

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1117

By: Representative A. Davis

By: Senator Hester

For An Act To Be Entitled

AN ACT TO CREATE THE TRANSFORMATION AND EFFICIENCIES ACT OF 2019; TO TRANSFER VARIOUS STATE AGENCIES AND TO ESTABLISH THE CABINET-LEVEL DEPARTMENT OF AGRICULTURE; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE TRANSFORMATION AND EFFICIENCIES ACT OF 2019; TO TRANSFER VARIOUS STATE AGENCIES AND TO ESTABLISH THE CABINET-LEVEL DEPARTMENT OF AGRICULTURE; AND TO DECLARE AN EMERGENCY.

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

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

Subchapter 2 – Department of Agriculture

25-43-201. Department of Agriculture.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(20) The State Plant Board, created under § 2-16-206;

(21) The Veterinary Medical Examining Board, created under § 17-101-201;

(22) The Wetlands Technical Advisory Committee, created under § 15-22-1003.

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

SECTION 2. Arkansas Code § 25-38-202 is amended to read as follows:
25-38-202. Creation – Appointment of secretary.

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

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

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

(3) The secretary may:

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

(i) Statutory duties; or

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

(a) Abandoned Pesticide Advisory Board;

(b) Arkansas Agriculture Board;

(c) Arkansas Boll Weevil Eradication

Committee;

(d) Arkansas Bureau of Standards;

(e) Arkansas Farm Mediation Office;

(f) Arkansas Fire Ant Advisory Board;

(g) Arkansas Forestry Commission;

(h) Arkansas Livestock and Poultry Commission;

(i) Arkansas Milk Stabilization Board;
(j) Arkansas Natural Resources Commission;
(k) Arkansas Seed Arbitration Committee;
(l) Arkansas State Board of Registration for
Foresters;

(m) Arkansas State Board of Registration for
Professional Soil Classifiers;

(n) Arkansas Unpaved Roads Program;
(o) Commission on Water Well Construction;
(p) Liter Utilization Committee;
(q) Ouachita River Commission;
(r) Private Wetland and Riparian Zone
Creation, Restoration, and Conservation Committee;

(s) Red River Compact Commission;
(t) State Plant Board;
(u) Veterinary Medical Examining Board; or
(v) Wetlands Technical Advisory Committee;

(B) Hire department personnel, including without limitation the:

(i) State Forester;
(ii) Director of the Arkansas Livestock and Poultry
Commission;

(iii) Director of the Arkansas Natural Resources
Commission;

(iv) Director of the State Plant Board; and
(v) Institutional law enforcement officers under §
25-17-304; and

(C) Perform or assign duties assigned to the Department of
Agriculture.

SECTION 3. Arkansas Code § 25-38-203 is amended to read as follows:

25-38-203. ~~Arkansas Agriculture Department~~ Department of Agriculture - Powers and duties.

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

(1) Administer the departments, institutions, other agencies, or parts of departments, institutions, or other agencies transferred to the department under ~~§§ 25-38-204 and 25-38-205~~ 25-38-211;

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

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

(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";

(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 of the University of Arkansas;

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

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

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

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

~~25-38-204. Type 1 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 transfer, as provided for in § 25-2-104, 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:~~

- ~~(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.~~

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

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

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

- (1) The State Plant Board;
- (2) The Arkansas Livestock and Poultry Commission; ~~and~~
- (3) The Arkansas Forestry Commission;
- (4) The Arkansas Natural Resources Commission;
- (5) The Arkansas State Board of Registration for Foresters;
- (6) The Veterinary Medical Examining Board;
- (7) The Abandoned Pesticide Advisory Board;
- (8) The Commission on Water Well Construction;
- (9) The Red River Compact Commission;
- (10) The Arkansas Bureau of Standards;
- (11) The Arkansas State Board of Registration for Professional

Soil Classifiers;

- (12) The Arkansas Farm Mediation Office;
- (13) The Arkansas Boll Weevil Eradication Committee;
- (14) The Arkansas Fire Ant Advisory Board;
- (15) The Arkansas Milk Stabilization Board;
- (16) The Arkansas Seed Arbitration Committee;
- (17) The Arkansas Unpaved Road Program;
- (18) The Liter Utilization Committee;
- (19) The Ouachita River Commission;
- (20) The Arkansas Agriculture Board;
- (21) The Private Wetland and Riparian Zone Creation,

Restoration, and Conservation Committee; and

- (22) The Wetlands Technical Advisory Committee.

(b) The boards, and commissions, committees, bureau, program, and office subject to transfer of the ~~administration of human resource and accounting operations~~ administrative functions under subsection (a) of this section shall make available to the department all records of whatever type concerning ~~their human resource and accounting operations~~ the administrative functions of the boards, commissions, committees, bureau, program, or office.

(c)(1) All personnel employed by the boards, commissions, committees, bureau, program, or office transferred under § 25-38-211 and subsection (a) of this section shall be employees of the Department of Agriculture.

(2) All job descriptions, duties, salaries, and benefits shall be determined by the Secretary of the Department of Agriculture as consistent with Arkansas law.

(3) All programs and positions funded by special funds allocated by law to the boards, commissions, committees, bureau, program, or office subject to the transfer under § 25-38-211 and subsection (a) of this section shall continue to be used for the designated purposes of the programs and positions.

(4) The department shall provide all administrative support, employment needs, and staff to carry out the rules, directives, and orders promulgated or issued by the entities transferred under subsection (a) of this section and § 25-38-211.

(d) "Administrative functions" does not include the promulgation of rules or issuance of orders on behalf of any of the entities transferred

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1110;

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

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

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

(20) The State Plant Board, created under § 2-16-206;

(21) The Veterinary Medical Examining Board, created under § 17-101-201;

(22) The Wetlands Technical Advisory Committee, created under § 15-22-1003.

(b) The transfer under subdivision (a) of this section supersedes previous transfers, including without limitation the transfers under § 25-38-204.

(c) For purposes of this section, the Department of Agriculture shall be considered a principal department as established by Acts 1971, No. 38.

(d) The transferred entities shall be administered under the direction and supervision of the Department of Agriculture but shall continue to exercise their statutory authority, powers, duties, and functions as before the transfer, including without limitation the promulgation of rules, the collection of fees, and the creation of programs.

(e) All revenue, including without limitation cash funds, special revenue, trust fund income, federal grants, aid, reimbursements, nonrevenue receipts, and other moneys held in accounts by the transferred boards, commissions, bureau, or office, including without limitation 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.

(f) All records, personnel, and unexpended balances of state appropriations or allocations, including the functions of budgeting and purchasing, are transferred to the Department of Agriculture.

(g) All real property owned by a transferred entity shall remain in the name of the transferred entity, to be administered by the Department of Agriculture, and all other property shall be transferred to the Department of Agriculture.

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

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

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

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

SECTION 9. 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~~ Department of Agriculture 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 Department of Agriculture 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 Department of Agriculture 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 Department of Agriculture 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 Department of Agriculture may promulgate rules to carry out the provisions of this chapter.

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

production.

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

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

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

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

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

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

- (1) Federal laws and regulatory constraints;
- (2) The economic and financial feasibility of an industrial hemp market in Arkansas;
- (3) Arkansas businesses that might use industrial hemp;
- (4) Examination of research on industrial hemp production and use;
- (5) The potential for globally marketing Arkansas industrial hemp;
- (6) A feasibility study of private funding for the Arkansas industrial hemp research program;
- (7) Enforcement concerns;
- (8) Statutory and regulatory schemes for growing of industrial hemp by private producers; and
- (9) Technical support and education about industrial hemp.

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

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

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

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

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

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

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

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

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

2-16-208. Director of board.

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

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

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

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

~~emissions of the chief inspector or his or her duly authorized deputies or employees may bring action on the bond for damages.~~

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

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

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

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

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

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

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

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

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

2-16-306. Enforcement.

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

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

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

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

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

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

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

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

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

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

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

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

2-18-104. Rules.

The State Plant Board:

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

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

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

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

2-22-104. Administration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2-33-105. State Veterinarian.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2-33-308. Overtime compensation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4-18-313. Special police powers.

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

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

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

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

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

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

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

SECTION 39. Arkansas Code § 4-18-325 is amended to read as follows:
4-18-325. Restraining order and injunction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Arkansas ~~Department~~ Division of Emergency Management;
- (2) Arkansas Ambulance Association;
- (3) Arkansas Association of Chiefs of Police;
- (4) Arkansas Association of Fire Chiefs;
- (5) Arkansas Citizen Corps Point of Contact;
- (6) ~~Arkansas Department~~ Division of Environmental Quality;
- (7) Department of Health;
- (8) Arkansas Emergency Management Association Inc.;
- (9) Arkansas Highway Police Division of the Arkansas Department of Transportation;
- (10) ~~Arkansas Livestock and Poultry Commission~~ Department of Agriculture;
- (11) Arkansas Municipal League;
- (12) National Guard;
- (13) 61st Civil Support Team of the National Guard;
- (14) Arkansas Sheriffs' Association;
- (15) ~~Department~~ Division of Arkansas State Police;
- (16) ~~State Plant Board~~;

~~(17)~~ County Judges Association of Arkansas;
~~(18)~~(17) Centers for Disease Control and Prevention;
~~(19)~~(18) ~~Department~~ Division of Information Systems;
~~(20)~~(19) Federal Bureau of Investigation;
~~(21)~~(20) Health Resources and Services Administration of the
 United States Department of Health and Human Services;
~~(22)~~(21) United States Secret Service;
~~(23)~~(22) United States Attorney for the Eastern District of
 Arkansas; and
~~(24)~~(23) United States Attorney for the Western District of
 Arkansas.

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

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

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

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

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

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

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

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

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

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

(5) A plan for using best management practices;

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

without limitation a site map; and

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

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

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

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

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

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

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

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

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

(c) A county shall:

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

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

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

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

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

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

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

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

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

- (1) The application process;
- (2) The creation and administration of an advisory committee to assist the division in evaluating applications and making funding determinations;
- (3) The disbursement of grant funds;
- (4) The reporting required by counties that receive grant funds under this chapter;
- (5) The evaluation and assessment of unpaved road projects approved for grants;
- (6) The expenses that are eligible for grant funds; and
- (7) The standards a county is required to meet in completing an

unpaved road project.

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

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

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

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

(3) Facilitate compliance with this subchapter.

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

(2) The program coordinator shall:

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

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

(ii) Working with distribution representatives; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Instructions about the grant process;

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

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

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

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

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

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

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

(2) Instructions about the grant process;

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

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

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

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

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

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

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

(2) Instructions about the grant process;

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

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

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

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

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

Development Program, is amended to read as follows:

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

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

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

(B) Evidence of the following:

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

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

(2) Instructions about the rebate process;

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

and

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

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

15-20-204. Organization.

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

SECTION 63. Arkansas Code § 15-20-205 is amended to read as follows:

15-20-205. ~~Executive director~~ Director.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- ~~(C)~~(B) The Arkansas Department of Transportation;
- ~~(D)~~(C) The Department of Arkansas Heritage;
- ~~(E)~~(D) The Arkansas Department of Environmental Quality;

and

~~(F)~~(E) Two (2) public members with expertise in aquatic resources ecology appointed by the Arkansas Natural Resources Commission.

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

15-22-1004. Mitigation banks – Acquisition and protection —~~Powers of the executive director.~~

~~In consultation with the Arkansas Natural Resources Commission and the Wetlands Technical Advisory Committee, the Executive Director of the Arkansas Natural Resources Commission~~ The Arkansas Natural Resources Commission or the commission's designee, in consultation with the Wetlands Technical Advisory Committee, may:

(1) Set a sales price for credits in the mitigation bank on behalf of the commission;

(2) Acquire or accept title, including easements, from willing sellers or donors to approved lands, in the name of the commission, suitable for use in mitigation banks;

(3) Pay costs incurred for alterations needed to create or restore aquatic resources areas for purposes of carrying out the provisions of this subchapter;

(4) Authorize payment of administrative, research, or scientific monitoring expenses of the commission in carrying out the provisions of this subchapter;

(5) Receive funds from whatever source for the voluntary acquisition of a mitigation bank and interests therein;

(6) Enter into contracts with state and federal agencies, nonprofit corporations, or other persons for the management of mitigation bank properties; and

(7)(A) Upon satisfactory establishment of a functioning aquatic resources site, convey mitigation bank properties to other appropriate state agencies for management.

(B) The commission shall reserve such interest in the mitigation bank property as necessary to protect the aquatic resources

function and values.

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

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

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

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

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

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

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

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

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

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

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

15-22-1012. Use of funds.

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

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

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

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

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

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

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

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

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

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

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

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

Resources Commission; and

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

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

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

~~The State Forester shall:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Commission on Water Well Construction ~~shall~~ may:

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

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

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

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

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

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

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

(6) Authorize the Department of Agriculture to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17-101-204. Director.

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

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:

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

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

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

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

SECTION 124. Arkansas Code § 20-20-205 is amended to read as follows:
20-20-205. Administration of subchapter by State Plant Board.

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

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

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

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

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

amended to read as follows:

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

- (A) The Director of the Department of Finance and Administration;
- (B) The Director of Production and Conservation of the Oil and Gas Commission;
- (C) The State Geologist;
- (D) The ~~State Forester~~ Secretary of the Department of Agriculture;
- (E) ~~The Executive Director of the Arkansas Natural Resources Commission~~;
- ~~(F)~~ The Commissioner of State Lands;
- ~~(G)~~(F) The Executive Secretary of the Arkansas State Game and Fish Commission;
- ~~(H)~~(G) The Director of the Department of Parks and Tourism;
- ~~(I)~~(H) The Director of the Arkansas Department of Environmental Quality; and
- ~~(J)~~(I) The Chair of the Arkansas Natural Heritage Commission.

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

(2)(A)(i) This section does not apply to a member who was an employee of the Arkansas Forestry Commission, the Arkansas Livestock and Poultry Commission, or the State Plant Board, and who is a participant in the Arkansas Public Employees' Retirement System Deferred Retirement Option Plan who may be eligible for reemployment after satisfying the separation requirements of § 24-4-520(b) as an essential seasonal staff member with the Arkansas Forestry Commission, the Arkansas Livestock and Poultry Commission, or the State Plant Board.

(ii) This section does not apply to a member who was an employee of the Department of Agriculture on or after July 1, 2019, and who is a participant in the Arkansas Public Employees' Retirement System

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 134. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the provisions of this act should become effective to allow for implementation of the new provisions in advance of the upcoming fiscal year. 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, 2019.