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2 94th General Assembly
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4

As Engrossed: S3/29/23

A Bill

SENATE BILL 506

5 By: Senator B. Davis
6 By: Representative Painter
7

For An Act To Be Entitled

9 AN ACT TO TRANSFER CERTAIN ENTITIES TO THE DEPARTMENT
10 OF AGRICULTURE; TO TRANSFER AGRICULTURAL PROMOTIONAL
11 BOARDS TO THE DEPARTMENT OF AGRICULTURE BY A CABINET-
12 LEVEL DEPARTMENT TRANSFER; TO DECLARE AN EMERGENCY;
13 AND FOR OTHER PURPOSES.
14
15

Subtitle

17 TO TRANSFER CERTAIN ENTITIES TO THE
18 DEPARTMENT OF AGRICULTURE; AND TO
19 TRANSFER AGRICULTURAL PROMOTIONAL BOARDS
20 TO THE DEPARTMENT OF AGRICULTURE BY A
21 CABINET-LEVEL DEPARTMENT TRANSFER; AND TO
22 DECLARE AN EMERGENCY.
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. DO NOT CODIFY. Transfer of entities to the Department of
28 Agriculture by cabinet-level department transfer.

29 (a) The following entities are transferred to the Department of
30 Agriculture:

- 31 (1) Arkansas Catfish Promotion Board;
32 (2) Arkansas Soybean Promotion Board;
33 (3) Arkansas Rice Research and Promotion Board;
34 (4) Arkansas Wheat Promotion Board;
35 (5) Arkansas Corn and Grain Sorghum Promotion Board; and
36 (6) Arkansas Beef Council.



1 (b) The administrative functions of the entities under subsection (a)
2 of this section are transferred by a cabinet-level department transfer under
3 § 25-43-202 to the Department of Agriculture.

4 (c) The statutory authority, powers, duties, functions, records,
5 personnel, property, and unexpended balances of appropriations, allocations,
6 or other funds of the entities under subsection (a) of this section,
7 including the functions of budgeting or purchasing, are transferred to the
8 Department of Agriculture.

9 (d)(1) The transfer of the entities in subsection (a) of this section
10 does not affect the orders, rules, regulations, directives, or standards made
11 or promulgated by the entities in subsection (a) of this section before the
12 effective date of this act.

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15 effect until amended or repealed under authority given by law.

16 (e) The members of the entities in subsection (a) of this section, and
17 their successors, shall continue to be selected in the manner and serve for
18 the terms provided by the statutes applicable to the entities in subsection
19 (a) of this section.

20 (f) The entities in subsection (a) of this section and Arkansas Farm
21 Bureau Federation shall grant access to and provide all information requested
22 by the Department of Agriculture to accomplish the transfer and mission of
23 the entities in subsection (a) of this section.

24
25 SECTION 2. Arkansas Code § 2-9-103 is amended to read as follows:

26 2-9-103. Arkansas Catfish Promotion Board.

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

28 (2) The board shall be composed of seven (7) members appointed
29 by the Governor, confirmed by the Senate, as follows:

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

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

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

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

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

18 (4) A midterm vacancy on the board shall be filled by
19 appointment by the Governor from a list submitted within thirty (30) calendar
20 days from the organization making the nomination for the position being
21 vacated.

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

26 ~~(b)(1) The President of the Catfish Farmers of Arkansas, Inc.,~~
27 ~~Secretary of the Department of Agriculture,~~ shall call an organizational
28 meeting of the board and shall preside until officers are elected.

29 (2) Members of the board shall organize immediately after their
30 appointment and shall elect a chair, a vice chair, and a secretary-treasurer
31 from the membership of the board, whose duties shall be those customarily
32 exercised by those officers or specifically designated by the board.

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

36 (c)(1) The board may provide a salary for the executive director and

1 for other necessary employees from funds derived from the assessments imposed
2 in this chapter.

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

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

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

9 (f) The Department of Agriculture shall provide administrative support
10 to the board.

11

12 SECTION 3. Arkansas Code § 2-20-404 is amended to read as follows:

13 2-20-404. Arkansas Soybean Promotion Board.

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

15 (2) The board shall be composed of nine (9) producer members
16 appointed by the Governor and confirmed by the Senate. ~~as follows:~~

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

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

24 ~~(C)(3)~~ (3) All of the nine (9) ~~producer~~ members of the board
25 shall:

26 (i) Represent Arkansas soybean farmers at large; and

27 (ii) be Be practical producers of soybeans in the
28 State of Arkansas ~~and shall be nominated by their respective organizations.~~

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

35 ~~(3)(4)~~ (4) Each member selected shall serve for a term of two (2)
36 years and until his or her successor is duly selected as provided in this

1 section.

2 (b)(1) The members of the board shall meet and organize immediately
3 after their appointment and shall elect a chair, a vice chair, and a
4 secretary-treasurer from the membership of the board, whose duties shall be
5 those customarily exercised by those officers or specifically designated by
6 the board. ~~The principal office of the board shall be located at the office
7 of the Arkansas Farm Bureau Federation, in Little Rock.~~

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

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

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

15 (d) The Department of Agriculture shall provide administrative support
16 to the board.

17
18 SECTION 4. Arkansas Code § 2-20-505 is amended to read as follows:
19 2-20-505. Arkansas Rice Research and Promotion Board.

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

21 (b)(1) The board shall be composed of nine (9) rice producer members
22 to be appointed by the Governor and confirmed by the Senate, as follows:

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

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

26 ~~(C) One (1) member shall represent the Agricultural~~
27 ~~Council of Arkansas;~~

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

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

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

34 (2) All of the nine (9) producer members of the board shall be
35 ~~practical producers of rice in the State of Arkansas and shall be nominated~~
36 ~~by their respective organizations~~ actively and principally engaged in the

1 production of rice.

2 (3) ~~Each year, not less than thirty (30) days before the~~
 3 ~~expiration of the terms of the current board members whose terms expire in~~
 4 ~~that year, the organizations named in subdivision (b)(1) of this section~~
 5 ~~shall submit to the Governor names of two (2) nominees for each position to~~
 6 ~~be filled on the board from the respective organizations, and the Governor~~
 7 ~~shall appoint the new members from each list of nominees Four (4) members of~~
 8 ~~the board shall be designated representatives of the Arkansas rice merchant~~
 9 ~~and milling industry.~~

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

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

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

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

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

24 (f) The Department of Agriculture shall provide administrative support
 25 to the board.

26

27 SECTION 5. Arkansas Code § 2-20-604 is amended to read as follows:

28 2-20-604. Arkansas Wheat Promotion Board.

29 (a) The Arkansas Wheat Promotion Board is created.

30 (b)(1) The board shall be composed of ~~nine (9)~~ seven (7) producer
 31 members to be appointed by the Governor and confirmed by the Senate ~~as~~
 32 ~~follows:~~

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

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

36 (C) ~~Two (2) members shall represent the Arkansas~~

1 ~~Association of Wheat Growers; and~~

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

4 (2) All of the ~~nine (9)~~ seven (7) members of the board shall:

5 (A) Represent Arkansas wheat farmers at large; and

6 (B) Be practical producers of wheat in the State of
7 ~~Arkansas and shall be nominated by their respective organizations.~~

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

14 ~~(4)~~(3) Each member selected shall serve for a term of two (2)
15 years and until his or her successor is duly selected as provided in this
16 section.

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

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

24 ~~(d) The board may establish rules for its own government and for the~~
25 ~~administration of affairs of the board~~ Department of Agriculture shall
26 provide administrative support to the board.

27
28 SECTION 6. Arkansas Code § 2-20-610 is repealed.

29 ~~2-20-610. Resident agent.~~

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

33
34 SECTION 7. Arkansas Code § 2-20-804 is amended to read as follows:

35 2-20-804. Arkansas Corn and Grain Sorghum Promotion Board.

36 (a)~~(1)~~ The Arkansas Corn and Grain Sorghum Promotion Board is created.

1 ~~and domiciled in Little Rock, Arkansas, 10720 Kanis Road, and is composed~~

2 (b)(1) The board shall be composed of seven (7) producer members
3 appointed by the Governor and confirmed by the Senate ~~as provided in this~~
4 ~~subsection.~~

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

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

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

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

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

35 (2) All officers shall serve for a period of one (1) year and
36 until their successors are duly elected. ~~The board may establish rules for~~

1 ~~its own government and for the administration of affairs of the board.~~

2 ~~(e)(d)~~ The resident agent of the board shall be the ~~executive vice~~
3 ~~president of the Arkansas Farm Bureau Federation~~ Secretary of the Department
4 of Agriculture, or his or her designee.

5 (e) The Department of Agriculture shall provide administrative support
6 to the board.

7
8 SECTION 8. Arkansas Code § 2-35-303 is amended to read as follows:

9 2-35-303. Creation – Members – Organization.

10 (a) The Arkansas Beef Council is created.

11 (b)(1) The council shall be composed of seven (7) members appointed by
12 the Governor *and confirmed by the Senate* as follows:

13 (A) ~~Three (3)~~ Four (4) cattle producer members shall
14 ~~represent the Arkansas Farm Bureau Federation and shall be appointed from a~~
15 ~~list of names submitted by the board of directors of that organization~~
16 actively and principally engaged in the cattle industry, from each of the
17 four (4) congressional districts;

18 (B) ~~Three (3)~~ Two (2) cattle producer members shall
19 ~~represent the Arkansas Cattlemen's Association and shall be appointed from a~~
20 ~~list of names submitted by the board of directors of that organization~~
21 actively and principally engaged in the cattle industry, from the state at
22 large; and

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

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

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

34 ~~(4)(3)(A)~~ Vacancies in any unexpired term shall be filled by the
35 Governor for the remainder of the unexpired term.

36 (B) The member appointed to fill the vacancy shall

1 represent the same ~~organization~~ type of designee under subdivision (b)(1) of
2 this section as the person whose term is unexpired.

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

8 ~~The council may establish rules for its own government and for the~~
9 ~~administration of the affairs of the council~~ The Department of Agriculture
10 shall provide administrative support to the council.

11
12 SECTION 9. Arkansas Code § 2-35-404 is amended to read as follows:
13 2-35-404. Rules.

14 The Secretary of the Department of ~~Finance and Administration~~
15 Agriculture is authorized to adopt appropriate rules not inconsistent with
16 this subchapter or the federal law, orders, and rules regarding the national
17 beef promotion and research program as he or she may deem necessary to carry
18 out the intent and purposes of, and to assure compliance with, this
19 subchapter and the federal laws, orders, and rules relating to the national
20 beef promotion and research program.

21
22 SECTION 10. Arkansas Code § 25-38-203, concerning the duties of the
23 Department of Agriculture, is amended to add an additional subdivision to
24 read as follows:

25 (13) Develop a report to be submitted each year on January 1 to
26 the Governor, the Senate Committee on Agriculture, Forestry, and Economic
27 Development, and the House Committee on Agriculture, Forestry, and Economic
28 Development, concerning the activities and programs of the:

29 (A) Arkansas Catfish Promotion Board;

30 (B) Arkansas Soybean Promotion Board;

31 (C) Arkansas Rice Research and Promotion Board;

32 (D) Arkansas Wheat Promotion Board;

33 (E) Arkansas Corn and Grain Sorghum Promotion Board,; and

34 (F) Arkansas Beef Council.

35
36 SECTION 11. Arkansas Code § 25-38-211, concerning the state entities

1 transferred to the Department of Agriculture, is amended to add additional
2 subdivisions to read as follows:

- 3 (24) Arkansas Catfish Promotion Board, created under § 2-
4 9-103;
5 (25) Arkansas Soybean Promotion Board, created under § 2-
6 20-404;
7 (26) Arkansas Rice Research and Promotion Board, created
8 under § 2-20-505;
9 (27) Arkansas Wheat Promotion Board, created under § 2-20-
10 604;
11 (28) Arkansas Corn and Grain Sorghum Promotion Board,
12 created under § 2-20-804; and
13 (29) Arkansas Beef Council, created under § 2-35-303.
14

15 SECTION 12. Arkansas Code § 25-43-202(a), concerning the state
16 entities transferred to the Department of Agriculture, is amended to add
17 additional subdivisions to read as follows:

- 18 (25) Arkansas Catfish Promotion Board, created under § 2-
19 9-103;
20 (26) Arkansas Soybean Promotion Board, created under § 2-
21 20-404;
22 (27) Arkansas Rice Research and Promotion Board, created
23 under § 2-20-505;
24 (28) Arkansas Wheat Promotion Board, created under § 2-20-
25 604;
26 (29) Arkansas Corn and Grain Sorghum Promotion Board,
27 created under § 2-20-804; and
28 (30) Arkansas Beef Council, created under § 2-35-303.
29

30 SECTION 13. DO NOT CODIFY. TEMPORARY LANGUAGE. This act shall not
31 shorten the term of any current member of the Arkansas Catfish Promotion
32 Board, Arkansas Soybean Promotion Board, Arkansas Rice Research and Promotion
33 Board, Arkansas Wheat Promotion Board, Arkansas Corn and Grain Sorghum
34 Promotion Board, and Arkansas Beef Council but shall be implemented as terms
35 expire and by filling vacancies on each of the boards and council.
36

