

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1658

By: Representative Wing

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS CONCERNING BOARDS,
COMMISSIONS, AND COMMITTEES WITHIN THE DEPARTMENT OF
AGRICULTURE; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS CONCERNING BOARDS,
COMMISSIONS, AND COMMITTEES WITHIN THE
DEPARTMENT OF AGRICULTURE.

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

SECTION 1. Arkansas Code Title 2, Chapter 16, Subchapter 7, is repealed.

~~Subchapter 7 — Arkansas Fire Ant Advisory Board~~

~~2-16-701. Creation.~~

~~(a) The Arkansas Fire Ant Advisory Board is hereby created to accept all gifts, grants, and other moneys from any source for the purpose of financing new and ongoing fire ant research and educational programs and providing counsel in planning and executing such research and educational programs.~~

~~(b) These moneys will route through the University of Arkansas Agricultural Experiment Station, the University of Arkansas Cooperative Extension Service, or the University of Arkansas Agricultural Development Council at Fayetteville for use by the board and fire ant researchers in the School of Forest Resources at the University of Arkansas at Monticello or other researchers in cooperative efforts with researchers at the University~~



~~of Arkansas at Monticello.~~

~~2-16-702. Members.~~

~~(a) The Arkansas Fire Ant Advisory Board shall be composed of the Vice President for Agriculture of the University of Arkansas, the head of the Department of Entomology at the University of Arkansas at Fayetteville or his or her representative, the 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 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.~~

~~(b)(1) Members of the board appointed by the chair shall be appointed for four-year terms.~~

~~(2) Persons appointed to fill vacancies shall serve for the remainder of the unexpired term.~~

~~(c) Members of the board shall serve without compensation. Board members may receive expense reimbursement in accordance with § 25-16-901 et seq.~~

~~2-16-703. Chair — Meetings.~~

~~(a) The Vice President for Agriculture of the University of Arkansas system shall serve as chair of the Arkansas Fire Ant Advisory Board.~~

~~(b) The board shall meet at the call of the chair and no less frequently than annually.~~

~~(c) The chair shall provide necessary meeting space and administrative services for the board.~~

~~2-16-704. Rules.~~

~~The Arkansas Fire Ant Advisory Board may promulgate rules necessary for the implementation of this subchapter.~~

~~2-16-705. Annual report.~~

~~No later than January 1 of each year, the Arkansas Fire Ant Advisory Board shall report to the directors of the University of Arkansas Agricultural Experiment Station and the University of Arkansas Cooperative Extension Service regarding all moneys received and expended by it during the preceding fiscal year.~~

SECTION 2. Arkansas Code § 14-118-203(e), concerning the Red River Commission, is amended to read as follows:

(e) Members of the commission shall receive no pay for their services, but whenever the General Assembly shall have appropriated funds to the Arkansas Water Development Fund administered by the ~~Arkansas Soil and Water Conservation Commission~~ Department of Agriculture, they may, upon proper application to the ~~Arkansas Soil and Water Conservation Commission~~ department, be reimbursed for expenses in accordance with § 25-16-901 et seq.

SECTION 3. Arkansas Code § 15-20-1110 is repealed.

~~15-20-1110. Litter utilization committee.~~

~~(a) In nutrient surplus areas, the Arkansas Natural Resources Commission shall activate a litter utilization committee to facilitate utilization or removal of excess litter.~~

~~(b) The commission shall appoint a committee composed of poultry feeding operators, Department of Agriculture staff, and other persons knowledgeable in litter management.~~

~~(c)(1) The committee shall consider methods of removal, valuation of the litter, and avenues of distribution of litter.~~

~~(2) Alternative uses shall include adequate compensation to poultry feeding operations for the value of the litter.~~

SECTION 4. Arkansas Code § 15-22-1003(7), concerning definitions in the Arkansas Wetlands Mitigation Bank Act, is repealed.

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

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

~~(B) The Arkansas Department of Transportation;~~

~~(C) The Division of Arkansas Heritage;~~

~~(D) The Division of Environmental Quality; and
(E) Two (2) public members with expertise in aquatic resources ecology appointed by the Arkansas Natural Resources Commission.~~

SECTION 5. Arkansas Code § 15-22-1004 is amended to read as follows:
15-22-1004. Mitigation banks – Acquisition and protection.

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 6. Arkansas Code § 15-22-1006(a), concerning the resource values and credits for mitigation banks, is amended to read as follows:

(a) For each mitigation bank, the ~~Executive~~ Director of the Arkansas Natural Resources Commission, ~~in consultation with the Wetlands Technical Advisory Committee,~~ shall establish a system of aquatic resources values and

credits consistent with compensatory mitigation under § 404 of the Clean Water Act, 33 U.S.C. § 1344, and §§ 9 and 10 of the Rivers and Harbors Act, 33 U.S.C. §§ 401 and 403, as they existed on January 1, 2007, and Exec. Order No. 11,990 issued May 24, 1977, 42 Fed. Reg. 26,961.

SECTION 7. Arkansas Code § 15-22-1007(b), concerning annual monitoring reports of mitigation banks by the Arkansas Natural Resources Commission, is repealed.

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

SECTION 8. Arkansas Code § 15-22-1009(a), concerning the carrying out of the provisions of the Arkansas Wetlands Mitigation Bank Act, is amended to read as follows:

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

SECTION 9. Arkansas Code § 25-38-202(b)(3)(A)(ii)(f), concerning delegation related to rules, orders, or directives promulgated or issued by certain boards and committees to the Department of Agriculture by the Secretary of the Department of Agriculture, is repealed.

~~(f) Arkansas Fire Ant Advisory Board;~~

SECTION 10. Arkansas Code § 25-38-202(b)(3)(A)(ii)(p), concerning delegation related to rules, orders, or directives promulgated or issued by certain boards and committees to the Department of Agriculture by the Secretary of the Department of Agriculture, is repealed.

~~(p) Litter Utilization Committee;~~

SECTION 11. Arkansas Code § 25-38-202(b)(3)(A)(ii)(s), concerning delegation related to rules, orders, or directives promulgated or issued by certain boards and committees to the Department of Agriculture by the Secretary of the Department of Agriculture, is repealed.

~~(s) Red River Compact Commission;~~

SECTION 12. Arkansas Code § 25-38-202(b)(3)(A)(ii)(v), concerning delegation related to rules, orders, or directives promulgated or issued by certain boards and committees to the Department of Agriculture by the Secretary of the Department of Agriculture, is repealed:

~~(v) Wetlands Technical Advisory Committee; or~~

SECTION 13. Arkansas Code § 25-38-202(b)(3)(A)(ii), concerning delegation related to rules, orders, or directives promulgated or issued by certain boards and committees to the Department of Agriculture by the Secretary of the Department of Agriculture, is amended to add an additional subdivision to read as follows:

(x) The Red River Commission, created under § 14-118-202.

SECTION 14. Arkansas Code § 25-38-206(a)(9), concerning administrative functions of certain boards, commissions, bureaus, committees, programs, and offices administered by the Department of Agriculture, is repealed.

~~(9) The Red River Compact Commission;~~

SECTION 15. Arkansas Code § 25-38-206(a)(14), concerning administrative functions of certain boards, commissions, bureaus, committees, programs, and offices administered by the Department of Agriculture, is repealed.

~~(14) The Arkansas Fire Ant Advisory Board;~~

SECTION 16. Arkansas Code § 25-38-206(a)(18), concerning administrative functions of certain boards, commissions, bureaus, committees, programs, and offices administered by the Department of Agriculture, is repealed.

~~(18) The Litter Utilization Committee;~~

SECTION 17. Arkansas Code § 25-38-206(a)(22), concerning administrative functions of certain boards, commissions, bureaus, committees, programs, and offices administered by the Department of Agriculture, is repealed.

~~(22) The Wetlands Technical Advisory Committee.~~

SECTION 18. Arkansas Code § 25-38-206(a), concerning administrative functions of certain boards, commissions, bureaus, committees, programs, and offices administered by the Department of Agriculture, is amended to add an additional subdivision to read as follows:

(23) The Red River Commission, created under § 14-118-202.

SECTION 19. Arkansas Code § 25-38-211(a)(6), concerning transfer of certain agricultural boards, commissions, bureaus, committees, programs, and offices to the Department of Agriculture, is repealed.

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

SECTION 20. Arkansas Code § 25-38-211(a)(16), concerning transfer of certain agricultural boards, commissions, bureaus, committees, programs, and offices to the Department of Agriculture, is repealed.

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

SECTION 21. Arkansas Code § 25-38-211(a)(19), concerning transfer of certain agricultural boards, commissions, bureaus, committees, programs, and offices to the Department of Agriculture, is repealed.

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

SECTION 22. Arkansas Code § 25-38-211(a)(22), concerning transfer of certain agricultural boards, commissions, bureaus, committees, programs, and offices to the Department of Agriculture, is repealed.

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

SECTION 23. Arkansas Code § 25-38-211(a), concerning transfer of certain agricultural boards, commissions, bureaus, committees, programs, and offices to the Department of Agriculture, is amended to add an additional subdivision to read as follows:

(23) The Red River Commission, created under § 14-118-202.

SECTION 24. Arkansas Code § 25-43-202(a)(7), concerning the transfer of state entities to the Department of Agriculture, is repealed.

~~(7) The Arkansas Fire Ant Advisory Board, created under § 2-16-701;~~

SECTION 25. Arkansas Code § 25-43-202(a)(17), concerning the transfer of state entities to the Department of Agriculture, is repealed.

~~(17) The Litter Utilization Committee, created under § 15-20-1110;~~

SECTION 26. Arkansas Code § 25-43-202(a)(20), concerning the transfer of state entities to the Department of Agriculture, is repealed.

~~(20) The Red River Compact Commission, created under § 15-23-501;~~

SECTION 27. Arkansas Code § 25-43-202(a)(23), concerning the transfer of state entities to the Department of Agriculture, is repealed.

~~(23) The Wetlands Technical Advisory Committee, created under § 15-22-1003.~~

SECTION 28. Arkansas Code § 25-43-202(a), concerning the transfer of state entities to the Department of Agriculture, is amended to add an additional subdivision to read as follows:

(24) The Red River Commission, created under § 14-118-202.

SECTION 29. DO NOT CODIFY. Legislative intent related to Red River Compact Commission and Red River Commission.

(a) The Red River Compact Commission was transferred as a state agency to the Department of Agriculture in error by Acts 2019, No. 910.

(b) It is the intent of this act to remove the Red River Compact Commission from the Department of Agriculture and for the Red River Compact Commission to resume all of the previous powers, duties, and functions as existed under § 15-23-501 et seq. before the transfer.

(c) It is further the intent of this act to transfer the Red River

Commission to the Department of Agriculture through a cabinet-level department transfer.