

**MINUTES****Senate Committee on Agriculture, Forestry, and Economic Development  
House Committee on Agriculture, Forestry, and Economic Development  
Meeting Jointly****December 5, 2019**

The Senate and House Committees on Agriculture, Forestry, and Economic Development met jointly on Thursday, December 5, 2019, at 10:00 a.m., in the Arkansas Ballroom, Statehouse Convention Center, Little Rock, Arkansas.

**Committee members present:** Senators John Cooper, Co-Chair, Ricky Hill, Blake Johnson, Bruce Maloch, Mathew Pitsch, and David Wallace. Representatives Dan Douglas, Co-Chair, Rick Beck, Mary Bentley, Stan Berry, Harlan Breaux, Marsh Davis, Jack Fortner, David Hillman, Lane Jean, Joe Jett, Ron McNair, Stephen Meeks, Dan Sullivan, Jeff Wardlaw, and Carlton Wing.

**Other legislators present:** Senators Jonathan Dismang, Kim Hammer, Missy Irvin, Jason Rapert, and Gary Stubblefield. Representatives Kenneth Ferguson, Douglas House, Reginald Murdock, Johnny Rye, and Keith Slape.

**Call to Order:** Representative Douglas called the meeting to order.

**Comments by Chairs:** Senator John Cooper and Representative Dan Douglas welcomed legislators to the meeting.

**Consideration to approve Meeting Minutes of September 10, 2019 [Exhibit C]**

Without objection, the meeting minutes of the September 10, 2019 meeting were approved by acclamation.

**Welcome**

Mr. Jean Farr, Arkansas Farm Bureau board member from Washington County welcomed legislators and attendees to the 85<sup>th</sup> Farm Bureau State Conference. He stated that Mr. Randy Veach, President, Farm Bureau will be retiring after eleven years of service. Mr. Veach was unable to attend today's meeting. Mr. Farr invited legislators to attend the trade show activities.

**Discussion of Arkansas Department of Agriculture's proposed Regulation on the use of Pesticides [Exhibit E]**

Representative Douglas recognized Wes Ward, Secretary, Department of Agriculture, Scott Bray, Director, Plant Board, and Wade Hodge, Managing Attorney. Mr. Hodge gave an overview of proposed regulations:

- The first proposed rule is on the actual pesticide, cut off dates of use, and requirements for its use
- The second proposed rule includes enforcement and egregious violation components, plus ensuring department rules reflect the statutory language passed during the 2019 legislative session
- The enforcement violation components of proposed rules require a review by the Agriculture, Forestry, and Economic Development Committees

Mr. Scott Bray reviewed the Plant Board's change to the definition of egregious violation:

- In 2019, the General Assembly adopted legislation changing the definition of an egregious violation
- The previous definition was the occurrence of significant off target crop damage that occurred as the result of an application of Dicamba
- Civil penalties up to a maximum of \$25,000 could be assessed when an egregious violation occurred
- Legislative changes now define an egregious violation as the intentional use of the Dicamba pesticide violating federal laws, state laws, and/or state rules
- The former definition required proof the application of Dicamba caused significant off target crop damage
- The current definition is when the intentional application of Dicamba is found in violation of the federal label, state law, or rule
- The Plant Board is changing its rules to comply with the definition passed by the legislature

Mr. Bray responded to questions concerning a requirement by the Plant Board for the use of Global Positioning System (GPS) mapping locations for the use of pesticides. This was a Plant Board decision. A Public Hearing is scheduled for the week of December 9, 2019, when the requirement will be reviewed allowing the public to direct questions and concerns to the Board.

Representative Douglas clarified the committee's role in the review of the proposed rules is the review of the definition of egregious.

Representative Wardlaw made a motion for the Arkansas Department of Agriculture to present the requirement of the use of GPS equipment to the Plant Board for the purpose of discussion, present the information during the Public Hearing scheduled for the week of December 9, 2019, then appear before the Agriculture Committees before presenting it to the Arkansas Legislative Council's Administrative Rules Subcommittee.

Representative Douglas stated the motion was approved without objection.

### **Update from the Arkansas Feral Hog Eradication Task Force**

Representative Douglas recognized Wes Ward, Chair, Feral Hog Eradication Task Force, and Luke Lewis, Assistant Chief, Wildlife Management Division, Arkansas Game and Fish Commission (AGFC). Mr. Ward gave an overview of the work performed by the Feral Hog Eradication Task Force:

- The task force was created during the 2017 legislative session with an expiration date of June 30, 2019
- The task force partnered with 22 state entities, associations, and federal entities
- The entities entered into a Memorandum of Understanding (MOU) to work on recommendations, which were presented to the legislature in 2019
- The recommendations were adopted in 2019
- The task force worked with stakeholders and the United States Department of Agriculture (USDA) to submit a pilot program to the USDA to be considered for its 2018 Farm Bill.
- The USDA has been receiving similar requests from states throughout the country dealing with the increase in feral hog damage especially as it relates to agriculture

- Based on figures from 2011, an estimated \$1.5 billion is spent annually addressing this problem
- More current estimates indicate approximately \$30 million in damage to agriculture
- Arkansas recently received \$3.4 million federal funding for project areas across the state
- Areas have been identified to implement the pilot program with the hope of expanding the program and obtaining additional federal funding for the state

Mr. Luke Lewis gave a presentation on behalf of the AGFC Wildlife Management Division. The AGFC created a new position for a Feral Hog Coordinator using the federal funding Arkansas received. The position will be full time with the sole purpose of working on the feral hog problems in Arkansas. The work will be coordinated with task force members and USDA partners. A presentation of the pilot program was given earlier today during the conference. The AGFC will work closely with legislators in the 22 counties identified to participate in the pilot program. Following this pilot program, it is hoped that Arkansas will be able to obtain additional funding from the \$75 million Farm Bill. Legislators discussed specifics regarding the trapping and disposing of feral hogs. Representative Sullivan requested that Mr. Lewis provide a breakdown of the administrative costs associated with the Feral Hog Eradication grant.

#### **Update from the Arkansas Levee Task Force**

Representative Douglas recognized Jami Cook, Chair, Arkansas Levee Task Force, and Senator Gary Stubblefield, Member, Arkansas Levee Task Force. Senator Stubblefield gave an overview of the 26 member Levee Task Force created through Executive Order 19-10 issued by Governor Hutchinson to study the conditions of the levee system in the state of Arkansas:

- The Task Force is divided into four sub groups
- One of the goals of the Task Force is enrollment of levees into the Rehabilitation and Inspection Program (RIP)
- The Task Force is working with the U.S. Corps of Engineers to determine the cost of repairing the levees to the standards that will allow the systems into the RIP program. This recommendation will be determined by a cost benefit ratio
- The Task Force is currently focused on the levees along the Arkansas River
- Discussions are ongoing to consider the consolidation of levee districts into one board or system
- There is an emphasis on ensuring a cooperative effort with the Corps of Engineer working on a local level with county judges and the Arkansas Natural Resources Commission (ANRC) on the state level

Senator Stubblefield responded to a question on the RIP program and explained the process of the program involves meeting recommendations provided by the Corps of Engineers enabling a district to receive federal funds of 80% of the costs of damages. Enrollment in the RIP program provides eligibility to receive federal funding.

#### **Discussion on the Peanut Industry**

Representative Douglas recognized Mr. Andy Vangildner, University of Arkansas Cooperative Extension Service, Agriculture and Natural Resources Educator. Mr. Vangildner gave an overview of the peanut industry in Arkansas:

- Currently, there are two companies in Arkansas, Birdsong Peanut Company with a buying point in Portia, Arkansas, and Delta Peanut in Jonesboro, Arkansas

- The Delta Peanut Company consists of 60 to 70 landowners who formed the company with a lease on a facility in Pocahontas, Arkansas. An additional facility is under construction in Marianna, Arkansas? A location in Jonesboro is under construction as a Sheller, the first of its kind to shell the peanuts for shipping
- The USDA estimates 32,000 acres of peanuts are grown in Arkansas.
- The Cooperative Extension Service provides general recommendations to peanut farmers.
- Recommendations include the type of soils best suited to the peanut crop and the recommended variety of peanuts
- Arkansas typically grows a runner type of plant, which is a standard type of peanut with a longer shelf life
- A fungicide program is needed to match the type of equipment used
- Specific types of equipment are used for harvesting peanuts as well as specialized trucks with a truck bed that aerates the peanuts
- The average yield on one acre is approximately 5,000 to 7,000 pounds
- The peanuts sell for approximately \$355.00 per ton
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Senator Irvin announced a Department of Human Services program, the Blue Umbrella, will host a pop up shop in the lobby of the Big MAC building during the Public Health, Welfare and Labor Committee meeting on December 9, 2019. This program showcases the crafts and products made by residents of the Human Development Centers throughout the state. On Tuesday, December 10, 2019, the Christmas at the Capitol event will be held to benefit the children in the foster care system.

Senator Pitsch announced that Arkansas has been selected to host the National Sportsmen Caucus scheduled for December 8-11, 2020.

There being no further business, the meeting adjourned at 11:30 a.m.