

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1843

By: Representative Haak
By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING AGRICULTURAL PROMOTION BOARDS; TO AMEND THE LAW CONCERNING THE APPOINTMENT AND CONFIRMATION OF MEMBERS OF AGRICULTURAL PROMOTION BOARDS, TO AMEND THE LAW CONCERNING THE ARKANSAS CATFISH PROMOTION BOARD, ARKANSAS SOYBEAN PROMOTION BOARD, ARKANSAS RICE RESEARCH AND PROMOTION BOARD, ARKANSAS WHEAT PROMOTION BOARD, ARKANSAS CORN AND GRAIN SORGHUM PROMOTION BOARD, AND THE ARKANSAS BEEF COUNCIL; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING AGRICULTURAL PROMOTION BOARDS; TO AMEND THE LAW CONCERNING THE APPOINTMENT AND CONFIRMATION OF MEMBERS OF AGRICULTURAL PROMOTION BOARDS; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 2-9-103 is amended to read as follows:

2-9-103. Arkansas Catfish Promotion Board.

(a)(1) The Arkansas Catfish Promotion Board is created.

(2) The board shall be composed of seven (7) members actively and principally engaged in the production of catfish and to be appointed by



the Governor and confirmed by the Senate. ~~as follows:~~

~~(1)(A) The Catfish Farmers of Arkansas, Inc., shall submit to the Governor the names of six (6) persons who are members of the catfish industry. The list of nominees shall include commercial catfish producers, processors, and feed dealers identified as such. The Arkansas Farm Bureau Federation shall submit to the Governor the names of six (6) persons who are commercial catfish producers.~~

(3) All members shall be residents of Arkansas.

~~(B) The Governor shall appoint four (4) members from the list submitted by the Catfish Farmers of Arkansas, Inc., and three (3) members from the list submitted by the Arkansas Farm Bureau Federation to serve on the board.~~

~~(2) Each year, not less than thirty (30) calendar days before the expiration of the terms of the current members of the board whose terms expire, the organizations named in subdivision (a)(1)(A) of this section shall submit to the Governor the names of two (2) nominees for each position to be filled on the board from the respective organizations, subject to the foregoing qualifications, and the Governor shall appoint the new members from each list of nominees. If no lists are submitted, the appointments shall be at the discretion of the Governor.~~

~~(3)(A)~~(4)(A) Each member selected shall serve for a term of two (2) years and until his or her successor is selected as provided in this section.

(B) However, the initial members of the board shall be appointed for terms that will result in three (3) members' terms expiring after one (1) year and four (4) members' terms expiring after two (2) years.

~~(4)(5)~~ A midterm vacancy on the board shall be filled by appointment by the Governor ~~from a list submitted within thirty (30) calendar days from the organization making the nomination for the position being vacated~~ in the same manner under this subsection.

~~(5)(6)~~ A member of the board may be removed by a majority vote of the remaining board members for conviction of a felony, for not attending three (3) consecutive meetings, or if the member no longer meets the qualifications for his or her initial appointment.

~~(b)(1) The President of the Catfish Farmers of Arkansas, Inc., shall call an organizational meeting of the board and shall preside until officers~~

~~are elected.~~ Members ~~members~~ of the board shall organize immediately after their appointment and shall elect a chair, a vice chair, and a secretary-treasurer from the membership of the board, whose duties shall be those customarily exercised by those officers or specifically designated by the board.

(2) The board may appoint an executive director, who shall be the chief operating officer of the board and whose duties shall be designated by the board.

(c)(1) The board may provide a salary for the executive director and for other necessary employees from funds derived from the assessments imposed in this chapter.

(2) Members of the board shall serve without compensation but may be reimbursed for reasonable expenses.

(d) The principal office of the board shall be located in Little Rock, Pulaski County, Arkansas.

(e) The resident agents of the board shall be the executive director of the board and the chair of the board, or either of them.

(f) The board may establish rules for its own government and for the administration of the affairs of the board.

SECTION 2. Arkansas Code § 2-20-404 is amended to read as follows:
2-20-404. Arkansas Soybean Promotion Board.

(a)(1) The Arkansas Soybean Promotion Board is created.

(2) The board shall be composed of nine (9) producer members actively and principally engaged in the production of soybeans and to be appointed by the Governor and confirmed by the Senate. ~~as follows:~~

(3) Each member of the board shall be a resident of Arkansas.

~~(1)(A) The Arkansas Farm Bureau Federation, Riceland Foods, Inc., Arkansas Soybean Association, and Agriculture Council of Arkansas shall submit the names of five (5) practical soybean producers to the Governor.~~

~~(B) The Governor shall appoint three (3) members from the list submitted by the Arkansas Farm Bureau Federation, and two (2) members from the list submitted by each of the other organizations named above to serve on the board.~~

~~(C) All of the nine (9) producer members of the board shall be practical producers of soybeans in the State of Arkansas and shall~~

~~be nominated by their respective organizations;~~

~~(2) Each year, not less than thirty (30) days before the expiration of the terms of the current board members whose terms expire, the organizations named in subdivision (a)(1)(A) of this section shall submit to the Governor names of two (2) nominees for each position to be filled on the board from the respective organizations, and the Governor shall appoint the new members from each list of nominees; and~~

~~(3)(4) Each member selected shall serve for a term of two (2) years and until his or her successor is duly selected as provided in this section.~~

(5) A vacancy on the board shall be filled by appointment by the Governor in the same manner as the appointment under this subsection.

(b)(1) The members of the board shall meet and organize immediately after their appointment and shall elect a chair, a vice chair, and a secretary-treasurer from the membership of the board, whose duties shall be those customarily exercised by those officers or specifically designated by the board.

(2) The principal office of the board shall be located at the office of the Arkansas Farm Bureau Federation, in Little Rock.

(c) The board may establish rules for its own government and for the administration of the affairs of the board.

(d) The board is designated as the qualified state soybean board to represent the State of Arkansas under the Soybean Promotion, Research and Consumer Information Act of 1990.

SECTION 3. Arkansas Code § 2-20-505 is amended to read as follows:

2-20-505. Arkansas Rice Research and Promotion Board.

(a) The Arkansas Rice Research and Promotion Board is created.

(b)(1) The board shall be composed of nine (9) producer members actively and principally engaged in the production of rice and to be appointed by the Governor and subject to confirmation by the Senate. ~~as follows:~~

~~(A) Three (3) members shall represent the Arkansas Farm Bureau Federation;~~

~~(B) Two (2) members shall represent Riceland Foods, Inc.;~~

~~(C) One (1) member shall represent the Agricultural~~

~~Council of Arkansas;~~

~~(D) One (1) member shall represent Producers Rice Mill, Inc.;~~

~~(E) One (1) member shall represent the Arkansas Rice Council; and~~

~~(F) One (1) member shall represent the independent mills of Arkansas.~~

(2) ~~All of the nine (9) producer members of the board shall be practical producers of rice in the State of Arkansas and shall be nominated by their respective organizations~~ Four (4) members of the board shall be designated representatives of the Arkansas rice merchant and milling industry and shall be actively and principally engaged in the business of procurement and the milling industry.

(3) ~~Each year, not less than thirty (30) days before the expiration of the terms of the current board members whose terms expire in that year, the organizations named in subdivision (b)(1) of this section shall submit to the Governor names of two (2) nominees for each position to be filled on the board from the respective organizations, and the Governor shall appoint the new members from each list of nominees~~ Each member of the board shall be a resident of Arkansas.

(4) Each member selected shall serve for a term of two (2) years and until his or her successor is duly selected as provided in this section.

(5) A vacancy on the board shall be filled by appointment by the Governor in the same manner as the appointment under this subsection.

(c)(1) The members of the board shall meet and organize immediately after their appointment and shall elect a chair, a vice chair, and a secretary-treasurer from the membership of the board, whose duties shall be those customarily exercised by those officers or specifically designated by the board.

(2) All officers shall serve for a period of one (1) year and until their successors are duly elected.

(d) The board may establish rules for its own government and for the administration of affairs of the board.

~~(e) The resident agent of the board shall be the executive vice president, Arkansas Farm Bureau Federation, or his or her designee.~~

SECTION 4. Arkansas Code § 2-20-604 is amended to read as follows:
 2-20-604. Arkansas Wheat Promotion Board.

(a) The Arkansas Wheat Promotion Board is created.

(b)(1) The board shall be composed of nine (9) producer members actively and principally engaged in the production of wheat and to be appointed by the Governor and confirmed by the Senate. ~~as follows:~~

~~(A) Three (3) members shall represent the Arkansas Farm Bureau Federation;~~

~~(B) Two (2) members shall represent Riceland Foods, Inc.;~~

~~(C) Two (2) members shall represent the Arkansas Association of Wheat Growers; and~~

~~(D) Two (2) members shall represent the Agricultural Council of Arkansas.~~

(2) All of the nine (9) members of the board shall be ~~practical producers of wheat in~~ residents of the State of Arkansas ~~and shall be nominated by their respective organizations.~~

~~(3) Each year, not less than thirty (30) days before the expiration of the terms of the current board members whose terms expire in that year, the organizations named above shall submit to the Governor names of two (2) nominees for each position to be filled on the board from the respective organizations, and the Governor shall appoint the new members from each list of nominees.~~

~~(4) Each member selected shall serve for a term of two (2) years and until his or her successor is duly selected as provided in this section.~~

(4) A vacancy on the board shall be filled by appointment by the Governor in the same manner as the appointment under this subsection.

(c) The members of the board shall meet and organize immediately after their appointment and shall elect a chair, a vice chair, and a secretary-treasurer from the membership of the board, whose duties shall be those customarily exercised by those officers or specifically designated by the board.

(d) The board may establish rules for its own government and for the administration of affairs of the board.

SECTION 5. Arkansas Code § 2-20-610 is repealed.

~~2-20-610. Resident agent.~~

~~The resident agent of the Arkansas Wheat Promotion Board shall be the executive vice president of Arkansas Farm Bureau Federation, or his or her designee.~~

SECTION 6. Arkansas Code § 2-20-804 is amended to read as follows:

2-20-804. Arkansas Corn and Grain Sorghum Promotion Board.

(a)(1) ~~The Arkansas Corn and Grain Sorghum Promotion Board is created and domiciled in Little Rock, Arkansas, 10720 Kanis Road, and is.~~

(2) The board shall be composed of seven (7) producer members actively and principally engaged in the production of corn or grain sorghum to be appointed by the Governor as provided in this subsection and confirmed by the Senate.

~~(2)(3) All of the seven (7) producer members of the board shall be practical producers of corn or grain sorghum in residents of the State of Arkansas and shall be nominated by their respective organizations.~~

~~(3) Within ten (10) days following July 1, 1997, each of the following organizations, namely, the Arkansas Farm Bureau Federation, Riceland Foods, Inc., and the Agricultural Council of Arkansas, shall submit the names of five (5) practical corn or grain sorghum producers to the Governor, and he or she shall appoint three (3) members from the list submitted by the Arkansas Farm Bureau Federation, and two (2) members from the lists submitted by each of the other above-named organizations to serve on the board.~~

~~(4) The members selected as provided in this section from the Arkansas Farm Bureau Federation, shall draw lots to determine their terms so that two (2) of the members will serve for terms of two (2) years and one (1) shall serve for a term of one (1) year, and the members from each of the other organizations shall draw lots for terms so that one (1) shall serve for a term of one (1) year and one (1) shall serve for a term of two (2) years. Thereafter, each member selected shall serve for a term of two (2) years and until his or her successor is duly selected as provided in this section.~~

~~(5) Each year thereafter not less than thirty (30) days before the expiration of the terms of the current board members whose terms expire, the organizations named in subdivision (a)(3) of this section shall submit to the Governor names of two (2) nominees named for each position to be filled on the board from the respective organizations, and the Governor shall~~

~~appoint from each list of nominees the new member or members.~~

(4) Each member of the board shall serve for a term of two (2) years and until his or her successor is duly appointed under subdivision (a) of this section.

(5) A vacancy on the board shall be filled by appointment by the Governor in the same manner as the appointment under subdivision (a)(2) of this section.

(b)(1) The members of the board shall meet and organize immediately after their appointment and shall elect a chair, a vice chair, and a secretary-treasurer from the membership of the board, whose duties shall be those customarily exercised by the officers or specifically designated by the board.

(2) The board may establish rules for its own government and for the administration of affairs of the board.

~~(c) The resident agent of the board shall be the executive vice president of the Arkansas Farm Bureau Federation, or his or her designee.~~

SECTION 7. Arkansas Code § 2-35-303 is amended to read as follows:
2-35-303. Creation – Members – Organization.

(a) The Arkansas Beef Council is created.

(b)(1) The council shall be composed of seven (7) members actively and principally engaged in the production of beef and to be appointed by the Governor and confirmed by the Senate ~~as follows:~~

~~(A) Three (3) cattle producer members shall represent the Arkansas Farm Bureau Federation and shall be appointed from a list of names submitted by the board of directors of that organization;~~

~~(B) Three (3) cattle producer members shall represent the Arkansas Cattlemen's Association and shall be appointed from a list of names submitted by the board of directors of that organization; and~~

~~(C) One (1) member shall be an active Arkansas livestock market operator who shall be appointed from the state at large.~~

(2) ~~Each year, not less than thirty (30) days before the expiration of the terms of the current council members whose terms expire in that year, the organizations named shall submit to the Governor two (2) nominees for each position to be filled on the council from the respective organizations. The Governor shall appoint a succeeding member to the council~~

~~from each organization's list of nominees~~ One (1) member shall be an active Arkansas livestock market operator who shall be appointed from the state large.

(3) Each member of the council shall be a resident of Arkansas.

(4) Each member selected shall serve for a term of three (3) years and until his or her successor is duly selected as provided in this section.

~~(4)(5)~~ Vacancies in any unexpired term shall be filled by the Governor in the same manner as the appointment under subdivision (b) of this section for the remainder of the unexpired term. The member appointed to fill the vacancy shall represent the same organization as the person whose term is unexpired.

(c) Members of the council shall meet and organize immediately after their appointment and shall elect a chair, a vice chair, and a secretary-treasurer from the membership of the council whose duties shall be those customarily exercised by those officers or specifically designated by the council.

(d) The council may establish rules for its own government and for the administration of the affairs of the council.

SECTION 8. DO NOT CODIFY. TEMPORARY LANGUAGE. This act shall not shorten the term of any current member of the Arkansas Catfish Promotion Board, Arkansas Soybean Promotion Board, Arkansas Rice Research and Promotion Board, Arkansas Wheat Promotion Board, Arkansas Corn and Grain Sorghum Promotion Board, and Arkansas Beef Council but shall be implemented as terms expire and by filling vacancies on each of the boards and the council.

SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Catfish Promotion Board, Arkansas Soybean Promotion Board, Arkansas Rice Research and Promotion Board, Arkansas Wheat Promotion Board, Arkansas Corn and Grain Sorghum Promotion Board, and Arkansas Beef Council preserve the public peace, health, and safety by studying, planning, promoting, and implementing needed projects and research to support the agricultural industry in Arkansas; that this act provides for the reorganization of the membership of the boards and the

appointment process for more efficient agricultural promotion and industry in the state; and that this act should become effective on July 1, 2023, to coincide with the appropriation bills of the Department of Agriculture and Department of Finance and Administration to continue to provide the vital services of these state entities as the transfer is implemented and does not experience any issues with funding under the transfer. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.