

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H3/9/17  
**A Bill**

HOUSE BILL 1725

By: Representative D. Douglas

### **For An Act To Be Entitled**

*AN ACT TO TRANSFER VARIOUS STATE AGENCIES TO THE  
ARKANSAS AGRICULTURE DEPARTMENT THROUGH A TYPE 4  
TRANSFER; TO DECLARE AN EMERGENCY; AND FOR OTHER  
PURPOSES.*

### **Subtitle**

*TO TRANSFER VARIOUS STATE AGENCIES TO THE  
ARKANSAS AGRICULTURE DEPARTMENT THROUGH A  
TYPE 4 TRANSFER; AND TO DECLARE AN  
EMERGENCY.*

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

SECTION 1. DO NOT CODIFY. Transfer of the Abandoned Pesticide Advisory Board, the Arkansas Forestry Commission, the Arkansas Livestock and Poultry Commission, the State Plant Board, the Arkansas Farm Mediation Office, the Veterinary Medical Examining Board, and the Arkansas State Board of Registration for Foresters to the Arkansas Agriculture Department.

(a)(1) The Abandoned Pesticide Advisory Board, the Arkansas Forestry Commission, the Arkansas Livestock and Poultry Commission, the State Plant Board, the Arkansas Farm Mediation Office, the Veterinary Medical Examining Board, and the Arkansas State Board of Registration for Foresters are transferred to the Arkansas Agriculture Department by a type 4 transfer under § 25-2-107.

(2) For purposes of this act, the Arkansas Agriculture Department shall be considered a principal department established by Acts 1971, No. 38.



(b) The boards, commissions, or other governing bodies of the Abandoned Pesticide Advisory Board, the Arkansas Forestry Commission, the Arkansas Livestock and Poultry Commission, the State Plant Board, the Arkansas Farm Mediation Office, the Veterinary Medical Examining Board, and the Arkansas State Board of Registration for Foresters are retained and shall continue to exercise their statutory authority, powers, duties, and functions.

(c)(1) The directors, if any, of the Abandoned Pesticide Advisory Board, the Arkansas Forestry Commission, the Arkansas Livestock and Poultry Commission, the State Plant Board, the Arkansas Farm Mediation Office, the Veterinary Medical Examining Board, and the Arkansas State Board of Registration for Foresters shall be nominated by the board, commission, or governing body of the Abandoned Pesticide Advisory Board, the Arkansas Forestry Commission, the Arkansas Livestock and Poultry Commission, the State Plant Board, the Arkansas Farm Mediation Office, the Veterinary Medical Examining Board, and the Arkansas State Board of Registration for Foresters subject to confirmation by the Governor.

(2) The directors, if any, of the Abandoned Pesticide Advisory Board, the Arkansas Forestry Commission, the Arkansas Livestock and Poultry Commission, the State Plant Board, the Arkansas Farm Mediation Office, the Veterinary Medical Examining Board, and the Arkansas State Board of Registration for Foresters shall serve at the pleasure of the Governor.

(d) All records, personnel, property, unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, are transferred to the principal department.

(e) The members of any statutory board or commission of the Abandoned Pesticide Advisory Board, the Arkansas Forestry Commission, the Arkansas Livestock and Poultry Commission, the State Plant Board, the Arkansas Farm Mediation Office, the Veterinary Medical Examining Board, and the Arkansas State Board of Registration for Foresters are transferred and their successors shall continue to be selected in the manner and serve for the terms provided by the statutes applicable to the board or commission as such statutes may from time to time be amended.

(f) All revenue, including cash funds, special revenue, trust fund income, federal grants, aid, and reimbursements, nonrevenue receipts or other moneys held in accounts by the boards or commissions being transferred under

this act, including unexpended balances that may be carried forward, shall continue to be held in the accounts and shall be used solely for the purposes for which the revenue was collected as provided by law.

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

2-7-201. Creation.

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

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

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

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

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

SECTION 3. Arkansas Code § 25-38-203(4)-(10), concerning the powers and duties of the Arkansas Agriculture Department, are amended to read as follows:

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

(5) Encourage the organization of neighborhood and county

agricultural clubs and associations;

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

(7) Coordinate with existing programs concerning agriculture, aquaculture, horticulture, forestry, and kindred industries with the University of Arkansas Division of Agriculture and other agricultural universities of this state;

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

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

(10) Designate employees who shall have the powers of peace officers in the enforcement of criminal laws of this state;

(11) Promulgate rules necessary to carry out the marketing, promotion, and education programs of the department; and

(12) Report annually to the Legislative Council at the end of the fiscal year.

SECTION 4. Arkansas Code § 25-38-204 is amended to read as follows:

25-38-204. Type ~~1~~ 4 transfers of various agricultural agencies.

The following departments, institutions, other agencies, or parts thereof, are transferred to the Arkansas Agriculture Department by a type ~~1~~ 4 transfer, as provided for ~~in § 25-2-104~~ under § 25-2-107, under which the ~~departments, institutions, other agencies, or parts thereof, shall be administered under the direction and supervision of that principal department, but shall retain the same prescribed statutory powers, authorities, duties, and functions as they had before the transfer~~ boards and commissions of the transferred agencies are retained and shall continue to exercise their statutory authority, powers, duties, and functions:

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

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

- (3) Arkansas Livestock and Poultry Commission, created under § 2-33-101;
- (4) State Plant Board, created under § 2-16-206; ~~and~~
- ~~(5) Aquaculture business enterprise facilities and operations with the Arkansas Development Finance Authority.~~
- (5) Arkansas Farm Mediation Office, created under § 2-7-201;
- (6) Veterinary Medical Examining Board, created under § 17-101-201; and
- (7) Arkansas State Board of Registration for Foresters, created under § 17-31-201.

SECTION 5. Arkansas Code § 25-38-206(a), concerning the transfer of human resources and accounting offices of various agricultural agencies, is amended to read as follows:

(a) The human resource and accounting operations of the following boards and commissions shall be administered under the direction and supervision of the Arkansas Agriculture Department:

- (1) ~~The~~ State Plant Board;
- (2) ~~The~~ Arkansas Livestock and Poultry Commission; ~~and~~
- (3) ~~The~~ Arkansas Forestry Commission;
- (4) Veterinary Medical Examining Board; and
- (5) Arkansas State Board of Registration for Foresters.

*SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that this act will require the alignment of the accounting and budgeting of multiple state agencies; that it is necessary for the effective date of this act to commence with the fiscal year; and that this act is necessary because it facilitates a timely and efficient transfer of the Abandoned Pesticide Advisory Board, the Arkansas Forestry Commission, the Arkansas Livestock and Poultry Commission, the State Plant Board, the Arkansas Farm Mediation Office, the Veterinary Medical Examining Board, and the Arkansas State Board of Registration for Foresters to the Arkansas Agriculture Department. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2017.*

*/s/D. Douglas*