

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

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S3/29/23
A Bill

SENATE BILL 403

By: Senator B. Johnson
By: Representative Vaught

For An Act To Be Entitled

AN ACT TO CONSOLIDATE AGRICULTURE BOARDS AND COMMISSIONS; TO ABOLISH CERTAIN BOARDS WITHIN THE DEPARTMENT OF AGRICULTURE; TO TRANSFER THE DUTIES OF CERTAIN BOARDS WITHIN THE DEPARTMENT OF AGRICULTURE; TO AMEND THE DUTIES OF CERTAIN BOARDS WITHIN THE DEPARTMENT OF AGRICULTURE; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO CONSOLIDATE AGRICULTURE BOARDS AND COMMISSIONS; TO ABOLISH CERTAIN BOARDS WITHIN THE DEPARTMENT OF AGRICULTURE; TO TRANSFER THE DUTIES OF CERTAIN BOARDS WITHIN 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. Abolition of Arkansas Milk Stabilization Board.

(a) The Arkansas Milk Stabilization Board is abolished, and its authority, duties, functions, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Arkansas Livestock and Poultry Commission.

(b) The Arkansas Milk Stabilization Board's statutory powers, duties,



and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Arkansas Livestock and Poultry Commission.

(c)(1) The abolishment of the Arkansas Milk Stabilization Board does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Arkansas Milk Stabilization Board before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, or standards of the Arkansas Milk Stabilization Board shall continue to be in effect until they are amended or repealed under authority given by law.

(d) All funds and unexpended balances of appropriations transferred under this section shall continue to be used for the purposes for which they were designated.

SECTION 2. DO NOT CODIFY. Abolition of Arkansas Seed Arbitration Committee.

(a) The Arkansas Seed Arbitration Committee is abolished, and its authority, duties, functions, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Department of Agriculture.

(b) The Arkansas Seed Arbitration Committee's statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Department of Agriculture.

(c)(1) The abolishment of the Arkansas Seed Arbitration Committee does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Arkansas Seed Arbitration Committee before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, or standards of the Arkansas Seed Arbitration Committee shall continue to be in effect until they are amended or repealed under authority given by law.

(d) All funds and unexpended balances of appropriations transferred under this section shall continue to be used for the purposes for which they

were designated.

SECTION 3. DO NOT CODIFY. Abolition of Arkansas State Board of Registration for Foresters.

(a) The Arkansas State Board of Registration for Foresters is abolished, and its authority, duties, functions, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Arkansas Forestry Commission.

(b) The Arkansas State Board of Registration for Foresters' statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Arkansas Forestry Commission.

(c)(1) The abolishment of the Arkansas State Board of Registration for Foresters does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Arkansas State Board of Registration for Foresters before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, or standards of the Arkansas State Board of Registration for Foresters shall continue to be in effect until they are amended or repealed under authority given by law.

(d) All funds and unexpended balances of appropriations transferred under this section shall continue to be used for the purposes for which they were designated.

SECTION 4. DO NOT CODIFY. Abolition of Arkansas State Board of Registration for Professional Soil Classifiers.

(a) The Arkansas State Board of Registration for Professional Soil Classifiers is abolished, and its authority, duties, functions, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Arkansas Natural Resources Commission.

(b) The Arkansas State Board of Registration for Professional Soil Classifiers' statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and

unexpended balances of appropriations, allocations, and other funds are transferred to the Arkansas Natural Resources Commission.

(c)(1) The abolishment of the Arkansas State Board of Registration for Professional Soil Classifiers does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Arkansas State Board of Registration for Professional Soil Classifiers before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, or standards of the Arkansas State Board of Registration for Professional Soil Classifiers shall continue to be in effect until they are amended or repealed under authority given by law.

(d) All funds and unexpended balances of appropriations transferred under this section shall continue to be used for the purposes for which they were designated.

SECTION 5. DO NOT CODIFY. Abolition of Commission on Water Well Construction.

(a) The Commission on Water Well Construction is abolished, and its authority, duties, functions, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Arkansas Natural Resources Commission.

(b) The Commission on Water Well Construction's statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Arkansas Natural Resources Commission.

(c)(1) The abolishment of the Commission on Water Well Construction does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Commission on Water Well Construction before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, or standards of the Commission on Water Well Construction shall continue to be in effect until they are amended or repealed under authority given by law.

(d) All funds and unexpended balances of appropriations transferred under this section shall continue to be used for the purposes for which they

were designated.

SECTION 6. DO NOT CODIFY. Abolition of Private Wetland and Riparian Zone Creation, Restoration, and Conservation Committee.

(a) The Private Wetland and Riparian Zone Creation, Restoration, and Conservation Committee is abolished, and its authority, duties, functions, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Department of Agriculture.

(b) The Private Wetland and Riparian Zone Creation, Restoration, and Conservation Committee's statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Department of Agriculture.

(c)(1) The abolishment of the Private Wetland and Riparian Zone Creation, Restoration, and Conservation Committee does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Private Wetland and Riparian Zone Creation, Restoration, and Conservation Committee before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, or standards of the Private Wetland and Riparian Zone Creation, Restoration, and Conservation Committee shall continue to be in effect until they are amended or repealed under authority given by law.

SECTION 7. DO NOT CODIFY. Abolition of Veterinary Medical Examining Board.

(a) The Veterinary Medical Examining Board is abolished, and its authority, duties, functions, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Arkansas Livestock and Poultry Commission.

(b) The Veterinary Medical Examining Board's statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Arkansas Livestock and Poultry Commission.

(c)(1) The abolishment of the Veterinary Medical Examining Board does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Veterinary Medical Examining Board before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, or standards of the Veterinary Medical Examining Board shall continue to be in effect until they are amended or repealed under authority given by law.

(d) All funds and unexpended balances of appropriations transferred under this section shall continue to be used for the purposes for which they were designated.

SECTION 8. DO NOT CODIFY. Abolition of Abandoned Pesticide Advisory Board.

(a) The Abandoned Pesticide Advisory Board is abolished, and its authority, duties, functions, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Department of Agriculture.

(b) The Abandoned Pesticide Advisory Board's statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Department of Agriculture.

(c)(1) The abolishment of the Abandoned Pesticide Advisory Board does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Abandoned Pesticide Advisory Board before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, or standards of the Abandoned Pesticide Advisory Board shall continue to be in effect until they are amended or repealed under authority given by law.

(d) All funds and unexpended balances of appropriations transferred under this section shall continue to be used for the purposes for which they were designated.

SECTION 9. DO NOT CODIFY. Abolition of Arkansas Agriculture Board.

(a) The Arkansas Agriculture Board is abolished, and its authority,

duties, functions, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Department of Agriculture.

(b) The Arkansas Agriculture Board's statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Department of Agriculture.

(c)(1) The abolishment of the Arkansas Agriculture Board does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Arkansas Agriculture Board before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, or standards of the Arkansas Agriculture Board shall continue to be in effect until they are amended or repealed under authority given by law.

(d) All funds and unexpended balances of appropriations transferred under this section shall continue to be used for the purposes for which they were designated.

SECTION 10. DO NOT CODIFY. Abolition of the Red River Commission.

(a) Effective on July 1, 2026, the Red River Commission is abolished, and its authority, duties, functions, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Department of Agriculture.

(b) Effective on July 1, 2026, the Red River Commission's statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Department of Agriculture.

(c)(1) The abolishment of the Red River Commission on July 1, 2026 does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Red River Commission before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, or

standards of the Red River Commission shall continue to be in effect until they are amended or repealed under authority given by law.

(d) All funds and unexpended balances of appropriations transferred under this section shall continue to be used for the purposes for which they were designated, including without limitation funds designated for the Red River Navigation Feasibility Study.

SECTION 11. Arkansas Code § 2-10-101 is amended to read as follows:

2-10-101. Title.

This subchapter shall be known and may be cited as the “Arkansas Milk Stabilization ~~Board~~ Act”.

SECTION 12. Arkansas Code § 2-10-103 is repealed.

~~2-10-103. Arkansas Milk Stabilization Board.~~

~~(a) There is created no later than July 1, 2007, the Arkansas Milk Stabilization Board, to be composed of five (5) members appointed by the Governor as follows:~~

~~(1) Two (2) members who are actively and principally engaged in dairy farming in this state;~~

~~(2) One (1) member who is an Arkansas consumer;~~

~~(3) One (1) member who is an Arkansas milk processor; and~~

~~(4) One (1) member who is an Arkansas retailer.~~

~~(b) Each member appointed to the board shall be appointed for a term of five (5) years except that the initial members of the board shall be appointed for terms that result in:~~

~~(1) One (1) member's term expiring after one (1) year;~~

~~(2) One (1) member's term expiring after two (2) years;~~

~~(3) One (1) member's term expiring after three (3) years;~~

~~(4) One (1) member's term expiring after four (4) years; and~~

~~(5) One (1) member's term expiring after five (5) years.~~

~~(c) Members of the board shall draw lots to determine the length of the initial term.~~

~~(d)(1) Not less than thirty (30) calendar days before the expiration of the terms of the members of the board under subdivisions (a)(1) and (a)(4) of this section, interested parties shall submit to the Governor the names of nominees for the positions to be filled, and the Governor shall appoint the~~

~~new members from each list of nominees.~~

~~(2) If no lists are submitted, the appointments shall be at the discretion of the Governor.~~

~~(3) Each member selected for the board shall serve for a term of five (5) years except as provided in subsection (b) of this section and until his or her successor is selected as provided in this subsection.~~

~~(4) A member of the board may be removed by a majority vote of the remaining board members for:~~

~~(A) Conviction of a felony;~~

~~(B) Failing to attend three (3) consecutive meetings; or~~

~~(C) No longer meeting the qualifications for his or her initial appointment.~~

~~(e) Upon a vacancy of a member of the board, the Governor shall make a new appointment within thirty (30) days.~~

~~(f) 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.~~

~~(g)(1) Meetings of the board shall be called by the chair or by four (4) members of the board.~~

~~(2) Four (4) members of the board shall constitute a quorum for the transaction of business of the board.~~

~~(h) The members of the board shall receive no salary or other compensation for their services except that they may receive expense reimbursement in accordance with § 25-16-901 et seq. for attending meetings of the board.~~

~~(i) The Secretary of the Department of Agriculture shall assist the board when necessary by providing resources and guidance.~~

SECTION 13. Arkansas Code § 2-10-104 is amended to read as follows:

2-10-104. Powers and duties of the ~~Arkansas Milk Stabilization Board~~ Arkansas Livestock and Poultry Commission - Definitions.

~~(a)(1) The Arkansas Milk Stabilization Board shall:~~

~~(1) Administer this subchapter;~~

~~(2) Research other states to determine how those states support their dairy farmers;~~

~~(3) Investigate methods of milk production, dairy pricing, and support of the dairy industry;~~

~~(4) Create a plan to assist Arkansas dairy farmers that would be equitable to all parties in the state dairy industry and withstand legal challenges;~~

~~(5) [Repealed.]~~

~~(6) Provide a forty five day period for public comment on the proposed plan provided in subdivision (a)(4) of this section;~~

~~(7) Create the final plan for submission to the Legislative Council following the public comment period; and~~

~~(8) Promulgate rules the board considers necessary or desirable to implement the final plan determined in subdivision (a)(7) of this section.~~

~~(b) The board shall submit its final plan as determined under subdivision (a)(7) of this section and rules as determined under subdivision (a)(8) of this section to the Legislative Council for review no later than March 1, 2008.~~

~~(c)(1) Once reviewed by the Legislative Council, the Department of Agriculture shall implement the plan.~~

~~(2) The board shall monitor progress and success of the plan.~~

~~(d)(1) The board Arkansas Livestock and Poultry Commission shall:~~

(A) Have jurisdiction over milk and milk products marketed in the State of Arkansas, including without limitation the base milk price paid to an Arkansas milk producer; and

(B)(i) Require that an Arkansas milk producer receive Class 1 prices for milk utilized or sold as fluid milk in this state.

(ii) Subdivision ~~(d)(1)(B)(i)~~ (a)(1)(B)(i) of this section applies only to milk that is both produced in and sold as fluid milk within this state.

(2) The ~~board~~ commission may:

(A) Revise the payment of Class 1 prices required under subdivision ~~(d)(1)(B)(i)~~ (a)(1)(B)(i) of this section if Arkansas is no longer considered a milk-deficit state; and

(B) Make, modify, and enforce rules that the ~~board~~ commission deems necessary to effectively carry out this subsection.

~~(e)(b)~~ As used in this section:

(1) "Base milk price" means the top line of a milk producer's

milk check before deductions for quality premiums or discounts, transportation costs, and cooperative administrative fees;

(2) "Class 1 price" means the price declared by the Federal Milk Marketing Order No. 7; and

(3) "Fluid milk" means milk used for buttermilk, eggnog, flavored, low-fat, skimmed, or whole milk.

SECTION 14. Arkansas Code § 2-10-201 is repealed.

~~2-10-201. Findings—Intent.~~

~~(a) The General Assembly finds that:~~

~~(1) The State of Arkansas is at risk of losing its dairy industry if immediate legislative action is not taken to reduce the sharp decline in the number of its dairy farms; and~~

~~(2) The loss of the dairy industry in Arkansas will result not only in the demise of dairy farming but also in significantly higher milk cost to Arkansas's citizens, including its children, and a loss of jobs in the processing of milk products.~~

~~(b) The intent of this subchapter is to:~~

~~(1) Prevent harm to Arkansas's consumers and dairy industry;~~

~~(2) Establish the Dairy Stabilization Program, which will safeguard the interests of dairy producers in this state;~~

~~(3) Ensure that dairy producers receive fair market breakeven prices;~~

~~(4) Provide consumers a continuous and affordable supply of Arkansas-produced fluid milk and other dairy products;~~

~~(5) Reverse the loss of dairy farms in the state;~~

~~(6) Significantly curtail the increase in milk prices to the consumer by helping to ensure in-state production; and~~

~~(7) Maintain and potentially increase jobs in the processing of milk products by stabilizing prices to dairy farmers.~~

SECTION 15. Arkansas Code § 2-10-202 is repealed.

~~2-10-202. Definition.~~

~~As used in this subchapter, "milk producer" means a person or entity that operates a bovine dairy farm that possesses a valid permit signed by the administrator of the Arkansas Grade "A" Milk Program.~~

SECTION 16. Arkansas Code § 2-10-203 is repealed.

~~2-10-203. Dairy Stabilization Grant.~~

~~(a) The Dairy Stabilization Grant is created.~~

~~(b)(1)(A) If funds are available, the Secretary of the 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.~~

~~(B) If the average monthly blend price of milk received by Arkansas milk producers is lower than seventy percent (70%) of the calculated average cost of producing milk in Missouri and Tennessee, the milk producer is eligible for a monthly Dairy Stabilization Grant in the amount of the difference, which will be paid quarterly. The secretary shall pay the milk producer by the fifteenth day of the month following the end of the quarter.~~

~~(2) The secretary shall not pay a milk producer more than five dollars (\$5.00) per hundred weight of milk per month under subdivision (b)(1) of this section.~~

~~(c) Grants received by a milk producer under this section shall not exceed an annual average of two dollars (\$2.00) per hundred weight of milk.~~

~~(d) Grants authorized by the secretary shall be made to the milk producer from moneys appropriated by the General Assembly for that purpose.~~

SECTION 17. Arkansas Code § 2-10-204 is repealed.

~~2-10-204. Milk production and quality incentives.~~

~~(a) If funds are available, as an incentive to continue milk production and to improve milk quality, the Secretary of the 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).~~

~~(b) A milk producer that begins milk production after July 31, 2009, qualifies for payments under subsection (a) of this section after the completion of one (1) continuous year of milk production in Arkansas.~~

~~(c) Annual payments to a milk producer under this section shall not exceed fifty thousand dollars (\$50,000).~~

~~(d) If funds are available, the secretary shall pay the annual production and quality incentive payments to the eligible milk producers by January 15 of the following year.~~

SECTION 18. Arkansas Code § 2-10-205 is repealed.

~~2-10-205. Rules.~~

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

SECTION 19. Arkansas Code § 2-16-206(b)-(f), concerning the State Plant Board, are amended to read as follows:

(b)(1) Board members shall serve a term of ~~two (2)~~ five (5) years or until such time as a successor has been elected or appointed as herein provided.

(2) A majority of the voting members of the board shall constitute a quorum ~~for all purposes.~~

(3) A majority vote of those members present shall be required for any action of the board to take place.

(c) The chair, and vice chair, ~~and secretary-treasurer~~ shall be elected by the members of the board. ~~The board shall designate some official or employee of the board to serve as disbursing officer of the board.~~

(d) Meetings of the board shall be called by the chair or by four (4) members of the board.

(e) The members shall serve without compensation but may receive expense reimbursements and stipends in accordance with § 25-16-901 et seq. ~~and shall be authorized to provide a suitable office where the meetings of the board may be held and its records kept.~~

(f) ~~If necessary to provide suitable space for its offices, laboratories, and other needs, the board may buy property, build buildings,~~

~~or lease property for a period covering not more than fifteen (15) years from the date of lease~~ Each congressional district shall be represented by membership on the board.

SECTION 20. Arkansas Code § 2-16-206, concerning the State Plant Board, is amended to add an additional subsection to read as follows:

(g) A vacancy arising in the membership of the board for any reason other than expiration of the term for which the member was appointed shall be filled by appointment by the Governor and be effective until the expiration of the term of the member who created the vacancy, subject to the confirmation of the Senate when it is next in session.

SECTION 21. Arkansas Code § 2-16-208 is amended to read as follows:

2-16-208. Director of board.

~~(a)(1) 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.~~

~~(2)(A) With the approval of the State Plant 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 State Plant Board shall be subject to all executive orders by the Governor instituting a hiring freeze or restriction applicable to all cabinet-level departments.~~

~~(b)(1) The director shall be appointed by the State Plant Board with the approval of the Governor and shall serve at the pleasure of the Governor.~~

~~(2)(A) The director shall report to the Secretary of the Department of Agriculture.~~

~~(B) The secretary shall serve as the liaison between the State Plant Board and the Governor.~~

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

~~(2) Any person suffering damage by reason of the acts or omissions of the director or his or her duly authorized deputies or employees~~

~~may bring action on the bond for damages.~~

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

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

~~(e) The secretary shall not be appointed to the position of director.~~

(a)(1) The Director of the State Plant Board shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(2) The director shall report to the Secretary of the Department of Agriculture.

(b)(1) The secretary may delegate to the director any of the powers and 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 under subdivision (b)(1) of this section in the name of the board and of the Department of Agriculture.

SECTION 22. Arkansas Code § 2-16-606 is amended to read as follows:

2-16-606. Cooperative programs authorized.

(a) The State Plant Board Department of Agriculture is hereby authorized to carry out programs to suppress or eradicate the boll weevil in this state.

(b) The board department is authorized to cooperate with any agency of the ~~federal government~~ United States Government, any state, any other agency in this state, or any person engaged in growing, processing, marketing, or handling cotton, or any group of such persons in this state, in programs to effectuate the purposes of this subchapter and may enter into written agreements to effectuate such purposes. Such agreements may provide for cost sharing and for division of duties and responsibilities under this subchapter and may include other provisions generally to effectuate the purposes of this subchapter.

SECTION 23. Arkansas Code § 2-16-607 is amended to read as follows:

2-16-607. Entry of premises – Suppression or eradication activities – Inspections.

(a) The ~~State Plant Board~~ Department of Agriculture, or its authorized representatives, shall have authority to enter cotton fields, cotton processing facilities, and other premises in order to carry out suppression or eradication activities, including, but not limited to, treatment with pesticides, monitoring, and destruction of growing cotton or other host plants, as may be necessary to carry out the provisions of this subchapter.

(b) The ~~board~~ department shall have authority to make inspection of any fields or premises in this state and any property located therein or thereon for the purpose of determining whether such property is infested with the boll weevil. Such inspection and other activities may be conducted in a reasonable manner without a warrant at any reasonable daylight hour falling between sunrise and sunset.

(c) Any judge of this state will, within his or her jurisdiction, and upon proper cause shown, issue a warrant giving the ~~board~~ department the right of entry to any premises for the purpose of carrying out the provisions of this section or other activities authorized by this subchapter.

SECTION 24. Arkansas Code § 2-16-608 is amended to read as follows:

2-16-608. Reports.

Every person growing cotton in this state shall furnish to the ~~State Plant Board~~ Department of Agriculture, or its designated representative, on forms supplied by the ~~board~~ department or its cooperators, such information as the ~~board~~ department may require concerning the size and location of all commercial cotton fields and of noncommercial patches of cotton grown as ornamentals or for other purposes.

SECTION 25. Arkansas Code § 2-16-611 is amended to read as follows:

2-16-611. Destruction or treatment of volunteer or other noncommercial cotton in eradication zones – Liability.

(a) The ~~State Plant Board~~ Department of Agriculture shall have authority to destroy, or, at its discretion, cause to be treated with pesticides, volunteer or other noncommercial cotton and to establish procedures for the purchase and destruction of commercial cotton in eradication zones when the ~~board~~ department deems such action necessary to

effectuate the purposes of this subchapter.

(b)(1) No payment shall be made by the ~~board~~ department to the owner or lessee for the destruction or injury of any cotton which was planted in an eradication zone after publication of notice as provided in this subchapter, or was otherwise handled in violation of this subchapter, or the rules adopted pursuant thereto.

(2) However, the ~~board~~ department shall pay for losses resulting from the destruction of cotton which was planted in such zones before promulgation of such notice.

SECTION 26. Arkansas Code § 2-16-612 is amended to read as follows:

2-16-612. Certification of cotton growers' organization – Requirements.

(a) The ~~State Plant Board~~ Department of Agriculture may certify a cotton growers' organization for the purpose of entering into agreements with the State of Arkansas, other states, the ~~federal government~~ United States Government, and such other parties as may be necessary to carry out the purposes of this subchapter.

(b)(1) In order to be eligible for certification by the ~~State Plant Board~~ Department of Agriculture, the cotton growers' organization must demonstrate to the satisfaction of the ~~State Plant Board~~ department that:

(A) It is a nonprofit organization and could qualify as a tax-exempt organization under § 501(a) of the Internal Revenue Code of 1986, as amended.

(B) Membership in the organization ~~will~~ shall consist of all cotton growers in an eradication zone.

(2) The organization shall have only one (1) class of members with each member entitled to only one (1) vote.

(c) The organization's board of directors shall be composed as follows:

(1) ~~Two (2) Arkansas cotton growers recommended by the State Plant Board, to be appointed by the Governor~~ At least five (5) but no more than seven (7) practical cotton growers, actively or principally engaged, currently or previously, in the production of cotton, to be appointed by the Governor and confirmed by the Senate;

(2) ~~Three (3) Arkansas cotton growers recommended by the~~

~~Arkansas Farm Bureau Federation, to be appointed by the Governor;~~

~~(3) Three (3) Arkansas cotton growers recommended by the Agricultural Council of Arkansas, to be appointed by the Governor;~~

~~(4) One (1) representative of state government from this state recommended by the State Plant Board, to be appointed by the Governor The cotton grower member of the State Plant Board, as designated in § 2-16-206(a)(2); and~~

~~(5)(3)~~ The cochairs of the University of Arkansas Boll Weevil Eradication Technical Advisory Committee will serve as ex officio members of the cotton growers' organization board to serve in an advisory capacity.

(d)(1) All books and records of accounts and minutes of proceedings of the organization shall be available for inspection or audit by the board at any reasonable time.

(2) Employees or agents of the growers' organization who handle funds of the organization shall be adequately bonded in an amount to be determined by the ~~State Plant Board~~ department.

(e)(1) In addition to any authority granted the certified cotton growers' organization, the organization may borrow funds from any bona fide lender, including any state entity or authority, instruct the Arkansas Development Finance Authority to issue bonds under § 15-5-101 et seq., or to issue bonds in any other appropriate manner, any of which credit arrangements may be secured by a pledge of funds derived from assessments against cotton grower members of the organization.

(2)(A) Any funds borrowed and any funds derived from the sale of bonds shall be used exclusively for funding a boll weevil suppression or eradication program.

(B) Funds derived from assessments against cotton grower members of the organization shall be used to pay the operating expenses of the boll weevil suppression or eradication program and to repay any loans or obligations incurred by the boll weevil suppression or eradication program.

(f)(1) Upon being certified as the certified cotton growers' organization under this subchapter, the certified cotton growers' organization and its board of directors are granted all the immunities and protections allowed under § 16-120-701 et seq., notwithstanding the requirements of § 16-120-702(a).

(2) The certified cotton growers' organization may indemnify its

directors against liability incurred in connection with their duties as board members.

(g)(1) In order for a cotton growers' organization to maintain certification by the ~~State Plant Board~~ department, it shall provide that its board of directors serve ~~four-year~~ five-year terms of office except that on July 1, ~~2004~~ 2023, the terms shall be staggered so that, to the extent possible, an equal number of members' terms shall expire each year.

(2) Members of the board of directors may succeed themselves.

(3)(A) *Within the parameters of subdivision (g)(3)(B) of this section, the cotton growers' organization shall ensure that the five (5) eradication zones as they existed on January 1, ~~2003~~ 2023, are represented on the board of directors in proportion to the number of acres of cotton planted in each zone using the prior three (3) years' average acreage to determine the proportional representation.*

~~(B)~~ Beginning July 1, ~~2004~~ 2023, the cotton growers' organization ~~shall cause its~~ board of directors ~~to~~ shall be composed of:

(i) ~~At least one~~ One (1) member ~~but no more than (2)~~ members who ~~reside~~ resides within the Southeast Boll Weevil Eradication Zone as it existed on January 1, ~~2003~~ 2023;

(ii) ~~At least one~~ One (1) member ~~but no more than (2)~~ members who ~~reside~~ resides within the Southwest Boll Weevil Eradication Zone as it existed on January 1, ~~2003~~ 2023;

(iii) ~~At least one~~ One (1) member ~~but no more than (2)~~ members who ~~reside~~ resides within the Central Boll Weevil Eradication Zone as it existed on January 1, ~~2003~~ 2023;

(iv) ~~At least one~~ One (1) member ~~but no more than (2)~~ members who ~~reside~~ resides within the Northeast Ridge Boll Weevil Eradication Zone as it existed on January 1, ~~2003~~ 2023; ~~and~~; and

(v) ~~At least one~~ One (1) member ~~but no more than (2)~~ members who ~~reside~~ resides in the Northeast Delta Boll Weevil Eradication Zone as it existed on January 1, ~~2003~~ 2023; ~~and~~

(vi) Up to two (2) additional members under § 2-16-612(c)(1), if at the discretion of the Governor, he or she deems it to be in the best interest of the State of Arkansas to appoint additional members.

(4) As vacancies occur, or in case of additional appointments under § 2-16-612(c)(1) and § 2-16-612(g)(3)(B)(vi), they shall be filled in a

manner that will, to the extent possible, ensure the proportional representation required in subdivision (g)(3)(A) of this section.

(h) The board of directors of the certified cotton growers' organization shall be a subcommittee of the State Plant Board.

SECTION 27. Arkansas Code § 2-16-614(a)(1), concerning a referendum for an assessment by a certified cotton growers' organization, is amended to read as follows:

(a)(1) At the request of the certified cotton growers' organization, the State Plant Board ~~shall~~ may authorize a referendum among cotton growers in a designated region on the question of whether an assessment shall be levied upon cotton growers in that region to offset, in whole or in part, the cost of boll weevil suppression, preeradication, eradication, or maintenance programs authorized by this subchapter or any other law of this state.

SECTION 28. Arkansas Code § 2-16-614(d)-(g), concerning a referendum for an assessment by a certified cotton growers' organization, is amended to read as follows:

(d)(1) The assessments approved under this subchapter shall be collected by the certified cotton growers' organization or such other agency or entity designated by the ~~board~~ department from the affected cotton growers.

(2) The assessments collected by the ~~board~~ department or such other agency or entity designated by the ~~board~~ department under this subchapter shall be promptly remitted to the certified cotton growers' organization under such terms and conditions as the ~~board~~ department shall deem necessary to ensure that the assessments are used in a sound program of eradication or suppression of the boll weevil.

(e) The certified organization shall provide to the ~~board~~ department an annual audit of its accounts performed by a certified public accountant.

(f) The assessments collected by the ~~board~~ department under this subchapter shall not be state funds.

(g)(1) In addition to the authority granted in this section for a referendum among cotton growers, the ~~board~~ department may conduct a separate referendum among cotton growers in the southwest corner of the state, within

boundaries to be defined by the board on the question of whether an assessment shall be levied upon cotton growers in the defined area to provide funds to fund in whole or in part the cost of a boll weevil suppression or eradication program.

(2) Any such regional referendum shall be conducted in the same manner as any other referendum authorized in this section, and any assessments levied pursuant to such a referendum shall be subject to the same uses and limitations and shall be made, collected, and remitted in the same manner as assessments levied pursuant to any other referenda conducted under this subchapter.

SECTION 29. Arkansas Code § 2-16-617(b), concerning a cotton grower's failure to pay assessments, is amended to read as follows:

(b) The ~~board~~ Department of Agriculture may petition the circuit court of the judicial circuit in which the public nuisance is located to have the nuisance condemned and destroyed, with all costs of destroying to be levied against the grower. This injunctive relief shall be available to the ~~board~~ department notwithstanding the existence of any other legal remedy, and the ~~board~~ department shall not be required to file a bond.

SECTION 30. Arkansas Code § 2-16-617(c)(1), concerning a cotton grower's failure to pay assessments, is amended to read as follows:

(c)(1) In addition to any other remedies for the collection of assessments, including penalties, the ~~board~~ department may secure a lien upon cotton subject to the assessments.

SECTION 31. Arkansas Code § 2-16-617(c)(2)(B), concerning a cotton grower's failure to pay assessments and liens, is amended to read as follows:

(B) Any buyer of cotton shall take free of the lien if he or she has not received written notice of the lien from the ~~board~~ department or if he or she has paid for the cotton by a check in which the ~~board~~ department is named as joint payee.

SECTION 32. Arkansas Code § 2-16-617(d), concerning a cotton grower's failure to pay assessments and certificates of compliance, is amended to read as follows:

(d)(1)(A) No gins in the State of Arkansas shall gin any cotton for any cotton grower from Arkansas or from any other state unless and until that grower files with the respective gin a certificate of compliance issued by the ~~board~~ department certifying that the grower has paid all fees, assessments, penalties, and costs imposed and required under this subchapter, unless a grower has been granted an extension by the ~~board~~ department in compliance with subsection (e) of this section.

(B) It is the responsibility of each grower to procure a certificate of compliance or proof that an exemption for compliance has been granted from the ~~board~~ department by September 1 of each successive crop year and to file same with a gin.

(2)(A) Any gin that gins cotton for any cotton grower who has not filed a current valid certificate of compliance issued by the ~~board~~ department shall be assessed a penalty to be established by ~~board~~ department rules.

(B) Any cotton grower will be subject to having a lien placed on the following year's crop for any unpaid assessments or penalties incurred in the previous year.

SECTION 33. Arkansas Code § 2-16-617(e)(1)-(3), concerning a cotton grower's failure to pay assessments and certificates of compliance, is amended to read as follows:

(e)(1) The board shall by rule establish a procedure in which a cotton grower can apply for exemption from payment of any assessment or penalty imposed in this section, on the basis that the payment of the assessment or the penalty will impose undue financial hardship on the grower, and shall prescribe the criteria to be used in determining undue financial hardship.

(2)(A) Any cotton grower who wishes to request an exemption from payment of the assessment, or the penalty, or both, shall apply for the exemption on forms prescribed by the ~~board~~ department.

(B) A separate application must be filed for each calendar year for which the cotton grower seeks an exemption, and each such application shall contain information on which the grower relies to justify an exemption on the basis of undue financial hardship.

(C) The application form shall include an oath or affirmation of the applicant as to the truth of all information contained in

or accompanying the application.

(3)(A) The ~~board~~ department shall forward each completed exemption application form and any information accompanying the form to the cotton growers' organization certified under § 2-16-612.

(B) The certified cotton growers' organization shall determine whether each applicant qualifies for a hardship exemption based on the information contained in or accompanying the application form.

SECTION 34. Arkansas Code § 2-23-101 is amended to read as follows:
2-23-101. Definitions.

As used in this subchapter:

(1) "Advertisement" means all representations other than those on the label written, recorded, or published and distributed by the labeler;

(2) "Agricultural seed" means the seeds of grass, forage, cereal, oil and fiber crops, and any other kinds of seed commonly recognized within this state as agricultural seeds and mixtures of such seed;

~~(3) "Arbitration committee" means the committee established by the Director of the State Plant Board under this subchapter to hear and make determinations in mandatory, nonbinding arbitration cases;~~

~~(4)~~ (4) "Buyer" means a person who purchases agricultural seeds;

~~(5) "Chairperson" means the person selected by the arbitration committee from among its members to preside over arbitration hearings;~~

~~(6)~~ (4) "Dealer" means any person, individual, partnership, or company who distributes agricultural seeds;

~~(7)~~ (5) "Label" means the display or displays of written, printed, or graphic matter upon or attached to the container of seed or as required by rules established under the Arkansas Plant Act of 1917, § 2-16-201 et seq.;

~~(8)~~ (6) "Labeler" means the person, firm, corporation, or the registered code number whose name appears on the label or container of seed;

~~(9)~~ (7) "Labeling" includes all labels, advertisements, and other written, printed, or graphic representations in any manner whatsoever pertaining to any seed, whether in bulk or in containers, and includes representations on invoices except for current, official publications of the United States Department of Agriculture and the United States Department of the Interior, state experiment stations, state agricultural colleges, and

other similar federal or state institutions or agencies authorized by law to conduct research; and

~~(10)~~(8) "Person" means an individual, firm, partnership, corporation, or company.

SECTION 35. Arkansas Code § 2-23-102 is amended to read as follows:

2-23-102. Prerequisite to legal action – Notice – Arbitration ~~committee.~~

(a)(1) When any buyer believes that he or she has been damaged by the failure of agricultural seed to produce or perform as represented by the labeling of the agricultural seed, as a prerequisite to the buyer's right to maintain a legal action against the dealer or labeler and within a reasonable time after the alleged defect or violation becomes apparent, the buyer shall file a written notice of intent to seek arbitration to permit inspection of the crops or plants during the growing season.

(2) A meeting shall be scheduled by the Director of the State Plant Board between the buyer and labeler for the purpose of resolving the dispute, or if the dispute is not resolved, for officially filing the complaint.

(3) The buyer shall make a sworn complaint against the dealer or labeler alleging the damages sustained or to be sustained and file the complaint with the director.

(4) The buyer shall send a copy of the complaint to the labeler by United States registered mail.

(b)(1) A filing fee of two hundred fifty dollars (\$250) plus one dollar (\$1.00) per acre filed on, not to exceed a total of seven hundred fifty dollars (\$750), shall be paid to the director with each complaint filed, and complaints shall be filed on forms provided by the State Plant Board.

(2) This fee shall be deposited into the Plant Board Fund in the State Treasury and may be used by the director to offset expenses of the investigation.

(c) Within ten (10) days after receipt of a copy of the complaint, the labeler shall file with the director the labeler's answer to the complaint and send a copy of the answer to the buyer by United States registered mail.

(d)(1) However, unless notice of this section is legibly printed or

typed on the seed container or on a label affixed to the seed container or printed on the invoice covering bulk seed, the buyer shall not be required to comply with this section as a prerequisite to maintaining a legal action against the dealer or labeler.

(2) A notice in the following form, or some reasonably equivalent language, is sufficient:

“Notice of Mandatory Arbitration

NOTICE: As a prerequisite to maintaining a legal action based upon the failure of seed to which this label is attached to produce as represented, a consumer shall file a sworn complaint with the Director of the State Plant Board within such time as to permit inspection of the crops or plants during the growing season.”

(3) If language setting forth the requirement is not so placed on the seed package, analysis label, or invoice covering bulk seed shipments, the filing and serving of a complaint under this section are not required.

SECTION 36. Arkansas Code § 2-23-103 is amended to read as follows:

2-23-103. Seed dealer or labeler may request investigation – Requirements.

(a)~~(1)~~ Any seed dealer or labeler against whom suit is brought in any state or federal court by a buyer who alleges that he or she has been damaged by the failure of seeds purchased from a seed dealer to perform as labeled, may request an investigation by the ~~arbitration committee~~ Department of Agriculture.

~~(2)(b)~~ A filing fee of two hundred fifty dollars (\$250) plus one dollar (\$1.00) per acre filed on, not to exceed a total of seven hundred fifty dollars (\$750), shall be paid by the party.

~~(b) The Director of the State Plant Board shall refer the complaint and the answer to the complaint to the arbitration committee provided in § 2-23-104 for investigation, findings, and recommendations on the matters complained of.~~

SECTION 37. Arkansas Code § 2-23-104 is repealed.

~~2-23-104. Arbitration committee – Members.~~

~~(a)(1)(A) The Director of the State Plant Board 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.~~

~~(B) Terms for seed grower, seed dealer, farm bureau, and agricultural council members shall be for four (4) years.~~

~~(2) The members and alternates shall be confirmed by the Governor.~~

~~(3)(A) The Director of the University of Arkansas Agricultural Experiment Station, or his or her designee or alternate, and the Director of the University of Arkansas Cooperative Extension Service, or his or her designee or alternate, shall serve as ex officio members.~~

~~(B) Ex officio members shall serve until replaced by their organizations.~~

~~(4) Recommending organizations shall submit member recommendations not less than thirty (30) days before the expiration day of an expiring term.~~

~~(5) Each alternate member shall serve only in the absence of the member for whom he or she is an alternate.~~

~~(6) Members of the committee may receive expense reimbursement in accordance with § 25-16-901 et seq.~~

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

~~(2) It is the duty of the chairperson to conduct all meetings and deliberations held by the committee and to direct all other activities of the committee.~~

~~(3) It is the duty of the secretary to keep accurate and correct records on all meetings and deliberations and perform other duties for the committee as directed by the chairperson.~~

SECTION 38. Arkansas Code § 2-23-105 is repealed.

~~2-23-105. Committee purpose.~~

~~(a) The purpose of the arbitration committee is to assist agricultural seed buyers and agricultural seed dealers or labelers in determining the facts relating to matters alleged in complaints made by buyers against dealers or labelers. The committee may make rules to carry out the purposes of this act.~~

~~(b) The committee may recommend money damages be paid the buyer as a result of alleged failure of seeds to produce as represented by the labeling of the seed and may also recommend that the seed dealer or labeler reimburse the buyer for the amount of the filing fee paid by the buyer.~~

SECTION 39. Arkansas Code § 2-23-106 is amended to read as follows:

2-23-106. ~~Committee Meetings~~ Informal hearing.

~~(a) The arbitration committee may be called into session by the Director of the State Plant Board or upon the direction of the chairperson to consider the matters referred to it by the board.~~

~~(b) If the ~~committee~~ Secretary of the Department of Agriculture determines that an informal hearing should be conducted to allow each party an opportunity to present his or her respective side of the dispute, attorneys may be present at the hearing to confer with their clients, but may not participate directly in the proceedings unless requested to do so by the ~~chairperson of the arbitration committee~~ secretary or his or her designee.~~

SECTION 40. Arkansas Code § 2-23-107 is amended to read as follows:

2-23-107. ~~Committee~~ Investigation and report – Findings as evidence.

~~(a) When the Director of the State Plant Board refers to the arbitration committee any a complaint is made by a buyer against a dealer or labeler, the committee the Secretary of the Department of Agriculture or his or her designee shall make a full and complete investigation of the matters complained of and at the conclusion of the investigation, report ~~through its secretary~~ the findings and recommendations to the buyer and to the labeler by United States registered mail.~~

~~(b)(1) The report of arbitration shall be binding upon all parties to the extent, if any, that they have so agreed:~~

- (A) In any contract governing the sale of the seed; or
- (B) Before the official filing of arbitration.

(2) In the absence of an agreement to be bound by arbitration, a buyer may commence legal proceedings against a seller or assert such claim, as a counterclaim or defense in any action brought by the seller, at any time after the receipt of the report of arbitration.

(3)(A) In litigation involving a complaint which has been the subject of arbitration under this section, any party may introduce the report of arbitration as evidence of the facts found in the report, and the court may give such weight to the ~~committee's~~ findings and conclusions of law and recommendations as to damages and costs as the court may see fit based upon all the evidence before the court.

(B) The court may also take into account any findings ~~of the committee~~ with respect to the failure of any party to cooperate in the arbitration proceedings, including any finding as to the effect of delay in filing the arbitration claim upon the ~~committee's~~ the Secretary of the Department of Agriculture or his or her designee ability to determine the facts of the case.

SECTION 41. Arkansas Code § 2-23-108 is amended to read as follows:

2-23-108. ~~Committee~~— Investigative powers.

~~(a)~~ In conducting its investigation, the ~~arbitration committee~~ Department of Agriculture may:

(1) Examine the buyer on his or her use of the seed of which he or she complains and the dealer or labeler on his or her packaging, labeling, and selling operation of the seed alleged to be faulty;

(2) Grow to production a representative sample of the alleged faulty seed through the facilities of the state, under the supervision of the Director of the State Plant Board, when such action is deemed by the ~~committee~~ Secretary of the Department of Agriculture to be necessary;

(3) Hold informal hearings at a time and place directed by the ~~chairperson of the committee~~ secretary upon reasonable notice to the buyer and the dealer or labeler; and

(4) Seek evaluations from authorities in allied disciplines, when deemed necessary.

~~(b) An investigation made by less than the whole membership of the~~

~~committee shall be by authority of a written directive by the chairperson, and the investigation shall be summarized in writing and considered by the committee in reporting its findings and making its recommendations.~~

SECTION 42. Arkansas Code § 2-23-109 is amended to read as follows:

2-23-109. ~~Committee records~~ Record keeping.

The ~~committee~~ Department of Agriculture shall keep a record of its activities and reports ~~on file in the State Plant Board~~ under this subchapter.

SECTION 43. Arkansas Code § 2-23-110 is amended to read as follows:

2-23-110. Notice.

The consumer and seedsman shall give written notice to the ~~department~~ Department of Agriculture of the acceptance or rejection of the ~~arbitration committee's~~ department's recommended terms of settlement within thirty (30) days from the date such recommended terms of settlement are issued by the ~~arbitration committee~~ department.

SECTION 44. Arkansas Code § 2-33-102 is amended to read as follows:

2-33-102. Members.

(a)(1) The Arkansas Livestock and Poultry Commission shall consist of ~~seven (7)~~ nine (9) members who are residents and electors of this state to be appointed by the Governor by and with the advice and consent of the Senate for terms of ~~seven (7)~~ five (5) years ~~and shall be actively engaged in the Arkansas livestock or poultry industries.~~

(2) At least two (2) members of the commission shall be veterinarians, at least one (1) of which shall be engaged primarily in large animal or food supply veterinary medicine.

(3) The remaining members and shall be actively engaged in the Arkansas livestock, dairy, or poultry industries.

(b) Each congressional district shall be represented by membership on the commission.

(c) The term of office shall commence on January 15 following the expiration date of the preceding term and shall end on January 14 of the ~~seventh~~ fifth year following the year in which the term commenced.

(d) Any vacancies arising in the membership of the commission for any

reason other than expiration of the terms for which the members were appointed shall be filled by appointment by the Governor and be effective until the expiration of the terms, subject to the confirmation of the Senate when it is next in session.

(e) Before entering upon his or her duties, each member of the commission shall take, subscribe, and file in the office of the Secretary of State an oath to support the United States Constitution and the Arkansas Constitution and to faithfully perform the duties of the office upon which he or she is about to enter.

(f)(1) Members of the commission shall receive no pay for their services.

(2) Members of the commission may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

(g)(1) The commission shall create a committee to make recommendations to the commission including without limitation recommendations regarding:

(A) Rulemaking;

(B) Disciplinary issues;

(C) Ethical complaints; and

(D) Evaluation of applications under § 17-101-101 et seq.

(2) The veterinary members of the commission under § 2-33-102(a)(2) shall be members of the committee.

(3) The chair of the commission shall also designate an additional two (2) Arkansas licensed veterinarians who are engaged primarily in small animal veterinary medicine to serve on the committee.

SECTION 45. Arkansas Code § 2-33-103 is amended to read as follows:

2-33-103. Organization and meetings.

(a) The Arkansas Livestock and Poultry Commission shall from time to time select from its membership a chair and a vice chair.

(b)(1) The commission shall adopt and may modify rules for the conduct of its business and shall keep a record of its transactions, findings, and determinations, which shall be public.

~~(2) The rules shall provide for regular meetings and for special meetings at the call of the chairman or the vice chairman if he or she is, for any reason, the acting chairman, either at his or her own instance or upon the written request of at least four (4) members~~ Meetings of the

commission shall be called by the chair of the commission or by four (4) members of the commission.

(c)(1) A majority of the membership of the commission shall constitute a quorum.

(2) A majority vote of those members present shall be required for any action of the commission.

~~(d) A vacancy on the commission due to death, resignation, removal, or other cause shall be filled by appointment by the Governor for the unexpired portion of the term.~~

~~(e)~~ The Governor may remove a member of the commission before the expiration of his or her term for cause only, after notice and a hearing in accordance with §§ 25-17-210 and 25-17-211.

~~(f)~~(e) All meetings shall be open to the public.

SECTION 46. Arkansas Code § 2-33-105(b), concerning the State Veterinarian, is amended to read as follows:

(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~~ Arkansas Livestock and Poultry Commission of this state.

SECTION 47. Arkansas Code § 2-40-801(1), concerning definitions regarding equine infectious anemia, is amended to read as follows:

(1) "Accredited veterinarian" means a veterinarian licensed by the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission and approved by the United States Animal and Plant Health Inspection Service to perform functions required for state or cooperative state and federal animal disease control and eradication programs;

SECTION 48. Arkansas Code § 8-7-1202 is amended to read as follows:
8-7-1202. Purpose.

It is the purpose of this subchapter to protect the citizens of the state and the environment by providing for the safe and proper disposal of abandoned pesticides used in agriculture and for other uses. Furthermore, it is the purpose of this subchapter ~~to create an Abandoned Pesticide Advisory Board~~ authorize the Department of Agriculture to review and approve proposed

pesticide disposal projects, select contractors to dispose of abandoned pesticides used in agriculture and for other uses, and approve payments from the Abandoned Agricultural Pesticide and Plant Regulator Disposal Trust Fund.

SECTION 49. Arkansas Code § 8-7-1203(2), concerning definitions under the Abandoned Agricultural Pesticide Disposal Act, is repealed.

(2) ~~“Advisory board” means the Abandoned Pesticide Advisory Board;~~

SECTION 50. Arkansas Code § 8-7-1204 is repealed.

~~8-7-1204. Abandoned Pesticide Advisory Board.~~

~~(a) There is created the Abandoned Pesticide Advisory Board.~~

~~(b) The 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 Division 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 Department of Agriculture, who shall serve as the Chair of the Abandoned Pesticide Advisory Board.~~

~~(c) Members of the board shall serve without compensation.~~

SECTION 51. Arkansas Code § 8-7-1205 is amended to read as follows:

8-7-1205. Powers and duties of the ~~board~~ Department of Agriculture.

The ~~Abandoned Pesticide Advisory Board~~ Department of Agriculture shall have the following powers and duties:

(1) To identify any abandoned pesticides which shall be excluded from the collection and disposal program;

(2) To advise and make recommendations to the State Plant Board regarding projects for collecting and disposing of abandoned pesticides;

- (3) To advise and make recommendations to the State Plant Board on the issuance of requests for proposals from contractors;
- (4) To review and evaluate proposals for the collection and disposal of abandoned pesticides;
- (5) To select proposals for the collection and disposal of abandoned pesticides to be implemented; and
- (6) To approve payments from the Abandoned Agricultural Pesticide and Plant Regulator Disposal Trust Fund for collection and disposal projects.

SECTION 52. Arkansas Code § 8-7-1206(a)(5), concerning abandoned pesticide disposal, is amended to read as follows:

- (5) Moneys received into the fund shall be utilized by the Department of Agriculture, ~~as authorized by the Abandoned Pesticide Advisory Board,~~ to pay for projects and other activities relating to the collection and disposal of abandoned pesticides and for administrative support.

SECTION 53. Arkansas Code § 8-7-1206(b)(1), concerning abandoned pesticide disposal, is amended to read as follows:

- (b)(1) The department shall administer the program relating to the collection and disposal of abandoned pesticides, ~~as authorized by the Abandoned Pesticide Advisory Board.~~

SECTION 54. Arkansas Code § 14-118-202 is amended to read as follows:

14-118-202. Red River Commission – Creation, powers, and duties.

(a) There is created ~~and established~~ as a committee of the Arkansas Natural Resources Commission the Red River Commission with the following powers, duties, and responsibilities under this subchapter:

- (1) To cooperate with the appropriate state and federal agencies for the study and planning of needed improvements to and along the main stem of the Red River in Little River County, Hempstead County, Miller County, and Lafayette ~~Counties~~ County, Arkansas;
- (2) To review, study, and examine any plan by the State of Arkansas or the federal government, or any agency thereof, for the improvement of the main stem of the Red River in Arkansas and to ascertain the nature and purpose of the improvement, the benefits to be expected

therefrom, and the necessity, feasibility, and estimated cost thereof;

(3) To determine the local, nonfederal costs necessary for the construction, operation, and maintenance of any Red River improvement project along and upon the main stem thereof;

(4) To delineate the area to be benefited by improvement of the *main stem of the Red River*.

(b) If the Red River Commission ceases to exist, all of the powers and responsibilities of the Red River Commission under this section shall automatically transfer to the Department of Agriculture.

SECTION 55. Arkansas Code § 14-118-204(a), concerning a petition for a district establishment for the improvement of the Red River, is amended to read as follows:

(a) Whenever the ~~Congress of the~~ United States Congress has enacted a law adopting and authorizing a project for the improvement of the main stem of the Red River in Little River County, Hempstead County, Miller County, or Lafayette ~~Counties~~ County in Arkansas, the ~~commission~~ Red River Commission may, after performing ~~their~~ the commission's duties as outlined and prescribed by § 14-118-202, may petition the circuit court in the judicial district in which the largest portion of the lands to be benefited are situated and within a county in which some part or portion of lands in the proposed district are situated for the establishment of an improvement district to embrace the property within the area to be benefited.

SECTION 56. Arkansas Code § 14-118-206(a), concerning an improvement district board of commissioners, is amended to read as follows:

(a) When the circuit court has established the improvement district upon the petition of the commission under this subchapter, it shall proceed for the appointment of a board of commissioners in the same manner as provided by § 14-118-106.

SECTION 57. Arkansas Code § 14-118-206(e), concerning an improvement district board of commissioners, is amended to read as follows:

(e) Appointments by the circuit court shall be made upon petition by the commission ~~established~~ under this subchapter.

SECTION 58. Arkansas Code § 14-125-301(a)(3), concerning the directors of a governing body of a conservation district, is amended to read as follows:

(3) ~~The two~~ Two (2) directors shall be appointed by the ~~Arkansas Natural Resources Commission~~ elected directors and shall be persons who are owners of land within the district and who are by training and experience qualified to perform the services which will be required of them in the performance of their duties under this chapter.

SECTION 59. Arkansas Code § 14-125-301(f) and (g), concerning the directors of a governing body of a conservation district, are amended to read as follows:

(f)(1) All vacancies shall be filled by appointment by the ~~commission~~ elected directors.

(2) Vacancies in the office of an elected director shall be filled for the unexpired term.

(3) Vacancies in the office of an appointed director shall be filled for a new full term.

(g) In making appointments, the ~~commission~~ elected directors shall consider any recommendation which may be made by the remaining members of the local board.

SECTION 60. Arkansas Code § 14-125-301(j)-(1), concerning the directors of a governing body of a conservation district, are amended to read as follows:

(j)(1) Any director may be removed by the ~~commission~~ governing body of the district upon notice and hearing, but only for neglect of duty or malfeasance in office, ~~but for no other reason~~.

(2) As used in this subsection, "neglect of duty" means absence from three (3) successive, regular district board meetings.

(3) Removal of a director shall require an affirmative vote of no fewer than four (4) directors.

(k)(1) A Except as provided in subdivision (k)(2) of this section, a director shall not qualify for reappointment or reelection unless he or she ~~shall have~~ attended at least sixty-five percent (65%) of the scheduled conservation district board meetings and at least three (3) state or area

meetings during each three-year term of office; ~~provided, however, absences which~~

(2) Absences that are excused by the ~~commission~~ governing body of the district shall not disqualify a director for reappointment or reelection. ~~Furthermore, the commission shall not require a director to personally appear before the commission in order to receive a waiver.~~

~~(1) However, upon a showing of good cause, this condition may be waived by resolution duly adopted by the commission.~~

SECTION 61. Arkansas Code § 14-125-302(b)(8), concerning the election of directors of a conservation district, is amended to read as follows:

(8) The ~~commission~~ governing body of the district shall:

(A) Pay all the expenses of the election;

(B) Supervise the conduct ~~thereof~~ of the election; and

(C) Prescribe rules governing the conduct of the election and the determination of the eligibility of voters therein; and

(D) Publish the results and report results of the election to the Secretary of State.

SECTION 62. Arkansas Code § 14-125-302(c), concerning the election of directors of a conservation district, is amended to read as follows:

(c)(1) Subsequent elections shall be conducted in the same manner. However, the district shall pay all the expenses of the elections, and the nominating petitions for candidates shall be filed with the ~~commission~~ governing body of the district during the first two (2) weeks of February of the year of election.

SECTION 63. Arkansas Code § 14-234-805 is amended to read as follows:
14-234-805. Training.

(a)~~(1)(A)~~ Within one (1) year of election or appointment, a majority of the members of a provider board shall receive a minimum of eight (8) hours of provider training as promulgated by rule of the Arkansas Natural Resources Commission.

~~(B) A member of a provider board as of January 1, 2021, shall receive the training required under this section by December 31, 2022.~~

~~(2)(b)~~ If a majority of the members of a provider board do not

receive the training required under this section, the commission may find the provider is subject to § 14-234-802.

~~(3)(c)~~ This section does not apply to a member of a provider board who has served on the provider board for ten (10) years or more.

~~(b)~~ The commission shall consult with an advisory training board for the development of the training required under this section, whose members shall include without limitation:

~~(1)~~ The Secretary of the Department of Health or his or her designee;

~~(2)~~ The Director of the Arkansas Natural Resources Commission or his or her designee;

~~(3)~~ The State Director of the United States Department of Agriculture Rural Development in Arkansas or his or her designee;

~~(4)~~ The Chief Executive Officer of the Arkansas Rural Water Association or his or her designee;

~~(5)~~ The Executive Director of the Association of Arkansas Counties or his or her designee;

~~(6)~~ The Executive Director of the Arkansas Municipal League or his or her designee;

~~(7)~~ The Chief Executive Officer of Central Arkansas Water or his or her designee;

~~(8)~~ The Chair of the Board of Directors of Communities Unlimited, Inc., or his or her designee;

~~(9)~~ The Chair of the Arkansas Water Works and Water Environment Association, Inc., or his or her designee;

~~(10)~~ The Director of the Arkansas Environmental Training Academy or his or her designee;

~~(11)~~ The Chair of the House Committee on City, County, and Local Affairs;

~~(12)~~ The Vice Chair of the House Committee on City, County, and Local Affairs;

~~(13)~~ The Chair of the Senate Committee on City, County, and Local Affairs;

~~(14)~~ The Vice Chair of the Senate Committee on City, County, and Local Affairs; and

~~(15)~~ The President of the Arkansas Water & Wastewater Managers

~~Association.~~

SECTION 64. Arkansas Code § 15-20-202(b) and (c), concerning the members of the Arkansas Natural Resources Commission, are amended to read as follows:

(b) ~~At least two (2) members shall reside in each congressional district as the districts exist on August 1, 1985~~ Each congressional district shall be represented by membership on the commission.

(c) For each member appointed to a regular term, the term of office shall commence on January 15 following the expiration date of the prior term and shall end on January 14 of the ~~seventh~~ fifth year following the year in which the regular term commenced.

SECTION 65. Arkansas Code § 15-20-202, concerning the members of the Arkansas Natural Resources Commission, is amended to add additional subsections to read as follows:

(g)(1) A minimum of two (2) members of the commission shall be water well contractors licensed under § 17-50-201 et seq.

(2)(A) One (1) of the water well contractors shall have his or her principal place of business southeast of the fall line in Arkansas, and be actively engaged in the construction of wells and pump installation in the Mississippi Embayment or Gulf Coastal Plain as represented on the geologic map of Arkansas.

(B) One (1) of the water well contractors shall have his or her principal place of business northwest of the fall line in Arkansas and be actively engaged in the construction of water wells and pump installation in the Ozark region, Arkansas River Valley, or Ouachita Mountain region as represented on the geologic map of Arkansas.

SECTION 66. Arkansas Code § 15-20-206 (c) and (d), concerning rules, meetings, oaths, subpoenas of the Arkansas Natural Resources Commission, are amended to read as follows:

~~(c) The rules shall provide for regular meetings and for special meetings at the call of the Chair of the Arkansas Natural Resources Commission or the Vice Chair of the Arkansas Natural Resources Commission if he or she is for any reason the acting chair, either at his or her own~~

~~instance or upon the written request of at least~~ Meetings of the commission shall be called by the Chair of the Arkansas Natural Resources Commission or by four (4) members of the commission.

(d) A quorum shall consist of ~~not less than one half ($\frac{1}{2}$) of the a~~ majority of the commission membership present at any regular or special meetings, and ~~the affirmative vote of that number shall be necessary for the disposition of any business~~ a majority vote of those members present shall be required for any action of the commission.

SECTION 67. Arkansas Code § 15-20-206, concerning rules, meetings, oaths, subpoenas of the Arkansas Natural Resources Commission, is amended to add an additional subsection to read as follows:

(h)(1) The commission shall create a committee to make recommendations to the commission, including without limitation recommendations regarding:

(A) Rulemaking;

(B) Disciplinary issues;

(C) Ethical complaints; and

(D) Evaluation of applications under § 17-50-201 et seq.

(2) A water well contractor member of the commission designated under § 15-20-202(g) shall chair the committee.

(3) The chair of the commission may also designate other Arkansas licensed water well contractors to serve on the committee on an ad hoc basis.

SECTION 68. Arkansas Code § 15-31-102(a)-(c), concerning the members of the Arkansas Forestry Commission, are amended to read as follows:

(a)(1) ~~The Arkansas Forestry Commission shall consist of nine (9) members to be appointed by the Governor by and with the advice and consent of the Senate from resident electors of this state having a long-standing interest in the forest resources of Arkansas.~~

~~(2)(A) Three (3) of the nine (9) members appointed to the commission shall be small tree farmers.~~

~~(B) As used in this section, "small tree farmer" means a person owning timber acreage of two hundred fifty (250) acres or less~~ One (1) nonvoting member of the commission shall be nominated by the Provost of the University of Arkansas at Monticello from the faculty or staff of the College

of Forestry, Agriculture, and Natural Resources at the University of Arkansas Monticello to be appointed by the Governor.

~~(3) Each congressional district shall be represented on the commission.~~

(b) The term of office shall commence on January 15 following the expiration date of the prior term and shall end on January 14 of the ~~ninth~~ fifth year following the year in which the term commenced.

(c)~~(1)~~ Any vacancies arising in the membership of the commission for any reason other than expiration of the regular terms for which the members were appointed shall be filled by appointment by the Governor.

~~(2) Appointments shall be thereafter effective until the expiration of the regular terms, subject, however, to the confirmation of the Senate when it is next in session.~~

SECTION 69. Arkansas Code § 15-31-102, concerning the members of the Arkansas Forestry Commission, is amended to add an additional subsection to read as follows:

(f)(1)(A) Three (3) of the members appointed to the commission by the Governor shall be small tree farmers.

(B) As used in this section, "small tree farmer" means a person owning timber acreage of two hundred fifty (250) acres or less.

(2) At least three (3) members of the commission shall be foresters registered under § 17-31-101 et seq.

(3) Each congressional district shall be represented on the commission.

(g)(1) The commission shall create a committee to make recommendations to the commission, including without limitation recommendations regarding:

(A) Rulemaking;

(B) Disciplinary issues;

(C) Ethical complaints; and

(D) Evaluation of applications under § 17-31-101 et seq.

(2) The registered forester members of the commission designated under subdivision (f)(3) of this section shall be members of the committee.

(3) The chair of the commission may also designate other Arkansas registered foresters to serve on the committee on an ad hoc basis.

SECTION 70. Arkansas Code § 15-31-103(b), concerning the organization of the Arkansas Forestry Commission, is amended to read as follows:

(b) The State Forester provided for in § 15-31-104 shall be, an ex officio, ~~Secretary~~ member of the Arkansas Forestry Commission but shall have no vote on matters coming before it.

SECTION 71. Arkansas Code § 15-31-103(e)(1), concerning the organization of the Arkansas Forestry Commission, is amended to read as follows:

(e)(1) A quorum shall consist of ~~not less than five (5) members present at any regular or special meeting~~ a majority of the voting members.

SECTION 72. Arkansas Code § 15-31-104(a), concerning the State Forester, is amended to read as follows:

(a) The State Forester shall be appointed by ~~the Arkansas Forestry Commission, with the approval of~~ the Governor, and shall serve at the pleasure of the Governor.

SECTION 73. Arkansas Code § 17-31-101(a), concerning the registration of foresters, is amended to read as follows:

(a) This chapter may be referred to and cited as the ~~“State Board of Registration for~~ of Foresters Act”.

SECTION 74. Arkansas Code § 17-31-102(1), concerning the definition of board as Arkansas State Board of Registration for Foresters Act, is repealed.

~~(1) “Board” means the Arkansas State Board of Registration for Foresters;~~

SECTION 75. Arkansas Code § 17-31-103 is amended to read as follows:
17-31-103. Administrative procedure.

All proceedings of the Arkansas ~~State Board of Registration for Foresters~~ Forestry Commission shall be governed by the Arkansas Administrative Procedure Act, § 25-15-201 et seq., in addition to the requirements set forth in this chapter.

SECTION 76. Arkansas Code § 17-31-104 is amended to read as follows:

17-31-104. Enforcement.

~~(a) The Attorney General, all prosecuting attorneys, and duly constituted officers of the law of this state or political subdivision thereof shall be authorized to enforce the provisions of this chapter and to prosecute any person violating them.~~

~~(b) The Arkansas State Board of Registration for Foresters is Department of Agriculture and the Arkansas Forestry Commission are charged with the duty of seeing that the provisions of this chapter are enforced.~~

SECTION 77. Arkansas Code § 17-31-105(a)(5), concerning violations and penalties for violating the Registration of Foresters Act, is amended to read as follows:

(5) Gives false or forged evidence to the ~~Arkansas State Board of Registration for Foresters~~ Department of Agriculture or the Arkansas Forestry Commission;

SECTION 78. Arkansas Code § 17-31-201 is repealed.

~~17-31-201. Creation—Selection and compensation of members.~~

~~(a) The Arkansas State Board of Registration for Foresters is created to administer the provisions of this chapter.~~

~~(b)(1) The board shall consist of six (6) members appointed by the Governor, with the advice and consent of the Senate. Each member shall be a citizen of the United States and a registered voter and resident of the State of Arkansas.~~

~~(2)(A) Five (5) members of the board shall be foresters registered under § 17-31-302 and who have been engaged in forestry for at least twelve (12) years.~~

~~(B)(i) One (1) member shall be nominated by the Arkansas Forestry Association to represent the forest products industry.~~

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

~~(iii) One (1) member shall be nominated by the Provost of the University of Arkansas at Monticello from the faculty or staff of the College of Forestry, Agriculture and Natural Resources at the University of Arkansas at Monticello.~~

~~(iv) One (1) member shall be nominated by the~~

~~Arkansas Division, Ouachita Society of American Foresters.~~

~~(v) One (1) member shall be nominated by the Association of Consulting Foresters, Inc., Arkansas Chapter to represent private forestry consultants.~~

~~(C) At least one (1) member shall be a graduate of the College of Forestry, Agriculture and Natural Resources at the University of Arkansas at Monticello.~~

~~(3) One (1) member of the board shall not be actively engaged in or retired from the forestry profession. That member shall represent consumers. He or she shall be appointed from the state at large and shall be a full voting member but shall not participate in the grading of examinations.~~

~~(c) Appointments shall be for a term of five (5) years or, in the event of vacancies, for the period of the unexpired term of the vacancy being filled.~~

~~(d) Each member of the board shall receive a certificate of appointment from the Governor and before beginning the term of office shall file with the Secretary of State a written oath or affirmation relative to the faithful discharge of the official duty.~~

~~(e) Each member of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.~~

SECTION 79. Arkansas Code § 17-31-202 is repealed.

~~17-31-202. Removal of members.~~

~~(a) The Governor may remove any member of the Arkansas State Board of Registration for Foresters for misconduct, incompetency, or neglect of duty.~~

~~(b) Before the Governor can remove a member for cause, he or she must serve the member with a written notice of the charge or charges against him or her and afford him or her an opportunity to be heard publicly on such charge or charges.~~

~~(c)(1) If the member thus served does not request a public hearing within ten (10) days from being served, the Governor may proceed with the member's removal.~~

~~(2) If the member does request a public hearing, it shall be heard by a special committee composed of three (3) persons, not members of the board, namely:~~

~~(A) The Chief Justice of the Supreme Court or a substitute selected by the Chief Justice, who shall be the chair;~~

~~(B) The chair of the Arkansas Division, Ouachita Society of American Foresters; and~~

~~(C) A faculty member selected by the Arkansas Division, Ouachita Society of American Foresters from the school or departments of forestry in Arkansas.~~

~~(d) The recommendation or decision of this committee shall be binding upon the Governor.~~

~~(e) A copy of the charge or charges, a transcript of the record of the hearing, and a copy of the recommendation shall be filed with the Secretary of State.~~

~~(f) If a board member is removed, his or her vacancy shall be filled for the unexpired term by appointment by the Governor as provided in § 17-31-201.~~

SECTION 80. Arkansas Code § 17-31-203 is repealed.

~~17-31-203. Organization and proceedings.~~

~~(a) The Arkansas State Board of Registration for Foresters shall elect annually from its membership the following officers:~~

~~(1) A chair;~~

~~(2) A vice chair; and~~

~~(3) A secretary.~~

~~(b) A quorum of the board shall consist of not fewer than three (3) members, and no action shall be official without at least three (3) votes in accord.~~

~~(c) The board shall hold at least two (2) regular meetings each year. Special meetings shall be held at such time and place as shall be specified by call of the chair or the secretary. Notice of all meetings shall be given in writing to each member by the secretary.~~

~~(d) The board shall be domiciled and maintain its principal office in Little Rock and shall hold its meetings in its principal office, unless the chair finds a necessary reason for meeting elsewhere in the state.~~

SECTION 81. Arkansas Code § 17-31-204 is amended to read as follows:

17-31-204. Powers.

(a) The Arkansas ~~State Board of Registration for Foresters~~ Forestry Commission shall have the power to make, adopt, alter, amend, and promulgate all bylaws and rules consistent with the Arkansas Constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties and the regulation of the proceedings before it.

~~(e)(b)(1)~~ Each member of the ~~board~~ commission shall have power to administer oaths.

(2) The ~~board~~ commission shall have power to subpoena witnesses and compel the production of books and papers pertinent to any investigation or hearing authorized by this chapter.

(3) Any employee of the Department of Agriculture engaged in making any investigation on behalf of the ~~board~~ commission shall have the power to administer oaths to and take depositions of persons pertaining to any investigation.

(4) The ~~board~~ department 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~~ commission or department.

(5) When county, municipal, or other local officers are required to serve subpoenas or other process of the ~~board~~ commission or department, they shall be paid the same fees by the ~~board~~ commission as are provided by laws for similar services under process issued by circuit courts.

~~(d)(c)(1)~~ If any person shall refuse to testify or produce any books, papers, or documents, the ~~board~~ commission may proceed by rule, in the circuit court of the county where the person is domiciled or is engaged in business, to have the person adjudged guilty of contempt.

(2) In the event the rule is made absolute, the circuit court shall punish the person for contempt of court.

(3) The person shall be permitted to purge himself or herself of contempt by compliance with such order as the court may render.

SECTION 82. Arkansas Code § 17-31-206 is amended to read as follows:

17-31-206. Compensation of witnesses.

(a) The ~~Arkansas State Board of Registration for Foresters~~ Department of Agriculture, ~~if it deems necessary or upon advice of the Attorney General,~~ may hire ~~counsel and~~ investigators and pay traveling expenses thereof for the

investigation and prosecution of any violator of this chapter.

(b)(1) At its discretion, the ~~board~~ department may pay any witness subpoenaed to appear before the ~~board~~ Arkansas Forestry Commission twenty-five dollars (\$25.00) per diem when actually in attendance, including time spent in traveling not to exceed one (1) day to and one (1) day from the location of the ~~board~~ commission meeting.

(2) In addition, the ~~board~~ department may reimburse any witness for actual traveling expenses when furnished proof of such expenses, including hotel or motel expenses, when the witness resides in a county other than the one in which the ~~board~~ commission is meeting.

SECTION 83. Arkansas Code § 17-31-207 is amended to read as follows:
17-31-207. Records and reports.

(a)(1) The ~~Arkansas State Board of Registration for Foresters~~ Department of Agriculture shall keep a record of ~~its~~ Arkansas Forestry Commission proceedings and a register of all applications.

(2) The register shall show:

- ~~(1)~~(A) The name, age, and residence of each applicant;
- ~~(2)~~(B) The date of the application;
- ~~(3)~~(C) The place of business of such an applicant;
- ~~(4)~~(D) His or her education and other qualifications;
- ~~(5)~~(E) Whether or not an examination was required;
- ~~(6)~~(F) Whether the applicant was rejected;
- ~~(7)~~(G) Whether a certificate of registration was granted;
- ~~(8)~~(H) The date of action of the ~~board~~ commission; and
- ~~(9)~~(I) Such other information as may be deemed necessary

by the ~~board~~ commission.

(b)(1) A roster showing the names and places of business of all foresters registered under this chapter shall be published by the ~~Secretary of the Arkansas State Board of Registration for Foresters~~ Department of Agriculture during the month of April each year.

(2) Copies of this roster shall be ~~mailed to each person so registered, placed on file with the Secretary of State, and~~ furnished to the public on request.

(c) The records of the ~~board~~ commission shall be prima facie evidence of the proceedings of the ~~board~~ commission.

(d) A transcript of the records of the ~~board~~ commission, certified by ~~the Secretary of the Arkansas State Board of Registration for Foresters under seal~~ authorized department personnel, shall be admissible in evidence with the same force and effect as if the originals were produced.

(e) [Repealed.]

SECTION 84. Arkansas Code § 17-31-208 is amended to read as follows:
17-31-208. Disposition of funds.

~~(a)(1) The Secretary of the Arkansas State Board of Registration for Foresters shall receive, disburse, and account for all income paid to or received by the Arkansas State Board of Registration for Foresters.~~

~~(2) The secretary shall institute a system of books and financial records satisfactory to the Director of the Department of Finance and Administration.~~

~~(3)(A) The secretary shall open an account in a bank in this state designated by the board as its official depository.~~

~~(B) The secretary and one (1) other officer of the board shall both sign all checks disbursing funds of the board.~~

~~(C) The secretary shall deposit all funds of the board which he or she receives into the bank designated as the official depository within forty eight (48) hours, excluding holidays and Sundays, after he or she receives the funds.~~

~~(b)~~ All fines collected for the violation of any provisions of this chapter shall be paid over to the ~~board~~ Department of Agriculture to be used by it in the same manner as funds received for the issuance of licenses.

~~(e)(b)~~ Under no circumstances shall the total amount of warrants issued ~~by the board~~ in payment of the expenses and compensation provided for in this chapter exceed the amount of the application, registration, and other fees collected as herein provided.

~~(d)(c)~~ Any surplus funds at the end of the fiscal year may be retained ~~by the board~~ for future expenditures, and ~~the board~~ shall not be required to ~~pay any surplus~~ be paid into the General Revenue Fund Account of the State Apportionment Fund.

SECTION 85. Arkansas Code § 17-31-302 is amended to read as follows:
17-31-302. Qualifications.

The applicant must pass a written examination on basic forestry subjects administered by the ~~Arkansas State Board of Registration for Foresters~~ Forestry Commission or the Department of Agriculture, or both, with a score established by the ~~board~~ commission along with the following minimum evidence that an applicant is qualified to be registered as a forester:

(1) A bachelor's or advanced degree in forestry from a college or university program accredited by the Society of American Foresters;

(2) A bachelor's or advanced degree in forestry from a college or university program not accredited by the Society of American Foresters and, ~~subject to graduation~~, three (3) years or more experience in forestry work of a nature satisfactory to the ~~board~~ commission;

(3) A bachelor's degree in a natural resources-related field from a college or university program, including, but not limited to, wildlife management, with at least twenty (20) semester hours of forestry courses approved by the ~~board~~ commission and, ~~subsequent to graduation~~, three (3) years' or more experience in forestry work of a nature satisfactory to the ~~board~~ commission;

(4) A bachelor's degree not related to natural resources from a college or university program and, ~~subsequent to graduation~~, six (6) years' or more experience in forestry work of a nature satisfactory to the ~~board~~ commission; or

(5) A two-year associate's degree in forestry and, ~~subsequent to graduation~~, six (6) years' or more experience in forestry work of a nature satisfactory to the ~~board~~ commission.

SECTION 86. Arkansas Code § 17-31-303(a)(1), concerning application for registration a a forester, is amended to read as follows:

(1) Be on forms prescribed and furnished by the ~~Arkansas State Board of Registration for Foresters~~ Forestry Commission;

SECTION 87. Arkansas Code § 17-31-303(b), concerning application for registration a forester, is amended to read as follows:

(b) The amount of the application fee and the registration fee shall be set annually by the ~~board~~ commission.

SECTION 88. Arkansas Code § 17-31-304(a) and (b), concerning written

examinations for foresters, are amended to read as follows:

(a) When written examinations are required, they shall be held at such times and places as the ~~Arkansas State Board of Registration for Foresters~~ Department of Agriculture, in consultation with the Arkansas Forestry Commission, shall determine.

(b) The scope of the examinations and the methods of procedure shall be prescribed by the ~~board~~ commission.

SECTION 89. Arkansas Code § 17-31-305 is amended to read as follows:
17-31-305. Issuance – Form – Evidence.

(a) The Arkansas ~~State Board of Registration for Foresters~~ Forestry Commission shall issue a certificate of registration upon payment of a registration fee as provided for in this chapter to any applicant who, in the opinion of the ~~board~~ commission, has satisfactorily met all of the requirements of this chapter.

(b) The certificate shall show the full name of the registrant, shall have a serial number, and shall be signed by State Forester and the Chair of the ~~Arkansas State Board of Registration for Foresters and the Secretary of the Arkansas State Board of Registration for Foresters~~ Forestry Commission.

(c) The issuance of a certificate of registration by the ~~board~~ commission shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered forester while the certificate remains unrevoked or unexpired.

SECTION 90. Arkansas Code § 17-31-306(a), concerning the unlawful use of the seal for registered foresters, is amended to read as follows:

(a)(1) Each registrant may obtain a seal of a design authorized by the ~~Arkansas State Board of Registration for Foresters~~ Forestry Commission, bearing the registrant's name, serial number, and the legend "Registered Forester, Arkansas".

(2) All registrants engaged in the practice of forestry, either in a private professional practice or as an employee of an agency of the government or of a corporation, company, partnership, individual, or other private employer, shall endorse with his or her name and impress with his or her seal all plans, specifications, maps, reports, or documents which he or she prepares or which shall be prepared under his or her supervision.

SECTION 91. Arkansas Code § 17-31-307 is amended to read as follows:
17-31-307. Expiration and renewal.

(a) Certificates of registration shall expire on December 31 of the year for which issued or renewed and shall become invalid thereafter unless renewed.

(b)(1) ~~The Secretary of the Arkansas State Board of Registration for Foresters~~ The Department of Agriculture shall notify by letter to the last known address every person registered under this chapter of the date of the expiration of the certificate and the amount of the fee required for its renewal of one (1) year.

(2) Notice shall be delivered at least one (1) month in advance of the date of the expiration of such a certificate.

(c)(1)(A) ~~The Arkansas State Board of Registration for Foresters~~ Forestry Commission shall require persons who are licensed under this subchapter to complete not fewer than six (6) hours of continuing forestry education during the previous year beginning January 1, 2001, as a condition of license renewal.

(B) Continuing forestry education shall be equivalent to the Society of American Foresters Category I for continuing forestry education which includes, but is not limited to, seminars, short courses, and workshops in forestry or a related subject matter as approved by the ~~board~~ commission.

(2) Credit accrues at a rate of one (1) hour for each hour of actual contact.

(3)(A) The ~~board~~ commission may approve continuing forestry education courses offered by professional organizations, institutions of higher education, qualified individuals, or specialty societies.

(B) The ~~board~~ commission may approve credit hours for meetings, presentations, or other activities considered by the ~~board~~ commission to be a form of continuing forestry education.

(4) A successful applicant for licensure under this subchapter shall have two (2) years from the date the license is issued to complete the first year's requirements for continuing forestry education. After two (2) years, the registered forester shall complete the continuing forestry education requirements as required by this subsection.

(d) The ~~board~~ commission may waive the continuing forestry education requirements in cases of hardship, illness, or retirement from active forestry practice.

(e) The ~~board~~ commission may promulgate rules to ensure compliance with the requirements of this section.

(f) Renewal of a certificate of registration shall be for a fee set annually by the ~~board~~ commission.

(g) The failure on the part of any registrant to renew the certificate annually in the month of December as required in this section shall not deprive the person of the right of renewal, but the fee to be paid for the renewal of a certificate after December 31 shall be increased ten percent (10%) for each month or fraction of a month that payment of renewal is delayed. However, the maximum fee for delayed renewal shall not exceed two (2) times the annual renewal fee.

SECTION 92. Arkansas Code § 17-31-308 is amended to read as follows:
17-31-308. Reciprocity.

Upon application therefor and the payment of a fee set by the Arkansas ~~State Board of Registration for Foresters~~ Forestry Commission, the ~~board~~ commission may issue a certificate of registration as a registered forester in Arkansas to any qualified person of any state of the United States or its possessions, or Canada, provided that:

(1) The person is a legally registered forester or the equivalent in the person's own state or province and has submitted evidence satisfactory to the ~~board~~ commission that the person is so registered and that the requirements therein are substantially equivalent to the requirements of registration under this chapter; and

(2) The state in which the person is so registered will accept the certificates of registration issued by the ~~board~~ commission on a reciprocal basis.

SECTION 93. Arkansas Code § 17-31-309 is amended to read as follows:
17-31-309. Revocation – Grounds – Proceedings.

(a) The ~~Arkansas State Board of Registration for Foresters~~ Department of Agriculture may receive and investigate complaints against registered foresters and the Arkansas Forestry Commission may make findings thereon.

(b)(1) The ~~board~~ commission may revoke the certificate of any registered forester who has been convicted of a felony listed under § 17-3-102 or who is found guilty by the ~~board~~ commission of any fraud, deceit, gross negligence, misrepresentation, willful violation of contract, misconduct, or gross incompetence.

(2) The ~~board~~ commission shall investigate such charges.

(c) All charges, unless dismissed ~~by the board~~ as unfounded or trivial, shall be heard by the ~~board~~ commission within three (3) months after the date on which they are presented to the ~~board~~ commission.

(d) Before the ~~board~~ commission shall revoke the certificate of any registered forester, the ~~board~~ commission shall conduct a hearing, the time and place for which shall be fixed by the ~~board~~ commission. A copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed by registered letter to the last known address of the registered forester at least thirty (30) days before the date fixed for the hearing.

(e) At any hearing, the accused registered forester shall have the right to appear personally and, by counsel, to cross-examine witnesses appearing against him or her and to produce evidence and witnesses in his or her own defense.

(f) A written record, including the testimony of all witnesses, shall be made ~~and filed by the Secretary of the Arkansas State Board of Registration for Foresters.~~

(g) If the accused registered forester is found guilty of the charges made against him or her, the ~~board shall~~ commission may revoke his or her certificate of registration.

(h) A registered forester whose certificate of registration has been revoked may apply for a review of the proceedings of the ~~board~~ commission by any court of competent jurisdiction ~~within sixty (60) days following the action of the board~~ as provided for in the Arkansas Administrative Procedure Act, § 25-15-201 et seq. The petition to the circuit court shall set out in detail what adverse action of the ~~board~~ commission was erroneous. ~~After citation of the board as provided by law and full hearing, the court shall make such decree sustaining or reversing the action of the board as may seem just and proper.~~

SECTION 94. Arkansas Code § 17-31-310 is amended to read as follows:
17-31-310. Reissuance.

(a) A new certificate of registration to replace any revoked, lost, destroyed, or mutilated certificate may be issued, subject to the rules of the Arkansas ~~State Board of Registration for Foresters~~ Forestry Commission, and for a charge fixed by the ~~board~~ commission.

(b) The ~~board~~ commission may also reissue a certificate of registration to any person whose certificate has been revoked if:

(1) ~~Four (4) or more members of the board~~ A majority of the commission members present vote in favor of reissuance; and

(2) The person presents satisfactory assurances that the grounds which caused the certificate to be revoked will not occur again and that the person is otherwise qualified to be registered hereunder.

SECTION 95. Arkansas Code § 17-47-101(3), concerning definitions for soil classifiers, is amended to read as follows:

(3) "Professional soil classifier" means a person who, by reason of his or her special knowledge of the physical, chemical, and biological sciences applicable to soils as natural bodies and of the methods and principles of soil classification experienced in the formation, morphology, description, and mapping of soils, is qualified to practice soil classifying, and who has been registered by the ~~Arkansas State Board of Registration for Professional Soil Classifiers~~ Arkansas Natural Resources Commission;

SECTION 96. Arkansas Code § 17-47-102(a)(1)(F), concerning penalties concerning the registration of professional soil classifiers, is amended to read as follows:

(F) Gives false or forged evidence of any kind to the ~~Arkansas State Board of Registration for Professional Soil Classifiers~~ Arkansas Natural Resources Commission or to any member thereof in obtaining or attempting to obtain a certificate of registration; or

SECTION 97. Arkansas Code § 17-47-103 is amended to read as follows:
17-47-103. Exemptions.

This chapter shall not be construed to prevent or affect:

(1) The practice or offer to practice of soil classifying by a

person not a resident or having no established place of business in this state, provided that the person is legally qualified by the provisions of this chapter to practice soil classifying as defined in this chapter in his or her own state which extends similar privileges to persons registered under this chapter and provided that the person shall make application accompanied by the appropriate application fee to the ~~Arkansas State Board of Registration for Professional Soil Classifiers~~ Arkansas Natural Resources Commission in writing before his or her practicing or offering to practice soil classifying. The applicant may be granted a temporary permit for a definite period of time not to exceed one (1) year to do a specific job. However, no right to practice soil classifying shall accrue to the applicant with respect to any other work not set forth in the permit;

(2) The work of an employee or a subordinate of a person holding a certificate or registration under this chapter or an employee of a person practicing lawfully under subdivision (1) of this section, provided that the work does not include final soil classifying decisions and is done under the direct supervision of, and verified by, a person holding a certificate of registration under this chapter or a person practicing lawfully under subdivision (4) of this section;

(3) The practice of any other legally recognized profession or trade; or

(4) The practice of soil classifying by any person regularly employed to perform soil classifying services solely for his or her employer or for a subsidiary or affiliated corporation of his or her employer, when the soil classifying performed is in connection with the property, products, or services of his or her employer.

SECTION 98. Arkansas Code § 17-47-201 is repealed.

~~17-47-201. Creation and members.~~

~~(a) There is created the Arkansas State Board of Registration for Professional Soil Classifiers.~~

~~(b)(1) The board shall consist of five (5) members to be appointed by the Governor subject to confirmation by the Senate and for terms of five (5) years. The Governor shall consult the Arkansas Association of Professional Soil Classifiers before making an appointment under this section.~~

~~(2) Each member of the board shall be a citizen of the United~~

~~States and a resident of this state.~~

~~(3) One (1) member of the board shall be a member of a board of directors of a soil conservation district in this state.~~

~~(4) Three (3) members of the board shall be registered professional soil classifiers in this state.~~

~~(5) One (1) member of the board shall be from the public at large in this state.~~

~~(c) A member may be reappointed to succeed himself or herself.~~

~~(d) Each member shall hold office until a successor has been duly appointed.~~

~~(e) The Governor may remove any member of the board for misconduct, incompetence, or neglect of duty.~~

~~(f) Vacancies on the board, however created, shall be filled by the Governor for the unexpired term.~~

~~(g) All members shall be subject to confirmation of the Senate.~~

~~(h) Each member of the board shall serve without compensation, except that the board member may receive expense reimbursement in accordance with § 25-16-901 et seq.~~

SECTION 99. Arkansas Code § 17-47-202 is amended to read as follows:

17-47-202. Powers of the ~~board~~ Arkansas Natural Resources Commission.

The ~~Arkansas State Board of Registration for Professional Soil Classifiers~~ Arkansas Natural Resources Commission shall have the power to:

(1) Administer this chapter;

(2) Adopt and amend all bylaws and rules of procedure to administer and carry out the provisions of this chapter and for the conduct of its affairs and functions, consistent with this chapter and the Arkansas Constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties and the regulation of its proceedings, meetings, records, examinations, and the conduct thereof;

(3) Adopt and promulgate a code of ethics which shall be binding upon all persons registered under or subject to this chapter;

(4) [Repealed.]

(5) Apply in the name of the state for relief by injunction, without bond, enforce the provisions of this chapter, or restrain any violation thereof. In this proceeding it shall not be necessary to allege or

prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation thereof. The members of the ~~board~~ commission shall not be personally liable under this proceeding; and

(6) Enter into agreements with the Department of Agriculture to share office, clerical, and secretarial services and to reimburse the department for the cost of the services.

SECTION 100. Arkansas Code § 17-47-203 is amended to read as follows:
17-47-203. Records and reports – Disposition of funds.

The ~~Arkansas State Board of Registration for Professional Soil Classifiers~~ Arkansas Natural Resources Commission shall:

(1) Keep a record of its proceedings and of all applications for registration which shall show the name, age, and last known address of each applicant, his or her education, experience, and other qualifications, type of examination required, whether or not a certificate of registration was granted, whether or not the applicant was rejected, the date of the action of the ~~board~~ commission, and other information which may be deemed necessary by the ~~board~~ commission. The record of the ~~board~~ commission shall be prima facie evidence of the proceeding of the ~~board~~ commission. A transcript thereof certified by ~~the Secretary of the Arkansas State Board of Registration for Professional Soil Classifiers~~ under seal authorized personnel shall be admissible as evidence with the same force and effect as if the original were produced;

(2) Annually submit to the 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~~ commission attested by affidavits of the Chair of the ~~Arkansas State Board of Registration for Professional Soil Classifiers~~ and the Secretary of the ~~Arkansas State Board of Registration for Professional Soil Classifiers~~; and

(3) Establish accounts in one (1) or more banks in this state, chosen by the ~~board~~ commission, into which all funds collected by the ~~board~~ commission under this chapter shall be deposited and from which all expenditures approved by the ~~board~~ commission, or by ~~the chair and the Secretary of the Arkansas State Board of Registration for Professional Soil~~

~~Classifiers~~ secretary acting on ~~authority~~ behalf of the ~~board~~ commission, shall be made.

SECTION 101. Arkansas Code § 17-47-302(a), concerning the eligibility and application as a professional soil classifier, is amended to read as follows:

(a) To be eligible for registration as a professional soil classifier or certification as a soil classifier-in-training, an applicant shall submit a written application to the ~~Arkansas State Board of Registration for Professional Soil Classifiers~~ Arkansas Natural Resources Commission containing information the ~~board~~ commission may require, together with five (5) references, three (3) of which shall be professional soil classifiers having personal knowledge of his or her soil classifying experience or, in the case of an application for certification as a soil classifier-in-training, three (3) character references.

SECTION 102. Arkansas Code § 17-47-302(b)(1), concerning the eligibility and application as a professional soil classifier, is amended to read as follows:

(1) Be on a form prescribed and furnished by the ~~board~~ commission;

SECTION 103. Arkansas Code § 17-47-303 is amended to read as follows:
17-47-303. Examinations.

(a) Examinations shall be held at times and places which the ~~Arkansas State Board of Registration for Professional Soil Classifiers~~ Natural Resources Commission shall determine.

(b) Examinations required on fundamental soil subjects may be taken at any time prescribed by the ~~board~~ commission.

(c) The final examinations may not be taken until the applicant has completed a period of soil classifying experience as provided in this chapter.

(d) A candidate failing one (1) examination may apply for reexamination which may be granted upon payment of a fee established by the ~~board~~ commission of not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00).

SECTION 104. Arkansas Code § 17-47-304 is amended to read as follows:

17-47-304. Professional soil classifiers – Qualifications –
Registration.

(a) An applicant otherwise eligible shall be admitted to registration as a professional soil classifier if he or she has successfully passed an examination in the principles and practice of soil classifying as prescribed by the ~~Arkansas State Board of Registration for Professional Soil Classifiers~~ Natural Resources Commission and has one (1) of the following additional qualifications:

(1) Is a graduate of a soils curriculum approved by the ~~board~~ commission as satisfactory and with a specific record of an additional one (1) year or more of experience of a grade and character which indicates to the ~~board~~ commission that the applicant is competent to practice soil classifying and who holds a valid soil classifier-in-training certificate;

(2) Is a person who has satisfactorily completed a soil curriculum not approved by the ~~board~~ commission and two (2) years or more of experience in soil classifying work of a character and grade which indicates to the ~~board~~ commission that the applicant is competent to practice soil classifying; or

(3) Is a person who holds a valid soil classifier-in-training certificate with a specific record of one (1) year or more of experience as a soil classifier-in-training of a grade and character which indicates to the ~~board~~ commission that the applicant is competent to practice soil classifying.

(b) An applicant otherwise qualified shall be admitted to registration as a professional soil classifier without examination if he or she is a person who holds a certificate of registration in the practice of soil classifying on the basis of comparable qualifications issued to him or her by a proper authority of another state, possession, or territory of the United States and who, in the opinion of the ~~board~~ commission, meets the requirements of this chapter.

SECTION 105. Arkansas Code § 17-47-305 is amended to read as follows:

17-47-305. Soil classifier-in-training – Qualifications –
Certification.

Unless otherwise qualified, a person shall be admitted to certification as a soil classifier-in-training. The certification shall be valid for four (4) years, if he or she is a person who:

(1) Is a graduate of a soils curriculum approved by the Arkansas ~~State Board of Registration for Professional Soil Classifiers~~ Natural Resources Commission and has passed an examination in the fundamentals of soil classification; or

(2) Is an applicant who has completed a soil curriculum not approved by the ~~board~~ commission, who has a specific record of one (1) year of soil classification experience of a grade and character satisfactory to the ~~board~~ commission, and who passes an examination in the fundamentals of soil classification.

SECTION 106. Arkansas Code § 17-47-306 is amended to read as follows:

17-47-306. Issuance – Form – Evidence.

(a) The Arkansas ~~State Board of Registration for Professional Soil Classifiers~~ Natural Resources Commission shall issue a certificate of registration upon payment of the registration fee as provided for in § 17-47-307 to any applicant who, in the opinion of the ~~board~~ commission, has met the requirements of this chapter.

(b) Enrollment cards shall be issued to those who qualify as soil classifiers-in-training.

(c) Certificates of registration shall carry the designation “professional soil classifier”, shall show the full name of the registrant without any titles, shall be numbered, and shall be signed by the Chair of the Arkansas ~~State Board of Registration for Professional Soil Classifiers~~ Natural Resources Commission.

(d) The issuance of a certificate of registration by the ~~board~~ commission shall be prima facie evidence that the person is entitled to all rights and privileges of a professional soil classifier during the term for which the certificate is valid, providing it has not been revoked or suspended.

SECTION 107. Arkansas Code § 17-47-307 is amended to read as follows:

17-47-307. Registration fees.

Registration fees shall be established by the Arkansas ~~State Board of~~

~~Registration for Professional Soil Classifiers~~ Natural Resources Commission
subject to the following limitations:

(1) The registration fee for professional soil classifiers shall be in an amount of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100);

(2) The registration fee for soil classifier-in-training certification or enrollment shall be established by the ~~board~~ commission in an amount not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00); and

(3) Should the ~~board~~ commission deny the issuance of a certificate to an applicant, the fee paid may be retained as an application fee.

SECTION 108. Arkansas Code § 17-47-308(b)(1), concerning the expiration and renewal of certificates of registration of professional soil classifiers, is amended to read as follows:

(b)(1) It shall be the duty of the Arkansas ~~State Board of~~
~~Registration for Professional Soil Classifiers~~ Natural Resources Commission 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 109. Arkansas Code § 17-47-308(c) and (d), concerning the expiration and renewal of certificates of registration of professional soil classifiers, are amended to read as follows:

(c) Renewal may be effected at any time before or during the month of July by the payment of a fee established by the ~~board~~ commission not to exceed the fees established for registration.

(d) Renewal of an expired certificate may be effected under rules promulgated by the ~~board~~ commission regarding requirements for reexamination and penalty fees.

SECTION 110. Arkansas Code § 17-47-309 is amended to read as follows:
17-47-309. Reissuance.

A new certificate of registration to replace any certificate lost, destroyed, or mutilated may be issued subject to the rules of the Arkansas

~~State Board of Registration for Professional Soil Classifiers~~ Natural Resources Commission. A reasonable charge shall be made for reissuance.

SECTION 111. Arkansas Code § 17-47-310(a), concerning the code of ethics for professional soil classifiers, is amended to read as follows:

(a) The Arkansas ~~State Board of Registration for Professional Soil Classifiers~~ Natural Resources Commission shall cause to have prepared and shall adopt a code of ethics, a copy of which shall be delivered to every registrant and applicant for registration under this chapter.

SECTION 112. Arkansas Code § 17-47-310(c), concerning the code of ethics for professional soil classifiers, is amended to read as follows:

(c) The ~~board~~ commission may revise and amend this code of ethics from time to time and shall forthwith notify each registrant in writing of revisions and amendments.

SECTION 113. Arkansas Code § 17-47-311 is amended to read as follows:

17-47-311. Disciplinary actions – Grounds.

The Arkansas ~~State Board of Registration for Professional Soil Classifiers~~ Natural Resources Commission shall have the power to suspend, refuse to renew, or revoke the certificate of registration of, or reprimand, any registrant who is guilty of:

- (1) Fraud or deceit in obtaining a certificate of registration;
- (2) Gross negligence, incompetence, or misconduct in the practice of soil classifying;
- (3) A felony listed under § 17-3-102; or
- (4) A violation of the code of ethics adopted and promulgated by the ~~board~~ commission.

SECTION 114. Arkansas Code § 17-47-312(b)-(d), concerning disciplinary actions 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 Arkansas ~~State Board of Registration for Professional Soil Classifiers~~ Natural Resources Commission.

(c) All charges, unless dismissed by the ~~board~~ commission as unfounded or trivial, shall be heard by the ~~board~~ commission within three (3) months

after the date on which they ~~shall~~ have been preferred.

(d) The time and place for the hearing shall be fixed by the ~~board~~ commission.

SECTION 115. Arkansas Code § 17-47-312(g)-(j), concerning disciplinary actions for professional soil classifiers, is amended to read as follows:

(g) If the accused person fails or refuses to appear, the ~~board~~ commission may proceed to hear and determine the validity of the charges.

(h) If after the hearing a majority of the ~~board~~ commission votes in favor of sustaining the charges, the ~~board~~ commission shall make findings of fact, draw its conclusions, and issue its order therein and serve it upon the accused.

(i) In the order the ~~board~~ commission may reprimand, suspend, refuse to renew, or revoke the accused individual's certificate of registration.

(j) Any person who feels aggrieved by any action of the ~~board~~ commission in denying, suspending, refusing to renew, or revoking his or her certificate of registration may appeal therefrom to the circuit court of the county in which he or she resides or in Pulaski County as the aggrieved party may elect.

SECTION 116. Arkansas Code § 17-50-102(b), concerning the construction of water wells, is amended to read as follows:

(b) In that there is an ever-increasing demand for water in this state necessitating the construction of water wells and pump installation, it is imperative that the general health, safety, and welfare be protected by providing the ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission with jurisdiction over pump installation, which is an inherent part of water well construction. The regulation of pump installation and installers is essential to fulfill the intent of this chapter.

SECTION 117. Arkansas Code § 17-50-103(3), concerning definitions related to water well construction, is amended to read as follows:

(3) "Apprenticeship program" means a program developed by the ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission pursuant to under § 17-50-312 to develop certain minimum knowledge, skills, or abilities in those natural persons desiring registration as pump

installers or water well drillers;

SECTION 118. Arkansas Code § 17-50-104(a)(1), concerning violations concerning water well construction, is amended to read as follows:

(1) Any person to engage in well construction or pump installation unless the work is performed under the supervision of an individual certified by the ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission in the type of work done;

SECTION 119. Arkansas Code § 17-50-106(a), concerning alternative civil penalties for a person licensed to construct water wells, is amended to read as follows:

(a) Whenever the ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission, after a hearing conducted in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., finds that a person has violated the provisions of this chapter or any rules promulgated by the commission pursuant to the authority granted in this chapter, the commission shall have the power and authority to impose a civil penalty on the person in lieu of prosecuting the person under § 17-50-105.

SECTION 120. Arkansas Code § 17-50-108(a), concerning exemptions and limitations for the construction of water wells, is amended to read as follows:

(a) Where the ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission finds that compliance with all requirements of this chapter would result in undue hardship, an exemption from any one (1) or more such requirements may be granted by the commission to the extent the exemption can be granted without impairing the intent and purpose of this chapter.

SECTION 121. Arkansas Code § 17-50-109 is amended to read as follows:
17-50-109. Enforcement procedure.

Whenever the ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission has reasonable grounds for believing that there has been a violation of this chapter or any rule adopted pursuant to ~~under~~ this chapter, the commission may enforce compliance ~~in the following manner as~~

~~provided under § 17-50-110;~~

~~(1) The commission shall give written notice to the person or persons alleged to be in violation;~~

~~(2) The notice shall identify the provisions of this chapter or rule issued hereunder alleged to be violated and the facts alleged to constitute the violation;~~

~~(3) The notice shall be served in the manner required by law for the service of process upon a person in a civil action or by an employee of the commission and may be accompanied by an order of the commission requiring described remedial action which, if taken within the time specified in the order, will effect compliance with the requirements of this chapter and rules issued under this chapter;~~

~~(4) The order shall become final unless a written request for a hearing before the commission is made within ten (10) days from the date of service of the order; and~~

~~(5) In lieu of such an order, the commission may require the person or persons named in the notice to appear at a hearing, at a time and place specified in the notice, after which an appropriate remedial order may issue.~~

SECTION 122. Arkansas Code § 17-50-201 is repealed.

~~17-50-201. Creation—Members.~~

~~(a) There is created a Commission on Water Well Construction which shall exercise its duties as provided by this chapter.~~

~~(b) The commission shall consist of seven (7) members, composed of:~~

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

~~(2) The Secretary of the Department of Agriculture or his or her designated representative;~~

~~(3)(A) One (1) person engaged in the business of manufacturing, distributing, or supplying heat pumps which require heat pump wells.~~

~~(B) The person shall be recommended by the Arkansas Heat Pump Association or the EnviroEnergy Group, Inc. or another groundwater source industry association.~~

~~(C) The person shall be a licensed HVACR contractor under § 17-33-101 et seq., and shall be appointed by the Governor and confirmed by~~

~~the Senate; and~~

~~(4)(A) Four (4) persons who are, by trade, water well drillers.~~

~~(B) The water well drilling members shall be:~~

~~(i) Two (2) water well drillers whose principal place of business is southeast of the fall line in Arkansas, and who are actively engaged in the construction of water wells and pump installation in the Mississippi Embayment or Gulf Coastal Plain as represented on the geologic map of Arkansas; and~~

~~(ii) Two (2) water well drillers whose principal place of business is northwest of the fall line in Arkansas and who are actively engaged in the construction of water wells and pump installation business in the Ozark Region, Arkansas River Valley, or Ouachita Mountain Region as represented on the geologic map of Arkansas.~~

~~(C) These members shall be appointed by the Governor and confirmed by the Senate and shall be certified under the provisions of §§ 17-50-301 and 17-50-302.~~

~~(D) No person may be appointed as a water well driller member of the commission unless his or her principal place of business is at least twenty (20) miles in a straight line from any other water well driller members.~~

~~(e) Terms of office shall commence on January 15 and shall end on January 14 of the fifth year following the year in which the term commenced.~~

~~(d) Any vacancies arising on the membership of the commission for any reason other than expiration of the regular terms for which the members were appointed shall be filled by appointment by the Governor, to be effective until the expiration of the regular terms, subject, however, to the confirmation of the Senate when it is next in session.~~

~~(e) The five (5) business and trade members of the commission may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.~~

SECTION 123. Arkansas Code § 17-50-202 is repealed.

~~17-50-202. Employees.~~

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

~~(1) Allocate funds to the Department of Agriculture to employ an executive secretary who shall be an employee of the department;~~

~~(2) Contract for legal and engineering services 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 to provide legal and engineering services necessary to perform the powers and duties of the commission under the provisions of this chapter.~~

SECTION 124. Arkansas Code § 17-50-203 is repealed.

~~17-50-203. Office.~~

~~The Department of Agriculture or the department's designee shall house the office of the Commission on Water Well Construction.~~

SECTION 125. Arkansas Code § 17-50-204(a), concerning the powers and duties related to the construction of water wells, is amended to read as follows:

(a) ~~The Commission on Water Well Construction~~ Arkansas Natural Resources Commission shall be responsible for the administration of this chapter and shall adopt, and from time to time amend or repeal, necessary rules governing the installation, construction, repair, and abandonment of water wells and pumping equipment. With respect thereto, the commission shall:

(1) Hold public hearings in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.;

(2) Issue such orders and take such other actions as may be necessary to enforce the provisions of this chapter and the rules adopted ~~pursuant thereto~~ under this chapter;

(3) Establish procedures and forms for the submission, review, approval, and rejection of applications, notifications, and reports required under this chapter;

(4) Prepare subject matter for examinations to test the knowledge and skills of:

(A) Water well drillers in the construction, alteration, and repair of water wells, including proper sealing and abandonment of water wells, and the rules of this chapter;

(B) Pump installers in the planning, installation, operation, and repair of pumping equipment and water wells including sealing

and abandonment, pumping efficiency, and the rules of this chapter; and

(C) Other persons who by trade install, alter, construct, or repair water wells and related equipment and who are eligible for license or certificate;

(5) Adopt, amend, or repeal, and publish rules governing examinations;

(6) Authorize the Department of Agriculture to:

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

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

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

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

SECTION 126. Arkansas Code § 17-50-205(b), concerning inspections related to water well construction, is amended to read as follows:

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

SECTION 127. Arkansas Code § 17-50-206 is amended to read as follows:

17-50-206. Disposition of funds.

All fees, civil penalties, or payments of any type collected by the ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission under this chapter shall be deposited into one (1) or more banks qualifying for the deposit of public funds to be used by the commission for the proper administration of this chapter. The deposits shall be audited under the rules prescribed by the Department of Finance and Administration.

SECTION 128. Arkansas Code § 17-50-207(a), concerning injunctions and liability of members licensed by the Commission on Water Well Construction,

is amended to read as follows:

(a) The ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission is authorized to seek in a court of competent jurisdiction an injunction, whether permanent or temporary, upon affidavit to prevent any person, business, corporation, or other legal entity from violating any provisions of this chapter or any rule promulgated by the commission under the authority of this chapter. Such injunctions shall be issued without bond.

SECTION 129. Arkansas Code § 17-50-208(a), concerning proceedings before the Commission on Water Well Construction, is amended to read as follows:

(a) The ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission is empowered, by majority vote, to issue subpoenas for witnesses, to require their attendance in the giving of testimony before it, and to require the production of books, papers, and records in any proceeding before the commission as may be pertinent to any questions lawfully before the commission. The subpoena shall be served by the sheriff or any other officer authorized by law to serve process in this state.

SECTION 130. Arkansas Code § 17-50-301(a), concerning applicant qualifications and certificates of registration, is amended to read as follows:

(a) Upon proper application to the ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission, a person is entitled to be registered and to be issued a certificate of registration as a certified water well driller or certified pump installer who shall furnish to the commission proof that he or she:

- (1) Is at least eighteen (18) years of age;
- (2) [Repealed.]
- (3) Has knowledge of the rules adopted under this chapter; and
- (4)(A) Has experience as defined by the commission's rules in the work for which he or she is applying for a certificate of registration.

(B) An applicant may satisfy the requirement under subdivision (a)(4)(A) of this section by:

- (i) Completing the commission's apprenticeship

program;

(ii) Holding a valid certificate of registration from the commission, within the past ten (10) years, of the type and class for which the applicant is applying; or

(iii) Providing a valid certificate from another state of a type and class substantially similar to the type and class for which the applicant is applying for the period of time equal to the requirement for the apprenticeship program.

SECTION 131. Arkansas Code § 17-50-302 is amended to read as follows:

17-50-302. Certificate – Reciprocity.

The ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission may issue a certificate of registration to any person who:

- (1) Applies for such a certificate;
- (2) Pays the proper registration and testing fees;
- (3) Passes the applicable test; and
- (4) Holds a certificate of qualification or registration issued to him or her by proper authority in any state, territory, or possession of the United States or of any other country if:

(A) The registration standard under which the certificate was issued is of a standard not lower than that specified by the provisions of this chapter and the rules of the commission promulgated pursuant to the provisions hereof; and

(B) That particular state, territory, or possession of the United States or other country extends similar privileges to the persons registered under the provisions of this chapter.

SECTION 132. Arkansas Code § 17-50-303(c), concerning expiration and renewal of certificates of registration, is amended to read as follows:

(c) As a condition for renewal of certificates of registration, the ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission may require the person holding the certificate to complete a program of continuing education.

SECTION 133. Arkansas Code § 17-50-304(a), concerning license requirements and exemptions, is amended to read as follows:

(a) Every person who wishes to engage in business as a water well contractor shall obtain from the ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission a license to conduct such a business.

SECTION 134. Arkansas Code § 17-50-305(a)(1), concerning the application and issuance of licenses for water well contractors, is amended to read as follows:

(a)(1) The ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission may adopt, and from time to time amend or repeal, rules governing applications for water well contractor licenses.

SECTION 135. Arkansas Code § 17-50-307(b), concerning the expiration and renewal of licenses for water well construction, is amended to read as follows:

(b) As a condition for license renewal the ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission may require the licensee or its agent to complete a program of continuing education.

SECTION 136. Arkansas Code § 17-50-308(a), concerning the suspension and revocation of a license to construct water wells, is amended to read as follows:

(a) Whenever the ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission, after notice and hearing, determines that the holder of a license issued pursuant to under this subchapter has violated any provision of this chapter or any rule adopted pursuant to under it, the commission is authorized to suspend or revoke the license.

SECTION 137. Arkansas Code § 17-50-309(b), concerning bonds by water well contractors, is amended to read as follows:

(b) The ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission shall establish and promulgate rules establishing the amount of water well contractor's bonds based on a water well contractor's past performance or violations of the rules of this chapter, construction methods, type or class of construction, and business practices.

SECTION 138. Arkansas Code § 17-50-310(a)(1), concerning rig permits

for water well construction, is amended to read as follows:

(a)(1) The ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission shall issue rig permits if the water well contractor has:

- (A) A valid license;
- (B) Made proper application for a rig permit; and
- (C) Paid the required fee.

SECTION 139. The introductory language of Arkansas Code § 17-50-311(a), concerning fees for licensing for water well contractors, is amended to read as follows:

(a) The ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission shall establish and collect fees not to exceed the maximum amounts as follows:

SECTION 140. Arkansas Code § 17-50-312(a), concerning an apprenticeship program for water well construction, is amended to read as follows:

(a) The ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission shall develop an apprenticeship program to assist persons applying for registration and having a minimum level of knowledge, skills, and abilities for the type or class of registration for which they are applying.

SECTION 141. Arkansas Code § 17-50-402(2), concerning legislative findings concerning water well construction, is amended to read as follows:

(2) Construction of water wells by those persons is a threat to the general health, safety, and welfare because the ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission does not have knowledge of their actions and has no means of holding them accountable for failure to develop water in an orderly, sanitary, reasonable, and safe manner; and

SECTION 142. Arkansas Code § 17-50-407(a)(4), concerning application of proceeds from a sale, is amended to read as follows:

(4) To payment of the costs incurred by the prosecuting attorney or attorney for the law enforcement agency to which the property is forfeited

or to the ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission in investigating and developing the case; and

SECTION 143. Arkansas Code § 17-80-106(a) and (b), concerning investigations and inspections of alleged wrongdoing, are amended to read as follows:

(a) The Arkansas State Medical Board, the Arkansas State Board of Dental Examiners, the Arkansas State Board of Nursing, the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission, the Arkansas Board of Podiatric Medicine, the State Board of Optometry, and the Arkansas State Board of Physical Therapy are authorized to utilize as their employees, as the investigators for the purposes described in this section, the investigators and inspectors of the Division of Pharmacy Services and Drug Control of the Department of Health.

(b) The Department of Health is directed to make investigators and inspectors of the division available for those purposes and for as long as they may conduct investigations and inspections of alleged wrongdoing of those individuals licensed or permitted by the Arkansas State Medical Board, the Arkansas State Board of Dental Examiners, the Arkansas State Board of Nursing, the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission, the Arkansas Board of Podiatric Medicine, the State Board of Optometry, and the Arkansas State Board of Physical Therapy.

SECTION 144. Arkansas Code § 17-80-106(i), concerning investigations and inspections of alleged wrongdoing, is amended to read as follows:

(i) The Arkansas State Medical Board, the Arkansas State Board of Dental Examiners, the Arkansas State Board of Nursing, the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission, the Arkansas Board of Podiatric Medicine, the State Board of Optometry, and the Arkansas State Board of Physical Therapy are authorized to collect costs incurred under subsection (h) of this section from the licensees being investigated by the division.

SECTION 145. Arkansas Code § 17-101-102(7) concerning definitions under the Arkansas Veterinary Medical Practice Act, is amended to read as follows:

(7) "Licensed veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in this state as a general practitioner or in a specialty area as the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission may by rule provide;

SECTION 146. Arkansas Code § 17-101-102(17)(B) concerning definitions under the Arkansas Veterinary Medical Practice Act, is amended to read as follows:

(B) "Veterinary technology" does not include diagnosis, prognosis, surgery, or the prescription of appliances, drugs, medications, or treatment unless otherwise determined by the ~~board~~ commission.

SECTION 147. Arkansas Code § 17-101-201 is repealed.

~~17-101-201. Creation—Members—Organization.~~

~~(a) There is created the Veterinary Medical Examining Board.~~

~~(b)(1) The board shall consist of five (5) members appointed by the Governor for terms of five (5) years.~~

~~(2) Four (4) members shall:~~

~~(A) Be licensed to practice veterinary medicine in the State of Arkansas;~~

~~(B) Be in good standing and members of the Arkansas Veterinary Medical Association;~~

~~(C) Be graduates of an accredited or approved college of veterinary medicine or holders of an Educational Commission for Foreign Veterinary Graduates Certificate;~~

~~(D) Be actively engaged in the practice of veterinary medicine in this state; and~~

~~(E) Have at least five (5) years of experience in the practice of veterinary medicine.~~

~~(3) One (1) member shall be a public member who:~~

~~(A) Shall be a resident of this state who has attained the age of majority; and~~

~~(B) Shall not be, nor shall ever have been, a veterinarian or the spouse of a veterinarian, or a person who has:~~

~~(i) Ever had any material financial interest in the provision of veterinarian services; or~~

~~(ii) Engaged in any activity directly related to the practice of veterinary medicine.~~

~~(c)(1) A board member's term of office shall expire on March 1 of the last year of the term of appointment.~~

~~(2) Each member shall serve until his or her successor has been appointed and qualified.~~

~~(d) The board shall elect from its membership a chair and a secretary-treasurer.~~

~~(e) A majority of the members of the board constitutes a quorum for the transaction of business, except that the vote of four (4) members is required for suspension or revocation of a license.~~

~~(f) The members of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.~~

SECTION 148. Arkansas Code § 17-101-203 is amended to read as follows:
17-101-203. Powers and duties.

The ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission shall have the power to:

(1) Examine and determine the qualifications and fitness of applicants for a license to practice general veterinary medicine or any specialty area thereof, and the certification of veterinary technicians in Arkansas, and issue, renew, deny, suspend, or revoke licenses or certificates, or otherwise discipline veterinarians or veterinary technicians;

(2) Subpoena witnesses and take testimony bearing on the records of applicants for permits or for licenses to practice veterinary medicine in the State of Arkansas;

(3) Establish annually a schedule of license and permit fees based on the ~~board's~~ commission's financial requirements for the ensuing year;

(4) Conduct investigations into matters brought before the ~~board~~ commission and proceed on the ~~board's~~ commission's own motion to a hearing or other disciplinary action;

(5) [Repealed.]

(6) Purchase or rent necessary office space, equipment, and supplies;

(7) Promulgate and enforce rules necessary to establish recognized standards for the practice of veterinary medicine and to carry out the provisions of this chapter. The ~~board~~ commission shall make available to interested members of the public copies of this chapter and all rules promulgated by the ~~board~~ commission;

(8) Examine and evaluate qualifications of education, skill, and experience for certification of a person as a veterinary technician and for annual registration of employment;

(9) Regulate all veterinarians in a corporate practice and prevent corporate or noncorporate holdings from being sold to, directed by, or controlled by a nonveterinarian;

(10)(A) Hold hearings on all matters properly brought before the ~~board~~ commission and, in connection thereto, administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings.

(B) The ~~board~~ commission may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission depositions;

(11) Bring proceedings in the courts for the enforcement of this chapter or any rules made ~~pursuant thereto~~ under this chapter; and

(12) Promulgate rules:

(A) Limiting the amount of Schedule II narcotics that may be prescribed and dispensed by licensees of the ~~board~~ commission; and

(B) Outlining the use of telehealth and telemedicine in the practice of veterinary medicine.

SECTION 149. Arkansas Code § 17-101-204 is repealed.

~~17-101-204. Director.~~

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

SECTION 150. Arkansas Code § 17-101-301(a), concerning veterinarians, applications, and qualifications, is amended to read as follows:

(a) Any veterinarian or licensed veterinarian desiring a license to practice veterinary medicine in this state may make written application to the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry

Commission showing that he or she is:

- (1) At least twenty-one (21) years of age; and
- (2) A person of moral integrity and acceptable ethical standards.

SECTION 151. Arkansas Code § 17-101-301(b)(3) and (4), concerning veterinarians, applications, and qualifications, are amended to read as follows:

- (3) Be submitted to the ~~board~~ commission at least thirty (30) days before the exam;
- (4) Be accompanied by a nonrefundable application fee established by the ~~board~~ commission; and

SECTION 152. Arkansas Code § 17-101-301(b)(5)(D), concerning veterinarians, applications, and qualifications, is amended to read as follows:

- (D) An Educational Commission for Foreign Veterinary Graduates Certificate or an equivalent program approved by the ~~board~~ commission, if applicable; and

SECTION 153. Arkansas Code § 17-101-301(c) and (d), concerning veterinarians, applications, and qualifications, is amended to read as follows:

(c)(1) The ~~board~~ commission by rule may require that all applicants for licensure by examination complete a preceptorship program during their senior year under the supervision of a veterinarian licensed and in good standing in any state, territory, or district of the United States.

(2) The supervising veterinarian shall submit an affidavit to the ~~board~~ commission stating that the applicant has satisfactorily completed the preceptorship.

(d)(1) If the ~~board~~ commission finds that the applicant possesses the proper qualifications, ~~it~~ the commission shall admit him or her to the next examination.

(2) If an applicant is found unqualified to take the examination or to receive a license without examination, the ~~board~~ commission shall immediately notify the applicant in writing of its findings and the grounds

for same.

SECTION 154. Arkansas Code § 17-101-302 is amended to read as follows:
17-101-302. Veterinarians – Examinations.

(a)(1) The ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission, at such times as it may designate, shall conduct an examination of applicants for license to practice veterinary medicine in the State of Arkansas.

(2) All examinations shall be:

(A) In writing, supplemented by oral interviews and practical examinations as the ~~board~~ commission may deem necessary; and

(B) So conducted as to ensure absolute impartiality in grading.

(b) The ~~board~~ commission hereby adopts the National Board Examination and the Clinical Competency Test, or the North American Veterinary Licensing Examination, or its future equivalent, as a basis for licensure in the State of Arkansas, along with a written examination conducted by the ~~board~~ commission.

(c) The ~~board~~ commission requires that all applicants for licensure to practice veterinary medicine in the State of Arkansas shall pass the National Board Examination and the Clinical Competency Test, or the North American Veterinary Licensing Examination, or its future equivalent, in addition to any and all state examinations, written examinations, oral interviews, and practical demonstrations as the ~~board~~ commission may request or require.

(d) All applicants are required to complete a written examination conducted by the ~~board~~ commission composed of, but not limited to:

(1) The Arkansas Veterinary Medical Practice Act, § 17-101-101 et seq.;

(2) State and federal statutes relating to prescription and controlled drugs;

(3) Ethics of veterinary medicine; and

(4) Rules and regulations of the Arkansas Livestock and Poultry Commission, the United States Department of Agriculture, the United States Animal and Plant Health Inspection Service, and ~~Rabies Control~~ rabies control.

(e)(1) Poultry specialty applicants shall sit for a written

examination conducted by the ~~board~~ commission on poultry veterinary medicine.

(2) A license will be issued to poultry specialty applicants with a seventy percent (70%) or better score on the ~~Veterinary Medical Examining Board~~ commission examination and a passing score on the National Board Examination, the North American Veterinary Licensing Examination, or its equivalent.

SECTION 155. Arkansas Code § 17-101-303 is amended to read as follows:

17-101-303. License without examination or license by endorsement.

(a) The ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission, at its discretion, may issue a license without written examination to any qualified applicant who furnishes satisfactory evidence that he or she is a veterinarian and has:

(1) For the five (5) years before filing his or her application, been a practicing veterinarian and licensed in a state, territory, or district of the United States having license requirements at the time the applicant was first licensed which are substantially equivalent to the requirements of this chapter;

(2) Qualified as a diplomate of a specialty board approved by the American Veterinary Medical Association;

(3) Been awarded a postgraduate degree in veterinary medicine;
or

(4) Been recognized as an expert in the veterinary profession.

(b) At its discretion, the ~~board~~ commission may examine, orally or practically, any person applying for a license under this section, provided that the applicant has had no disciplinary proceedings pending or completed in another jurisdiction.

SECTION 156. Arkansas Code § 17-101-304 is amended to read as follows:

17-101-304. Veterinarians – Temporary permit.

(a) The Director of the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission or his or her designee may issue without examination a temporary permit to practice veterinary medicine in this state to a qualified applicant for a license pending examination and provided that the temporary permit shall expire the day after the notice or results of the first examination given after the permit is issued.

(b) A temporary permit may be issued or revoked by majority vote of the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission.

SECTION 157. Arkansas Code § 17-101-305 is amended to read as follows:

17-101-305. Veterinarians – Denial, suspension, or revocation of license.

(a) Upon written complaint by any person or on the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission's own motion and after notice and hearing as prescribed in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., the ~~board~~ commission may deny, suspend for a definite period, ~~or~~ revoke the license of any veterinarian, ~~and~~ or impose a civil penalty for:

- (1) Fraud, misrepresentation, or deception in obtaining a license or permit;
- (2) Adjudication of insanity;
- (3) Use of advertising or solicitation which is false, misleading, or otherwise deemed unprofessional under rules promulgated by the ~~board~~ commission;
- (4)(A) Conviction of a felony listed under § 17-3-102.
 - (B) A copy of the record of conviction certified by the clerk of the court entering the conviction shall be conclusive evidence;
- (5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine;
- (6) Having professional association with or employing any person practicing veterinary medicine unlawfully;
- (7) Fraud or dishonesty in the application or reporting of any test for disease in animals;
- (8) Failure to maintain professional premises and equipment in a clean and sanitary condition in compliance with rules promulgated by the ~~board~~ commission;
- (9) Dishonesty or gross negligence in the inspection of foodstuffs or in the issuance of health or inspection certificates;
- (10) Cruelty to animals;
- (11) Unprofessional conduct by violation of a rule promulgated by the ~~board~~ commission under this chapter;

(12) Being unable to practice as a veterinarian with reasonable skill and safety to patients because of illness, the use of drugs, alcohol, narcotics, or chemicals, or as a result of any mental or physical condition;

(13) Revocation, suspension, surrender, or other disciplinary sanction of a license to practice veterinary medicine by another state, territory, or district of the United States on grounds other than nonpayment of a registration fee or suspension of privileges by any other regulatory agency including the failure to report any such adverse action to the ~~board~~ commission within sixty (60) days of the final action;

(14) The use, prescription, or sale of any veterinary prescription drug or the prescription of an extra-label use of any over-the-counter drug in the absence of a valid veterinarian-client-patient relationship;

(15) Overtreating patients or charging for services which did not occur unless the services were contracted for in advance or for services which were not rendered or documented in the patient's records or charging for services which were not consented to by the owner of the patient or the owner's agent;

(16)(A) Failing to furnish details of a patient's medical records to another treating veterinarian, hospital, clinic, owner, or owner's agent upon proper request or waiver by the owner or owner's agent or failing to comply with any other law relating to medical records.

(B) However, X-rays prepared by the licensed veterinarian shall remain the property of the veterinarian and shall be returned upon request or as otherwise agreed between the veterinarian and client;

(17) Failure of any applicant or licensee to cooperate with the ~~board~~ commission during any investigation, if the investigation does not concern the applicant or licensee;

(18) Failure to comply with any subpoena or subpoena duces tecum from the ~~board~~ commission, or an order of the ~~board~~ commission;

(19) Failure to timely pay license or registration renewal fees as specified in § 17-101-309;

(20) Violating a probation agreement with the ~~board~~ commission or any other licensing authority of this state, another state or territory of the United States, or a federal agency; or

(21) Violating any informal consent agreement for discipline

entered into by an applicant or licensee with the ~~board~~ commission or any other licensing authority of this state, another state or territory of the United States, or a federal agency.

(b) At the discretion of the ~~board~~ commission, any person whose license is suspended or revoked by the ~~board~~ commission under this section may be relicensed or reinstated by the ~~board~~ commission at any time upon written application to the ~~board~~ commission showing cause to justify relicensing or reinstatement.

(c)(1) Upon suspension or revocation of a license, the actual license certificate must be surrendered to the ~~board~~ commission within thirty (30) days of the ~~board's~~ commission's order unless the action is appealed and a stay is issued.

(2) If the ~~board~~ commission prevails upon appeal or the stay is lifted, the license certificate shall be surrendered within ten (10) days of the final order of the court.

SECTION 158. Arkansas Code § 17-101-306(a)-(c), concerning veterinary technician, veterinary technologist, and veterinary technician specialist and certification, are amended to read as follows:

(a) A person shall not assist in the practice of veterinary medicine as a veterinary technician or veterinary technologist without first applying for and obtaining a certification from the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission and having his or her employment with a licensed veterinarian registered with the ~~Veterinary Medical Examining Board~~ commission.

(b)(1) An applicant for certification as a veterinary technician or veterinary technologist in this state may make written application to the ~~Veterinary Medical Examining Board~~ commission showing that he or she is:

(A) A citizen of the United States or an applicant for citizenship; and

(B) A person of moral integrity and acceptable ethical standards.

(2) The application for certification as a veterinary technician or veterinary technologist in the State of Arkansas shall be written, signed by the applicant, and submitted to the ~~Veterinary Medical Examining Board~~ commission at least thirty (30) days before the examination, including

without limitation the information set forth in this subdivision (b)(2), and the application shall be accompanied by a nonrefundable application fee established by the ~~Veterinary Medical Examining Board~~ commission:

(A) A current photograph of the applicant;

(B)(i) A copy of the applicant's diploma or its equivalent from a college-level program accredited by the American Veterinary Medical Association.

(ii) If the applicant has not graduated at the time of application, an affidavit from the program certifying the applicant's ability to graduate may be accepted with a copy of the diploma or its equivalent submitted upon availability;

(C) A certified copy of college transcripts;

(D) A passing score on the National Board Examination or Veterinary Technician National Examination, or future equivalent, reported through the American Association of Veterinary State Boards or its successor; and

(E) A letter of recommendation signed by a veterinarian who is licensed in this state or another state, territory, or district of the United States and notarized.

(3) This section does not prevent the ~~Veterinary Medical Examining Board~~ commission from issuing a certification by endorsement to an applicant who:

(A) Holds a certification, or its equivalent, as a veterinary technician or veterinary technologist in another state, territory, or district of the United States;

(B) Is not a respondent in any pending or unresolved board action in any state, territory, or district of the United States;

(C) Has a passing score on the National Board Examination or Veterinary Technician National Examination, or its future equivalent, reported through the American Association of Veterinary State Boards or its successor;

(D) Submits a completed application, including without limitation a letter of recommendation that is:

(i) Signed by a veterinarian;

(ii) Notarized by a notary public; and

(iii) Accompanied by a nonrefundable application fee

established by the ~~Veterinary Medical Examining Board~~ commission; and

(E) Signs a statement attesting that he or she has read and understands this chapter and the rules adopted by the ~~Veterinary Medical Examining Board~~ commission governing the practice of veterinary medicine in Arkansas.

(c)(1) A veterinary technician or veterinary technologist shall annually register his or her employment with the ~~Veterinary Medical Examining Board~~ commission, stating:

(A) His or her name and current address;

(B) The name and office address of both his or her employer and the supervising licensed veterinarian; and

(C) Any additional information required by the ~~Veterinary Medical Examining Board~~ commission.

(2) Upon any change of employment as a veterinary technician or veterinary technologist, the certification is inactive until:

(A) New employment as a veterinary technician or veterinary technologist has been obtained; and

(B) The ~~Veterinary Medical Examining Board~~ commission has been notified in writing of the new employment.

SECTION 159. Arkansas Code § 17-101-306(e), concerning veterinary technician, veterinary technologist, and veterinary technician specialist certification, is amended to read as follows:

(e) The ~~Veterinary Medical Examining Board~~ commission shall promulgate rules to establish the appropriate level of supervision under which a veterinary technician or veterinary technologist can perform veterinary technology.

SECTION 160. Arkansas Code § 17-101-306(j), concerning veterinary technician, veterinary technologist, and veterinary technician specialist and certification, is amended to read as follows:

(j)(1) The ~~Veterinary Medical Examining Board~~ commission may issue additional certifications for a veterinary technician specialist.

(2) For an applicant seeking certification as a veterinary technician specialist, the ~~Veterinary Medical Examining Board~~ commission may require an initial application, application fee as determined by the

~~Veterinary Medical Examining Board~~ commission, renewal application, renewal application fee as determined by the ~~Veterinary Medical Examining Board~~ commission, and any other relevant information determined by the ~~Veterinary Medical Examining Board~~ commission.

SECTION 161. Arkansas Code § 17-101-307(a), concerning the license required to practice veterinary medicine, is amended to read as follows:

(a) No person may practice veterinary medicine in this state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission.

SECTION 162. Arkansas Code § 17-101-307(b)(1), concerning the license required to practice veterinary medicine, is amended to read as follows:

(1) Employees of the ~~federal~~ United States Government or state government or employees of local government who are certified by an agency approved by the ~~board~~ commission to perform euthanasia from performing their official duties;

SECTION 163. Arkansas Code § 17-101-307(b)(9)(A)(i) and (ii), concerning the license required to practice veterinary medicine, are amended to read as follows:

(i) The veterinary technician or veterinary technologist is certified by the ~~board~~ commission as being qualified by training or experience to function as an assistant to a veterinarian;

(ii) The act, task, or function is performed at the direction of and under the supervision of a licensed veterinarian in accordance with rules promulgated by the ~~board~~ commission; and

SECTION 164. Arkansas Code § 17-101-308 is amended to read as follows:

17-101-308. Veterinary technicians – Denial, suspension, or revocation of certificate.

(a) The ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission may deny or suspend any registration or deny or revoke any certificate of qualification upon the grounds that the applicant or veterinary technician is guilty of:

(1) Soliciting patients for any practitioner of the veterinary healing arts;

(2) Soliciting or receiving any form of compensation from any person other than his or her registered employer for performing as a veterinary technician;

(3) Willfully or negligently divulging a professional secret or discussing a veterinarian's diagnosis or treatment without the express permission of the veterinarian;

(4)(A) Any offense punishable by incarceration in the Division of Correction or federal prison.

(B) A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence;

(5) Being unable to practice as a veterinary technician with reasonable skill and safety to patients because of illness, the use of drugs, alcohol, narcotics, or chemicals, or as a result of any mental or physical condition;

(6) Fraud or misrepresentation in applying for or procuring:

(A) A certificate of qualification to perform as a veterinary technician in Arkansas; or

(B) An annual registration;

(7) Impersonating another person registered as a veterinary technician or allowing any person to use his or her certificate of qualification or registration;

(8) Aiding or abetting the practice of veterinary medicine by a person not licensed by the ~~board~~ commission;

(9) Gross negligence in the performance of duties, tasks, or functions assigned to him or her by a licensed veterinarian;

(10) Manifesting incapacity or incompetence to perform as a veterinary technician; or

(11) Conduct unbecoming a person registered as a veterinary technician or detrimental to the best interests of the public.

(b) At the discretion of the ~~board~~ commission, any person whose certificate of qualification is suspended or revoked by the ~~board~~ commission under this section may be recertified or reinstated by the ~~board~~ commission at any time upon written application to the ~~board~~ commission showing cause to justify recertification or reinstatement.

SECTION 165. Arkansas Code § 17-101-309 is amended to read as follows:

17-101-309. License, certificate, and registration renewal –
Reinstatement.

(a)(1) All licenses, certificates, and registrations expire on March 31 each year and may be renewed by payment of the annual renewal fee established by rule of the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission.

(2) Not later than March 1 each year, the ~~board~~ commission shall provide a written notice to each licensed veterinarian, veterinary technician, and veterinary technologist that his or her license or certificate will expire on March 31 and shall provide a renewal application form.

(b)(1) Any person may reinstate an expired license or certificate within five (5) years of its expiration by making application to the ~~board~~ commission for renewal and paying the current renewal fee along with all delinquent renewal fees.

(2) After five (5) years have elapsed since the date of expiration, a license or certificate may not be renewed, and the holder must apply for a new license or certificate and take the required examinations.

(c) The ~~board~~ commission may provide by rule for waiver of payment of any renewal fee of a licensed veterinarian, veterinary technician, or veterinary technologist during any period when he or she is on active duty with any branch of the United States Armed Forces for not to exceed three (3) years or for the duration of a national emergency, whichever is longer.

(d) The ~~board~~ commission may provide by rule for waiver of payment of any renewal fee of a licensed veterinarian or veterinary technician during any period when he or she is a member of the Arkansas National Guard called into state active duty.

SECTION 166. Arkansas Code § 17-101-310(a)(2) and (3), concerning continuing education for veterinary medicine, are amended to read as follows:

(2) The postgraduate study or attendance at an institution or at an educational session approved by the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission shall be considered equivalent to continuing education requirements.

(3) The ~~board~~ commission shall have the right, for good cause shown, to prescribe the type and character of postgraduate study to be done by any licensed veterinarian in order to comply with the requirements of this chapter.

SECTION 167. Arkansas Code § 17-101-310(b), concerning continuing education for veterinary medicine, is amended to read as follows:

(b) The ~~board~~ commission shall excuse licentiates or certificate holders, as a group or as individuals, from the annual educational requirements in any of the following instances:

(1) When no educational program meeting the requirements approved by the ~~board~~ commission is conducted within the state;

(2) When an affidavit is submitted to the ~~board~~ commission evidencing that the licensee, for good cause assigned, was prevented from attending an educational program at the proper time;

(3) In the event of an unusual emergency; or

(4) If that person holds an inactive license or certificate.

SECTION 168. Arkansas Code § 17-101-311 is amended to read as follows:
17-101-311. Civil penalty – Appeals and disposition of funds.

(a)(1) Whenever the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission determines that any provision of this chapter or any rule promulgated by the ~~board~~ commission pursuant to under this chapter has been violated, the ~~board~~ commission may impose a civil penalty not to exceed five thousand dollars (\$5,000) per violation.

(2) The ~~board~~ commission may file an action in the Pulaski County Circuit Court to collect any civil penalty not paid within thirty (30) days of service of the order assessing the penalty, unless the circuit court enters a stay of the ~~board's~~ commission's order.

(3) If the ~~board~~ commission prevails in the action, the defendant shall be directed to pay reasonable attorney's fees and costs incurred by the ~~board~~ commission in prosecuting the action in addition to the civil penalty.

(b) Any person aggrieved by the action of the ~~board~~ commission imposing civil penalties may appeal the decision in the manner and under the procedure prescribed in the Arkansas Administrative Procedure Act, § 25-15-

201 et seq., for appeals from administrative decisions.

(c) All funds derived from civil penalties imposed by the ~~board~~ commission shall be deposited into one (1) or more depositories qualifying for the deposit of public funds. The funds shall be used by the ~~board~~ commission for administering the provisions of this chapter.

SECTION 169. Arkansas Code § 17-101-312(c), concerning unlawful practice of veterinary medicine, is amended to read as follows:

(c) One-half ($\frac{1}{2}$) of the sums assessed as fines under this chapter shall be paid into the general fund of the county wherein the fine is assessed, and one-half ($\frac{1}{2}$) of the sums assessed as fines under this chapter shall be deposited with the Director of the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission and credited to the account of the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission.

SECTION 170. Arkansas Code § 17-101-312(e), concerning unlawful practice of veterinary medicine, is amended to read as follows:

(e) In addition to the penalties provided in this section, the ~~board~~ commission may institute legal proceedings to enjoin the violation of the provisions of this chapter or the rules of the ~~board~~ commission in any court of competent jurisdiction, and the court may grant a temporary or permanent injunction restraining the violation thereof.

SECTION 171. Arkansas Code § 17-101-314 is amended to read as follows:

17-101-314. Practicing without a license – ~~Board~~ Commission penalties.

(a)(1)(A) If upon completion of an investigation the Director of the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission has probable cause to believe that a veterinarian or an unlicensed person acting as a veterinarian has violated the provisions of this chapter, he or she may issue a citation to the veterinarian or unlicensed person, as provided in this section.

(B) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of this chapter alleged to have been violated.

(C) Each citation may also contain an order of abatement

fixing a reasonable time for abatement of the violation and may contain an assessment of a civil penalty not to exceed five thousand dollars (\$5,000).

(2) The citation shall be served upon the veterinarian or unlicensed individual personally or by any type of mailing requiring a return receipt.

~~(b)(1) Before any citation may be issued, the director shall submit the alleged violation for review to at least one (1) member of the board.~~

~~(c)(1) Upon conclusion of the board designee's review, the designee shall prepare a finding of fact and a recommendation.~~

~~(2) If the board designee concludes that the veterinarian or unlicensed person has violated any provision of this chapter, a civil citation shall be issued to the veterinarian or unlicensed person.~~

~~(d)(1) If a veterinarian or unlicensed person desires to administratively contest a civil citation or the proposed assessment of a civil penalty, he or she shall notify within ten (10) business days after service of the citation the executive officer in writing of his or her request.~~

(2) Upon receipt of the request, a hearing on the matter shall be scheduled before the ~~board~~ commission.

~~(e)(c)~~ Any administrative hearing shall be governed by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

~~(f)(d)~~ In addition to the penalties provided in this section, the ~~board~~ commission may institute legal proceedings to enjoin the violation of the provisions of this chapter or the rules of the ~~board~~ commission in any court of competent jurisdiction, and the court may grant a temporary or permanent injunction restraining the violation thereof.

SECTION 172. Arkansas Code § 17-101-315 is amended to read as follows:
17-101-315. Equine teeth floating.

(a) The ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission is prohibited from enforcing ~~board~~ commission policy regarding equine teeth floating by either investigating or prosecuting an individual practitioner engaged in equine teeth floating until July 1, 2013.

(b)(1) Before engaging in the practice of equine teeth floating in the state, an individual practitioner shall present to the ~~board~~ commission signed letters of recommendation from two (2) clients who have previously

employed the individual practitioner and who bear witness to the individual practitioner's ability to perform equine teeth floating.

(2) The letters of recommendation shall be presented to the ~~board~~ commission before providing service to a client or performing any procedure on any animal.

SECTION 173. Arkansas Code § 17-101-316 is amended to read as follows:

17-101-316. Livestock embryo transfer or transplant and livestock pregnancy determination.

(a) Until July 1, 2019, the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission is prohibited from investigating or prosecuting under a ~~board~~ commission rule or policy an individual technician who engages in both:

- (1) Livestock embryo transfer or transplant; and
- (2) Livestock pregnancy determination.

(b) Before engaging in livestock embryo transfer or transplant and livestock pregnancy determination in the state, an individual technician shall obtain a certification from the ~~board~~ commission.

(c)(1) An applicant for certification shall submit the following information to the ~~board~~ commission with an application and application fee of one thousand dollars (\$1,000):

(A)(i) One (1) letter from a licensed veterinarian who has witnessed the applicant's ability to perform livestock embryo transfer or transplant and livestock pregnancy determination on at least three (3) occasions within six (6) consecutive months.

(ii) The letter described in subdivision (c)(1)(A)(i) of this section shall include the dates that the veterinarian spent with the applicant and an endorsement certifying that the applicant is proficient in the following areas:

(a) Basic knowledge, skills, and abilities required to proficiently extract, grade, freeze, thaw, and transfer livestock embryos; and

(b) The ability to properly use ultrasound equipment in determining pregnancy status with at least ninety percent (90%) accuracy beginning at sixty (60) days of pregnancy and with at least ninety percent (90%) accuracy when identifying trimester;

(B) A record of successfully completing a qualified course taught by a livestock reproduction specialist on both livestock embryo transfer and livestock pregnancy determination;

(C) Proof that the applicant has at least fifty percent (50%) financial interest in livestock management equipment, including without limitation ultrasound equipment, microscope, embryo freezer, and other required transfer tools; and

(D) Proof of membership in either the International Embryo Technology Society or the American Embryo Transfer Association.

(2) The ~~board~~ commission shall approve or deny certification within thirty (30) days of receiving an application.

(d)(1) A certification under this section expires after two (2) years.

(2) An individual technician shall submit a renewal application and renewal application fee of two hundred fifty dollars (\$250) to the ~~board~~ commission along with a record of completion of a continuing education course on bovine reproduction within the United States or Canada.

(3) The ~~board~~ commission shall approve or deny recertification within thirty (30) days of receiving a renewal application.

(e) An embryo transfer technician may only administer to livestock prescription drugs that have been prescribed by a licensed veterinarian who has a valid veterinarian-client-patient relationship.

SECTION 174. Arkansas Code § 17-101-317 is amended to read as follows:

17-101-317. Veterinary technologist and veterinary technician specialist – Grounds for denial, suspension, or revocation.

(a) Upon written complaint by any person or on the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission's own motion and after notice and hearing as prescribed in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., the ~~board~~ commission may deny or suspend any certification or deny or revoke any certificate of qualification of the applicant, veterinary technologist, or veterinary technician specialist for the following conduct:

(1) Solicitation of patients on behalf of a veterinarian or veterinary technician;

(2) Solicitation or receiving any form of compensation from any person other than his or her registered employer for his or her employment;

(3) Willful or negligent disclosure of a professional secret or discussing a veterinarian's diagnosis or treatment without the express permission of the veterinarian;

(4)(A) Any offense punishable by incarceration in the Division of Correction or federal prison.

(B) A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be evidence;

(5) Inability to practice as a veterinary technologist or a veterinary technician specialist with reasonable skill and safety to patients due to illness, the use of drugs, alcohol, narcotics, or chemicals, or as a result of any mental or physical condition;

(6) Fraud or misrepresentation in applying for or procuring:

(A) A certificate of qualification to perform as a veterinary technologist or veterinary technician specialist in Arkansas; or

(B) An annual employment registration;

(7) Impersonation of another person registered as a veterinary technologist or veterinary technician specialist or authorization of any person to use his or her certificate of qualification or registration;

(8) Aids or abets the practice of veterinary medicine by a person not licensed by the ~~board~~ commission;

(9) Incompetence, gross negligence, or other malpractice in the performance of duties, tasks, or functions assigned to him or her by a licensed veterinarian;

(10) Incapacity or incompetence to perform as a veterinary technologist or veterinary technician specialist;

(11) Cruelty to animals;

(12) Failure:

(A) Of any applicant or licensee to cooperate with the ~~board~~ commission during any investigation, if the investigation does not concern the applicant or licensee;

(B) To comply with any subpoena or subpoena duces tecum from the ~~board~~ commission or an order of the ~~board~~ commission; or

(C) To timely pay certification or renewal fees; or

(13) Unprofessional conduct or conduct that is detrimental to the best interests of the public.

(b) At the discretion of the ~~board~~ commission, a person whose

certificate of qualification is suspended or revoked by the ~~board~~ commission under this section may be:

(1) Recertified or reinstated by the ~~board~~ commission at any time upon written application to the ~~board~~ commission showing cause to justify recertification or reinstatement; and

(2) Subject to civil penalties under § 17-101-311 as determined by the ~~board~~ commission.

SECTION 175. Arkansas Code § 17-101-318(a) and (b), concerning restricted licenses for veterinarians, are amended to read as follows:

(a) The Director of the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission or his or her designee may issue a restricted license to a person who has graduated from an accredited or approved college of veterinary medicine but has not passed the North American Veterinary Licensing ~~Exam~~ Examination, or its future equivalent, to engage in the practice of veterinary medicine under the direct supervision of a licensed veterinarian.

(b) A restricted license shall be issued by the ~~Veterinary Medical Examining Board~~ commission upon the receipt of the following:

(1) A completed application as described in § 17-101-301 and the application fee established by the ~~board~~ commission, if not previously submitted during the applicant's final year of veterinary school;

(2) A restricted license fee established by the ~~board~~ commission;

(3) A letter of recommendation from the supervising licensed veterinarian; and

(4) Written confirmation that the applicant is scheduled to take the next available North American Veterinary Licensing ~~Exam~~ Examination, or its future equivalent.

SECTION 176. Arkansas Code § 17-101-318(c)(1), concerning restricted licenses for veterinarians, are amended to read as follows:

(1) The restricted license fee established by the ~~board~~ commission;

SECTION 177. Arkansas Code § 19-6-301(95), concerning special revenues

of the state, is amended to read as follows:

(95) Fees charged by the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission for the various examinations, permits, licenses, and certificates issued by the ~~board~~ Arkansas Livestock and Poultry Commission, as enacted by Acts 1975, No. 650, as amended, the Arkansas Veterinary Medical Practice Act, § 17-101-101 et seq.;

SECTION 178. Arkansas Code § 19-6-429 is amended to read as follows:
19-6-429. Veterinary Examiners Board Fund.

The Veterinary Examiners Board Fund shall consist of those special revenues as specified in § 19-6-301(95), there to be used for the operation, maintenance, and improvement of the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission in exercising the powers, functions, and duties as set out in the Arkansas Veterinary Medical Practice Act, § 17-101-101 et seq.

SECTION 179. Arkansas Code § 25-15-104(a)(1)(K), concerning subpoena powers, is amended to read as follows:

(K) ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission, § ~~17-101-201~~ § 2-33-101 et seq.;

SECTION 180. Arkansas Code § 25-15-104(a)(1), concerning subpoena powers, is amended to add additional subdivisions to read as follows:

(P) State Plant Board, § 2-16-206 et seq.;

(Q) Arkansas Forestry Commission, § 15-31-101 et seq.; and

(R) Arkansas Natural Resources Commission, § 15-20-201 et seq.

SECTION 181. Arkansas Code § 25-38-202(b)(2), concerning the creation of the Department of Agriculture and the appointment of the Secretary of the Department of Agriculture, is amended to read as follows:

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

SECTION 182. Arkansas Code § 25-38-202(b)(3)(A)(ii)(a)-(c), concerning the creation of the Department of Agriculture and the appointment of the Secretary of the Department of Agriculture, are repealed.

~~(a) Abandoned Pesticide Advisory Board;~~

~~(b) Arkansas Agriculture Board;~~

SECTION 183. Arkansas Code § 25-38-202(b)(3)(A)(ii)(i), concerning the creation of the Department of Agriculture and the appointment of the Secretary of the Department of Agriculture, is repealed.

~~(i) Arkansas Milk Stabilization Board;~~

SECTION 184. Arkansas Code § 25-38-202(b)(3)(A)(ii)(k)-(m), concerning the creation of the Department of Agriculture and the appointment of the Secretary of the Department of Agriculture, are repealed.

~~(k) Arkansas Seed Arbitration Committee;~~

~~(l) Arkansas State Board of Registration for Foresters;~~

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

SECTION 185. Arkansas Code § 25-38-202(b)(3)(A)(ii)(o), concerning the creation of the Department of Agriculture and the appointment of the Secretary of the Department of Agriculture, is repealed.

~~(o) Commission on Water Well Construction;~~

SECTION 186. Arkansas Code § 25-38-202(b)(3)(A)(ii)(r), concerning the creation of the Department of Agriculture and the appointment of the Secretary of the Department of Agriculture, is repealed.

~~(r) Private Wetland and Riparian Zone Creation, Restoration, and Conservation Committee;~~

SECTION 187. Arkansas Code § 25-38-202(b)(3)(A)(ii)(u), concerning the creation of the Department of Agriculture and the appointment of the Secretary of the Department of Agriculture, is repealed.

~~(u) Veterinary Medical Examining Board;~~

SECTION 188. Arkansas Code § 25-38-202(b)(3)(A)(ii)(x), concerning the creation of the Department of Agriculture and the appointment of the Secretary of the Department of Agriculture, is repealed.

~~(x) Red River Commission, created under § 14-118-202;~~

SECTION 189. Arkansas Code § 25-38-202(b)(3), concerning the creation of the Department of Agriculture and the duties of the Secretary of the Department of Agriculture, is amended to add an additional subdivision to read as follows:

(D) After consultation with and approval from the Governor, establish advisory committees to advise the department on all matters concerning agriculture, forestry, and natural resources.

SECTION 190. Arkansas Code § 25-38-206(a)(5)-(8), concerning the transfer of personnel, administrative functions, human resources, and accounting offices to the Department of Agriculture, are repealed.

- ~~(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;~~

SECTION 191. Arkansas Code § 25-38-206(a)(11) and (12), concerning the transfer of personnel, administrative functions, human resources, and accounting offices to the Department of Agriculture, are repealed.

- ~~(11) The Arkansas State Board of Registration for Professional Soil Classifiers;~~
- ~~(12) The Arkansas Farm Mediation Office;~~

SECTION 192. Arkansas Code § 25-38-206(a)(15) and (16), concerning the transfer of personnel, administrative functions, human resources, and accounting offices to the Department of Agriculture, are repealed.

- ~~(15) The Arkansas Milk Stabilization Board;~~
- ~~(16) The Arkansas Seed Arbitration Committee;~~

SECTION 193. Arkansas Code § 25-38-206(a)(20) and (21), concerning the

transfer of personnel, administrative functions, human resources, and accounting offices to the Department of Agriculture, are repealed.

~~(20) The Arkansas Agriculture Board;~~

~~(21) The Private Wetland and Riparian Zone Creation, Restoration, and Conservation Committee; and~~

SECTION 194. Arkansas Code § 25-38-206(a)(23), concerning the transfer of personnel, administrative functions, human resources, and accounting offices to the Department of Agriculture, is repealed.

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

SECTION 195. Arkansas Code § 25-38-207 is repealed.

~~25-38-207. Arkansas Agriculture Board — Creation — Members — Organization — Duties.~~

~~(a) The Arkansas Agriculture Board is created to consist of twenty (20) voting members and eight (8) nonvoting ex officio members, as follows:~~

~~(1) Nine (9) members, appointed by their respective boards, who sit on one (1) of the following boards or commissions:~~

~~(A) Two (2) members, at least one (1) of whom shall be actively engaged in farming, from the State Plant Board;~~

~~(B) Two (2) members, at least one (1) of whom shall be actively engaged in farming, from the Arkansas Livestock and Poultry Commission;~~

~~(C) Two (2) members from the Arkansas Natural Resources Commission;~~

~~(D) Two (2) members from the Arkansas Forestry Commission;~~
and

~~(E) One (1) member actively engaged in farming from the Arkansas Rural Development Commission;~~

~~(2) Eleven (11) members, appointed by the Governor with the consent of the Senate as follows:~~

~~(A) Three (3) members who are actively engaged in growing rice, cotton, or small grains, including, but not limited to, corn, sorghum, soybeans, and wheat;~~

~~(B) Three (3) members who are actively involved in at least one (1) of the following areas of the agricultural industry:~~

- ~~(i) Plant food, agricultural chemicals, or seed merchandising;~~
- ~~(ii) Meat processing;~~
- ~~(iii) Grain processing;~~
- ~~(iv) Domestic food products, processing, and global marketing;~~
- ~~(v) Aquaculture; and~~
- ~~(vi) The Arkansas Livestock Marketing Association;~~

and

~~(C) Five (5) members as follows:~~

- ~~(i) One (1) member who is actively engaged in producing beef;~~
- ~~(ii) One (1) member who is actively engaged in producing swine;~~
- ~~(iii) One (1) member who is actively engaged in dairy farming;~~
- ~~(iv) One (1) member who is actively engaged in producing poultry; and~~
- ~~(v) One (1) member who is actively engaged in producing wine, grapes, fruits, or vegetables; and~~

~~(3) Eight (8) nonvoting ex officio members, as follows:~~

- ~~(A) The Vice President for Agriculture of the University of Arkansas System;~~
- ~~(B) The Dean of Agriculture and Technology of Arkansas State University;~~
- ~~(C) The Dean of Agriculture of the University of Arkansas at Pine Bluff;~~
- ~~(D) A representative of the University of Arkansas for Medical Sciences who is actively involved in nutrition teaching or research, or both;~~
- ~~(E) A representative of the University of Arkansas at Monticello;~~
- ~~(F) The President of the Arkansas Association of Conservation Districts;~~
- ~~(G) A representative of Southern Arkansas University; and~~
- ~~(H) A representative of Arkansas Tech University.~~

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

~~(c) The Arkansas Agriculture Board shall meet at least quarterly and shall fix a regular date for the quarterly meeting.~~

~~(d)(1) The members of the Arkansas Agriculture Board appointed by the Governor shall serve staggered terms of four (4) years, to be determined at the first meeting of the Arkansas Agriculture Board by lot in a manner to result, as far as possible, in an equal number of terms expiring each year.~~

~~(2) The members appointed by the Governor shall serve no more than two (2) terms.~~

~~(e)(1) Vacancies due to death, resignation, refusal to serve, or other causes among members of the Arkansas Agriculture Board appointed by the Governor shall be filled by appointment by the Governor of a qualified person to serve the remainder of the unexpired term.~~

~~(2) A person so appointed is eligible for appointment to a subsequent full term on the Arkansas Agriculture Board.~~

~~(f)(1) State agency members of the Arkansas Agriculture Board shall receive no additional salary or compensation for their services as members of the Arkansas Agriculture Board, but they may receive expense reimbursement in accordance with § 25-16-902, to the extent funds are available.~~

~~(2) The members appointed by the Governor may receive expense reimbursement from funds made available for that purpose in accordance with § 25-16-902, to the extent funds are available.~~

SECTION 196. Arkansas Code § 25-38-211(a)(1) and (2), concerning the transfer of certain agricultural boards, commissions, committees, bureaus, programs, and offices, are repealed.

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

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

SECTION 197. Arkansas Code § 25-38-211(a)(9), concerning the transfer of certain agricultural boards, commissions, committees, bureaus, programs, and offices, is repealed.

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

~~103;~~

SECTION 198. Arkansas Code § 25-38-211(a)(11)-(13), concerning the transfer of certain agricultural boards, commissions, committees, bureaus, programs, and offices, are repealed.

~~(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;~~

SECTION 199. Arkansas Code § 25-38-211(a)(15), concerning the transfer of certain agricultural boards, commissions, committees, bureaus, programs, and offices, is repealed.

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

SECTION 200. Arkansas Code § 25-38-211(a)(17) and (18), concerning the transfer of certain agricultural boards, commissions, committees, bureaus, programs, and offices, are repealed.

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

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

SECTION 201. Arkansas Code § 25-38-211(a)(21), concerning the transfer of certain agricultural boards, commissions, committees, bureaus, programs, and offices, is repealed.

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

SECTION 202. Arkansas Code § 25-38-211(a)(23), concerning the transfer of certain agricultural boards, commissions, committees, bureaus, programs, and offices, is repealed.

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

SECTION 203. Arkansas Code § 25-43-202(a)(1) and (2), concerning state entities transferred to the Department of Agriculture, are repealed.

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

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

SECTION 204. Arkansas Code § 25-43-202(a)(10), concerning state entities transferred to the Department of Agriculture, is repealed.

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

SECTION 205. Arkansas Code § 25-43-202(a)(12)-(14), concerning state entities transferred to the Department of Agriculture, are repealed.

~~(12) The Arkansas Seed Arbitration Committee, created under § 2-23-104;~~

~~(13) The Arkansas State Board of Registration for Foresters, created under § 17-31-201;~~

~~(14) The Arkansas State Board of Registration for Professional Soil Classifiers, created under § 17-47-201;~~

SECTION 206. Arkansas Code § 25-43-202(a)(16), concerning state entities transferred to the Department of Agriculture, is repealed.

~~(16) The Commission on Water Well Construction, created under § 17-50-201;~~

SECTION 207. Arkansas Code § 25-43-202(a)(18), concerning state entities transferred to the Department of Agriculture, is repealed.

~~(18) The Private Wetland and Riparian Zone Creation, Restoration, and Conservation Committee, created under § 26-51-1503(3);~~

SECTION 208. Arkansas Code § 25-43-202(a)(22), concerning state entities transferred to the Department of Agriculture, is repealed.

~~(22) The Veterinary Medical Examining Board, created under § 17-101-201; and~~

SECTION 209. Arkansas Code § 25-43-202(a)(24), concerning state

entities transferred to the Department of Agriculture, is repealed.

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

SECTION 210. Arkansas Code § 26-51-1503(3), concerning definition of "committee" under the Arkansas Private Wetland and Riparian Zone Creation, Restoration, and Conservation Tax Credits Act is repealed.

~~(3) "Committee" means the Private Wetland and Riparian Zone Creation, Restoration, and Conservation Committee.~~

SECTION 211. Arkansas Code § 26-51-1505(d), concerning credits granted under the Arkansas Private Wetland and Riparian Zone Creation, Restoration, and Conservation Tax Credits Act is amended to read as follows:

(d) To claim the benefits of this section, a taxpayer must obtain a certification from the ~~Arkansas Natural Resources Commission~~ Department of Agriculture certifying to the Revenue Division of the Department of Finance and Administration that the taxpayer has met all of the requirements and qualifications set forth in § 26-51-1504(b)(2) and § 26-51-1507(a) for a wetland and riparian zone creation and restoration tax credit or in § 26-51-1507(b) for a wetland and riparian zone conservation tax credit.

SECTION 212. Arkansas Code § 26-51-1506 is amended to read as follows:
26-51-1506. Administration.

~~(a) There is created the Private Wetland and Riparian Zone Creation, Restoration, and Conservation Committee, which is made up of:~~

~~(1) The secretary, director, or their designees, of:~~

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

~~(B) The Department of Finance and Administration;~~

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

~~(D) The Division of Environmental Quality; and~~

~~(2)(A) Two (2) public members with expertise in wetlands and riparian zone ecology appointed by the Arkansas Natural Resources Commission.~~

~~(B) In appointing public members, the Arkansas Natural Resources Commission should consider the wide variety of interests in wetlands and riparian zones.~~

~~(b)(1) The Arkansas Natural Resources Commission is charged with the responsibility of promulgating and administering rules related to the~~

creation, restoration, and conservation of wetlands and riparian zones with the intent of qualifying for the tax credits provided for in this subchapter.

~~(2) Prior to adoption of any rules under this subchapter, the Arkansas Natural Resources Commission shall obtain comments on the proposed rules from the committee.~~

~~(e)(1)(b)(1)~~ The ~~Arkansas Natural Resources Commission~~ commission may charge a reasonable application fee for the processing of tax credit applications.

(2) All fees collected shall be deposited into the Arkansas Water Development Fund.

SECTION 213. Arkansas Code § 26-51-1507(a)(1)(B)-(D), concerning the method of application for a wetland and riparian zone creation and restoration tax credit, is amended to read as follows:

(B) A taxpayer wishing to obtain a wetland and riparian zone creation and restoration tax credit shall submit an application to the ~~Arkansas Natural Resources Commission~~ Department of Agriculture.

~~(C) Upon receipt of the application, the commission shall make the application available to the Private Wetland and Riparian Zone Creation, Restoration, and Conservation Committee for its review and comment.~~

~~(D)~~ After review of the ~~committee comments~~ application under subdivision (a)(1)(B) of this section, the ~~commission~~ Department of Agriculture may issue a wetland and riparian zone creation and restoration tax credit approval certificate for those applications proposing projects that meet the requirements of this subchapter and rules promulgated ~~thereunder~~ under this subchapter.

SECTION 214. Arkansas Code § 26-51-1507(a)(3)(A), concerning the certificate of completion issued for a wetland and riparian zone creation and restoration tax credit, is amended to read as follows:

(3)(A) Upon completion and proper functioning of the project, the ~~commission~~ Department of Agriculture shall issue a certificate of completion.

SECTION 215. Arkansas Code § 26-51-1507(b)(1)(B)-(D), concerning the method of application by a donor for a wetland and riparian zone creation and

restoration tax credit, is amended to read as follows:

(B) An eligible donor wishing to obtain a wetland and riparian zone conservation tax credit shall submit an application to the ~~commission~~ Department of Agriculture.

~~(C) Upon receipt of the application, the commission shall make the application available to the committee for its review and comment.~~
The committee review shall include the following considerations:

(i) Whether the appraisal of the qualified real property interest meets the minimum standards of the Uniform Standards of Professional Appraisal Practice and the Internal Revenue Service requirements for a qualified appraisal;

(ii) Whether the qualified real property interest's valuation does not appear to be manifestly abusive;

(iii) Whether the conservation purpose of the donation complies with the requirements of a qualified conservation purpose and contributes to the wetland and riparian zone benefits in § 26-51-1502;

(iv) Whether the real property interest meets the requirements for a qualified real property interest; and

(v) Whether the donee of the qualified real property interest meets the requirements of an eligible donee.

~~(D) After review of the committee comments, the commission~~ consideration of the requirements for approval, the Department of Agriculture may issue a wetland and riparian zone conservation tax credit approval certificate for those applications that meet the requirements of this subchapter and the rules promulgated under this subchapter.

SECTION 216. Arkansas Code § 26-51-1507(b)(2)(B), concerning the resubmission of a conditionally approved wetland and riparian zone creation and restoration tax credit, is amended to read as follows:

(B) If conditional approval of a wetland and riparian zone conservation tax credit is granted, the application must be resubmitted to the ~~commission~~ Department of Agriculture after the qualified real property interest donation has been recorded for the limited purpose of demonstrating conformity with the originally submitted draft documents.

SECTION 217. Arkansas Code § 26-51-1507(b)(3), concerning the denial

and appeal of a wetland and riparian zone creation and restoration tax credit, is amended to read as follows:

(3)(A) If the ~~commission~~ Department of Agriculture denies approval of a wetland and riparian zone conservation tax credit, it shall provide a brief written statement to the applicant of the reason for a decision to deny approval.

(B) When a problem identified by the ~~commission~~ Department of Agriculture is remedied, an eligible donor may resubmit the application for approval of the wetland and riparian zone conservation tax credit.

SECTION 218. Arkansas Code § 26-51-1508(a)(1), concerning the time in which a wetlands or riparian zone project must be completed, is amended to read as follows:

(a)(1) All projects must be completed and properly functioning within three (3) years of the date of the certificate of tax credit approval, except if the ~~Arkansas Natural Resources Commission~~ Department of Agriculture determines that failure to comply with this subdivision (a)(1) is the result of conditions beyond the control of the taxpayer, an additional year to comply with this subdivision (a)(1) may be granted by the ~~commission~~ Department of Agriculture.

SECTION 219. Arkansas Code § 26-51-1508(b)(1)-(3), concerning the maintenance or termination of wetlands or riparian zone project for which a tax credit has been claimed, is amended to read as follows:

(b)(1) Project activities shall meet or exceed those standards as established by the ~~commission~~ Department of Agriculture, and the project must be maintained for a minimum life of ten (10) years after it is certified as being complete.

(2)(A) If the taxpayer terminates the project prior to expiration of the minimum project life, the taxpayer shall provide written notification to the ~~commission~~ Department of Agriculture and the division.

(B) In addition, the taxpayer shall file an amended tax return and repay the amount of tax credit claimed which was not allowable.

(3) If the ~~commission~~ Department of Agriculture determines that the taxpayer has terminated the project, it shall notify the division.

SECTION 220. DO NOT CODIFY. Changes in membership.

(a) Under Section 66 of this act the membership of the Arkansas Natural Resources Commission is modified, and this act shall not shorten the term of any current member of the Arkansas Natural Resources Commission, but the requirement that each congressional district be represented by membership on the commission, and the shortening of the term of membership shall be implemented as terms expire, if a member voluntarily resigns, and by filling vacancies on the Arkansas Natural Resources Commission.

(b) Under Section 67 of this act the membership of the Arkansas Natural Resources Commission is modified, and this act shall not shorten the term of any current member of the Arkansas Natural Resources Commission, but the requirement that a minimum of one (1) member of the Arkansas Natural Resources Commission shall be a water well contractor licensed under § 17-50-201 et seq. shall be implemented as terms expire and by filling vacancies on the Arkansas Natural Resources Commission.

(c) Under Section 70 of this act the membership of the Arkansas Forestry Commission is modified, and this act shall not shorten the term of any current member of the Arkansas Forestry Commission, but the requirement that at least one (1) member of the Arkansas Forestry Commission shall be a forester registered under the State Board of Registration for Foresters Act § 17-31-101 et seq., shall be implemented as terms expire and by filling vacancies on the Arkansas Forestry Commission.

(d) Under Section 44 of this act the membership of the Arkansas Livestock and Poultry Commission is modified, and this act shall not shorten the term of any current member of the Arkansas Livestock and Poultry Commission, and the shortening of the term of membership shall be implemented as terms expire, if a member voluntarily resigns, and by filling vacancies on the Arkansas Livestock and Poultry Commission.

SECTION 221. EMERGENCY CLAUSE.

It is found and determined by the General Assembly of the State of Arkansas that it is important to Arkansans that state government services are provided in an efficient and cost-effective manner; that the consolidation of state entities that perform similar functions and serve similar constituencies is an effective way to achieve both operational efficiencies and economies of scale; that this act abolishing and transferring the duties

of the Arkansas Milk Stabilization Board, the Arkansas Seed Arbitration Committee, the Arkansas State Board of Registration for Foresters, the Arkansas State Board of Registration for Professional Soil Classifiers, the Commission on Water Well Construction, the Private Wetland and Riparian Zone Creation, Restoration, and Conservation Committee, the Veterinary Medical Examining Board, the Abandoned Pesticide Advisory Board, the Arkansas Agriculture Board, and the Red River Commission will increase the effectiveness of the industries regulated by the state entities; that the transfer of the duties of these state entities to the Arkansas Livestock and Poultry Commission, the Department of Agriculture, the State Plant Board, the Arkansas Forestry Commission, and the Arkansas Natural Resources Commission will increase these entities' ability to protect the safety and property of Arkansas citizens; that this act should become effective on July 1, 2023, to coincide with the beginning of the fiscal year of the state and ensure that the Arkansas Livestock and Poultry Commission, the Department of Agriculture, the State Plant Board, the Arkansas Forestry Commission, and the Arkansas Natural Resources Commission provide expanded vital services as the transfer of duties is implemented and do not experience any issues with funding under the transfer of duties. 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.

/s/B. Johnson