

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

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 2233

4
5 By: Representative Thyer
6
7

For An Act To Be Entitled

8
9 AN ACT TO PROVIDE RULEMAKING AUTHORITY TO THE
10 SECRETARY OF THE ARKANSAS AGRICULTURE DEPARTMENT;
11 TO CLARIFY THE RELATIONS BETWEEN THE ARKANSAS
12 AGRICULTURE DEPARTMENT AND ITS RELATED BOARDS AND
13 COMMISSIONS; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 AN ACT TO PROVIDE RULEMAKING AUTHORITY
17 TO THE SECRETARY OF THE ARKANSAS
18 AGRICULTURE DEPARTMENT.
19
20

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

23 SECTION 1. Arkansas Code § 25-38-204 is amended to read as follows:

24 25-38-204. ~~Type 1 transfers~~ Transfers of various agricultural
25 agencies.

26 (a) The following departments, institutions, other agencies, or parts
27 thereof, are transferred to the Arkansas Agriculture Department ~~by a type 1~~
28 ~~transfer, as provided for in § 25-2-104, under which the departments,~~
29 ~~institutions, other agencies, or parts thereof, shall be administered under~~
30 ~~the direction and supervision of that principal department, but shall retain~~
31 ~~the same prescribed statutory powers, authorities, duties, and functions as~~
32 ~~they had before the transfer:~~

33 (1) Abandoned Pesticide Advisory Board, created under § 8-7-
34 1204;

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

36 (3) Arkansas Livestock and Poultry Commission, created under §



1 2-33-101; and

2 (4) State Plant Board, created under § 2-16-206.

3 (b)(1) Rules for the boards and commissions transferred under
 4 subsection (a) of this section shall be promulgated by the Secretary of the
 5 Arkansas Agriculture Department under the Arkansas Administrative Procedure
 6 Act, § 25-15-201 et seq.

7 (2) Rules promulgated before the effective date of this Act by a
 8 board or commission transferred under subsection (a) of this section shall
 9 remain in effect and shall have the same force as if promulgated under this
 10 act until such time as the rule or rules are modified, repealed, superseded
 11 pursuant to this act.

12 (c) Except as provided in subsection (b) of this section, the boards
 13 and commissions transferred under subsection (a) of this section shall be
 14 administered under the direction and supervision of the Arkansas Agriculture
 15 Department, but shall retain the same prescribed statutory powers,
 16 authorities, duties, and functions as they had before the transfer.

17
 18 SECTION 2. Arkansas Code § 2-5-204 is amended to read as follows:
 19 2-5-204. Powers and duties of State Plant Board.

20 (a) The State Plant Board shall:

21 (1) Administer this subchapter and the Commercial Bait and
 22 Ornamental Fish Fund;

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

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

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

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

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

35 (b) The board may recommend to the Secretary of the Arkansas
 36 Agriculture Department all rules the board considers necessary or desirable

1 to implement this subchapter, including without limitation, rules for
2 management practices, testing procedures, and appropriate science criteria
3 required for certification under this subchapter.

4 ~~(b)(c)~~ The board may authorize the Director of the State Plant Board
5 to appoint any deputy the board considers necessary to implement this
6 subchapter.

7
8 SECTION 3. Arkansas Code § 2-6-104 is amended to read as follows:

9 2-6-104. Administration – Rules.

10 (a) This chapter shall be administered by the State Plant Board.

11 (b) The board ~~is authorized to promulgate such rules and regulations~~
12 ~~as may be~~ may recommend to the Secretary of the Arkansas Agriculture
13 Department rules necessary for the efficient enforcement of this chapter,
14 including the establishment of reasonable fees for registering with the
15 board.

16
17 SECTION 4. Arkansas Code § 2-6-105(b), concerning rules governing

18 registration of catfish processors, is amended to read as follows:

19 (b) The board ~~shall promulgate such rules and regulations as~~ State
20 Plant Board may recommend to the Secretary of the Arkansas Agriculture
21 Department rules necessary to secure the performance of catfish purchasing
22 obligations.

23
24 SECTION 5. Arkansas Code § 2-16-107 is amended to read as follows:

25 2-16-107. Rules ~~and regulations.~~

26 The State Plant Board ~~is hereby authorized to promulgate such rules and~~
27 ~~regulations as are necessary~~ may recommend to the Secretary of the Arkansas
28 Agriculture Department rules to administer the fees, rates, tolls, or charges
29 for services established by §§ 2-16-407(f), 2-17-213, 2-17-238, 2-19-209(a),
30 2-19-307(a), 2-37-114(b)(1), and 2-37-114(g) and ~~is directed to prescribe and~~
31 ~~collect such~~ may recommend to the secretary fees, rates, tolls, or charges
32 for the services delivered by the ~~State Plant Board~~ board in ~~such a~~ manner as
33 may be necessary to support the programs of the board as directed by the
34 Governor and the General Assembly.

35
36 SECTION 6. Arkansas Code § 2-16-203(b)(2) is amended to read as

1 follows:

2 (2)(A) The ~~board shall by rule~~ State Plant Board may recommend
3 to the Secretary of the Arkansas Agriculture Department rules to establish a
4 schedule designating the minimum and maximum civil penalty that may be
5 assessed under this section for violation of each statute, rule, or order
6 over which ~~it has regulatory~~ the board has administrative control.

7 (B) The board may ~~promulgate~~ recommend to the secretary
8 any other ~~regulation~~ rule necessary to carry out the intent of this section.

9
10 SECTION 7. Arkansas Code § 2-16-207 is amended to read as follows:
11 2-16-207. Powers and duties of board.

12 (a)(1) The State Plant Board shall keep itself informed as to the
13 varieties of insect pests, diseases, and noxious weeds and the origin,
14 locality, nature, and appearance thereof; the manner in which they are
15 disseminated; and the approved methods of treatment and eradication.

16 (2) Every such insect pest, disease, and noxious weed, and every
17 plant and plant product infested or infected, is declared to be a public
18 nuisance.

19 (b)(1) The board in its ~~rules and regulations~~ records made pursuant to
20 this subchapter shall list the insect pests, diseases, and noxious weeds, of
21 which it shall find that the introduction into or the dissemination within
22 the state should be prevented in order to safeguard the plants and plant
23 products of this state, and the list shall include the plants and plant
24 products or other substances on or in which these pests may be carried.

25 ~~(1)(2)~~ Every person who has knowledge of the presence of any
26 insect pest, disease, or noxious weed listed as required in this section in
27 the ~~rules and regulations~~ records made pursuant to this subchapter, in or
28 upon any place, shall immediately report it to the board or inspectors
29 thereof, giving such detailed information relative thereto as he or she may
30 have.

31 ~~(2)(3)~~ Every person who deals in or engages in the sale of
32 plants or plant products shall furnish to the board or its inspectors, when
33 requested, a statement of the names and addresses of the persons from whom
34 and the localities where ~~he~~ the person purchased or obtained the plant and
35 plant products.

36 (c)(1) The board shall ~~make rules and regulations~~ recommend to the

1 Secretary of the Arkansas Agriculture Department rules for carrying out the
 2 provisions and requirements of this subchapter including rules ~~and~~
 3 ~~regulations~~ under which its inspectors and other employees shall:

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

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

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

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

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

20
 21 SECTION 8. Arkansas Code § 2-16-308(a), concerning the authority of
 22 the State Plant Board to regulated infested zones, amended to read as
 23 follows:

24 2-16-308. Infested zones - ~~Regulation by State Plant Board~~ Rules -
 25 Destruction of plants, etc.

26 (a) ~~It shall be the duty of the State Plant Board, and the board is~~
 27 ~~authorized and directed, when public safety will permit, to make and~~
 28 ~~promulgate rules and regulations which~~ The State Plant board shall recommend
 29 to the Secretary of the Arkansas Agriculture Department rules that shall
 30 permit and govern the growing and maintenance in any zones or areas mentioned
 31 in § 2-16-307 of any plants, plant products, articles, substances, or places
 32 referred to in § 2-16-307.

33
 34 SECTION 9. Arkansas Code § 2-16-406 is amended to read as follows:

35 2-16-406. Powers of State Plant Board.

36 (a) The State Plant Board ~~is authorized~~ may, after due notice and an

1 opportunity for a hearing, ~~to~~:

2 (1) Declare as a pest any form of plant or animal life, other
 3 than man and other than bacteria, viruses, and other microorganisms on or in
 4 living man or other living animals, which is injurious to health or the
 5 environment;

6 (2) Determine whether pesticides registered under the authority
 7 of Section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act
 8 are highly toxic to man. The definition of "highly toxic" in 40, C.F.R. §
 9 162.8, as issued or hereafter amended, shall govern the board's
 10 determination;

11 (3) Determine pesticides, and quantities of substances contained
 12 in pesticides, which are injurious to the environment. The board shall be
 13 guided by the United States Environmental Protection Agency regulations in
 14 this determination; and

15 (4) ~~Prescribe regulations~~ Recommend to the Secretary of the
 16 Arkansas Agriculture Department rules requiring any pesticide registered for
 17 special local needs to be colored or discolored if it determines that the
 18 requirement is feasible and is necessary for the protection of health and the
 19 environment.

20 (b) The board ~~is authorized to~~ may inspect pesticides wherever found
 21 and may sample and analyze or cause to be analyzed samples thereof, to
 22 determine compliance with this subchapter and the ~~regulations adopted~~
 23 hereunder rules adopted under this subchapter.

24 (c)(1) The board ~~is authorized, after due notice and a public hearing,~~
 25 ~~to make appropriate regulations where the regulations are necessary~~ may
 26 recommend to the secretary rules for the enforcement and administration of
 27 this subchapter.

28 (2) ~~These regulations~~ Rules recommended under subdivision (c)(1)
 29 of this section shall include, ~~but not be limited to, regulations~~ without
 30 limitation rules providing for:

31 ~~(1)(A)~~ (A) The safe handling, transportation, storage,
 32 display, distribution, and disposal of pesticides and their containers;

33 ~~(2)(B)(i)~~ (i) Labeling requirements of all pesticides required
 34 to be registered under provisions of this subchapter.

35 (ii) The ~~regulations~~ rules recommended under
 36 subdivision (c)(1) of this section shall not impose any requirements for

1 federally registered labels in addition to or different from those required
 2 pursuant to under the Federal Insecticide, Fungicide, and Rodenticide Act;

3 (3) ~~Specifying~~ Recommending that the secretary specify those
 4 classes of devices ~~which~~ that shall be subject to any provision of § 2-16-
 5 410.

6 (d) For the purpose of uniformity and in order to enter into
 7 cooperative agreements, the board may:

8 (1)(A) ~~Adopt~~ Recommend to the secretary rules concerning
 9 restricted-use pesticides classifications as determined by the United States
 10 Environmental Protection Agency.

11 (B) In addition, the board may ~~declare~~ recommend that the
 12 secretary declare certain pesticides or pesticide uses as state-restricted
 13 pesticides when, after investigation and public hearing, ~~it~~ the board finds
 14 and determines the pesticide to be injurious to persons, animals, or
 15 vegetation other than the pest or vegetation which it is intended to destroy,
 16 or otherwise requires additional restrictions under the conditions set forth
 17 in § 2-16-403(28).

18 (C) The sale or distribution of such pesticides in
 19 Arkansas or their use in pest control or other operation is prohibited,
 20 except in accordance with ~~such rules and regulations as may be made by the~~
 21 ~~board after a public hearing~~ rules promulgated by the secretary.

22 (D) ~~The rules and regulations may include rules and~~
 23 ~~regulations prescribing~~ may prescribe the time when and the conditions under
 24 which the materials may be used in different areas in the state.

25 (E) ~~The board, in its rules and regulations, may charge~~ may
 26 recommend to the secretary an inspection and permit fees sufficient to cover
 27 the cost of enforcement of this subdivision (d)(1); and

28 (2) ~~Adopt regulations~~ Recommend to the secretary rules in
 29 conformity with the primary pesticide standards, particularly as to labeling
 30 and registration requirements, as established by the United States
 31 Environmental Protection Agency or other federal or state agencies.

32
 33 SECTION 10. Arkansas Code § 2-16-411(c), concerning unlawful action in
 34 pesticide control, is amended to read as follows:

35 (c)(1) No person shall transport, store, or dispose of any pesticide
 36 or pesticide containers in such a manner as to cause injury to humans,

1 vegetation, crops, livestock, wildlife, or beneficial insects or to pollute
 2 any waterway in a way harmful to any wildlife therein.

3 (2)(A) ~~The board may promulgate rules and regulations~~ State
 4 Plant Board may recommend to the Secretary of the Arkansas Agriculture
 5 Department rules governing the storing and disposal of pesticides or
 6 pesticide containers.

7 (B) ~~In determining~~ recommending these standards, the board
 8 shall take into consideration any regulations issued by the United States
 9 Environmental Protection Agency.

10
 11 SECTION 11. Arkansas Code § 2-16-605(a), concerning rules for boll
 12 weevil eradication, is amended to read as follows:

13 (a)(1) The State Plant Board may ~~promulgate regulations~~ recommend to
 14 the Secretary of the Arkansas Agriculture Department rules restricting the
 15 pasturage of livestock, entry by persons, and location of honeybee colonies,
 16 or other activities affecting the boll weevil eradication program in any
 17 premises in an eradication zone which have been or are to be treated with
 18 pesticides or otherwise treated to cause the eradication of the boll weevil,
 19 or in any other area that may be affected by such treatments.

20 (2) The board may also ~~adopt such~~ recommend to the secretary other
 21 rules ~~and regulations~~ as it deems necessary to further effectuate the
 22 purposes of this subchapter.

23
 24 SECTION 12. Arkansas Code § 2-17-205 is amended to read as follows:
 25 2-17-205. Duty to enforce.

26 The State Plant Board shall carry out and enforce the provisions of
 27 this subchapter and ~~is empowered to:~~

28 (1) ~~Promulgate rules and regulations~~ Recommend rules to the
 29 Secretary of the Arkansas Agriculture Department;

30 (2) Carry out necessary inspections;

31 (3) Appoint and fix the duties of personnel; and

32 (4) Provide ~~such~~ equipment ~~as may be~~ necessary to enforce the
 33 provisions ~~hereof~~ of this subchapter.

34
 35 SECTION 13. Arkansas Code § 2-17-215(a) and (b), concerning actions
 36 against the licenses of public grain warehouseman, are amended to read as

1 follows:

2 2-17-215. Suspension, cancellation, or revocation of licenses.

3 (a) If a public grain warehouseman is convicted of any crime involving
 4 fraud or deceit or if the commissioner determines that any public grain
 5 warehouseman has violated any of the provisions of this subchapter or any of
 6 the rules ~~and regulations~~ adopted by the ~~commissioner pursuant to~~ Secretary
 7 of the Arkansas Agriculture Department under this subchapter, the
 8 commissioner may suspend, cancel, or revoke the license of the public grain
 9 warehouseman.

10 (b)(1)(A) All proceedings for the suspension, cancellation, or
 11 revocation of licenses shall be before the commissioner.

12 (A) The proceedings shall be in accordance with rules ~~and~~
 13 ~~regulations which shall be~~ adopted by the ~~commissioner~~ secretary.

14 (2)(A) No suspension, cancellation, or revocation of any license
 15 is lawful unless, ~~prior to~~ before the institution of the proceedings, the
 16 commissioner has given notice by mail to the licensee of facts or conduct
 17 warranting the intended action and the licensee has been given an opportunity
 18 to show compliance with all lawful requirements for the retention of the
 19 license.

20 (B) If the commissioner finds that public health, safety,
 21 or welfare imperatively requires emergency action and incorporates a finding
 22 to that effect in its order, summary suspension of a license may be ordered
 23 pending proceedings for revocation or other action, which proceedings shall
 24 be promptly instituted and determined.

25 (C)(i) Whenever the commissioner shall suspend, cancel, or
 26 revoke any license, he shall prepare an order so providing ~~which~~ that shall
 27 state the reason or reasons for the suspension, cancellation, or revocation.

28 (ii) The order shall be sent by certified mail by
 29 the commissioner to the licensee at the address of the public grain warehouse
 30 licensed.

31 (iii) Within thirty (30) days after service upon the
 32 licensee of the order, the licensee, if dissatisfied with the order of the
 33 commissioner, may institute proceedings for judicial review in the circuit
 34 court of the county where the public grain warehouse is located or in the
 35 Circuit Court of Pulaski County.

36

1 SECTION 14. Arkansas Code §2-18-103(a), concerning investigation and
 2 certification of seeds, is amended to read as follows:

3 (a)(1) ~~The board is empowered to~~ State Plant Board may recommend
 4 rules to the Secretary of the Arkansas Agriculture Department to investigate
 5 and certify to varietal purity and fitness for planting of agricultural seed
 6 on request of the grower ~~thereof~~ the agricultural seed.

7 (2)(A) For this purpose, the board ~~shall set up, in its rules~~
 8 ~~and regulations,~~ may recommend rules to the secretary to set up one (1) or
 9 more classifications of seed, designating the classifications as "Registered"
 10 and "Certified" or by any other one (1) or more names ~~which it may specify~~
 11 that the board may recommend; and

12 (B) ~~It shall specify, in its rules and regulations,~~ he
 13 board may recommend rules to the secretary the standards ~~which~~ that seed must
 14 meet and the methods by which seed must be handled in order to be certified
 15 under the classifications.

16
 17 SECTION 15. Arkansas Code § 2-18-104 is amended to read as follows:

18 2-18-104. Rules ~~and regulations~~.

19 The ~~board~~ State Plant Board shall recommend rules to the Secretary of
 20 the Arkansas Agriculture Department to:

21 (1) ~~Shall promulgate all rules and regulations necessary to~~
 22 ~~carry~~ Carry into effect the purpose of this chapter, which is to provide
 23 supplies of high-grade seed, true to name and free from disease, for planting
 24 purposes;

25 (2) ~~Shall make rules and regulations to protect~~ Protect the
 26 interest of breeders who have developed high-quality strains of seed; and

27 (3) ~~May appoint or may~~ Appoint or authorize the ~~director~~
 28 Director of the State Plant Board to appoint ~~such~~ deputies ~~as shall be~~
 29 necessary to carry into effect the purpose of this chapter.

30
 31 SECTION 16. Arkansas Code § 2-18-111 is amended to read as follows:

32 2-18-111. Rules ~~and regulations~~ regarding aflatoxin.

33 The State Plant Board may ~~establish rules and~~
 34 ~~regulations~~ recommend rules to the Secretary of the Arkansas Agriculture
 35 Department necessary to implement ~~the provisions of §§ 2-18-109, 2-18-110,~~
 36 and this section.

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SECTION 17. Arkansas Code § 2-19-210 is amended to read as follows:

2-19-210. Rules ~~and regulations~~.

(a) The State Plant Board ~~shall have authority to establish rules and regulations~~ may recommend rules to the Secretary of the Arkansas Agriculture Department in regard to the enforcement of this subchapter and in regard to inspection, analysis, and sale of fertilizer or fertilizer materials that shall not be inconsistent with the provisions of this subchapter.

(b) The board or its authorized representatives ~~shall have authority to~~ may stop the sale of any fertilizer or fertilizer material when the sale is found in violation of this subchapter, or of the ~~regulations of the board made in accordance with~~ rules recommended under this subchapter, or when it has reason to suspect that the sale is in violation of this subchapter or of the ~~board's regulations~~ rules recommended under this subchapter.

SECTION 18. Arkansas Code § 2-19-303 is amended to read as follows:

2-19-303. Labeling requirements.

(a) As used in this subchapter, ~~unless the context otherwise requires,~~ "liming material" means all or any form of limestone, lime rock, dolomite, marl, slag, by-product lime, brown lime, industry or factory refuse lime, and any other material moved, prepared, sold, or distributed primarily for correcting soil acidity.

(b) Every lot, package, or parcel of liming material sold or offered or exposed for sale or distribution within this state shall have on each bag, package, or other container in a conspicuous place on the outside; or in the case of bulk lime, there shall accompany each load and the vendor shall present to the purchaser a legible and true statement in the English language giving:

- (1) The net weight of the contents of the package, bag, other container, or bulk load;
- (2) The true name of the product;
- (3) The name and principal address of the manufacturer, importer, or other guarantor;
- (4) The minimum neutralizing value in terms of percent of calcium carbonate equivalent;
- (5) The degree of fineness expressed as:

1 (A) Minimum percentage passing through a ten (10) mesh
 2 sieve;

3 (B) Minimum percentage passing through a sixty (60) mesh
 4 sieve; and

5 (C) Minimum percentage passing through a one hundred (100)
 6 mesh sieve; and

7 (6) Any other statements that the ~~State Plant Board in its~~
 8 ~~regulations may require~~ Secretary of the Arkansas Agriculture Department may
 9 promulgate on recommendation from the State Plant Board.

10 (c)(1) In lieu of subdivisions (b)(4) and (5) of this section, the
 11 board may ~~in its regulations~~ recommend that the secretary set minimum
 12 standards of calcium carbonate equivalence and fineness for various grades of
 13 liming materials.

14 (2) ~~These grades when~~
 15 ~~stated~~ Grades recommended under subdivision (c)(1) of this section shall
 16 become the minimum guarantees of the liming material so labeled.

17
 18 SECTION 19. Arkansas Code § 2-19-308 is amended to read as follows:
 19 2-19-308. Rules ~~and regulations~~.

20 The State Plant Board ~~is empowered~~ may recommend to the Secretary of
 21 the Arkansas Agriculture Department rules to enforce the provisions of this
 22 subchapter and to prescribe and enforce ~~such rules and regulations~~ rules
 23 relating to the sale or distribution of liming materials as may be deemed
 24 necessary to carry into effect the full intent and meaning of this
 25 subchapter.

26
 27 SECTION 20. Arkansas Code § 2-19-406 is amended to read as follows:
 28 2-19-406. Rules ~~and regulations~~.

29 The ~~board is authorized to adopt such rules and regulations as may be~~
 30 State Plant Board may recommend to the Secretary of the Arkansas Agriculture
 31 Department rules necessary to administer this subchapter, including methods
 32 of sampling, methods of analysis, and designation of ingredient forms, and to
 33 promulgate definitions of identity of products.

34
 35 SECTION 21. Arkansas Code § 2-19-407(d)(3), concerning rules for soil
 36 amendments, is amended to read as follows:

1 (3) The board ~~may stipulate, by regulation,~~ may recommend that
 2 the Secretary of the Arkansas Agriculture Department stipulate the quantities
 3 of the soil-amending ingredients required in soil amendments.

4
 5 SECTION 22. Arkansas Code § 2-19-502(a), concerning rules for natural
 6 organic fertilizer, is amended to read as follows:

7 (a) The State Plant Board ~~shall have the authority~~ may recommend to
 8 the Secretary of the Arkansas Agriculture Department rules to regulate and
 9 supervise the manufacture and sale of one hundred percent (100%) natural
 10 organic fertilizer, including the setting and collecting of reasonable fees
 11 for sampling and analyzing the fertilizer and registering manufacturers, and
 12 ~~shall adopt and promulgate such rules, regulations,~~ rules and penalties
 13 consistent with this subchapter, and § 2-19-202, ~~as may be necessary.~~

14
 15 SECTION 23. Arkansas Code § 2-20-104 is amended to read as follows:
 16 2-20-104. Official standards for grading.

17 (a) In order to promote, protect, further, and develop the
 18 agricultural interests of this state, the ~~board~~ State Plant Board, after
 19 investigation and public hearing, ~~is authorized and empowered~~ may recommend
 20 to the Secretary of the Arkansas Agriculture Department rules to:

- 21 (1) ~~fix~~ Fix and promulgate official standards for grading and
- 22 classifying any or all agricultural products grown or produced in this state;
- 23 (2) ~~and to fix~~ Fix and promulgate official standards for
- 24 containers of farm products; and
- 25 (3) ~~to~~ To change any of them from time to time.

26 (b) The board, ~~in its rules, regulations, or notices promulgated~~
 27 ~~pursuant to this subchapter, shall~~ may recommend to the secretary rules to
 28 prescribe such tolerances as may be deemed necessary, permitting variations
 29 from the standards fixed under the provisions of this subchapter as are
 30 reasonably incident to the proper grading of agricultural products or to the
 31 manufacture of containers for farm products.

32
 33 SECTION 24. Arkansas Code § 2-20-112 is amended to read as follows:
 34 2-20-112. Rules – Administration.

35 (a) The ~~board is authorized and empowered to promulgate rules,~~
 36 ~~regulations,~~ State Plant Board may recommend to the Secretary of the Arkansas

1 Agriculture Department rules and notices for carrying out the purposes and
 2 provisions of this subchapter.

3 (b) All fees and moneys collected or received by inspectors,
 4 employees, or agents of the board under this subchapter and the rules ~~and~~
 5 ~~regulations which that~~ may be ~~promulgated pursuant to it~~ recommended under
 6 this subchapter shall be deposited in a manner prescribed in § 2-16-210 and
 7 shall be used for carrying out the provisions of this subchapter.

8
 9 SECTION 25. Arkansas Code § 2-20-701 and 2-20-702 are amended to read
 10 as follows:

11 2-20-701. Authority to regulate.

12 ~~Effective July 1, 1985, the State Plant Board shall have the authority~~
 13 ~~and responsibility~~ The State Plant Board may recommend to the Secretary of
 14 the Arkansas Agriculture Department rules to regulate the harvesting, sale,
 15 artificial propagation, and exportation of Panax quinquefolius, referred to
 16 in this subchapter as "ginseng".

17
 18 2-20-702. Rules ~~and regulations~~.

19 (a) The State Plant Board ~~is authorized and directed to promulgate~~
 20 ~~appropriate rules and regulations~~ may recommend to the Secretary of the
 21 Arkansas Agriculture Department rules to enable ~~it~~ the board to effectively
 22 and efficiently carry out its responsibilities under this subchapter.

23 (b) ~~Regulations~~ Rules shall include, but shall not be limited to:

24 (1) Requirement of annual certification and registration of
 25 ginseng dealers and exporters;

26 (2) Requirement that ginseng dealers and exporters maintain
 27 records of all their purchases and sales of ginseng;

28 (3) The establishment of a limited ginseng harvesting season
 29 designed to promote and assure the survival of wild American ginseng in the
 30 state;

31 (4) Requirement to obtain a permit or certificate from the board
 32 by any person desiring to artificially propagate ginseng and to provide for
 33 the inspection of cultivated ginseng and ginseng nurseries in the state; and

34 (5) A requirement that a certificate of legal taking be attached
 35 to all ginseng exported from the state.

36

1 SECTION 26. Arkansas Code § 2-21-106 is amended to read as follows:
 2 2-21-106. Rules ~~and regulations~~.

3 The State Plant Board ~~is authorized to make such reasonable rules and~~
 4 ~~regulations as it may deem~~ may recommend to the Secretary of the Arkansas
 5 Agriculture Department rules necessary for the enforcement ~~of the provisions~~
 6 of this chapter and to prevent violations.

7
 8 SECTION 27 . Arkansas Code § 2-21-109(b), concerning expiration of
 9 nursery licenses, is amended to read as follows:

10 (b) The date of expiration of the licenses shall be set by the ~~State~~
 11 ~~Plant Board in its rules and regulations made pursuant to this chapter~~
 12 Secretary of the Arkansas Agriculture Department in rules recommended under
 13 this chapter by the State Plant Board.

14
 15 SECTION 28. Arkansas Code § 2-22-105 is amended to read as follows:
 16 2-22-105. Rules ~~and regulations~~.

17 ~~(a) The State Plant Board may promulgate such rules and regulations,~~
 18 recommend to the Secretary of the Arkansas Agriculture Department rules not
 19 inconsistent with this chapter, ~~as it shall deem~~ necessary for the proper
 20 enforcement of this chapter.

21 ~~(b) Rules and regulations shall be promulgated, issued, and enforced~~
 22 ~~in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et~~
 23 ~~seq.~~

24
 25 SECTION 29. Arkansas Code § 2-33-109 is amended to read as follows:
 26 2-33-109. Rules, ~~regulations,~~ and orders.

27 The Arkansas Livestock and Poultry Commission shall ~~have the authority~~
 28 ~~to make, modify, and enforce such~~ recommend to the Secretary of the Arkansas
 29 Agriculture Department rules, regulations, and orders, not inconsistent with
 30 law, as it shall from time to time deem necessary to effectively carry out
 31 the functions performable by it.

32
 33 SECTION 30. Arkansas Code § 2-33-111 and 2-33-112 are amended to read
 34 as follows:

35 2-33-111. Livestock and poultry diagnostic services.

36 (a) The Arkansas Livestock and Poultry Commission may ~~promulgate rules~~

1 ~~and regulations~~ recommend to the Secretary of the Arkansas Agriculture
 2 Department rules concerning services performed by its diagnostic laboratories
 3 that pertain to all species of livestock and poultry.

4 (b)(1) A fee structure may be recommended to the secretary to be
 5 ~~designed and~~ maintained by the commission for the purpose of defraying the
 6 cost of diagnostic services.

7 (2)(A) The fees collected shall be deposited in the State
 8 Treasury as special revenues and shall be credited to the Livestock and
 9 Poultry Special Revenue Fund.

10 (B) Before the close of each fiscal year, the Chief Fiscal
 11 Officer of the State shall determine the amount of moneys which will remain
 12 at the end of the fiscal year in the account from fees collected under the
 13 provisions of this section and shall allow the moneys to be carried forward
 14 and made available for the same purposes in the next succeeding fiscal year.

15
 16 2-33-112. Small animal diagnostic services.

17 (a) The Arkansas Livestock and Poultry Commission may ~~promulgate rules~~
 18 ~~and regulations~~ recommend to the Secretary of the Arkansas Agriculture
 19 Department rules concerning services performed by its diagnostic staff that
 20 pertain to small animals such as dogs, cats, and others that are considered
 21 to be household or family pets.

22 (b)(1) A fee structure may be ~~designed and~~ recommended to the
 23 secretary to be maintained by the commission for the purpose of defraying the
 24 costs of these services.

25 (2) The fees collected shall be deposited in the State Treasury
 26 as special revenues and shall be credited to the Livestock and Poultry
 27 Special Revenue Fund.

28
 29 SECTION 31. Arkansas Code § 2-33-115(b) concerning fees on cow tests,
 30 horse sales, and state, district, and county fairs, is amended to read as
 31 follows:

32 (b) The Livestock and Poultry Commission ~~is hereby authorized to~~
 33 ~~promulgate such rules and regulations as are~~ may recommend to the Secretary
 34 of the Arkansas Agriculture Department rules necessary to administer the
 35 fees, rates, or charges for services established ~~herein~~ in this section.

36

1 SECTION 32. Arkansas Code § 2-33-202 is amended to read as follows:

2 2-33-202. Rules ~~and regulations~~.

3 The Arkansas Livestock and Poultry Commission shall ~~promulgate such~~
 4 ~~reasonable rules and regulations as it may deem~~ recommend to the Secretary of
 5 the Arkansas Agriculture Department rules necessary for the enforcement of
 6 ~~the provisions of~~ this subchapter.

7
 8 SECTION 33. Arkansas Code § 2-33-207(a), concerning rules and fees for
 9 spraying livestock for ticks and other livestock pests, is amended to read as
 10 follows:

11 (a) The Arkansas Livestock and Poultry Commission ~~shall make~~
 12 ~~reasonable and necessary rules and regulations~~ may recommend to the Secretary
 13 of the Arkansas Agriculture Department rules for spraying livestock in this
 14 state for the eradication and control of ticks and other livestock pests.

15
 16 SECTION 34. Arkansas Code § 2-33-302(b), concerning rules establishing
 17 a civil service systems for inspectors, graders, supervisors, and other
 18 technical personnel employed by the Arkansas Livestock and Poultry
 19 Commission, is amended to read as follows:

20 (b) The commission shall identify the job positions subject to civil
 21 service coverage as authorized in this section and ~~shall establish rules and~~
 22 ~~regulations~~ may recommend to the Secretary of the Arkansas Agriculture
 23 Department rules applicable to qualifications and tenure under the civil
 24 service system.

25
 26 SECTION 35. Arkansas Code § 2-33-304 is amended to read as follows:

27 2-33-304. Providing of poultry and egg grading services.

28 (a)(1) The Arkansas Livestock and Poultry Commission ~~shall promulgate~~
 29 ~~such reasonable rules and regulations~~ may recommend to the Secretary of the
 30 Arkansas Agriculture Department rules for poultry and egg grading in this
 31 state as may be necessary for the establishment and enforcement ~~thereof~~ of
 32 poultry and egg grading.

33 (2) The rules ~~and regulations~~ shall be in compliance with the
 34 standards and requirements established by the United States Department of
 35 Agriculture for poultry and egg grading purposes.

36 (b) The commission may ~~establish~~ recommend to the secretary a formula

1 or method of prorating the cost of providing the poultry grading services
 2 among the various processors or processing plants using the services.

3 (c)(1) Poultry and egg grading services shall be provided for only
 4 those processors or processing plants who make application, who shall comply
 5 with the rules ~~and regulations~~ promulgated by the ~~commission~~ secretary, and
 6 who shall pay the cost of the services in accordance with ~~regulations of the~~
 7 ~~commission~~ rules promulgated by the secretary.

8 (2)(A) Any poultry or egg processor or egg processing plant
 9 failing to pay the cost of the services in accordance with the regulations
 10 promulgated by the commission rules promulgated by the secretary shall
 11 forfeit the right to have poultry graded until the costs are paid.

12 (B) All unpaid costs shall be collectible by the
 13 commission in the same manner provided by law for collection of delinquent
 14 gross receipts taxes.

15
 16 SECTION 36. Arkansas Code § 2-34-204 is amended to read as follows:

17 2-34-204. Rules ~~and regulations~~.

18 ~~The director shall have the authority to prescribe all rules and~~
 19 ~~regulations he shall deem~~ The Executive Director of the Arkansas Livestock
 20 and Poultry Commission shall recommend to the Secretary of the Arkansas
 21 Agriculture Department rules necessary to carry out ~~the provisions of this~~
 22 subchapter.

23
 24 SECTION 37. Arkansas Code § 2-36-101 is amended to read as follows:

25 2-36-101. Grading of fairs.

26 (a)(1) The Arkansas Livestock and Poultry Commission ~~shall be~~
 27 ~~empowered to formulate necessary and appropriate rules and regulations~~ may
 28 recommend to the Secretary of the Arkansas Agriculture Department rules for
 29 the grading of fairs on a point system in cooperation with an ad hoc advisory
 30 committee.

31 (2) The ad hoc advisory committee shall be formed of
 32 representatives of agriculture consisting of representatives from the:

33 (A) United States Department of Agriculture;

34 (B) University of Arkansas Cooperative Extension Service;

35 (C) ~~the agricultural~~ Agricultural education section of the
 36 Department of Workforce Education; and ~~the~~

1 (D) Arkansas Fair Managers Association, ~~r,~~
 2 (3) ~~which~~ The ad hoc advisory committee shall make
 3 recommendations as to criteria for the allotment of grade points to the
 4 commission.

6 SECTION 38. Arkansas Code § 2-37-110 is amended to read as follows:
 7 2-37-110. ~~Regulations~~ Rules.

8 (a)(1) ~~The board is authorized to promulgate such reasonable~~
 9 ~~regulations as may be~~ The Arkansas Livestock and Poultry Commission shall
 10 recommend to the Secretary of the Arkansas Agriculture Department rules
 11 necessary for the efficient enforcement of this chapter.

12 (2) In the interest of uniformity the board ~~shall by regulation~~
 13 ~~adopt~~ shall recommend to the Secretary of the Arkansas Agriculture
 14 Department, unless the board determines that they are inconsistent with the
 15 provisions of this chapter or are not appropriate to conditions which exist
 16 in this state, the following:

17 ~~(1)~~(A) The Official Definitions of Feed Ingredients and
 18 Official Feed Terms adopted by the Association of American Feed Control
 19 Officials and published in the official publication of that organization; and

20 ~~(2)~~(B) Any regulation promulgated pursuant to the
 21 authority of the Federal Food, Drug, and Cosmetic Act, provided, that the
 22 board would have the authority under this chapter to promulgate such
 23 regulations.

24 (b)(1) Before recommending to the Secretary of the Arkansas
 25 Agriculture Department the issuance, amendment, or repeal of any ~~regulation~~
 26 rule authorized by this chapter, the board shall publish the proposed
 27 ~~regulation~~ rule, amendment, or notice to repeal an existing ~~regulation~~ rule
 28 in a manner reasonably calculated to give interested parties, including all
 29 current registrants, adequate notice and shall afford all interested persons
 30 an opportunity to present their views thereon, orally or in writing, within a
 31 reasonable period of time.

32 (2) After consideration of all views presented by interested
 33 persons, the board ~~shall take appropriate action to~~ may recommend that the
 34 Secretary of the Arkansas Agriculture Department issue the proposed
 35 ~~regulation~~ rule or to amend or repeal an existing ~~regulation~~ rule.

36 (3) ~~The provisions of this subsection not withstanding, if the~~

1 ~~board, pursuant to the authority of this subsection, If the secretary~~ adopts
 2 the Official Definitions of Feed Ingredients or Official Feed Terms as
 3 adopted by the Association of American Feed Control Officials, or ~~regulations~~
 4 rules promulgated pursuant to the authority of the Federal Food, Drug, and
 5 Cosmetic Act, any amendment or modification adopted by ~~said the~~ the Association
 6 or by the ~~U. S.~~ United States Secretary of Health and Human Services in the
 7 case of ~~regulations~~ rules promulgated pursuant to the Federal Food, Drug and
 8 Cosmetic Act, ~~shall be~~ are adopted automatically under this chapter without
 9 regard to the publication of the notice required by this subsection (b),
 10 unless ~~the board~~ the Secretary of the Arkansas Agriculture Department by
 11 order specifically determines that ~~said the~~ the amendment of modification shall
 12 not be adopted.

13
 14 SECTION 39. Arkansas Code § 2-40-103 is amended to read as follows:

15 2-40-103. Duties and enforcement.

16 (a) It shall be the duty of the Arkansas Livestock and Poultry
 17 Commission to:

18 (1) Inquire into all outbreaks of contagious or infectious
 19 disease of animals;

20 (2) ~~Establish and promulgate such rules and regulations~~
 21 Recommend to the Secretary of the Arkansas Agriculture Department rules in
 22 regard to isolation or quarantine of infected animals, disinfection of
 23 animals and premises, destruction of incurably diseased animals, and disposal
 24 of carcasses as it may deem necessary to prevent the spread of disease;

25 (3) ~~Make~~ Recommend to the secretary rules for preventing the
 26 spread of disease borne by milk or other dairy products;

27 (4) ~~Promulgate regulations~~ Recommend to the secretary rules for
 28 the protection of areas from which animal diseases may be eradicated;

29 (5) ~~Draft regulations~~ Recommend to the secretary rules for
 30 compensation for owners of exposed or diseased animals and contaminated
 31 equipment or other material unsuitable for proper disinfection or destroyed,
 32 or for others for any other necessary expenses or for any other purpose,
 33 indemnity being subject to available funds; and

34 (6) ~~Promulgate regulations~~ Recommend to the secretary rules for
 35 the inspection of carcasses of slaughtered animals and sanitary conditions in
 36 and about packing houses slaughtering more than ten thousand (10,000) head of

1 animals for human consumption each year.

2 (b) Any federal veterinary inspector working in Arkansas cooperating
 3 with the commission shall have the power of enforcing the rules ~~and~~
 4 ~~regulations~~ of the commission.

5
 6 SECTION 40. Arkansas Code § 2-40-109(c), concerning rules for the
 7 destruction of diseased poultry flocks, is amended to read as follows:

8 (c) The commission ~~is authorized to adopt rules and regulations~~ may
 9 recommend to the Secretary of the Arkansas Agriculture Department rules to
 10 prescribe the procedures for condemning a diseased poultry flock as
 11 authorized in this section if the procedures for condemnation shall provide
 12 the owner an opportunity to be heard in the matter, shall assure him fair
 13 compensation for the birds, and shall otherwise afford the owner full due
 14 process of law in the condemnation process.

15
 16 SECTION 41. Arkansas Code § 2-40-202 is amended to read as follows:
 17 2-40-202. Authority of commission generally.

18 (a) The Arkansas Livestock and Poultry Commission, ~~by appropriately~~
 19 ~~adopted administrative rules and regulations, is authorized to~~ may recommend
 20 to the Secretary of the Arkansas Agriculture Department rules to modify or
 21 adjust ~~it's~~ the commission's disease or pest control and eradication
 22 activities and responsibilities so as to make them more effective or conform
 23 more closely to federal and state disease or pest control and eradication
 24 programs, as they relate to any and all contagious, communicable, or
 25 infectious diseases or pests.

26 (b) The commission may ~~make such~~ recommend to the secretary
 27 modifications or adjustments in disease and pest control and eradication
 28 activities and programs ~~as it deems~~ necessary or appropriate to enable ~~it~~ the
 29 commission to carry out its responsibilities with respect to ~~such~~ those
 30 activities and programs.

31
 32 SECTION 42. Arkansas Code § 2-40-209 is amended to read as follows:
 33 2-40-209. Quarantine - Violations.

34 (a) The Arkansas Livestock and Poultry Commission ~~is authorized to~~
 35 ~~adopt appropriate rules and regulations~~ may recommend to the Secretary of the
 36 Arkansas Agriculture Department rules regarding the isolation or quarantine

1 of infected, exposed, or suspected infected livestock or poultry.

2 (b) Any person or entity who violates the quarantine rules ~~and~~
 3 ~~regulations lawfully~~ promulgated by the ~~commission pursuant to its statutory~~
 4 ~~authority shall, upon conviction be~~ secretary is guilty of a Class A
 5 misdemeanor.

6
 7 SECTION 43. Arkansas Code § 2-40-210(a)and (b), concerning control and
 8 eradication of brucellosis, are amended to read as follows:

9 (a)(1) Any bovine herd infected with or directly exposed to
 10 brucellosis shall be depopulated at the discretion of and subject to the
 11 rules ~~and regulations~~ of the ~~Arkansas Livestock and Poultry Commission~~
 12 Secretary of the Arkansas Agriculture Department.

13 (2) The herd or herds shall be identified and destroyed within
 14 thirty (30) days of written order to the owner or owners.

15 (3)(A) The owners ~~will~~ shall be notified by delivery of the
 16 order or by certified mail.

17 (B) One (1) extension of thirty (30) days, if presented in
 18 writing to the commission, will be considered in extenuating circumstances.

19 (b) The Arkansas Livestock and Poultry Commission ~~shall adopt~~
 20 ~~appropriate rules and regulations~~ may recommend to the secretary rules
 21 concerning depopulation, negotiation, and hearing procedures.

22
 23 SECTION 44. Arkansas Code § 2-40-405 is amended to read as follows:
 24 2-40-405. ~~Regulations~~ Rules.

25 ~~The commission shall promulgate regulations~~ The Arkansas Livestock and
 26 Poultry Commission shall recommend to the Secretary of the Arkansas
 27 Agriculture Department rules necessary to implement this subchapter.

28
 29 SECTION 45. Arkansas Code § 2-40-502(b)(2), concerning brucellosis
 30 vaccinations for female bovines, is amended to read as follows:

31 (2)(A) Every female bovine ~~which~~ that is twelve (12) months of age or
 32 older, that is not calfhood vaccinated or spayed between the ages of four (4)
 33 months and twelve (12) months and is sold through any livestock market in the
 34 state or otherwise sold by one (1) person to another in the state, which
 35 heifer is not from a certified brucellosis-free herd, shall meet such
 36 permanent identification and restriction requirements as may be prescribed by

1 ~~administrative rules and regulations duly adopted by the Arkansas Livestock~~
 2 ~~and Poultry Commission~~ rules promulgated by the Secretary of the Arkansas
 3 Agriculture Department.

4 (B) ~~This requirement will be reviewed by the The~~ Arkansas
 5 Livestock and Poultry Commission shall review the requirement under
 6 subdivision (b)(2)(A) of this section and ~~is subject to~~ may recommend to the
 7 secretary amendment or suspension upon achievement of a class free
 8 brucellosis status.

9
 10 SECTION 46. Arkansas Code § 2-40-505(c), concerning enforcement of
 11 the brucellosis vaccination program, is amended to read as follows:

12 (c) In order to ~~carry into effect the provisions of~~ implement this
 13 subchapter, the commission may ~~adopt such rules and regulations and require~~
 14 ~~such~~ recommend to the Secretary of the Arkansas Agriculture Department the
 15 adoption of necessary reports and records ~~as may be necessary.~~

16
 17 SECTION 47. Arkansas Code § 2-40-603 is amended to read as follows:

18 2-40-603. ~~Administration~~ Rules.

19 In order to ~~carry into effect the provisions of~~ implement this
 20 subchapter, the Arkansas Livestock and Poultry Commission may ~~make such rules~~
 21 ~~and regulations and require such~~ recommend to the Secretary of the Arkansas
 22 Agriculture Department the adoption of necessary reports and records ~~as may~~
 23 ~~be necessary.~~

24
 25 SECTION 48. Arkansas Code § 2-40-703 is amended to read as follows:

26 2-40-703. ~~Administration~~ Rules.

27 ~~Rules and regulations to accomplish the intent and purposes of this~~
 28 ~~subchapter shall be made by the Arkansas Livestock and Poultry Commission~~ The
 29 Arkansas Livestock and Poultry Commission shall recommend to the Secretary of
 30 the Arkansas Agriculture Department rules to accomplish the intent and
 31 purposes of this subchapter.

32
 33 SECTION 49. Arkansas Code § 2-40-803 is amended to read as follows:

34 2-40-803. ~~Rules, regulations,~~ and orders.

35 (a) The Arkansas Livestock and Poultry Commission may ~~promulgate,~~
 36 ~~modify, and enforce the rules, regulations,~~ recommend to the Secretary of the

1 Arkansas Agriculture Department rules and orders not inconsistent with law as
 2 it shall from time to time deem necessary to effectively carry out the
 3 provisions of this subchapter.

4 (b) Except as otherwise provided in this subchapter, any person or
 5 entity who violates a provision of this subchapter ~~and commission regulation~~
 6 ~~promulgated pursuant to~~ or a rule recommended under this subchapter shall be
 7 deemed guilty of a Class A misdemeanor.

8

9 SECTION 50. Arkansas Code § 2-40-8269(a), concerning rules for equine
 10 infectious anemia services, is amended to read as follows:

11 (a) In order to fund or partially fund the Equine Infectious Anemia
 12 Control and Eradication Program, the Arkansas Livestock and Poultry
 13 Commission may, ~~by appropriately adopted administrative rules and~~
 14 ~~regulations, design and~~ recommend to the Secretary of the Arkansas
 15 Agriculture Department rules to maintain a fee structure for the purpose of
 16 defraying the cost of services performed.

17

18 SECTION 51. Arkansas Code § 2-40-903 is amended to read as follows:

19 2-40-903. ~~Administration~~ Rules.

20 (a)(1) The Arkansas Livestock and Poultry Commission shall ~~establish~~
 21 ~~rules and regulations as~~ recommend to the Secretary of the Arkansas
 22 Agriculture Department rules needed to fulfill the purpose of this
 23 subchapter.

24 (2) These rules ~~and regulations~~ shall include, but not be
 25 limited to:

26 (A) Establishing criteria covering eligibility to the
 27 program, such as a brucellosis-free herd;

28 (B) Maintaining a list of approved vendors of suitable
 29 insecticides;

30 (C) Determining the most expeditious method of reimbursing
 31 the insecticide vendors;

32 (D) Setting the amount, on a fixed dollars-per-gallon
 33 basis, ~~which~~ the state will provide in order to adequately and equitably
 34 support this program; and

35 (E) Setting penalties for those acting in violation of the
 36 purpose of this subchapter.

1 (b) The county agricultural extension service may assist in receiving
 2 and processing all applications for insecticide under the program, according
 3 to the rules ~~and regulations laid down by the commission~~ promulgated by the
 4 secretary.

5
 6 SECTION 52. Arkansas Code § 2-40-906(a), concerning stock range riders
 7 for dipping season, is amended to read as follows:

8 (a) The county judge in each county establishing vats shall designate
 9 and appoint some qualified person to be known as a stock range rider to act
 10 during the dipping season and conduct the dipping operations in his county
 11 according to ~~such rules and regulations as may be promulgated~~ rules
 12 recommended to the Secretary of the Arkansas Agriculture Department by the
 13 State Veterinarian or the Arkansas Livestock and Poultry Commission.

14
 15 SECTION 53. Arkansas Code § 2-40-1304 is amended to read as follows:
 16 2-40-1304. ~~Regulations~~ Rules.

17 (a) ~~The commission shall promulgate regulations~~ The Arkansas Livestock
 18 and Poultry Commission shall recommend to the Secretary of the Arkansas
 19 Agriculture Department rules necessary to implement this subchapter.

20 (b) ~~The commission shall, by regulation,~~ rules shall specify:

- 21 (1) The requirements for disposal ditches and incineration;
- 22 (2) The method of burying large animal carcasses and parts
 23 ~~thereof~~ of large animal carcasses; and
- 24 (3) All other methods and procedures ~~found acceptable by the~~
 25 commission recommends to the secretary for the disposal of large animal
 26 carcasses and parts ~~thereof~~ of large animal carcasses.

27
 28 SECTION 54. Arkansas Code § 15-31-106 is amended to read as follows:
 29 15-31-106. Functions, powers, and duties.

30 (a) The functions, powers, and duties of the Arkansas Forestry
 31 Commission shall be to:

- 32 (1) Cooperate with the Secretary of the United States Department
 33 of Agriculture or the secretary's authorized agent, with the College of
 34 Agriculture and School of Forest Resources of the University of Arkansas
 35 System, with the Arkansas Economic Development Commission, with other state
 36 agencies, and with farmers, forest owners, and other residents and

1 organizations of the state to achieve the mission of the Arkansas Forestry
 2 Commission;

3 (2) ~~Formulate and put into effect~~ Recommend to the Secretary of
 4 the Arkansas Agriculture Department policies, plans, and reasonable rules and
 5 regulations as may be necessary to the accomplishment of the purpose stated
 6 in subdivision (a)(1) of this section;

7 (3) Submit annually to the Governor and the Secretary of the
 8 Arkansas Agriculture Department a report of its expenditures,
 9 accomplishments, and plans for further work;

10 (4) Assemble and publicize all available information pertinent
 11 to industrial opportunities in forestry, both in respect to particular
 12 sections and the state as a whole, including the varieties of trees and the
 13 products producible therefrom, the power and water resources, transportation
 14 facilities, available markets, labor supply, and industrial sites, all to the
 15 end of encouraging both the establishment of new industrial enterprises
 16 utilizing forest resources and the expansion of existing enterprises;

17 (5) Assist private landowners, and when called upon, the agency
 18 of state having control of the state park system, in managing their timber
 19 under approved forestry practices;

20 (6) Furnish educational information in forestry matters for
 21 ~~land-owners~~ landowners and timber processors, and civic, school, and other
 22 interested groups, including the preparation and dissemination, through
 23 various available media, of information relating to fire prevention and
 24 control, detection and control of disease and insect infestation, and
 25 approved methods of timber harvesting and artificial reforestation;

26 (7) Originate and conduct research in forestry matters and
 27 cooperate with other agencies, both public and private, in any such projects;

28 (8) Purchase, lease, rent, or sell and receive bequests or
 29 donations of any real, corporeal, or personal property, and, when necessary
 30 to properly carry out its functions, to acquire any real property by the
 31 exercise of its right of eminent domain, such right being vested in the
 32 Arkansas Forestry Commission;

33 (9) Contract and be contracted with; and

34 (10) Take such other action in consultation with the Secretary
 35 of the Arkansas Department of Agriculture, not inconsistent with law, as it
 36 may deem necessary or desirable to carry out the intent and purposes of this

1 chapter.

2 (b)(1) The Arkansas Forestry Commission shall also have and be subject
3 to all other functions, powers, and duties as by this chapter are conferred
4 and imposed upon it.

5 (2) For the purpose of regulating its own procedure and carrying
6 out its transferred or newly provided functions, ~~it shall have the authority,~~
7 ~~from time to time, to make and amend and enforce all reasonable rules or~~
8 ~~regulations~~ the Arkansas Forestry Commission shall recommend to the Secretary
9 of the Arkansas Agriculture Department rules not inconsistent with law ~~which~~
10 that will aid in the performance of any of the functions, powers, or duties
11 conferred or imposed upon it by law.

12

13 SECTION 55. Arkansas Code § 15-31-112(c), concerning rules for
14 enforcement of Poison Spring State Forest regulations, is amended to read as
15 follows:

16 (c) The commission ~~is authorized to promulgate such rules and~~
17 ~~regulations~~ may recommend to the Secretary of the Arkansas Agriculture
18 Department rules necessary to administer the fees, rates, tolls, or charges
19 for services established by this section and ~~is directed~~ rules to prescribe
20 and collect ~~such~~ fees, rates, tolls, or charges for the services delivered by
21 the commission in ~~such~~ a manner as may be necessary to support the programs
22 of the commission as directed by the Governor and General Assembly.

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