

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/9/17

A Bill

HOUSE BILL 1725

5 By: Representative D. Douglas
6

For An Act To Be Entitled

8 *AN ACT TO TRANSFER VARIOUS STATE AGENCIES TO THE*
9 *ARKANSAS AGRICULTURE DEPARTMENT THROUGH A TYPE 4*
10 *TRANSFER; TO DECLARE AN EMERGENCY; AND FOR OTHER*
11 *PURPOSES.*

Subtitle

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14 *TO TRANSFER VARIOUS STATE AGENCIES TO THE*
15 *ARKANSAS AGRICULTURE DEPARTMENT THROUGH A*
16 *TYPE 4 TRANSFER; AND TO DECLARE AN*
17 *EMERGENCY.*
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. DO NOT CODIFY. Transfer of the Abandoned Pesticide
24 Advisory Board, the Arkansas Forestry Commission, the Arkansas Livestock and
25 Poultry Commission, the State Plant Board, the Arkansas Farm Mediation
26 Office, the Veterinary Medical Examining Board, and the Arkansas State Board
27 of Registration for Foresters to the Arkansas Agriculture Department.

28 (a)(1) The Abandoned Pesticide Advisory Board, the Arkansas Forestry
29 Commission, the Arkansas Livestock and Poultry Commission, the State Plant
30 Board, the Arkansas Farm Mediation Office, the Veterinary Medical Examining
31 Board, and the Arkansas State Board of Registration for Foresters are
32 transferred to the Arkansas Agriculture Department by a type 4 transfer under
33 § 25-2-107.

34 (2) For purposes of this act, the Arkansas Agriculture
35 Department shall be considered a principal department established by Acts
36 1971, No. 38.



1 (b) The boards, commissions, or other governing bodies of the
2 Abandoned Pesticide Advisory Board, the Arkansas Forestry Commission, the
3 Arkansas Livestock and Poultry Commission, the State Plant Board, the
4 Arkansas Farm Mediation Office, the Veterinary Medical Examining Board, and
5 the Arkansas State Board of Registration for Foresters are retained and shall
6 continue to exercise their statutory authority, powers, duties, and
7 functions.

8 (c)(1) The directors, if any, of the Abandoned Pesticide Advisory
9 Board, the Arkansas Forestry Commission, the Arkansas Livestock and Poultry
10 Commission, the State Plant Board, the Arkansas Farm Mediation Office, the
11 Veterinary Medical Examining Board, and the Arkansas State Board of
12 Registration for Foresters shall be nominated by the board, commission, or
13 governing body of the Abandoned Pesticide Advisory Board, the Arkansas
14 Forestry Commission, the Arkansas Livestock and Poultry Commission, the State
15 Plant Board, the Arkansas Farm Mediation Office, the Veterinary Medical
16 Examining Board, and the Arkansas State Board of Registration for Foresters
17 subject to confirmation by the Governor.

18 (2) The directors, if any, of the Abandoned Pesticide Advisory
19 Board, the Arkansas Forestry Commission, the Arkansas Livestock and Poultry
20 Commission, the State Plant Board, the Arkansas Farm Mediation Office, the
21 Veterinary Medical Examining Board, and the Arkansas State Board of
22 Registration for Foresters shall serve at the pleasure of the Governor.

23 (d) All records, personnel, property, unexpended balances of
24 appropriations, allocations, or other funds, including the functions of
25 budgeting and purchasing, are transferred to the principal department.

26 (e) The members of any statutory board or commission of the Abandoned
27 Pesticide Advisory Board, the Arkansas Forestry Commission, the Arkansas
28 Livestock and Poultry Commission, the State Plant Board, the Arkansas Farm
29 Mediation Office, the Veterinary Medical Examining Board, and the Arkansas
30 State Board of Registration for Foresters are transferred and their
31 successors shall continue to be selected in the manner and serve for the
32 terms provided by the statutes applicable to the board or commission as such
33 statutes may from time to time be amended.

34 (f) All revenue, including cash funds, special revenue, trust fund
35 income, federal grants, aid, and reimbursements, nonrevenue receipts or other
36 moneys held in accounts by the boards or commissions being transferred under

1 this act, including unexpended balances that may be carried forward, shall
2 continue to be held in the accounts and shall be used solely for the purposes
3 for which the revenue was collected as provided by law.
4

5 SECTION 2. Arkansas Code § 2-7-201 is amended to read as follows:

6 2-7-201. Creation.

7 (a) There is hereby created within the ~~Arkansas Development Finance~~
8 ~~Authority~~ Arkansas Agriculture Department the Arkansas Farm Mediation Office
9 which shall administer the Arkansas Farm Mediation Program to provide
10 mediation and debt management services to farmers and their creditors in the
11 State of Arkansas.

12 (b)(1) The program shall be administered by the ~~President of the~~
13 ~~Arkansas Development Finance Authority~~ Secretary of the Arkansas Agriculture
14 Department who shall employ mediators and administrative staff in such
15 numbers as are necessary and as the General Assembly may appropriate to carry
16 out the provisions of this chapter.

17 (2) The ~~president~~ Secretary of the Arkansas Agriculture
18 Department may apply to the United States Secretary of Agriculture or any
19 other agency or department for any financial assistance for the
20 administration and operation of the program.

21 (3) The ~~president~~ Secretary of the Arkansas Agriculture
22 Department or his or her designee shall select mediators who are
23 knowledgeable in the areas of finance, agriculture, and negotiation and shall
24 train them in any other matters as are necessary to carry out their functions
25 under this chapter.

26 (4) The ~~president~~ Secretary of the Arkansas Agriculture
27 Department may promulgate rules to carry out the provisions of this chapter.
28

29 SECTION 3. Arkansas Code § 25-38-203(4)-(10), concerning the powers
30 and duties of the Arkansas Agriculture Department, are amended to read as
31 follows:

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

36 (5) Encourage the organization of neighborhood and county

1 agricultural clubs and associations;

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

6 (7) Coordinate with existing programs concerning agriculture,
7 aquaculture, horticulture, forestry, and kindred industries with the
8 University of Arkansas Division of Agriculture and other agricultural
9 universities of this state;

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

13 (9) Assist other departments, agencies, and institutions of the
14 state and federal governments, when so requested, by performing services in
15 conformity with the purposes of this chapter;

16 (10) Designate employees who shall have the powers of peace
17 officers in the enforcement of criminal laws of this state;

18 (11) Promulgate rules necessary to carry out the marketing,
19 promotion, and education programs of the department; and

20 (12) Report annually to the Legislative Council at the end of
21 the fiscal year.

22

23 SECTION 4. Arkansas Code § 25-38-204 is amended to read as follows:

24 25-38-204. Type ~~1~~ 4 transfers of various agricultural agencies.

25 The following departments, institutions, other agencies, or parts
26 thereof, are transferred to the Arkansas Agriculture Department by a type ~~1~~ 4
27 transfer, as provided for ~~in § 25-2-104~~ under § 25-2-107, under which the
28 ~~departments, institutions, other agencies, or parts thereof, shall be~~
29 ~~administered under the direction and supervision of that principal~~
30 ~~department, but shall retain the same prescribed statutory powers,~~
31 ~~authorities, duties, and functions as they had before the transfer~~ boards and
32 commissions of the transferred agencies are retained and shall continue to
33 exercise their statutory authority, powers, duties, and functions:

34 (1) Abandoned Pesticide Advisory Board, created under § 8-7-
35 1204;

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

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

3 (4) State Plant Board, created under § 2-16-206; ~~and~~
4 ~~(5) Aquaculture business enterprise facilities and operations~~
5 ~~with the Arkansas Development Finance Authority.~~

6 (5) Arkansas Farm Mediation Office, created under § 2-7-201;

7 (6) Veterinary Medical Examining Board, created under § 17-101-
8 201; and

9 (7) Arkansas State Board of Registration for Foresters, created
10 under § 17-31-201.

11
12 SECTION 5. Arkansas Code § 25-38-206(a), concerning the transfer of
13 human resources and accounting offices of various agricultural agencies, is
14 amended to read as follows:

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

18 (1) ~~The~~ State Plant Board;

19 (2) ~~The~~ Arkansas Livestock and Poultry Commission; ~~and~~

20 (3) ~~The~~ Arkansas Forestry Commission;

21 (4) Veterinary Medical Examining Board; and

22 (5) Arkansas State Board of Registration for Foresters.

23
24 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the
25 General Assembly of the State of Arkansas that this act will require the
26 alignment of the accounting and budgeting of multiple state agencies; that it
27 is necessary for the effective date of this act to commence with the fiscal
28 year; and that this act is necessary because it facilitates a timely and
29 efficient transfer of the Abandoned Pesticide Advisory Board, the Arkansas
30 Forestry Commission, the Arkansas Livestock and Poultry Commission, the State
31 Plant Board, the Arkansas Farm Mediation Office, the Veterinary Medical
32 Examining Board, and the Arkansas State Board of Registration for Foresters
33 to the Arkansas Agriculture Department. Therefore, an emergency is declared
34 to exist, and this act being necessary for the preservation of the public
35 peace, health, and safety shall become effective on July 1, 2017.

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/s/D. Douglas

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