

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 H4/4/05*

2 85th General Assembly

# A Bill

3 Regular Session, 2005

SENATE BILL 448

4

5 By: Senators Higginbotham, Argue, Salmon

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

7 *Rankin*

8

9

## 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 FOR OTHER*  
17 *PURPOSES.*

18

## Subtitle

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

23

24

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

26

27 SECTION 1. Findings.

28 The General Assembly finds that:

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

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

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

35 (4) Responsibility for supporting agriculture in Arkansas is  
36 spread across six (6) state agencies;



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

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

7  
8           SECTION 2. Arkansas Code Title 25 is amended by adding the following  
9 new chapter:

10           25-37-201. Creation - Appointment of secretary.

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

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

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

17  
18           25-37-202. Powers and duties.

19           The Arkansas Agriculture Department shall:

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

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

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

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

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

36           (6) Coordinate the various activities of the department with

1 those of the federal government and other states on matters pertaining to  
2 agriculture, aquaculture, horticulture, forestry, and kindred industries and  
3 enter into agreements for that purpose;

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

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

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

13  
14 25-37-203. Type 1 transfers of various agricultural agencies.

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

22 (1) Abandoned Pesticide Advisory Board, created under § 8-7-  
23 1204;

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

25 (3) Arkansas Livestock and Poultry Commission, created under §  
26 2-33-101; and

27 (4) State Plant Board, created under § 2-16-206.

28  
29 25-37-204. The Division of Agricultural Development of the Arkansas  
30 Development Finance Authority -- Coordination of marketing programs.

31 The Division of Agriculture Development of the Arkansas Development  
32 Finance Authority, created under § 15-5-802, shall coordinate all aspects of  
33 its work concerning the marketing of the agricultural products of Arkansas  
34 with the Secretary of the Arkansas Agriculture Department.

35  
36 25-37-205. Transfer of human resources and accounting offices.

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

4           (1) The State Plant Board;

5           (2) The Arkansas Livestock and Poultry Commission; and

6           (3) The Arkansas Forestry Commission.

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

11  
12       25-37-206. Arkansas Agriculture Board.

13       (a) The Arkansas Agriculture Board is created to consist of twenty  
14 (20) voting members and eight (8) nonvoting ex officio members, as follows:

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

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

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

22                   (C) Two (2) members from the Arkansas Soil and Water  
23 Conservation Commission;

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

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

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

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

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

35                           (i) Plant food, agricultural chemicals, or seed  
36 merchandising;

1                   (ii) Meat processing;  
2                   (iii) Grain processing;  
3                   (iv) Domestic food products, processing, and global  
4 marketing;  
5                   (v) Aquaculture; and  
6                   (vi) The Arkansas Livestock Marketing Association;  
7 and  
8                   (C) Five (5) members as follows:  
9                   (i) One (1) member who is actively engaged in  
10 producing beef;  
11                   (ii) One (1) member who is actively engaged in  
12 producing swine;  
13                   (iii) One (1) member who is actively engaged in  
14 dairy farming;  
15                   (iv) One (1) member who is actively engaged in  
16 producing poultry; and  
17                   (v) One (1) member who is actively engaged in  
18 producing wine, grapes, fruits, or vegetables; and  
19                   (3) Eight (8) nonvoting ex officio members, as follows:  
20                   (A) The Vice President for Agriculture of University of  
21 Arkansas System;  
22                   (B) The Dean of Agriculture of Arkansas State University;  
23                   (C) The Dean of Agriculture of the University of Arkansas  
24 at Pine Bluff;  
25                   (D) A representative of the University of Arkansas for  
26 Medical Sciences who is actively involved in nutrition teaching, research, or  
27 both;  
28                   (E) A representative of the University of Arkansas at  
29 Monticello;  
30                   (F) The President of the Arkansas Association of  
31 Conservation Districts; and  
32                   (G) A representative of Southern Arkansas University; and  
33                   (H) A representative of Arkansas Tech University.  
34                   (b) The board shall advise the Secretary of the Arkansas Agriculture  
35 Department on all matters concerning agriculture, aquaculture, horticulture,  
36 and kindred industries.

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

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

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

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

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

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

19       (2) The members appointed by the Governor may receive expense  
20 reimbursement from funds made available for that purpose in accordance with §  
21 25-16-902, to the extent funds are available.

22  
23       25-37-208. Agencies not affected.

24       The establishment of the Arkansas Agricultural Department shall in no  
25 way affect the duties, powers, or operations of the following boards and  
26 councils:

27       (1) Arkansas Beef Council;

28       (2) Arkansas Catfish Promotion Board;

29       (3) Arkansas Corn and Grain Sorghum Promotion Board;

30       (4) Arkansas Rice Research and Promotion Board;

31       (5) Arkansas Soybean Promotion Board; or

32       (6) Arkansas Wheat Promotion Board.

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34                                    /s/ Higginbothom, et al  
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