

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1658

5 By: Representative Wing  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAWS CONCERNING BOARDS,  
9 COMMISSIONS, AND COMMITTEES WITHIN THE DEPARTMENT OF  
10 AGRICULTURE; AND FOR OTHER PURPOSES.  
11

## Subtitle

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14 TO AMEND THE LAWS CONCERNING BOARDS,  
15 COMMISSIONS, AND COMMITTEES WITHIN THE  
16 DEPARTMENT OF AGRICULTURE.  
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18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Title 2, Chapter 16, Subchapter 7, is  
22 repealed.

23 ~~Subchapter 7 — Arkansas Fire Ant Advisory Board~~

24  
25 ~~2-16-701. Creation.~~

26 ~~(a) The Arkansas Fire Ant Advisory Board is hereby created to accept~~  
27 ~~all gifts, grants, and other moneys from any source for the purpose of~~  
28 ~~financing new and ongoing fire ant research and educational programs and~~  
29 ~~providing counsel in planning and executing such research and educational~~  
30 ~~programs.~~

31 ~~(b) These moneys will route through the University of Arkansas~~  
32 ~~Agricultural Experiment Station, the University of Arkansas Cooperative~~  
33 ~~Extension Service, or the University of Arkansas Agricultural Development~~  
34 ~~Council at Fayetteville for use by the board and fire ant researchers in the~~  
35 ~~School of Forest Resources at the University of Arkansas at Monticello or~~  
36 ~~other researchers in cooperative efforts with researchers at the University~~



1 ~~of Arkansas at Monticello.~~

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3 ~~2-16-702. Members.~~

4 ~~(a) The Arkansas Fire Ant Advisory Board shall be composed of the Vice~~  
5 ~~President for Agriculture of the University of Arkansas, the head of the~~  
6 ~~Department of Entomology at the University of Arkansas at Fayetteville or his~~  
7 ~~or her representative, the Secretary of the Department of Agriculture or his~~  
8 ~~or her representative, and the following to be appointed from an ant-infested~~  
9 ~~area by the Chair of the Arkansas Fire Ant Advisory Board:~~

10 ~~(1) A representative of an Arkansas environmental interest~~  
11 ~~group;~~

12 ~~(2) A county extension agent or a member of the general public;~~

13 ~~(3) A representative of the farm or ranch industry;~~

14 ~~(4) A representative of the horticultural or nursery industry;~~

15 ~~and~~

16 ~~(5) A representative of the Arkansas Pest Control Association.~~

17 ~~(b)(1) Members of the board appointed by the chair shall be appointed~~  
18 ~~for four-year terms.~~

19 ~~(2) Persons appointed to fill vacancies shall serve for the~~  
20 ~~remainder of the unexpired term.~~

21 ~~(c) Members of the board shall serve without compensation. Board~~  
22 ~~members may receive expense reimbursement in accordance with § 25-16-901 et~~  
23 ~~seq.~~

24  
25 ~~2-16-703. Chair Meetings.~~

26 ~~(a) The Vice President for Agriculture of the University of Arkansas~~  
27 ~~system shall serve as chair of the Arkansas Fire Ant Advisory Board.~~

28 ~~(b) The board shall meet at the call of the chair and no less~~  
29 ~~frequently than annually.~~

30 ~~(c) The chair shall provide necessary meeting space and administrative~~  
31 ~~services for the board.~~

32  
33 ~~2-16-704. Rules.~~

34 ~~The Arkansas Fire Ant Advisory Board may promulgate rules necessary for~~  
35 ~~the implementation of this subchapter.~~

~~2-16-705. Annual report.~~

~~No later than January 1 of each year, the Arkansas Fire Ant Advisory Board shall report to the directors of the University of Arkansas Agricultural Experiment Station and the University of Arkansas Cooperative Extension Service regarding all moneys received and expended by it during the preceding fiscal year.~~

SECTION 2. Arkansas Code § 14-118-203(e), concerning the Red River Commission, is amended to read as follows:

(e) Members of the commission shall receive no pay for their services, but whenever the General Assembly shall have appropriated funds to the Arkansas Water Development Fund administered by the ~~Arkansas Soil and Water Conservation Commission~~ Department of Agriculture, they may, upon proper application to the ~~Arkansas Soil and Water Conservation Commission~~ department, be reimbursed for expenses in accordance with § 25-16-901 et seq.

SECTION 3. Arkansas Code § 15-20-1110 is repealed.

~~15-20-1110. Litter utilization committee.~~

~~(a) In nutrient surplus areas, the Arkansas Natural Resources Commission shall activate a litter utilization committee to facilitate utilization or removal of excess litter.~~

~~(b) The commission shall appoint a committee composed of poultry feeding operators, Department of Agriculture staff, and other persons knowledgeable in litter management.~~

~~(c)(1) The committee shall consider methods of removal, valuation of the litter, and avenues of distribution of litter.~~

~~(2) Alternative uses shall include adequate compensation to poultry feeding operations for the value of the litter.~~

SECTION 4. Arkansas Code § 15-22-1003(7), concerning definitions in the Arkansas Wetlands Mitigation Bank Act, is repealed.

~~(7) "Wetlands Technical Advisory Committee" means a committee made up of the directors or their designees of:~~

- ~~(A) The Arkansas State Game and Fish Commission;~~
- ~~(B) The Arkansas Department of Transportation;~~
- ~~(C) The Division of Arkansas Heritage;~~

1                   ~~(D) The Division of Environmental Quality; and~~  
 2                   ~~(E) Two (2) public members with expertise in aquatic~~  
 3 ~~resources ecology appointed by the Arkansas Natural Resources Commission.~~

5           SECTION 5. Arkansas Code § 15-22-1004 is amended to read as follows:  
 6           15-22-1004. Mitigation banks – Acquisition and protection.

7           The Arkansas Natural Resources Commission or the commission's designee,  
 8 ~~in consultation with the Wetlands Technical Advisory Committee,~~ may:

9                   (1) Set a sales price for credits in the mitigation bank on  
 10 behalf of the commission;

11                   (2) Acquire or accept title, including easements, from willing  
 12 sellers or donors to approved lands, in the name of the commission, suitable  
 13 for use in mitigation banks;

14                   (3) Pay costs incurred for alterations needed to create or  
 15 restore aquatic resources areas for purposes of carrying out the provisions  
 16 of this subchapter;

17                   (4) Authorize payment of administrative, research, or scientific  
 18 monitoring expenses of the commission in carrying out the provisions of this  
 19 subchapter;

20                   (5) Receive funds from whatever source for the voluntary  
 21 acquisition of a mitigation bank and interests therein;

22                   (6) Enter into contracts with state and federal agencies,  
 23 nonprofit corporations, or other persons for the management of mitigation  
 24 bank properties; and

25                   (7)(A) Upon satisfactory establishment of a functioning aquatic  
 26 resources site, convey mitigation bank properties to other appropriate state  
 27 agencies for management.

28                   (B) The commission shall reserve such interest in the  
 29 mitigation bank property as necessary to protect the aquatic resources  
 30 function and values.

31  
 32           SECTION 6. Arkansas Code § 15-22-1006(a), concerning the resource  
 33 values and credits for mitigation banks, is amended to read as follows:

34           (a) For each mitigation bank, the ~~Executive~~ Director of the Arkansas  
 35 Natural Resources Commission, ~~in consultation with the Wetlands Technical~~  
 36 ~~Advisory Committee,~~ shall establish a system of aquatic resources values and

1 credits consistent with compensatory mitigation under § 404 of the Clean  
2 Water Act, 33 U.S.C. § 1344, and §§ 9 and 10 of the Rivers and Harbors Act,  
3 33 U.S.C. §§ 401 and 403, as they existed on January 1, 2007, and Exec. Order  
4 No. 11,990 issued May 24, 1977, 42 Fed. Reg. 26,961.

5  
6 SECTION 7. Arkansas Code § 15-22-1007(b), concerning annual monitoring  
7 reports of mitigation banks by the Arkansas Natural Resources Commission, is  
8 repealed.

9 ~~(b) The commission shall provide annual reports to the Wetlands~~  
10 ~~Technical Advisory Committee of moneys spent and received for each mitigation~~  
11 ~~bank.~~

12  
13 SECTION 8. Arkansas Code § 15-22-1009(a), concerning the carrying out  
14 of the provisions of the Arkansas Wetlands Mitigation Bank Act, is amended to  
15 read as follows:

16 (a) The provisions of this subchapter shall be carried out by the  
17 Arkansas Natural Resources Commission ~~in consultation with the Wetlands~~  
18 ~~Technical Advisory Committee.~~

19  
20 SECTION 9. Arkansas Code § 25-38-202(b)(3)(A)(ii)(f), concerning  
21 delegation related to rules, orders, or directives promulgated or issued by  
22 certain boards and committees to the Department of Agriculture by the  
23 Secretary of the Department of Agriculture, is repealed.

24 ~~(f) Arkansas Fire Ant Advisory Board;~~

25  
26 SECTION 10. Arkansas Code § 25-38-202(b)(3)(A)(ii)(p), concerning  
27 delegation related to rules, orders, or directives promulgated or issued by  
28 certain boards and committees to the Department of Agriculture by the  
29 Secretary of the Department of Agriculture, is repealed.

30 ~~(p) Litter Utilization Committee;~~

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32 SECTION 11. Arkansas Code § 25-38-202(b)(3)(A)(ii)(s), concerning  
33 delegation related to rules, orders, or directives promulgated or issued by  
34 certain boards and committees to the Department of Agriculture by the  
35 Secretary of the Department of Agriculture, is repealed.

36 ~~(s) Red River Compact Commission;~~

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2 SECTION 12. Arkansas Code § 25-38-202(b)(3)(A)(ii)(v), concerning  
3 delegation related to rules, orders, or directives promulgated or issued by  
4 certain boards and committees to the Department of Agriculture by the  
5 Secretary of the Department of Agriculture, is repealed:

6 ~~(v) Wetlands Technical Advisory Committee; or~~  
7

8 SECTION 13. Arkansas Code § 25-38-202(b)(3)(A)(ii), concerning  
9 delegation related to rules, orders, or directives promulgated or issued by  
10 certain boards and committees to the Department of Agriculture by the  
11 Secretary of the Department of Agriculture, is amended to add an additional  
12 subdivision to read as follows:

13 (x) The Red River Commission, created under §  
14 14-118-202.  
15

16 SECTION 14. Arkansas Code § 25-38-206(a)(9), concerning administrative  
17 functions of certain boards, commissions, bureaus, committees, programs, and  
18 offices administered by the Department of Agriculture, is repealed.

19 ~~(9) The Red River Compact Commission;~~  
20

21 SECTION 15. Arkansas Code § 25-38-206(a)(14), concerning  
22 administrative functions of certain boards, commissions, bureaus, committees,  
23 programs, and offices administered by the Department of Agriculture, is  
24 repealed.

25 ~~(14) The Arkansas Fire Ant Advisory Board;~~  
26

27 SECTION 16. Arkansas Code § 25-38-206(a)(18), concerning  
28 administrative functions of certain boards, commissions, bureaus, committees,  
29 programs, and offices administered by the Department of Agriculture, is  
30 repealed.

31 ~~(18) The Litter Utilization Committee;~~  
32

33 SECTION 17. Arkansas Code § 25-38-206(a)(22), concerning  
34 administrative functions of certain boards, commissions, bureaus, committees,  
35 programs, and offices administered by the Department of Agriculture, is  
36 repealed.

~~(22) The Wetlands Technical Advisory Committee.~~

SECTION 18. Arkansas Code § 25-38-206(a), concerning administrative functions of certain boards, commissions, bureaus, committees, programs, and offices administered by the Department of Agriculture, is amended to add an additional subdivision to read as follows:

(23) The Red River Commission, created under § 14-118-202.

SECTION 19. Arkansas Code § 25-38-211(a)(6), concerning transfer of certain agricultural boards, commissions, bureaus, committees, programs, and offices to the Department of Agriculture, is repealed.

~~(6) The Arkansas Fire Ant Advisory Board, created under § 2-16-701;~~

SECTION 20. Arkansas Code § 25-38-211(a)(16), concerning transfer of certain agricultural boards, commissions, bureaus, committees, programs, and offices to the Department of Agriculture, is repealed.

~~(16) The Litter Utilization Committee, created under § 15-20-1110;~~

SECTION 21. Arkansas Code § 25-38-211(a)(19), concerning transfer of certain agricultural boards, commissions, bureaus, committees, programs, and offices to the Department of Agriculture, is repealed.

~~(19) The Red River Compact Commission, created under § 15-23-501;~~

SECTION 22. Arkansas Code § 25-38-211(a)(22), concerning transfer of certain agricultural boards, commissions, bureaus, committees, programs, and offices to the Department of Agriculture, is repealed.

~~(22) The Wetlands Technical Advisory Committee, created under § 15-22-1003.~~

SECTION 23. Arkansas Code § 25-38-211(a), concerning transfer of certain agricultural boards, commissions, bureaus, committees, programs, and offices to the Department of Agriculture, is amended to add an additional subdivision to read as follows:

1           (23) The Red River Commission, created under § 14-118-202.

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3           SECTION 24. Arkansas Code § 25-43-202(a)(7), concerning the transfer  
4 of state entities to the Department of Agriculture, is repealed.

5           ~~(7) The Arkansas Fire Ant Advisory Board, created under § 2-16-~~  
6 ~~701;~~

7  
8           SECTION 25. Arkansas Code § 25-43-202(a)(17), concerning the transfer  
9 of state entities to the Department of Agriculture, is repealed.

10          ~~(17) The Litter Utilization Committee, created under § 15-20-~~  
11 ~~1110;~~

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13          SECTION 26. Arkansas Code § 25-43-202(a)(20), concerning the transfer  
14 of state entities to the Department of Agriculture, is repealed.

15          ~~(20) The Red River Compact Commission, created under § 15-23-~~  
16 ~~501;~~

17  
18          SECTION 27. Arkansas Code § 25-43-202(a)(23), concerning the transfer  
19 of state entities to the Department of Agriculture, is repealed.

20          ~~(23) The Wetlands Technical Advisory Committee, created under §~~  
21 ~~15-22-1003.~~

22  
23          SECTION 28. Arkansas Code § 25-43-202(a), concerning the transfer of  
24 state entities to the Department of Agriculture, is amended to add an  
25 additional subdivision to read as follows:

26           (24) The Red River Commission, created under § 14-118-202.

27  
28          SECTION 29. DO NOT CODIFY. Legislative intent related to Red River  
29 Compact Commission and Red River Commission.

30           (a) The Red River Compact Commission was transferred as a state agency  
31 to the Department of Agriculture in error by Acts 2019, No. 910.

32           (b) It is the intent of this act to remove the Red River Compact  
33 Commission from the Department of Agriculture and for the Red River Compact  
34 Commission to resume all of the previous powers, duties, and functions as  
35 existed under § 15-23-501 et seq. before the transfer.

36           (c) It is further the intent of this act to transfer the Red River



1 Commission to the Department of Agriculture through a cabinet-level  
2 department transfer.

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