

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas *As Engrossed: S2/23/05 S3/2/05 S3/14/05*

2 85th General Assembly

A Bill

3 Regular Session, 2005

SENATE BILL 448

4

5 By: Senators Higginbothom, Argue, Salmon

6 By: Representatives Nichols, Adams, Bolin, Clemons, Harris, Kenney, Mack, Ormond, Petrus, Scroggin,

7 *Rankin*

8

9

10 For An Act To Be Entitled

11 AN ACT TO CONNECT VARIOUS AGRICULTURE-RELATED
12 AGENCIES TO AN ARKANSAS AGRICULTURE DEPARTMENT;
13 TO TRANSFER THE ADMINISTRATION OF VARIOUS STATE
14 AGENCIES TO THE ARKANSAS AGRICULTURE DEPARTMENT;
15 TO CREATE THE ARKANSAS AGRICULTURE DEPARTMENT,
16 THE ARKANSAS AGRICULTURE BOARD, AND THE ARKANSAS
17 AGRICULTURE ADVISORY BOARD; AND FOR OTHER
18 PURPOSES.

19

20

Subtitle

21 AN ACT TO CONNECT VARIOUS AGRICULTURE-
22 RELATED AGENCIES TO AN ARKANSAS
23 AGRICULTURE DEPARTMENT.

24

25

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

27

28 SECTION 1. Findings.

29 The General Assembly finds that:

30 (1) Agriculture accounts for thirteen billion dollars
31 (\$13,000,000,000) or one-fifth (1/5) of the gross state product of Arkansas;

32 (2) Two hundred ninety-one thousand (291,000) Arkansas jobs
33 directly involve or operate in support of agriculture;

34 (3) Agriculture and agriculture-related jobs account for twenty-
35 three percent (23%) of all employment in Arkansas;

36 (4) Responsibility for supporting agriculture in Arkansas is



1 spread across six (6) state agencies;

2 (5) Marketing of the agricultural products of Arkansas is made
3 extremely difficult by the diffusion of responsibility across six (6) state
4 agencies; and

5 (6) Marketing of the agricultural products of Arkansas would be
6 vastly improved if a central office were devoted to creating, publicizing,
7 and sustaining an information network for Arkansas farmers and ranchers.

8
9 SECTION 2. Arkansas Code Title 25 is amended by adding the following
10 new chapter:

11 25-37-201. Creation - Appointment of secretary.

12 (a) There is created the Arkansas Agriculture Department.

13 (b)(1) The executive head of the department shall be the Secretary of
14 the Arkansas Agriculture Department.

15 (2) The Secretary shall be selected by the Arkansas Agriculture
16 Board and the name shall be submitted to the Governor for confirmation and
17 the Secretary shall serve at the pleasure of the Governor.

18
19 25-37-202. Powers and duties.

20 The Arkansas Agriculture Department shall:

21 (1) Administer the departments, institutions, other agencies, or
22 parts of departments, institutions, or other agencies transferred to the
23 department under §§ 25-35-103 and 25-35-104;

24 (2) Coordinate all existing programs and create any new programs
25 that will enhance the marketing of the state's agricultural products to
26 intrastate, national, and international markets;

27 (3) Establish a clearinghouse for collecting, correlating,
28 analyzing, and interpreting marketing and educational information and data
29 concerning needs of and resources for agriculture, aquaculture, horticulture,
30 forestry, and kindred industries;

31 (4) Develop a website devoted to marketing and education
32 concerning agriculture, aquaculture, horticulture, forestry, and kindred
33 industries, including a distinctive logo publicizing products as "Grown in
34 Arkansas";

35 (5) Encourage the organization of neighborhood and county
36 agricultural clubs and associations;

1 (6) Coordinate the various activities of the department with
2 those of the federal government and other states on matters pertaining to
3 agriculture, aquaculture, horticulture, forestry, and kindred industries and
4 enter into agreements for that purpose;

5 (7) Coordinate with existing programs concerning agriculture,
6 aquaculture, horticulture, forestry, and kindred industries with the
7 University of Arkansas Division of Agriculture;

8 (8) Make any and all contracts and grants and employ, to the
9 extent funds are available, such personnel as may be necessary to carry out
10 the purposes of this chapter;

11 (9) Receive, administer, disburse, dispose, and account for
12 funds, commodities, equipment, supplies, and any kind of property given,
13 granted, loaned, or advanced to the State of Arkansas for agriculture,
14 aquaculture, horticulture, forestry, and kindred industries, except those
15 directed toward agricultural programs of institutions of higher education;
16 and

17 (10) Assist other departments, agencies, and institutions of the
18 state and federal governments, when so requested, by performing services in
19 conformity with the purposes of this chapter.

20
21 25-37-203. Type 1 transfers of various agricultural agencies.

22 The following departments, institutions, other agencies, or parts
23 thereof are transferred to the Arkansas Agriculture Department by a type 1
24 transfer, as provided for in § 25-2-104, under which the departments,
25 institutions, other agencies, or parts thereof, shall be administered under
26 the direction and supervision of that principal department but shall retain
27 exactly the same prescribed statutory powers, authorities, duties, and
28 functions as they had before the transfer:

29 (1) Abandoned Pesticide Advisory Board, created under § 8-7-
30 1204;

31 (2) Arkansas Forestry Commission, created under § 15-31-101;

32 (3) Arkansas Livestock and Poultry Commission, created under §
33 2-33-101;

34 (4) Arkansas Rural Development Commission, created under § 15-6-
35 104;

36 (5) Department of Rural Services, created under § 15-6-105; and

1 (6) State Plant Board, created under § 2-16-206.

2
3 25-37-204. Type 2 transfer of the Division of Agricultural Development
4 of the Arkansas Development Finance Authority.

5 The Division of Agriculture Development of the Arkansas Development
6 Finance Authority, created under § 15-5-802, is transferred to the Arkansas
7 Agriculture Department by a type 2 transfer, under which its statutory
8 authority, powers, duties, functions, records, personnel, property,
9 unexpended balances of appropriations, allocations, or other funds, including
10 the functions of budgeting or purchasing, are transferred to the department.

11
12 25-37-205. Transfer of human resources and accounting offices.

13 (a) The human resource and accounting operations of the following
14 boards and commissions shall be administered under the direction and
15 supervision of the Arkansas Agriculture Department:

16 (1) The State Plant Board;

17 (2) The Arkansas Livestock and Poultry Commission;

18 (3) The Arkansas Forestry Commission; and

19 (4) The Arkansas Rural Development Commission.

20 (b) The boards and commissions subject to transfer of the
21 administration of human resource and accounting operations under subsection
22 (a) of this section shall make available to the department all records of
23 whatever type concerning their human resource and accounting operations.

24
25 25-37-206. Arkansas Agriculture Board.

26 (a) The Arkansas Agriculture Board is created to consist of twenty-
27 eight (28) members, as follows:

28 (1) Nine (9) members, appointed by their respective boards, who
29 sit on one (1) of the following boards or commissions:

30 (A) Two (2) members, at least one (1) of whom shall be
31 actively engaged in farming, from the State Plant Board;

32 (B) Two (2) members, at least one (1) of whom shall be
33 actively engaged in farming, from the Arkansas Livestock and Poultry
34 Commission;

35 (C) Two (2) members from the Arkansas Soil and Water
36 Conservation Commission;

1 (D) Two (2) members from the Arkansas Forestry Commission;
2 and

3 (E) One (1) member, at least one (1) of whom shall be
4 actively engaged in farming, from the Arkansas Rural Development Commission;

5 (2) Eleven (11) members, appointed by the Governor with the
6 consent of the Senate as follows:

7 (A) Three (3) members who are actively engaged in growing
8 rice, cotton, or small grains, including, but not limited to, corn sorghum,
9 soybeans, and wheat;

10 (B) Three (3) members who are actively involved in at
11 least one (1) of the following areas of the agricultural industry:

12 (i) Plant food, agricultural chemicals, or seed
13 merchandising;

14 (ii) Meat processing;

15 (iii) Grain processing;

16 (iv) Domestic food products, processing, and global
17 marketing;

18 (v) Aquaculture; and

19 (vi) The Arkansas Livestock Marketing Association;

20 and

21 (C) Five (5) members as follows:

22 (i) One (1) member who is actively engaged in
23 producing beef;

24 (ii) One (1) member who is actively engaged in
25 producing swine;

26 (iii) One (1) member who is actively engaged in
27 dairy farming;

28 (iv) One (1) member who is actively engaged in
29 producing poultry; and

30 (v) One (1) member who is actively engaged in
31 producing wine, grapes, fruits, or vegetables; and

32 (3) Eight (8) ex officio members, as follows:

33 (A) The Vice President for Agriculture of University of
34 Arkansas System;

35 (B) The Dean of Agriculture of Arkansas State University;

36 (C) The Dean of Agriculture of the University of Arkansas

1 at Pine Bluff;

2 (D) A representative of the University of Arkansas for
3 Medical Sciences who is actively involved in nutrition teaching, research, or
4 both;

5 (E) A representative of the University of Arkansas at
6 Monticello;

7 (F) The President of the Arkansas Association of
8 Conservation Districts; and

9 (G) A representative of Southern Arkansas University; and

10 (H) A representative of Arkansas Tech University.

11 (b) The board shall advise the Secretary of the Arkansas Agriculture
12 Department on all matters concerning agriculture, aquaculture, horticulture,
13 and kindred industries.

14 (c) The board shall meet at least quarterly and shall fix a regular
15 date for the quarterly meeting.

16 (d)(1) The members of the board appointed by the Governor shall serve
17 staggered terms of four (4) years, to be determined at the first meeting of
18 the board by lot in a manner to result, as far as possible, in an equal
19 number of terms expiring each year.

20 (2) The members appointed by the Governor shall serve no more
21 than two (2) terms.

22 (e)(1) Vacancies due to death, resignation, refusal to serve, or other
23 causes among members of the board appointed by the Governor shall be filled
24 by appointment by the Governor of a qualified person to serve the remainder
25 of the unexpired term.

26 (2) A person so appointed is eligible for appointment to a
27 subsequent full term on the board.

28 (g)(1) State agency members of the board shall receive no additional
29 salary or compensation for their services as members of the committee, but
30 they may receive expense reimbursement in accordance with § 25-16-902, to the
31 extent funds are available.

32 (2) The members appointed by the Governor may receive expense
33 reimbursement from funds made available for that purpose in accordance with §
34 25-16-902, to the extent funds are available.

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/s/ Higginbothom