

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 371

By: Senator Caldwell
By: Representative J. Moore

For An Act To Be Entitled

AN ACT TO TRANSFER THE ARKANSAS RURAL SERVICES COMMISSION AND THE RURAL SERVICES DIVISION OF THE ARKANSAS ECONOMIC DEVELOPMENT COMMISSION TO THE DEPARTMENT OF AGRICULTURE; TO AMEND THE DUTIES OF THE SECRETARY OF THE DEPARTMENT OF AGRICULTURE; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO TRANSFER THE ARKANSAS RURAL SERVICES COMMISSION AND THE RURAL SERVICES DIVISION OF THE ARKANSAS ECONOMIC DEVELOPMENT COMMISSION TO THE DEPARTMENT OF AGRICULTURE; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. DO NOT CODIFY. Transfer of Arkansas Rural Services Commission and the Rural Services Division of the Arkansas Economic Development Commission from Department of Commerce to Department of Agriculture.

(a) The Arkansas Rural Services Commission and the Rural Services Division of the Arkansas Economic Development Commission are transferred from the Department of Commerce to the Department of Agriculture.

(b) The administrative functions of the Arkansas Rural Services Commission and the division are transferred by a cabinet-level department



transfer under § 25-38-211 and § 25-43-202 from the Department of Commerce to the Department of Agriculture.

(c) The statutory authority, powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting or purchasing of the Arkansas Rural Services Commission and the division, are transferred to the Department of Agriculture.

(d)(1) The transfer of the Arkansas Rural Services Commission and division does not affect the orders, rules, regulations, directives, or standards made or promulgated by the Arkansas Rural Services Commission or the division before the effective date of this act.

(2) The orders, rules, regulations, directives, or standards under subdivision (d)(1) of this section shall continue with full force and effect until amended or repealed under authority given by law.

(e) The members of the Arkansas Rural Services Commission, and their successors, shall continue to be selected in the manner and serve for the terms provided by the statutes applicable to the Arkansas Rural Services Commission.

(f) The Department of Commerce shall grant access to and provide all information requested by the Department of Agriculture to accomplish transfer of the Arkansas Rural Services Commission and the division and the mission of the Arkansas Rural Services Commission and the division.

SECTION 2. Arkansas Code § 6-16-1101(a), concerning fish and wildlife conservation education, is amended to read as follows:

(a) The Rural Services Division ~~of the Arkansas Economic Development Commission~~, in consultation with the Arkansas State Game and Fish Commission, shall establish school education programs for fish and wildlife conservation and other purposes consistent with Arkansas Constitution, Amendment 35.

SECTION 3. Arkansas Code § 15-6-102(a)(4), concerning the legislative intent of the Arkansas Rural Development Program Act, is amended to read as follows:

(4) Since no state office has been specifically created to promote, harmonize, or assist efforts to address the unique needs, conditions, and strengths of rural areas of the state, it is, therefore, the

intent of the General Assembly to create the Arkansas Rural Development Commission and the Rural Services Division ~~of the Arkansas Economic Development Commission~~. The division shall serve as the focal point for generating rural development policy initiatives for the State of Arkansas.

SECTION 4. Arkansas Code § 15-6-104(e), concerning the Arkansas Rural Development Commission, is amended to read as follows:

(e) The Arkansas Rural Development Commission shall advise and assist the ~~Director of the Arkansas Economic Development Commission~~ Secretary of the Department of Agriculture in the performance of his or her duties under this subchapter.

SECTION 5. Arkansas Code § 15-6-105 is amended to read as follows:

15-6-105. Rural Services Division of the ~~Arkansas Economic Development Commission~~ Department of Agriculture.

(a) There is created the Rural Services Division ~~of~~ within the ~~Arkansas Economic Development Commission~~ Department of Agriculture.

(b) The head of the division shall be the ~~Director of the Arkansas Economic Development Commission~~ Secretary of the Department of Agriculture.

(c) The Governor shall direct that all state agencies provide the ~~director~~ secretary with assistance in advancing the purpose of the division to assure that the activities of the division are fully coordinated with the activities of state agencies providing related services.

SECTION 6. Arkansas Code § 15-6-106(a), concerning the functions, powers, and duties of the Arkansas Rural Development Commission and Rural Services Division, is amended to read as follows:

(a) The ~~Director of the Arkansas Economic Development Commission~~ Secretary of the Department of Agriculture by and through the Rural Services Division ~~of the Arkansas Economic Development Commission~~ shall have the following functions, powers, and duties:

(1) To serve as a clearinghouse and provide comprehensive information relating to rural development and revitalization upon request to any agency, individual, or corporation;

(2) To advise and assist agencies, individuals, and corporations in answering particular rural revitalization and development needs, including

cooperative efforts among such agencies, individuals, and corporations to solve common problems or provide services in these areas;

(3)(A) To receive notification from all state and federal agencies, individuals, or corporations engaged in rural development and revitalization of program descriptions, appropriation data, and application procedures.

(B) The division shall maintain a listing of existing programs and advise local agencies, individuals, or corporations of their existence;

(4) To assist, upon request, applicant local agencies, individuals, or corporations located in rural areas in obtaining timely and efficient responses from state and federal agencies, to assist such applicants in consideration of alternative program grant strategies, to assist state and federal agencies in cooperative approaches to address the needs of such applicants, and to provide technical assistance to agencies in formulating and implementing rural development and revitalization programs;

(5) To assist the ~~Secretary of the Department of Commerce~~ secretary and the General Assembly in the integration and formulation of state rural development and revitalization policy and long-range plans for rural areas and in answering needs related thereto;

(6) To analyze and make recommendations concerning proposed new state legislation or programs that may affect rural areas;

(7) To apply for and receive grants or financial assistance from the United States Government or other agencies, individuals, or corporations;

(8) To assist the secretary in coordinating the activities and services of those departments and agencies of the state having relationships with local rural agencies, individuals, and corporations in order to provide more effective service to them and to simplify state procedures relating thereto;

(9) To keep the secretary informed about the problems and needs of agencies, individuals, and corporations that are involved with rural development and revitalization and to assist in formulating policies with respect thereto and utilizing the resources of state government for the benefit of rural areas;

(10) ~~To promote and encourage the establishment of a nonprofit foundation, a Center for Rural Arkansas, and to cooperate and coordinate with~~

~~and assist the center in accessing state and United States Government and private nonprofit and corporate foundation grant funds to aid in rural development and revitalization for rural Arkansas; and~~

(11) To administer the conservation education programs established under § 6-16-1101 for the benefit of all school districts and conservation districts in the state, regardless of population.

SECTION 7. Arkansas Code § 15-6-107(a) and (b), concerning assistance programs and grants of the Rural Services Division, are amended to read as follows:

(a) The Rural Services Division ~~of the Arkansas Economic Development Commission~~ shall request such specific information as the ~~Director of the Arkansas Economic Development Commission~~ Secretary of the Department of Agriculture determines to be necessary concerning assistance programs and grants administered by federal, state, and local agencies, individuals, and corporations designed to enhance rural areas. The information shall be used to advise local agencies, individuals, or corporations for the purpose of promoting coordination in program or grant efforts wherever feasible or proper.

(b) Any political subdivision requesting program grants or assistance in order to address rural development and revitalization needs, conditions, or strengths in rural areas, pursuant to the rules of the ~~Arkansas Economic Development Commission~~ Department of Agriculture, may confer with the division to obtain assistance in gaining the most prompt and efficient processing and review of any grant applications.

SECTION 8. Arkansas Code § 15-41-209(d), concerning fines, fees, and cots for infractions of the state laws protecting game, is amended to read as follows:

(d) A portion of the fines deposited as special revenues into the fund may be expended by the Arkansas State Game and Fish Commission in the form of grants issued to the Rural Services Division ~~of the Arkansas Economic Development Commission~~ for fish and wildlife conservation education and other purposes consistent with Arkansas Constitution, Amendment 35.

SECTION 9. Arkansas Code § 15-47-102(5), concerning findings

concerning the Wildlife Recreation Facilities Pilot Program, is amended to read as follows:

(5) The ~~Department~~ of Rural Services Division and the commission are interested in developing a Wildlife Recreation Facilities Pilot Program to ignite interest in the wildlife resources of Arkansas and to promote economic development in the state through the use and enjoyment of the state's abundant wildlife resources; and

SECTION 10. Arkansas Code § 15-47-103(b), concerning the Wildlife Recreation Facilities Pilot Program, is amended to read as follows:

(b) The program shall be developed, implemented, and administered by the Rural Services Division ~~of the Arkansas Economic Development Commission~~ with the assistance of the Arkansas State Game and Fish Commission.

SECTION 11. Arkansas Code § 15-47-104(b)(1), concerning funding for the Wildlife Recreation Facilities Pilot Program, is amended to read as follows:

(b)(1) The Rural Services Division ~~of the Arkansas Economic Development Commission~~ and the Arkansas State Game and Fish Commission agree to execute a memorandum of understanding to delineate each party's participation, obligation, and cooperation in the program sufficient to fulfill the requirements of this section.

SECTION 12. Arkansas Code § 15-47-105(a), concerning reporting for the Wildlife Recreation Facilities Pilot Program, is amended to read as follows:

(a) The Arkansas State Game and Fish Commission and the ~~Department~~ of Rural Services Division shall report the status of the Wildlife Recreation Facilities Pilot Program biannually to the Game and Fish/State Police Subcommittee of the Legislative Council.

SECTION 13. Arkansas Code § 19-5-1136(d)(3)(A), concerning the Animal Rescue and Shelter Trust Fund, is amended to read as follows:

(3)(A) Thirty percent (30%) is distributed to the Rural Services Division ~~of the Arkansas Economic Development Commission~~ to provide grants to a county or municipality based only on the infrastructure needs for animal rescues or animal shelters.

SECTION 14. Arkansas Code § 19-6-811(a), concerning the Wildlife Recreation Facilities Fund, is amended to read as follows:

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the “Wildlife Recreation Facilities Fund” administered by the Rural Services Division ~~of the Arkansas Economic Development Commission.~~

SECTION 15. Arkansas Code § 25-38-211(a), concerning transfers of certain agricultural boards, commissions, committees, bureaus, programs, and offices, is amended to add additional subdivisions to read as follows:

(24) The Arkansas Rural Development Commission, created under § 15-6-104; and

(25) Rural Services Division, created under § 15-6-105.

SECTION 16. Arkansas Code § 25-43-202(a), concerning transfers of certain agricultural boards, commissions, committees, bureaus, programs, and offices, is amended to add additional subdivisions to read as follows:

(25) The Arkansas Rural Development Commission, created under § 15-6-104; and

(26) Rural Services Division, created under § 15-6-105.

SECTION 17. Arkansas Code § 25-43-302(a)(9), concerning state entities transferred to the Department of Commerce, is repealed.

~~(9) The Arkansas Rural Development Commission, created under § 15-6-104;~~

SECTION 18. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Rural Development Commission and Rural Services Division preserves the public peace, health, and safety by providing needed funds and development services for rural Arkansas; that this act provides for the transfer of the Arkansas Rural Development Commission and Rural Services Division to the Department of Agriculture; 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 Commerce and ensure that the Arkansas Rural Development

Commission and Rural Services Division continue to provide their vital services 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 necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2023.