 ~~Commission~~ Arkansas Natural Resources Commission.

20           (2) The ~~division~~ commission shall:

21                   (A) Determine which of the proposed unpaved road projects  
 22 to fund based on the criteria and requirements stated in this chapter; and

23                   (B) Create an advisory committee to assist the ~~division~~  
 24 committee in evaluating applications and determining which proposed unpaved  
 25 road projects to fund.

26           (b) A county applying for funding for an unpaved road project shall  
 27 submit an application to the ~~division~~ commission that includes the following:

28                   (1) A brief description of the maintenance needs to be addressed  
 29 by the unpaved road project;

30                   (2) A cost estimate for the unpaved road project;

31                   (3) A proposed work schedule for the unpaved road project;

32                   (4) The basis for successful completion of the unpaved road  
 33 project with citation to the relevant feature contained in subsection (c) of  
 34 this section;

35                   (5) A plan for using best management practices;

36                   (6) A description of the unpaved road project site, including



1 without limitation a site map; and

2 (7) Any other information requested by the ~~division~~ commission.

3  
4 SECTION 49. Arkansas Code § 14-305-105(e), concerning the application  
5 process and criteria for selection under the Arkansas Unpaved Roads Program  
6 Act, is amended to read as follows:

7 (e) The ~~division~~ commission shall evaluate and prioritize each  
8 proposed unpaved road project based on the characteristics of the road  
9 contributing to erosion.

10  
11 SECTION 50. Arkansas Code § 14-305-106(b) and (c), concerning the  
12 funding of unpaved road projects under the Arkansas Unpaved Roads Program  
13 Act, are amended to read as follows:

14 (b) The ~~Rural Services Division of the Arkansas Economic Development~~  
15 ~~Commission~~ Arkansas Natural Resources Commission may award a grant to a  
16 county using funds available in the Arkansas Unpaved Roads Program Fund for  
17 up to fifty percent (50%) of the estimated total costs of a proposed unpaved  
18 road project.

19 (c) At least four percent (4%) of the funding obtained from the  
20 ~~division~~ commission under this chapter shall be used to evaluate and assess  
21 the unpaved road project.

22  
23 SECTION 51. Arkansas Code § 14-305-107(b) and (c), concerning the  
24 completion of an unpaved road projects under the Arkansas Unpaved Roads  
25 Program Act, are amended to read as follows:

26 (b)(1) If an unpaved road project that has been approved for a grant  
27 is not completed within one (1) year of the award of the grant, the county  
28 shall refund the full grant amount to the ~~Rural Services Division of the~~  
29 ~~Arkansas Economic Development Commission~~ Arkansas Natural Resources  
30 Commission.

31 (2) However, for good cause shown, the Director of the ~~Arkansas~~  
32 ~~Economic Development Commission~~ Arkansas Natural Resources Commission may  
33 allow one (1) extension for a county that is unable to complete its unpaved  
34 road project within the period stated in subdivision (b)(1) of this section.

35 (c) A county shall:

36 (1) Comply with the standards set by the ~~division~~ commission for

1 the completion of an unpaved road project to ensure that the unpaved road  
 2 project is conducted in a manner that is not harmful to the state or the  
 3 environment; and

4 (2) Report on the progress of the unpaved road project in the  
 5 manner and at the times determined by the ~~division~~ commission.

6  
 7 SECTION 52. Arkansas Code § 14-305-108(3), concerning the funding of  
 8 unpaved road projects under the Arkansas Unpaved Roads Program Act, is  
 9 amended to read as follows:

10 (3) Allow inspection by the ~~Rural Services Division of the~~  
 11 ~~Arkansas Economic Development Commission~~ Arkansas Natural Resources  
 12 Commission of the records described in subdivisions (1) and (2) of this  
 13 section.

14  
 15 SECTION 53. Arkansas Code § 14-305-109(a)(4), concerning support of  
 16 Arkansas Unpaved Roads Program, is amended to read as follows:

17 (4) ~~The Arkansas Natural Resources Commission~~ Rural Services  
 18 Division of the Arkansas Economic Development Commission;

19  
 20 SECTION 54. Arkansas Code § 14-305-110 is amended to read as follows:  
 21 14-305-110. Rules.

22 ~~The Rural Services Division of the Arkansas Economic Development~~  
 23 ~~Commission~~ Arkansas Natural Resources Commission shall promulgate rules to  
 24 implement and administer this chapter, including without limitation rules  
 25 regarding:

26 (1) The application process;

27 (2) The creation and administration of an advisory committee to  
 28 assist the division in evaluating applications and making funding  
 29 determinations;

30 (3) The disbursement of grant funds;

31 (4) The reporting required by counties that receive grant funds  
 32 under this chapter;

33 (5) The evaluation and assessment of unpaved road projects  
 34 approved for grants;

35 (6) The expenses that are eligible for grant funds; and

36 (7) The standards a county is required to meet in completing an

1 unpaved road project.

2

3 SECTION 55. Arkansas Code § 15-4-3806 is amended to read as follows:  
 4 15-4-3806. Promotion.

5 (a) The ~~Arkansas Agriculture Department~~ Department of Agriculture may  
 6 use its internet resources to:

7 (1) Promote, create, and expand local farm and food economies in  
 8 this state;

9 (2) Maintain a list of local farm or food products and the  
 10 providers of local farm or food products; and

11 (3) Facilitate compliance with this subchapter.

12 (b)(1) The ~~Arkansas Agriculture Department~~ Department of Agriculture  
 13 shall establish a program coordinator position, which shall be responsible  
 14 for developing partnerships among vendors, agencies, and providers of local  
 15 farm or food products to support the goals of this subchapter.

16 (2) The program coordinator shall:

17 (A) Provide support and assistance to providers of local  
 18 farm or food products that wish to compete for a contract with an agency by:

19 (i) Assisting the provider of local farm or food  
 20 products in developing a business plan;

21 (ii) Working with distribution representatives; and

22 (iii) Using available resources, including without  
 23 limitation agencies and other public and private entities;

24 (B) Be a resource for agencies to use to assist in  
 25 tracking and reporting their progress in satisfying the procurement goals  
 26 stated in this subchapter;

27 (C) Be a liaison between agencies and providers of local  
 28 farm or food products to facilitate access to local farm or food products;

29 (D) Encourage and facilitate involvement and participation  
 30 in the Farm to School Program administered by the United States Department of  
 31 Agriculture by working with providers of local farm or food products,  
 32 vendors, and distributors to assess the need for and availability of local  
 33 farm and food products; and

34 (E) Cooperate with the ~~Arkansas Agriculture Department~~  
 35 Department of Agriculture and providers of local farm or food products to  
 36 promote, encourage, and increase participation in the Arkansas Grown program

1 administered by the ~~Arkansas Agriculture Department~~ Department of  
2 Agriculture.

3  
4 SECTION 56. Arkansas Code § 15-13-301(a), concerning the Arkansas  
5 Alternative Fuels Development Program, is amended to read as follows:

6 (a) The Arkansas Alternative Fuels Development Program is established  
7 and shall be developed and administered by the ~~Arkansas Agriculture~~  
8 ~~Department~~ Department of Agriculture.

9  
10 SECTION 57. Arkansas Code § 15-13-302(c), concerning the production  
11 incentives for alternative fuels producers under the Arkansas Alternative  
12 Fuels Development Program, is amended to read as follows:

13 (c) The ~~Arkansas Agriculture Department~~ Department of Agriculture  
14 shall create a grant application process for alternative fuels producers for  
15 capital improvements that includes:

16 (1) An application for a grant under this subsection that shall  
17 include at a minimum:

18 (A) The expected gallonage production of alternative fuels  
19 at the facility;

20 (B) A narrative description of the intended use of the  
21 grant moneys; and

22 (C) Evidence sufficient to satisfy the department that the  
23 applicant has the capacity to complete the proposed project;

24 (2) Instructions about the grant process;

25 (3) Scoring procedures to determine the award of the grants; and

26 (4) Other factors that the Secretary of the ~~Arkansas Agriculture~~  
27 ~~Department~~ Department of Agriculture deems necessary.

28  
29 SECTION 58. Arkansas Code § 15-13-303(b), concerning the production  
30 incentives for feedstock processors under the Arkansas Alternative Fuels  
31 Development Program, is amended to read as follows:

32 (b) The ~~Arkansas Agriculture Department~~ Department of Agriculture  
33 shall create a grant application process for feedstock processors that shall  
34 include:

35 (1) An application for a grant under this subchapter that shall  
36 include at a minimum:

1 (A) A narrative description of the intended use of the  
 2 grant moneys; and

3 (B) Evidence sufficient to satisfy the department that the  
 4 applicant has the capacity to complete the proposed project;

5 (2) Instructions about the grant process;

6 (3) Scoring procedures to determine the award of the grants; and

7 (4) Other factors that the Secretary of the ~~Arkansas Agriculture~~  
 8 ~~Department~~ Department of Agriculture deems necessary.

9

10 SECTION 59. Arkansas Code § 15-13-304(b), concerning the distribution  
 11 incentives for alternative fuels distributors under the Arkansas Alternative  
 12 Fuels Development Program, is amended to read as follows:

13 (b) The ~~Arkansas Agriculture Department~~ Department of Agriculture  
 14 shall create a grant application process for alternative fuels distributors  
 15 that shall include:

16 (1) An application for a grant under this subchapter that shall  
 17 include at a minimum:

18 (A) A narrative description of the intended use of the  
 19 grant moneys; and

20 (B) Evidence sufficient to satisfy the department that the  
 21 provision of a grant to the alternative fuels distributor will improve the  
 22 statewide supply and distribution of alternative fuels and alternative fuels  
 23 mixtures that are produced in Arkansas;

24 (2) Instructions about the grant process;

25 (3) Scoring procedures to determine the award of the grants; and

26 (4) Other factors that the Secretary of the ~~Arkansas Agriculture~~  
 27 ~~Department~~ Department of Agriculture deems necessary.

28

29 SECTION 60. Arkansas Code § 15-13-305 is amended to read as follows:  
 30 15-13-305. Rules.

31 After consulting the Arkansas Energy Office, the ~~Arkansas Agriculture~~  
 32 ~~Department~~ Department of Agriculture shall promulgate rules to implement and  
 33 administer this subchapter.

34

35 SECTION 61. Arkansas Code § 15-13-306(c), concerning rebate incentives  
 36 for modification of motor vehicles under the Arkansas Alternative Fuels

1 Development Program, is amended to read as follows:

2 (c) ~~The Arkansas Agriculture Department~~ Department of Agriculture  
 3 shall create a rebate application process for a public entity, a company, an  
 4 organization, or an affiliate of a public entity, a company, or an  
 5 organization to obtain a rebate that shall include:

6 (1) An application for a rebate under this subchapter that shall  
 7 include:

8 (A) An affidavit or proof that the motor vehicle is  
 9 registered in Arkansas or will be registered in Arkansas upon acquisition of  
 10 the motor vehicle; and

11 (B) Evidence of the following:

12 (i) The purchase of a dedicated compressed natural  
 13 gas motor vehicle or a dedicated propane gas motor vehicle and the  
 14 differential costs; or

15 (ii) The differential costs, incremental costs, or  
 16 the costs associated with the conversion of a diesel-powered motor vehicle or  
 17 gasoline-powered motor vehicle into a dedicated compressed natural gas motor  
 18 vehicle, bi-fuel compressed natural gas motor vehicle, dedicated propane gas  
 19 motor vehicle, or bi-fuel propane gas motor vehicle;

20 (2) Instructions about the rebate process;

21 (3) Scoring procedures to determine the award of the rebates;  
 22 and

23 (4) Other factors that the Secretary of the ~~Arkansas Agriculture~~  
 24 ~~Department~~ Department of Agriculture deems necessary.

25  
 26 SECTION 62. Arkansas Code § 15-20-204 is amended to read as follows:  
 27 15-20-204. Organization.

28 The Arkansas Natural Resources Commission shall from time to time  
 29 select from its membership a chair and a vice chair. ~~The Executive Director~~  
 30 ~~of the Arkansas Natural Resources Commission, hereinafter provided for, shall~~  
 31 ~~be ex officio secretary of the commission but shall have no vote on matters~~  
 32 ~~coming before it.~~

33  
 34 SECTION 63. Arkansas Code § 15-20-205 is amended to read as follows:  
 35 15-20-205. ~~Executive director~~ Director.

36 (a) The ~~Executive~~ Director of the Arkansas Natural Resources

1 Commission shall be appointed by and serve at the pleasure of the Governor,  
2 and shall report to the Secretary of the Department of Agriculture .

3 (b) The ~~executive director~~ Department of Agriculture shall be charged  
4 with the duty of administering the provisions of this subchapter and the  
5 rules, ~~regulations,~~ and orders established thereunder by the Arkansas Natural  
6 Resources Commission.

7 (c) The Arkansas Natural Resources Commission, by resolution duly  
8 adopted, may delegate to the ~~executive director~~ Department of Agriculture any  
9 of the powers or duties vested in or imposed upon ~~it~~ the commission by this  
10 subchapter. These delegated powers and duties may be exercised by the  
11 ~~executive director~~ Department of Agriculture or the department's designee in  
12 the name of the commission.

13 (d) The ~~executive director~~ Secretary of the Department of Agriculture  
14 shall be custodian of all property held in the name of the commission and  
15 shall be ex officio the disbursing agent of all funds available for ~~its~~ use  
16 by the commission.

17 ~~(e)(1) The executive director shall furnish bond to the state, with~~  
18 ~~corporate surety thereon, in the penal sum of ten thousand dollars (\$10,000),~~  
19 ~~conditioned that he or she will faithfully perform his or her duties of~~  
20 ~~employment and properly account for all funds received and disbursed by him~~  
21 ~~or her.~~

22 ~~(2) An additional disbursing agent's bond shall not be required~~  
23 ~~of the executive director.~~

24 ~~(3) The bond so furnished shall be filed with the Secretary of~~  
25 ~~State and an executed counterpart thereof shall be filed with the Auditor of~~  
26 ~~State.~~

27  
28 SECTION 64. Arkansas Code § 15-20-207(1)(B), concerning the powers and  
29 duties of the Arkansas Natural Resources Commission, is amended to read as  
30 follows:

31 (B) In order that ~~it~~ the commission may perform its  
32 functions more effectively, the ~~commission~~ Department of Agriculture shall  
33 employ a Water Resources Engineer, and the person so employed, at the time of  
34 his or her employment and during the continuance thereof, shall hold a  
35 certificate of registration granted by the State Board of Licensure for  
36 Professional Engineers and Professional Surveyors;

1

2 SECTION 65. Arkansas Code § 15-20-207(6), concerning the powers and  
3 duties of the Arkansas Natural Resources Commission, is amended to read as  
4 follows:

5 (6)(A) Receive and expend any moneys arising from federal means,  
6 grants, contributions, gratuities, reimbursements, or loans payable or  
7 distributable to the State of Arkansas by the United States or any of its  
8 agencies or instrumentalities pursuant to any congressional act or rule or  
9 regulation of such an agency or instrumentality now or hereafter enacted or  
10 promulgated for or on account of any functions performable by the commission.

11 (B)(i)(a) ~~It~~ The commission shall likewise receive any  
12 contributions, grants, or gratuities donated by private persons,  
13 associations, or corporations for or on account of any of the functions  
14 aforesaid.

15 (b) All moneys so received shall be deposited  
16 into the State Treasury unless provisions shall have otherwise been made by  
17 the respective federal agencies, private persons, associations, or  
18 corporations furnishing the funds.

19 (ii) However, ~~in the event the General Assembly~~  
20 ~~shall fail if the General Assembly fails~~ to appropriate any such moneys for  
21 the use of the Department of Agriculture to support the commission or in the  
22 event the specified use of any such moneys ~~preclude its~~ precludes their  
23 deposit into the State Treasury, the commission ~~is authorized and empowered~~  
24 ~~to~~ may convert any such moneys to the Arkansas Water Development Fund, to be  
25 used for the purposes for which granted, donated, or received or as otherwise  
26 provided by this subchapter;

27

28 SECTION 66. Arkansas Code § 15-20-903(3), concerning the definition of  
29 "executive director" under the Arkansas Poultry Feeding Operations  
30 Registration Act, is repealed.

31 (3) ~~"Executive director" means the Executive Director of the~~  
32 ~~Arkansas Natural Resources Commission;~~

33

34 SECTION 67. Arkansas Code § 15-20-904(a), concerning registration  
35 under the Arkansas Poultry Feeding Operations Registration Act, is amended to  
36 read as follows:



1 (a) The Arkansas Natural Resources Commission shall operate an annual  
2 registration program, to be administered by the Department of Agriculture,  
3 for the purpose of assembling and maintaining information on the number,  
4 composition, and practices of poultry feeding operations in the state .  
5

6 SECTION 68. Arkansas Code § 15-20-904(g), concerning registration  
7 under the Arkansas Poultry Feeding Operations Registration Act, is amended to  
8 read as follows:

9 (g) The commission may delegate portions of the annual registration  
10 program for implementation to the ~~Executive Director of the Arkansas Natural~~  
11 ~~Resources Commission~~ Department of Agriculture or conservation districts, or  
12 both.  
13

14 SECTION 69. Arkansas Code § 15-20-905(a), concerning the authority of  
15 the Department of Agriculture for enforcement, is amended to read as follows:

16 (a)(1) Agents of the ~~Arkansas Natural Resources Commission~~ Department  
17 of Agriculture ~~shall have the power to~~ may enter on private property to  
18 determine compliance with this subchapter.

19 (2)(A) Entry shall not occur without prior notification of the  
20 owner, operator, or agent in charge of the property.

21 (B) Notice shall be given to the owner, operator, or agent  
22 in charge of the property at least seventy-two (72) hours before entry.

23 (3) Documentation of biosecurity measures taken and biosecurity  
24 certification received by an inspection agent of the ~~Arkansas Natural~~  
25 ~~Resources Commission~~ Department of Agriculture or by a conservation district  
26 officer, including a biosecurity log book, shall be available to the owner  
27 upon request.

28 (4) Upon notice of disease outbreak by the ~~Arkansas Livestock~~  
29 ~~and Poultry Commission~~ Department of Agriculture, inspection under this  
30 subchapter shall be automatically suspended until notification by the  
31 ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture that it  
32 is safe to resume inspections.  
33

34 SECTION 70. Arkansas Code § 15-20-1003(c)(3), concerning the  
35 definition of "executive director" under the Arkansas Soil Nutrient  
36 Management Planner and Applicator Certification Act, is repealed.

1                   ~~(3) "Executive director" means the Executive Director of the~~  
 2 ~~Arkansas Natural Resources Commission;~~

3  
 4           SECTION 71. Arkansas Code § 15-20-1004(c)(4), concerning the nutrient  
 5 planner program, is amended to read as follows:

6                   (4) Provide for the performance of other duties and the exercise  
 7 of other powers by the ~~Executive Director of the Arkansas Natural Resources~~  
 8 ~~Commission~~ Department of Agriculture as may be necessary to provide for the  
 9 training and certification of a person preparing nutrient management plans;  
 10 and

11  
 12           SECTION 72. Arkansas Code § 15-20-1005(c)(4), concerning the nutrient  
 13 applicator program, is amended to read as follows:

14                   (4) Provide for the performance of other duties and the exercise  
 15 of other powers by the ~~Executive Director of the Arkansas Natural Resources~~  
 16 ~~Commission~~ Department of Agriculture as may be necessary to provide for the  
 17 training and certification of a person making nutrient application.

18  
 19           SECTION 73. Arkansas Code § 15-20-1008(b), concerning administrative  
 20 penalties under the Arkansas Soil Nutrient Management Planner and Applicator  
 21 Certification Act, is amended to read as follows:

22                   (b) The commission or ~~the Executive Director of the Arkansas Natural~~  
 23 ~~Resources Commission~~ the commission's designee may issue subpoenas under §  
 24 15-22-208.

25  
 26           SECTION 74. Arkansas Code § 15-20-1103(5), concerning the definition  
 27 of "executive director" under the Arkansas Soil Nutrient Application and  
 28 Poultry Litter Utilization Act, is repealed.

29                   ~~(5) "Executive director" means the Executive Director of the~~  
 30 ~~Arkansas Natural Resources Commission;~~

31  
 32           SECTION 75. Arkansas Code § 15-20-1107(a)(2), concerning the nutrient  
 33 management plan, is amended to read as follows:

34                   (2) The person requesting a nutrient management plan may appeal  
 35 the nutrient management plan's disapproval or any of the nutrient management  
 36 plan's provisions to the ~~Executive Director of the Arkansas Natural Resources~~

1 Commission.

2

3 SECTION 76. Arkansas Code § 15-20-1108(a)(2), concerning the poultry  
4 litter management plan, is amended to read as follows:

5 (2) The person requesting a poultry litter management plan may  
6 appeal the poultry litter management plan's disapproval or any of the poultry  
7 litter management plan's provisions to the ~~Executive Director of the~~ Arkansas  
8 Natural Resources Commission.

9

10 SECTION 77. Arkansas Code § 15-20-1110(b), concerning the litter  
11 utilization committee, is amended to read as follows:

12 (b) The ~~Executive Director of the~~ Arkansas Natural Resources  
13 Commission shall appoint a committee composed of poultry feeding operators,  
14 ~~commission~~ Department of Agriculture staff, and other persons knowledgeable  
15 in litter management.

16

17 SECTION 78. Arkansas Code § 15-20-1111(b), concerning implementation  
18 of the Arkansas Soil Nutrient Application and Poultry Litter Utilization Act,  
19 is amended to read as follows:

20 (b) The commission may delegate portions of the program for  
21 implementation to the ~~Executive Director of the Arkansas Natural Resources~~  
22 ~~Commission~~ Department of Agriculture or conservation districts, or both.

23

24 SECTION 79. Arkansas Code § 15-20-1112(a), concerning enforcement of  
25 the Arkansas Soil Nutrient Application and Poultry Litter Utilization Act, is  
26 amended to read as follows:

27 (a)(1) Agents of the ~~Arkansas Natural Resources Commission~~ Department  
28 of Agriculture or a conservation district may enter on private property to  
29 determine compliance with this subchapter.

30 (2)(A) Entry shall not occur without prior notification of the  
31 owner.

32 (B) Notice shall be given to the owner, operator, or agent  
33 in charge of the property at least seventy-two (72) hours before entry.

34 (3) Documentation of biosecurity measures taken and biosecurity  
35 certification received by an inspection agent of the ~~Arkansas Natural~~  
36 ~~Resources Commission~~ Department of Agriculture or by a conservation district

1 officer, including a biosecurity log book, shall be available to the owner  
2 upon request.

3 (4) Upon notice of disease outbreak by the ~~Arkansas Livestock~~  
4 ~~and Poultry Commission~~ Department of Agriculture, inspection under this  
5 subchapter shall be automatically suspended until notification by the  
6 ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture that it  
7 is safe to resume inspections.

8

9 SECTION 80. Arkansas Code § 15-20-1314, concerning the powers and  
10 duties of the Arkansas Natural Resources commission, is amended to add an  
11 additional subsection to read as follows:

12 (b) The Arkansas Natural Resources Commission may accomplish the  
13 purposes of this subchapter through the delegation of any administrative  
14 functions to the Department of Agriculture.

15

16 SECTION 81. Arkansas Code § 15-22-207 is amended to read as follows:  
17 15-22-207. Administration of oath to witnesses.

18 Any member of the Arkansas Natural Resources Commission, or the  
19 ~~Executive Director of the Arkansas Natural Resources Commission or attorney~~  
20 ~~the commission's designee, shall have power to~~ may administer an oath to any  
21 witness in any hearing, investigation, or proceeding under the provisions of  
22 this subchapter.

23

24 SECTION 82. Arkansas Code § 15-22-1003(4), concerning the definition  
25 of "executive director" under the Arkansas Wetlands Mitigation Bank Act, is  
26 repealed.

27 ~~(4) "Executive director" means the Executive Director of the~~  
28 ~~Arkansas Natural Resources Commission;~~

29

30 SECTION 83. Arkansas Code § 15-22-1003(7), concerning the definition  
31 of "Wetlands Technical Advisory Committee" under the Arkansas Wetlands  
32 Mitigation Bank Act, is amended to read as follows:

33 (7) "Wetlands Technical Advisory Committee" ~~is~~ means a committee  
34 made up of the directors or their designees of:

35

(A) ~~The Arkansas Forestry Commission;~~

36

~~(B) The Arkansas State Game and Fish Commission;~~

- 1                    ~~(C)~~(B) The Arkansas Department of Transportation;
- 2                    ~~(D)~~(C) The Department of Arkansas Heritage;
- 3                    ~~(E)~~(D) The Arkansas Department of Environmental Quality;
- 4                    and
- 5                    ~~(F)~~(E) Two (2) public members with expertise in aquatic
- 6                    resources ecology appointed by the Arkansas Natural Resources Commission.

7

8                    SECTION 84. Arkansas Code § 15-22-1004 is amended to read as follows:

9                    15-22-1004. Mitigation banks – Acquisition and protection —~~Powers of~~

10                   ~~the executive director.~~

11                   ~~In consultation with the Arkansas Natural Resources Commission and the~~

12                   ~~Wetlands Technical Advisory Committee, the Executive Director of the Arkansas~~

13                   ~~Natural Resources Commission~~ The Arkansas Natural Resources Commission or

14                   the commission's designee, in consultation with the Wetlands Technical

15                   Advisory Committee, may:

- 16                    (1) Set a sales price for credits in the mitigation bank on
- 17                    behalf of the commission;
- 18                    (2) Acquire or accept title, including easements, from willing
- 19                    sellers or donors to approved lands, in the name of the commission, suitable
- 20                    for use in mitigation banks;
- 21                    (3) Pay costs incurred for alterations needed to create or
- 22                    restore aquatic resources areas for purposes of carrying out the provisions
- 23                    of this subchapter;
- 24                    (4) Authorize payment of administrative, research, or scientific
- 25                    monitoring expenses of the commission in carrying out the provisions of this
- 26                    subchapter;
- 27                    (5) Receive funds from whatever source for the voluntary
- 28                    acquisition of a mitigation bank and interests therein;
- 29                    (6) Enter into contracts with state and federal agencies,
- 30                    nonprofit corporations, or other persons for the management of mitigation
- 31                    bank properties; and
- 32                    (7)(A) Upon satisfactory establishment of a functioning aquatic
- 33                    resources site, convey mitigation bank properties to other appropriate state
- 34                    agencies for management.
- 35                    (B) The commission shall reserve such interest in the
- 36                    mitigation bank property as necessary to protect the aquatic resources

1 function and values.

2

3 SECTION 85. Arkansas Code § 15-22-1005(a), concerning program criteria  
4 for mitigation banks, is amended to read as follows:

5 (a) In accordance with the provisions of this subchapter, upon the  
6 approval of the Arkansas Natural Resources Commission, the ~~Executive Director~~  
7 ~~of the Arkansas Natural Resources Commission~~ Department of Agriculture shall  
8 initiate and implement a program for mitigation banks.

9

10 SECTION 86. Arkansas Code § 15-22-1007 is amended to read as follows:

11 15-22-1007. Monitoring activities in mitigation banks – Reports.

12 (a) The ~~Executive Director of the~~ Arkansas Natural Resources  
13 Commission shall maintain a record of actions for each mitigation bank and  
14 conduct monitoring of mitigation banks with moneys set aside for that purpose  
15 in the Arkansas Water Development Fund.

16 (b) The ~~executive director~~ commission shall provide annual reports to  
17 the ~~Arkansas Natural Resources Commission and the~~ Wetlands Technical Advisory  
18 Committee of moneys spent and received for each mitigation bank.

19

20 SECTION 87. Arkansas Code § 15-22-1009 is amended to read as follows:

21 15-22-1009. ~~Executive director to consult and cooperate~~ Consultation  
22 and cooperation with other agencies and interested parties – State agencies  
23 to use mitigation bank.

24 (a) The provisions of this subchapter shall be carried out by the  
25 ~~Executive Director of the~~ Arkansas Natural Resources Commission in  
26 consultation with the Wetlands Technical Advisory Committee.

27 (b) All public agencies requiring permit action mitigation, when  
28 practicable, shall use mitigation banks created under this subchapter.

29

30 SECTION 88. Arkansas Code § 15-22-1012 is amended to read as follows:

31 15-22-1012. Use of funds.

32 The ~~Executive Director of the~~ Arkansas Natural Resources Commission may  
33 use the moneys in the Arkansas Water Development Fund for the following  
34 purposes:

35 (1) For the voluntary acquisition of land suitable for use in  
36 mitigation banks;

1           (2) To pay for costs incurred for alterations needed to create,  
2 restore, or enhance aquatic resources areas for purposes of carrying out the  
3 provisions of this subchapter;

4           (3) For payment of administrative, research, or scientific  
5 monitoring expenses of the Arkansas Natural Resources Commission in carrying  
6 out the provisions of this subchapter;

7           (4) To repay financial assistance received from state financial  
8 assistance programs, including interest and applicable fees, used for the  
9 purposes of carrying out the intent of this subchapter; and

10          (5) Any other purpose related to wetland, stream, deep water  
11 aquatic habitat, or aquatic resources creation or restoration.

12  
13          SECTION 89. Arkansas Code § 15-22-1304(a), concerning gubernatorial  
14 approval required by the Internal Revenue Code, is amended to read as  
15 follows:

16          (a) When gubernatorial approval is required by the provisions of the  
17 Internal Revenue Code, 26 U.S.C. § 1 et seq., as amended, or any other  
18 federal or state law, the Governor may approve the issuance of bonds by the  
19 Arkansas Natural Resources Commission upon receipt of written request for  
20 approval from the ~~Executive Director of the~~ Arkansas Natural Resources  
21 Commission.

22  
23          SECTION 90. Arkansas Code § 15-22-1307(a), concerning the execution of  
24 bonds by the Arkansas Natural Resources Commission, is amended to read as  
25 follows:

26          (a) The bonds shall be executed by manual or facsimile signature of  
27 the Chair of the Arkansas Natural Resources Commission and the manual or  
28 facsimile signature of the ~~Executive Director of the Arkansas Natural~~  
29 ~~Resources Commission~~ or any other director or officer authorized to do so by  
30 resolution of the commission.

31  
32          SECTION 91. Arkansas Code § 15-23-503(1), concerning the commissioners  
33 of the Red River Compact Commission, is amended to read as follows:

34          (1) The ~~Director of the Arkansas Natural Resources Commission~~  
35 Secretary of the Department of Agriculture or such other state agency as may  
36 hereafter succeed to the powers and responsibilities of the Arkansas Natural

1 Resources Commission; and

2

3 SECTION 92. Arkansas Code § 15-23-804(f), concerning the members of  
4 the Ouachita River Commission, is amended to read as follows:

5 (f) Members of the Ouachita River Commission shall receive no pay for  
6 their services, but whenever the General Assembly shall have appropriated  
7 funds to the Ouachita River Waterways Project Trust Fund administered by the  
8 Arkansas Natural Resources Commission through the Department of Agriculture,  
9 they may, upon proper application to the Arkansas Natural Resources  
10 Commission, be reimbursed for expenses in accordance with § 25-16-902.

11

12 SECTION 93. Arkansas Code § 15-31-104 is amended to read as follows:  
13 15-31-104. State Forester.

14 ~~The State Forester shall:~~

15 ~~(1)(a) The State Forester shall be~~ Be employed by the Arkansas  
16 Forestry Commission, with the approval of the Governor, and shall serve at  
17 the pleasure of the Governor;

18 (b) The State Forester shall report to the Secretary of the Department  
19 of Agriculture.

20 (c)(1) The secretary may delegate to the State Forester any of the  
21 powers or duties required to administer the:

22 (A) Statutory duties of the Arkansas Forestry Commission;

23 and

24 (B) Rules, orders, or directives promulgated or issued by  
25 the commission.

26 (2) The State Forester may exercise the powers and duties  
27 delegated to him or her under subdivision (b)(1) of this section in the name  
28 of the Arkansas Forestry Commission and the Department of Agriculture.

29 ~~(2)(A) Administer the provisions of this chapter and the rules,~~  
30 ~~regulations, and orders established under this chapter.~~

31 ~~(B)(i) The commission, by adopted resolution, may delegate~~  
32 ~~to the State Forester any of the powers or duties vested in or imposed upon~~  
33 ~~it by this chapter.~~

34 ~~(ii) Such delegated powers and duties may be~~  
35 ~~exercised by the State Forester in the name of the commission;~~

36 (3) The commission may delegate to the Department of Agriculture



1 any of the powers or duties vested in or imposed upon the commission by law,  
 2 and these delegated powers or duties may be exercised by the secretary or his  
 3 or her designee.

4 ~~(d) Be a person who~~ The State Forester shall:

5 ~~(A)(1)~~ Have earned at a minimum a bachelor's degree in forestry  
 6 from an accredited, four-year program at an institution of higher education;  
 7 and

8 ~~(B)(2)~~ Have not less than three (3) years' practical  
 9 administrative and field experience in forestry.

10 ~~(4) Be custodian of all property held in the name of the~~  
 11 ~~commission and shall be, ex officio, the disbursing agent of all funds~~  
 12 ~~available for its use; and~~

13 ~~(5)(A) Furnish bond to the state, with a corporate surety~~  
 14 ~~thereon, in the penal sum of twenty five thousand dollars (\$25,000),~~  
 15 ~~conditioned that he or she will faithfully perform his or her duties of~~  
 16 ~~employment and properly account for all funds received and disbursed by him~~  
 17 ~~or her.~~

18 ~~(B) An additional disbursing agent's bond shall not be~~  
 19 ~~required of the State Forester.~~

20 ~~(C) The bond shall be filed with the Secretary of State~~  
 21 ~~and an executed counterpart thereof shall be filed with the Auditor of State.~~

22  
 23 SECTION 94. Arkansas Code § 15-31-105 is repealed.

24 ~~15-31-105. Personnel.~~

25 ~~(a) Subject to the approval of the Arkansas Forestry Commission, the~~  
 26 ~~State Forester shall employ such assistants and other personnel as are, in~~  
 27 ~~his or her opinion, necessary to properly administer the provisions of this~~  
 28 ~~chapter.~~

29 ~~(b)(1) Notwithstanding his or her primary responsibility, the State~~  
 30 ~~Forester may designate one (1) of his or her assistants to receive and~~  
 31 ~~disburse funds of the commission.~~

32 ~~(2)(A) The assistant so designated shall be required to furnish~~  
 33 ~~bond with a corporate surety thereon in an amount as determined by the State~~  
 34 ~~Forester.~~

35 ~~(B) This bond, together with bonds the State Forester~~  
 36 ~~requires of other employees, shall be filed in the offices of the commission.~~

1                   ~~(C) The premiums on all bonds shall be paid by the~~  
2 ~~commission.~~

3  
4           SECTION 95. Arkansas Code § 15-31-106(a)(1), concerning the functions,  
5 powers, and duties of the Arkansas Forestry Commission, is repealed.

6                   ~~(1) Cooperate with the Secretary of Agriculture or the~~  
7 ~~secretary's authorized agent, with the Dale Bumpers College of Agricultural,~~  
8 ~~Food and Life Sciences and School of Forest Resources of the University of~~  
9 ~~Arkansas, with the Arkansas Economic Development Council, with other state~~  
10 ~~agencies, and with farmers, forest owners, and other residents and~~  
11 ~~organizations of the state to achieve the mission of the Arkansas Forestry~~  
12 ~~Commission;~~

13  
14           SECTION 96. Arkansas Code § 15-31-106(a)(2), concerning the functions,  
15 powers, and duties of the Arkansas Forestry Commission, is amended to read as  
16 follows:

17                   (2) Formulate and put into effect policies, plans, and  
18 reasonable rules and regulations as may be necessary to the accomplishment of  
19 the purpose stated in subdivision (a)(1) of this section achieve the mission  
20 of the Arkansas Forestry Commission;

21  
22           SECTION 97. Arkansas Code § 15-31-106(a)(3), concerning the functions,  
23 powers, and duties of the Arkansas Forestry Commission, is repealed.

24                   ~~(3) Submit annually to the Governor a report of its~~  
25 ~~expenditures, accomplishments, and plans for further work;~~

26  
27           SECTION 98. Arkansas Code § 15-31-107 is repealed.

28           ~~15-31-107. Employment of relatives.~~

29                   ~~(a) No employee of the Arkansas Forestry Commission shall be~~  
30 ~~prohibited from supervising, working under the supervision of, or working~~  
31 ~~with any person to whom he or she is related by affinity or consanguinity.~~

32                   ~~(b) No employee of the commission who begins employment on or after~~  
33 ~~July 1, 1989, shall supervise or work under the supervision of any person to~~  
34 ~~whom he or she is related within the third degree of affinity or~~  
35 ~~consanguinity.~~

36

1 SECTION 99. Arkansas Code § 15-31-110 is repealed.

2 ~~15-31-110. Uniform allowance.~~

3 ~~(a) The Arkansas Forestry Commission is authorized to establish a~~  
4 ~~Uniform Allowance Program for certain staff and field employees.~~

5 ~~(b)(1) An initial maximum allowance of four hundred dollars (\$400) may~~  
6 ~~be paid to those designated new employees during their first year of~~  
7 ~~employment and after satisfactory completion of an initial probationary~~  
8 ~~period of six (6) months.~~

9 ~~(2)(A) A maximum allowance of three hundred dollars (\$300) may~~  
10 ~~be paid to those other designated employees for replacement or maintenance of~~  
11 ~~uniforms.~~

12 ~~(B) Uniform allowance will be dependent upon available~~  
13 ~~funds, not to exceed established maximums.~~

14 ~~(c)(1) The commission shall determine what is to constitute the~~  
15 ~~commission uniform.~~

16 ~~(2) However, the uniform shall include a badge and~~  
17 ~~identification card bearing the words "Arkansas Forestry Commission", a full-~~  
18 ~~face picture of the person to whom the badge and identification card is~~  
19 ~~issued, and such other information as the commission shall require.~~

20 ~~(3) All persons issued such a badge and identification card~~  
21 ~~shall wear, carry, or display it at such times and places as shall be~~  
22 ~~designated, as required by the commission.~~

23  
24 SECTION 100. Arkansas Code § 15-31-112 is repealed.

25 ~~15-31-112. Enforcement of Poison Spring State Forest Regulations.~~

26 ~~(a)(1) It shall be the duty of the Arkansas Forestry Commission's law~~  
27 ~~enforcement personnel to enforce the Poison Springs State Forest regulations~~  
28 ~~promulgated by the commission pursuant to the Arkansas Administrative~~  
29 ~~Procedure Act, § 25-15-201 et seq.~~

30 ~~(2) The commission's law enforcement personnel shall have the~~  
31 ~~right to take the offenders before any court having jurisdiction in the~~  
32 ~~county where the offense is committed.~~

33 ~~(b) Violations of Poison Springs State Forest regulations shall be~~  
34 ~~considered unclassified misdemeanors, the penalty for which shall be in~~  
35 ~~accordance with the regulation defining the conduct, but in no case shall the~~  
36 ~~penalty for violating any Poison Springs State Forest regulation exceed the~~

1 ~~penalty established by law for a Class A misdemeanor.~~

2  
3 SECTION 101. Arkansas Code § 15-31-116(b)(2), concerning donation of  
4 fire control or fire rescue equipment, is amended to read as follows:

5 (2) The commission, the State Forester, the Department of  
6 Agriculture, the Secretary of the Department of Agriculture, and other  
7 officers and employees of the department are not liable in civil damages for  
8 personal injury, property damage, or death resulting from a defect in  
9 equipment sold, loaned, or otherwise made available in good faith by the  
10 State Forester under this section unless the act or omission of the  
11 commission, ~~or~~ the State Forester, the department, the secretary, or the  
12 officer or employee of the department ~~officer, or employee~~ proximately  
13 causing the claim, damage, or loss constitutes malice, gross negligence,  
14 recklessness, or intentional misconduct.

15  
16 SECTION 102. Arkansas Code § 17-31-201(b)(2)(B)(ii), concerning the  
17 creation and selection of members of the Arkansas State Board of Registration  
18 for Foresters, is amended to read as follows:

19 (ii) One (1) member shall be nominated by the State  
20 ~~Forester~~ Arkansas Forestry Commission to represent the Arkansas Forestry  
21 Commission.

22  
23 SECTION 103. Arkansas Code § 17-31-204(c), concerning the powers of  
24 the Arkansas State Board of Registration for Foresters, is amended to read as  
25 follows:

26 (c) Each member of the board shall have power to administer oaths. The  
27 board shall have power to subpoena witnesses and compel the production of  
28 books and papers pertinent to any investigation or hearing authorized by this  
29 chapter. Any employee of ~~the board~~ the Department of Agriculture engaged in  
30 making any investigation on behalf of the board shall have the power to  
31 administer oaths to and take depositions of persons pertaining to any  
32 investigation. The board may require any law enforcement officer of any state  
33 agency, the sheriffs of the various counties, or other law enforcement  
34 officers of any county or municipality to serve subpoenas and other process  
35 of the board. When county, municipal, or other local officers are required to  
36 serve subpoenas or other process of the board, they shall be paid the same

1 fees by the board as are provided by laws for similar services under process  
2 issued by circuit courts.

3  
4 SECTION 104. Arkansas Code § 17-31-205 is repealed.

5 ~~17-31-205. Staff and employees.~~

6 ~~The Arkansas State Board of Registration for Foresters may appoint or~~  
7 ~~employ an assistant secretary, executive secretary, treasurer, or other~~  
8 ~~officers or employees who are not members of the board or of their immediate~~  
9 ~~families, to whom clerical and administrative duties may be assigned and~~  
10 ~~whose compensation shall be fixed by the board.~~

11  
12 SECTION 105. Arkansas Code § 17-31-207(e), concerning the records and  
13 reports of the Arkansas State Board of Registration for Foresters, is  
14 repealed.

15 ~~(e) The board shall submit to the Governor an annual report of its~~  
16 ~~transactions of the preceding year by April 1 and shall also transmit to the~~  
17 ~~Governor a duly certified audit and financial statement prepared by a~~  
18 ~~certified public accountant showing receipts and expenditures of the board.~~

19  
20 SECTION 106. Arkansas Code § 17-47-202(4), concerning the powers of  
21 the Arkansas State Board of Registration for Professional Soil Classifiers,  
22 is repealed.

23 ~~(4) Employ clerks, technical experts, and attorneys as it may~~  
24 ~~deem necessary or desirable to carry out the provisions of this chapter;~~

25  
26 SECTION 107. Arkansas Code § 17-47-202(6), concerning the powers of  
27 the Arkansas State Board of Registration for Professional Soil Classifiers,  
28 is amended to read as follows:

29 (6) Enter into agreements with the ~~Arkansas Soil and Water~~  
30 ~~Conservation Commission~~ Department of Agriculture to share office, clerical,  
31 and secretarial services and to reimburse the ~~commission~~ department for the  
32 cost of the services.

33  
34 SECTION 108. Arkansas Code § 17-47-203(2), concerning the records,  
35 reports, and disposition of funds of the Arkansas State Board of Registration  
36 for Professional Soil Classifiers, is amended to read as follows:

1           (2) Annually submit to the ~~Governor~~ Secretary of the Department  
 2 of Agriculture a report of its transactions of the preceding year and  
 3 transmit to him or her a complete statement of the receipts and expenditures  
 4 of the board attested by affidavits of its chair and its secretary; and  
 5

6           SECTION 109. Arkansas Code § 17-47-308(b)(1), concerning the  
 7 expiration and renewal of certificates of registration by the Arkansas State  
 8 Board of Registration for Professional Soil Classifiers, is amended to read  
 9 as follows:

10           (b)(1) It shall be the duty of the ~~secretary of the~~ Arkansas State  
 11 Board of Registration for Professional Soil Classifiers to notify every  
 12 person registered under this chapter of the date of the expiration of the  
 13 certificate of registration and the amount of the fee required for its  
 14 renewal.  
 15

16           SECTION 110. Arkansas Code § 17-47-312(b), concerning the disciplinary  
 17 action procedures of the Arkansas State Board of Registration for  
 18 Professional Soil Classifiers, is amended to read as follows:

19           (b) Charges shall be in writing, shall be sworn to by the person or  
 20 persons making them, and shall be filed with the ~~secretary of the~~ Arkansas  
 21 State Board of Registration for Professional Soil Classifiers.  
 22

23           SECTION 111. Arkansas Code § 17-50-201(b)(1) and (2), concerning the  
 24 creation of the Commission on Water Well Construction, are amended to read as  
 25 follows:

26           (1) The ~~Executive Director~~ Secretary of the Department of Health  
 27 or his or her designated representative;

28           (2) The ~~Director of the Arkansas Natural Resources Commission~~  
 29 Secretary of the Department of Agriculture or his or her designated  
 30 representative;  
 31

32           SECTION 112. Arkansas Code § 17-50-202 is amended to read as follows:  
 33 17-50-202. Employees.

34           The Commission on Water Well Construction shall may:

35           (1) Employ Allocate funds to the Department of Agriculture to  
 36 employ an executive secretary who, ~~with the approval of the agency housing~~

1 ~~the commission's office, may shall~~ be an employee of the agency department;  
2 and

3 (2) ~~Hire such other employees and contract~~ Contract for such  
4 legal and engineering services ~~as may be necessary~~ to perform its powers and  
5 duties under the provisions of this chapter and fix their salaries within  
6 such limitations as may be provided by law; and

7 (3) Allocate funds to the Department of Agriculture to provide  
8 legal and engineering services necessary to perform the powers and duties of  
9 the commission under the provisions of this chapter.

10  
11 SECTION 113. Arkansas Code § 17-50-203 is amended to read as follows:  
12 17-50-203. Office.

13 The ~~office of one (1) of the agencies represented on the Commission on~~  
14 ~~Water Well Construction may be designated by the commission to~~ Department of  
15 Agriculture or the department's designee shall house the office of the  
16 commission.

17  
18 SECTION 114. Arkansas Code § 17-50-204(a)(6)-(9), concerning the  
19 powers and duties of the Commission on Water Well Construction, are amended  
20 to read as follows:

21 (6) Authorize the Department of Agriculture to:

22 (A) Hold examinations of applicants for certificates of  
23 registration at least one (1) time a year;

24 ~~(7)(B)~~ Grade all tests and examinations for certificates  
25 of registration; and

26 ~~(8)(C)~~ Issue licenses, permits, or certificates for the  
27 type or class of well construction or repair or pump installation; and

28 ~~(9)(7)~~ Perform such other duties as are consistent with the  
29 purposes of this chapter.

30  
31 SECTION 115. Arkansas Code § 17-50-205(a) and (b), concerning  
32 inspections of water wells or abandoned water wells, are amended to read as  
33 follows:

34 (a) ~~The Commission on Water Well Construction~~ the Department of  
35 Agriculture is authorized to inspect any water well or abandoned water well.  
36 ~~Authorized representatives of the commission~~ Department employees may at

1 reasonable times enter upon, and shall be given access to, any premises for  
2 the purpose of inspection.

3 (b) Upon the basis of such inspections, if the ~~commission~~ Commission  
4 on Water Well Construction finds that applicable laws, rules, or regulations  
5 have not been complied with or that a health hazard exists, the commission  
6 shall disapprove the well. If disapproved, no well shall thereafter be used  
7 until brought into compliance and any health hazard is eliminated.

8

9 SECTION 116. Arkansas Code § 17-50-209 is amended to read as follows:  
10 17-50-209. Investigations.

11 When engaged in any investigation, any employee of the ~~Commission on~~  
12 Water Well Construction Department of Agriculture shall have the power to  
13 administer oaths and to take depositions of persons relevant to any  
14 investigations for violations of this chapter.

15

16 SECTION 117. Arkansas Code § 17-101-202 is repealed.

17 ~~17-101-202. Secretary-treasurer.~~

18 ~~(a) The Secretary-treasurer of the Veterinary Medical Examining Board~~  
19 ~~shall be the custodian of all fees paid by the Veterinary Medical Examining~~  
20 ~~Board under the provisions of this chapter and shall deposit all fees~~  
21 ~~received with the Treasurer of State for the exclusive use of the board.~~

22 ~~(b) The secretary treasurer shall be paid a salary in such sums as may~~  
23 ~~be determined by the board.~~

24 ~~(c) The secretary treasurer shall execute a bond to the board, in such~~  
25 ~~sums as shall be prescribed from time to time by the board, to faithfully~~  
26 ~~discharge his or her duties as treasurer.~~

27

28 SECTION 118. Arkansas Code § 17-101-203(5), concerning the powers and  
29 duties of the Veterinary Medical Examining Board, is repealed.

30 ~~(5) Employ personnel necessary to carry out its duties;~~

31

32 SECTION 119. Arkansas Code Title 17, Chapter 101, Subchapter 2, is  
33 amended to add an additional section to read as follows:

34 17-101-204. Director.

35 The Secretary of the ~~Arkansas Agriculture Department~~ Department of  
36 Agriculture may employ a Director of the Veterinary Medical Examining Board.



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SECTION 120. Arkansas Code § 19-5-302(14), concerning the State General Government Fund, is amended to read as follows:

(14) ~~Arkansas Agriculture Department~~ Department of Agriculture Fund Account.

(A) The ~~Arkansas Agriculture Department~~ Department of Agriculture Fund Account shall be used for the maintenance, operation, and improvement required by the ~~Arkansas Agriculture Department~~ Department of Agriculture in carrying out those powers, functions, and duties imposed by law upon the Secretary of the ~~Arkansas Agriculture Department~~ Department of Agriculture as set out in Title 25, Chapter 38, or any other duties that may be imposed by law upon the ~~Arkansas Agriculture Department~~ Department of Agriculture which were transferred to the ~~Arkansas Agriculture Department~~ Department of Agriculture under the provisions of §§ ~~25-38-204 and 25-38-206~~ and 25-38-211.

(B) The ~~Arkansas Agriculture Department~~ Department of Agriculture Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Nonrevenue income derived from services provided by the various divisions of the ~~Arkansas Agriculture Department~~ Department of Agriculture;

(iii) Federal reimbursement received on account of eligible expenditures by the various programs of the ~~Arkansas Agriculture Department~~ Department of Agriculture operating from and having appropriations made payable from the ~~Arkansas Agriculture Department~~ Department of Agriculture Fund Account; and

(iv) Any other funds as may be provided by law.

SECTION 121. Arkansas Code § 19-5-1255(c), concerning the Arkansas Unpaved Roads Program Fund, is amended to read as follows:

(c) The fund shall be used by the Rural Services Division of the Arkansas Economic Development Commission to award grants to counties under the Arkansas Unpaved Roads Program Act, § 14-305-101 et seq.

SECTION 122. Arkansas Code § 19-6-480 is amended to read as follows:

1 19-6-480. Livestock and Poultry Special Revenue Fund.

2 The Livestock and Poultry Special Revenue Fund shall consist of those  
3 special revenues as specified in § 19-6-301(33) and (34) which are not  
4 required for support of the Arkansas Livestock and Poultry Commission Poultry  
5 and Egg Grading Program, there to be used for those purposes as set out by  
6 law. The ~~Executive Director of the~~ Arkansas Livestock and Poultry Commission  
7 or the commission's designee, with the approval of the Chief Fiscal Officer  
8 of the State, shall have the authority to transfer funds from the Livestock  
9 and Poultry Special Revenue Fund to the Livestock and Poultry Fund Account.  
10

11 SECTION 123. Arkansas Code § 19-6-809(c), concerning the Arkansas  
12 Alternative Fuels Development Fund, is amended to read as follows:

13 (c) The fund shall be used by the ~~Arkansas Agriculture Department~~  
14 Department of Agriculture to provide grants to support alternative fuels  
15 producers, feedstock processors, and alternative fuels distributors in  
16 Arkansas as provided under the Arkansas Alternative Fuels Development Act, §  
17 15-13-101 et seq., or as otherwise provided by law.  
18

19 SECTION 124. Arkansas Code § 20-20-205 is amended to read as follows:

20 20-20-205. Administration of subchapter by State Plant Board.

21 (a) This subchapter shall be administered by the State Plant Board.

22 (b) The functions vested in the board by this subchapter shall be  
23 considered to be delegated to the employees of the ~~board~~ Department of  
24 Agriculture or its authorized representatives.  
25

26 SECTION 125. Arkansas Code § 22-5-510 is amended to read as follows:

27 22-5-510. Records and reports.

28 The Arkansas Forestry Commission shall cause a record of all its  
29 proceedings relating to state forests, including the date of acquisition,  
30 description, source of title, purchase price, amounts expended in the  
31 development of each tract, and the forest to which allotted, to be kept in  
32 the office of the ~~commission,~~ Department of Agriculture and ~~shall make a~~  
33 ~~biannual written report thereof to the Governor.~~  
34

35 SECTION 126. Arkansas Code § 22-5-804(a)(1), concerning the Natural  
36 Resources Committee of the Arkansas State Game and Fish Commission, is

1 amended to read as follows:

2 (a)(1) The Natural Resources Committee is created and shall be  
3 composed of the following members:

- 4 (A) The Director of the Department of Finance and  
5 Administration;
- 6 (B) The Director of Production and Conservation of the Oil  
7 and Gas Commission;
- 8 (C) The State Geologist;
- 9 (D) The ~~State Forester~~ Secretary of the Department of  
10 Agriculture;
- 11 (E) ~~The Executive Director of the Arkansas Natural~~  
12 ~~Resources Commission~~;
- 13 ~~(F)~~ The Commissioner of State Lands;
- 14 ~~(G)~~(F) The Executive Secretary of the Arkansas State Game  
15 and Fish Commission;
- 16 ~~(H)~~(G) The Director of the Department of Parks and  
17 Tourism;
- 18 ~~(I)~~(H) The Director of the Arkansas Department of  
19 Environmental Quality; and
- 20 ~~(J)~~(I) The Chair of the Arkansas Natural Heritage  
21 Commission.

22  
23 SECTION 127. Arkansas Code § 24-4-804(c)(2), concerning cessation of  
24 participation in the Arkansas Public Employees' Retirement System Deferred  
25 Retirement Option Plan, is amended to read as follows:

- 26 (2)(A)(i) This section does not apply to a member who was an  
27 employee of the Arkansas Forestry Commission, the Arkansas Livestock and  
28 Poultry Commission, or the State Plant Board, and who is a participant in the  
29 Arkansas Public Employees' Retirement System Deferred Retirement Option Plan  
30 who may be eligible for reemployment after satisfying the separation  
31 requirements of § 24-4-520(b) as an essential seasonal staff member with the  
32 Arkansas Forestry Commission, the Arkansas Livestock and Poultry Commission,  
33 or the State Plant Board.
- 34 (ii) This section does not apply to a member who was  
35 an employee of the Department of Agriculture on or after July 1, 2019, and  
36 who is a participant in the Arkansas Public Employees' Retirement System

1 Deferred Retirement Option Plan who may be eligible for reemployment after  
 2 satisfying the separation requirements of § 24-4-520(b) as an essential  
 3 seasonal staff member with the Department of Agriculture.

4 (B) As used in subdivision (c)(2)(A) of this section,  
 5 “essential seasonal staff member” means an employee of the Department of  
 6 Agriculture, the Arkansas Forestry Commission, the Arkansas Livestock and  
 7 Poultry Commission, or the State Plant Board who:

8 (i) Has specialized knowledge, skill, or training  
 9 pertaining to necessary duties or tasks to be completed by the Department of  
 10 Agriculture, the Arkansas Forestry Commission, the Arkansas Livestock and  
 11 Poultry Commission, or the State Plant Board in times of emergency, disaster  
 12 cleanup, extreme weather, or other circumstances deemed pressing by the  
 13 Department of Agriculture, the Arkansas Forestry Commission, the Arkansas  
 14 Livestock and Poultry Commission, or the State Plant Board; and

15 (ii) Is employed by the Department of Agriculture,  
 16 the Arkansas Forestry Commission, the Arkansas Livestock and Poultry  
 17 Commission, or the State Plant Board on a part-time basis:

18 (a) During times of emergency, disaster  
 19 cleanup, extreme weather, or other circumstances deemed pressing by the  
 20 Department of Agriculture, the Arkansas Forestry Commission, the Arkansas  
 21 Livestock and Poultry Commission, or the State Plant Board; or

22 (b) As an instructor to train other staff for  
 23 times of emergency, disaster cleanup, extreme weather, or other circumstances  
 24 deemed pressing by the Department of Agriculture, the Arkansas Forestry  
 25 Commission, the Arkansas Livestock and Poultry Commission, or the State Plant  
 26 Board.

27  
 28 SECTION 128. Arkansas Code § 25-17-304(a), concerning the appointment  
 29 and removal of institutional law enforcement officers, is amended to read as  
 30 follows:

31 (a) The executive heads of each of the educational, charitable,  
 32 correctional, penal, and other institutions owned and operated by the State  
 33 of Arkansas, including the executive head of the Department of Parks and  
 34 Tourism and the executive head of the ~~Arkansas Forestry Commission~~ Department  
 35 of Agriculture, are authorized to designate and appoint one (1) or more of  
 36 the employees of the institutions and department, respectively, as an

1 institutional law enforcement officer or officers for the institution or at a  
 2 state park, or any separate portion of the institution or park, who shall  
 3 exercise law enforcement officer authority under the laws of this state.

4  
 5 SECTION 129. Arkansas Code § 25-38-207(b), concerning the organization  
 6 and duties of the Arkansas Agriculture Board, is amended to read as follows:

7 (b) The Arkansas Agriculture Board shall advise the Secretary of the  
 8 ~~Arkansas Agriculture Department~~ Department of Agriculture on all matters  
 9 concerning agriculture, aquaculture, horticulture, and kindred industries.

10  
 11 SECTION 130. Arkansas Code § 25-38-208 is amended to read as follows:  
 12 25-38-208. Agencies not affected.

13 The establishment of the ~~Arkansas Agriculture Department~~ Department of  
 14 Agriculture shall in no way affect the duties, powers, or operations of the  
 15 following boards and councils:

- 16 (1) Arkansas Beef Council;
- 17 (2) Arkansas Catfish Promotion Board;
- 18 (3) Arkansas Corn and Grain Sorghum Promotion Board;
- 19 (4) Arkansas Rice Research and Promotion Board;
- 20 (5) Arkansas Soybean Promotion Board; or
- 21 (6) Arkansas Wheat Promotion Board.

22  
 23 SECTION 131. Arkansas Code § 25-38-210 is amended to read as follows:  
 24 25-38-210. Agricultural exchanges.

25 The ~~Arkansas Agriculture Department~~ Department of Agriculture shall:

- 26 (1) Evaluate the potential economic benefits to Arkansas and  
 27 Arkansas farmers of entering into agricultural exchanges with Israel and  
 28 other countries that will foster the development of trade, mutual assistance,  
 29 and business relations between Arkansas and the other country; and
- 30 (2) Annually report the department's findings under subdivision  
 31 (1) of this section to the House Committee on Agriculture, Forestry, and  
 32 Economic Development and the Senate Committee on Agriculture, Forestry, and  
 33 Economic Development.

34  
 35 SECTION 132. Arkansas Code § 26-51-1503(3)(A), concerning the  
 36 definition of "committee" under the Arkansas Private Wetland and Riparian

1 Zone Creation, Restoration, and Conservation Tax Credits Act, is amended to  
 2 read as follows:

- 3 (A) The directors, or their designees, of:
- 4 (i) ~~The Arkansas Forestry Commission;~~
  - 5 ~~(ii)~~ The Arkansas State Game and Fish Commission;
  - 6 ~~(iii)~~(ii) The Department of Finance and  
 7 Administration;
  - 8 ~~(iv)~~(iii) The Department of Arkansas Heritage; and
  - 9 ~~(v)~~(iv) The Arkansas Department of Environmental  
 10 Quality; and

11  
 12 SECTION 133. Arkansas Code § 27-21-105 is amended to read as follows:  
 13 27-21-105. Enforcement.

14 The officers and employees of the ~~Arkansas Forestry Commission~~  
 15 Department of Agriculture shall have no authority to enforce the provisions  
 16 of this chapter.

17  
 18 SECTION 134. EMERGENCY CLAUSE. It is found and determined by the  
 19 General Assembly of the State of Arkansas that this act revises the duties of  
 20 certain state entities; that this act establishes new departments of the  
 21 state; that these revisions impact the expenses and operations of state  
 22 government; and that the provisions of this act should become effective to  
 23 allow for implementation of the new provisions in advance of the upcoming  
 24 fiscal year. Therefore, an emergency is declared to exist, and this act  
 25 being necessary for the preservation of the public peace, health, and safety  
 26 shall become effective on July 1, 2019.

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