

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1843

5 By: Representative Haak
6 By: Senator G. Stubblefield
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING AGRICULTURAL
10 PROMOTION BOARDS; TO AMEND THE LAW CONCERNING THE
11 APPOINTMENT AND CONFIRMATION OF MEMBERS OF
12 AGRICULTURAL PROMOTION BOARDS, TO AMEND THE LAW
13 CONCERNING THE ARKANSAS CATFISH PROMOTION BOARD,
14 ARKANSAS SOYBEAN PROMOTION BOARD, ARKANSAS RICE
15 RESEARCH AND PROMOTION BOARD, ARKANSAS WHEAT
16 PROMOTION BOARD, ARKANSAS CORN AND GRAIN SORGHUM
17 PROMOTION BOARD, AND THE ARKANSAS BEEF COUNCIL; TO
18 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
19
20

Subtitle

21 TO AMEND THE LAW CONCERNING AGRICULTURAL
22 PROMOTION BOARDS; TO AMEND THE LAW
23 CONCERNING THE APPOINTMENT AND
24 CONFIRMATION OF MEMBERS OF AGRICULTURAL
25 PROMOTION BOARDS; AND TO DECLARE AN
26 EMERGENCY.
27
28
29

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
31

32 SECTION 1. Arkansas Code § 2-9-103 is amended to read as follows:
33 2-9-103. Arkansas Catfish Promotion Board.

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

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



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

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

8 (3) All members shall be residents of Arkansas.

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

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

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

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

27 ~~(4)(5)~~ (5) A midterm vacancy on the board shall be filled by
 28 appointment by the Governor ~~from a list submitted within thirty (30) calendar~~
 29 ~~days from the organization making the nomination for the position being~~
 30 ~~vacated~~ in the same manner under this subsection.

31 ~~(5)(6)~~ (6) A member of the board may be removed by a majority vote
 32 of the remaining board members for conviction of a felony, for not attending
 33 three (3) consecutive meetings, or if the member no longer meets the
 34 qualifications for his or her initial appointment.

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

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

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

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

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

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

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

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

20
 21 SECTION 2. Arkansas Code § 2-20-404 is amended to read as follows:
 22 2-20-404. Arkansas Soybean Promotion Board.

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

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

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

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

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

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

1 ~~be nominated by their respective organizations;~~

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

8 ~~(3)(4) Each member selected shall serve for a term of two (2)~~
 9 ~~years and until his or her successor is duly selected as provided in this~~
 10 ~~section.~~

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

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

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

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

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

25
 26 SECTION 3. Arkansas Code § 2-20-505 is amended to read as follows:

27 2-20-505. Arkansas Rice Research and Promotion Board.

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

29 (b)(1) The board shall be composed of nine (9) producer members
 30 actively and principally engaged in the production of rice and to be
 31 appointed by the Governor and subject to confirmation 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) One (1) member shall represent the Agricultural~~

1 ~~Council of Arkansas;~~

2 ~~(D) One (1) member shall represent Producers Rice Mill,~~
 3 ~~Ine.;~~

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

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

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

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

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

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

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

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

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

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

36

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

(a) The Arkansas Wheat Promotion Board is created.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4
5 SECTION 6. Arkansas Code § 2-20-804 is amended to read as follows:

6 2-20-804. Arkansas Corn and Grain Sorghum Promotion Board.

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

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

13 ~~(2)(3) All of the seven (7) producer members of the board shall~~
14 ~~be practical producers of corn or grain sorghum in residents of the State of~~
15 ~~Arkansas and shall be nominated by their respective organizations.~~

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

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

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

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

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

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

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

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

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

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

(a) The Arkansas Beef Council is created.

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

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

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

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

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

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

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

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

9 ~~(4)(5)~~ Vacancies in any unexpired term shall be filled by the
 10 Governor in the same manner as the appointment under subdivision (b) of this
 11 section for the remainder of the unexpired term. ~~The member appointed to fill~~
 12 ~~the vacancy shall represent the same organization as the person whose term is~~
 13 ~~unexpired.~~

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

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

21
 22 SECTION 8. DO NOT CODIFY. TEMPORARY LANGUAGE. This act shall not
 23 shorten the term of any current member of the Arkansas Catfish Promotion
 24 Board, Arkansas Soybean Promotion Board, Arkansas Rice Research and Promotion
 25 Board, Arkansas Wheat Promotion Board, Arkansas Corn and Grain Sorghum
 26 Promotion Board, and Arkansas Beef Council but shall be implemented as terms
 27 expire and by filling vacancies on each of the boards and the council.

28
 29 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the
 30 General Assembly of the State of Arkansas that the Arkansas Catfish Promotion
 31 Board, Arkansas Soybean Promotion Board, Arkansas Rice Research and Promotion
 32 Board, Arkansas Wheat Promotion Board, Arkansas Corn and Grain Sorghum
 33 Promotion Board, and Arkansas Beef Council preserve the public peace, health,
 34 and safety by studying, planning, promoting, and implementing needed projects
 35 and research to support the agricultural industry in Arkansas; that this act
 36 provides for the reorganization of the membership of the boards and the

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

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

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

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

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36