

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 403

5 By: Senator B. Johnson  
6 By: Representative Vaught  
7

## For An Act To Be Entitled

9 AN ACT TO CONSOLIDATE AGRICULTURE BOARDS AND  
10 COMMISSIONS; TO ABOLISH CERTAIN BOARDS WITHIN THE  
11 DEPARTMENT OF AGRICULTURE; TO TRANSFER THE DUTIES OF  
12 CERTAIN BOARDS WITHIN THE DEPARTMENT OF AGRICULTURE;  
13 TO AMEND THE DUTIES OF CERTAIN BOARDS WITHIN THE  
14 DEPARTMENT OF AGRICULTURE; TO DECLARE AN EMERGENCY;  
15 AND FOR OTHER PURPOSES.  
16  
17

## Subtitle

19 TO CONSOLIDATE AGRICULTURE BOARDS AND  
20 COMMISSIONS; TO ABOLISH CERTAIN BOARDS  
21 WITHIN THE DEPARTMENT OF AGRICULTURE; TO  
22 TRANSFER THE DUTIES OF CERTAIN BOARDS  
23 WITHIN THE DEPARTMENT OF AGRICULTURE; AND  
24 TO DECLARE AN EMERGENCY.  
25  
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
28

29 SECTION 1. DO NOT CODIFY. Abolition of Arkansas Milk Stabilization  
30 Board.

31 (a) The Arkansas Milk Stabilization Board is abolished, and its  
32 authority, duties, functions, records, contracts, personnel, property, and  
33 unexpended balances of appropriations, allocations, and other funds,  
34 including the functions of budgeting or purchasing, are transferred to the  
35 Arkansas Livestock and Poultry Commission.

36 (b) The Arkansas Milk Stabilization Board's statutory powers, duties,



1 and functions, including the functions of budgeting or purchasing, records,  
2 contracts, personnel, property, and unexpended balances of appropriations,  
3 allocations, and other funds are transferred to the Arkansas Livestock and  
4 Poultry Commission.

5 (c)(1) The abolishment of the Arkansas Milk Stabilization Board does  
6 not affect the orders, rules, directives, registration, licensing, or  
7 standards made or promulgated by the Arkansas Milk Stabilization Board before  
8 the effective date of this act.

9 (2) The orders, rules, directives, registration, licensing, or  
10 standards of the Arkansas Milk Stabilization Board shall continue to be in  
11 effect until they are amended or repealed under authority given by law.  
12

13 SECTION 2. DO NOT CODIFY. Abolition of Arkansas Seed Arbitration  
14 Committee.

15 (a) The Arkansas Seed Arbitration Committee is abolished, and its  
16 authority, duties, functions, records, contracts, personnel, property, and  
17 unexpended balances of appropriations, allocations, and other funds,  
18 including the functions of budgeting or purchasing, are transferred to the  
19 Department of Agriculture.

20 (b) The Arkansas Seed Arbitration Committee's statutory powers,  
21 duties, and functions, including the functions of budgeting or purchasing,  
22 records, contracts, personnel, property, and unexpended balances of  
23 appropriations, allocations, and other funds are transferred to the  
24 Department of Agriculture.

25 (c)(1) The abolishment of the Arkansas Seed Arbitration Committee does  
26 not affect the orders, rules, directives, registration, licensing, or  
27 standards made or promulgated by the Arkansas Seed Arbitration Committee  
28 before the effective date of this act.

29 (2) The orders, rules, directives, registration, licensing, or  
30 standards of the Arkansas Seed Arbitration Committee shall continue to be in  
31 effect until they are amended or repealed under authority given by law.  
32

33 SECTION 3. DO NOT CODIFY. Abolition of Arkansas State Board of  
34 Registration for Foresters.

35 (a) The Arkansas State Board of Registration for Foresters is  
36 abolished, and its authority, duties, functions, records, contracts,

1 personnel, property, and unexpended balances of appropriations, allocations,  
2 and other funds, including the functions of budgeting or purchasing, are  
3 transferred to the Arkansas Forestry Commission.

4 (b) The Arkansas State Board of Registration for Foresters' statutory  
5 powers, duties, and functions, including the functions of budgeting or  
6 purchasing, records, contracts, personnel, property, and unexpended balances  
7 of appropriations, allocations, and other funds are transferred to the  
8 Arkansas Forestry Commission.

9 (c)(1) The abolishment of the Arkansas State Board of Registration for  
10 Foresters does not affect the orders, rules, directives, registration,  
11 licensing, or standards made or promulgated by the Arkansas State Board of  
12 Registration for Foresters before the effective date of this act.

13 (2) The orders, rules, directives, registration, licensing, or  
14 standards of the Arkansas State Board of Registration for Foresters shall  
15 continue to be in effect until they are amended or repealed under authority  
16 given by law.

17  
18 SECTION 4. DO NOT CODIFY. Abolition of Arkansas State Board of  
19 Registration for Professional Soil Classifiers.

20 (a) The Arkansas State Board of Registration for Professional Soil  
21 Classifiers is abolished, and its authority, duties, functions, records,  
22 contracts, personnel, property, and unexpended balances of appropriations,  
23 allocations, and other funds, including the functions of budgeting or  
24 purchasing, are transferred to the Arkansas Natural Resources Commission.

25 (b) The Arkansas State Board of Registration for Professional Soil  
26 Classifiers' statutory powers, duties, and functions, including the functions  
27 of budgeting or purchasing, records, contracts, personnel, property, and  
28 unexpended balances of appropriations, allocations, and other funds are  
29 transferred to the Arkansas Natural Resources Commission.

30 (c)(1) The abolishment of the Arkansas State Board of Registration for  
31 Professional Soil Classifiers does not affect the orders, rules, directives,  
32 registration, licensing, or standards made or promulgated by the Arkansas  
33 State Board of Registration for Professional Soil Classifiers before the  
34 effective date of this act.

35 (2) The orders, rules, directives, registration, licensing, or  
36 standards of the Arkansas State Board of Registration for Professional Soil

1 Classifiers shall continue to be in effect until they are amended or repealed  
2 under authority given by law.

3  
4 SECTION 5. DO NOT CODIFY. Abolition of Commission on Water Well  
5 Construction.

6 (a) The Commission on Water Well Construction is abolished, and its  
7 authority, duties, functions, records, contracts, personnel, property, and  
8 unexpended balances of appropriations, allocations, and other funds,  
9 including the functions of budgeting or purchasing, are transferred to the  
10 Arkansas Natural Resources Commission.

11 (b) The Commission on Water Well Construction's statutory powers,  
12 duties, and functions, including the functions of budgeting or purchasing,  
13 records, contracts, personnel, property, and unexpended balances of  
14 appropriations, allocations, and other funds are transferred to the Arkansas  
15 Natural Resources Commission.

16 (c)(1) The abolishment of the Commission on Water Well Construction  
17 does not affect the orders, rules, directives, registration, licensing, or  
18 standards made or promulgated by the Commission on Water Well Construction  
19 before the effective date of this act.

20 (2) The orders, rules, directives, registration, licensing, or  
21 standards of the Commission on Water Well Construction shall continue to be  
22 in effect until they are amended or repealed under authority given by law.

23  
24 SECTION 6. DO NOT CODIFY. Abolition of Private Wetland and Riparian  
25 Zone Creation, Restoration, and Conservation Committee.

26 (a) The Private Wetland and Riparian Zone Creation, Restoration, and  
27 Conservation Committee is abolished, and its authority, duties, functions,  
28 records, contracts, personnel, property, and unexpended balances of  
29 appropriations, allocations, and other funds, including the functions of  
30 budgeting or purchasing, are transferred to the Department of Agriculture.

31 (b) The Private Wetland and Riparian Zone Creation, Restoration, and  
32 Conservation Committee's statutory powers, duties, and functions, including  
33 the functions of budgeting or purchasing, records, contracts, personnel,  
34 property, and unexpended balances of appropriations, allocations, and other  
35 funds are transferred to the Department of Agriculture.

36 (c)(1) The abolishment of the Private Wetland and Riparian Zone

1 Creation, Restoration, and Conservation Committee does not affect the orders,  
2 rules, directives, registration, licensing, or standards made or promulgated  
3 by the Private Wetland and Riparian Zone Creation, Restoration, and  
4 Conservation Committee before the effective date of this act.

5 (2) The orders, rules, directives, registration, licensing, or  
6 standards of the Private Wetland and Riparian Zone Creation, Restoration, and  
7 Conservation Committee shall continue to be in effect until they are amended  
8 or repealed under authority given by law.

9  
10 SECTION 7. DO NOT CODIFY. Abolition of Veterinary Medical Examining  
11 Board.

12 (a) The Veterinary Medical Examining Board is abolished, and its  
13 authority, duties, functions, records, contracts, personnel, property, and  
14 unexpended balances of appropriations, allocations, and other funds,  
15 including the functions of budgeting or purchasing, are transferred to the  
16 Arkansas Livestock and Poultry Commission.

17 (b) The Veterinary Medical Examining Board's statutory powers, duties,  
18 and functions, including the functions of budgeting or purchasing, records,  
19 contracts, personnel, property, and unexpended balances of appropriations,  
20 allocations, and other funds are transferred to the Arkansas Livestock and  
21 Poultry Commission.

22 (c)(1) The abolishment of the Veterinary Medical Examining Board does  
23 not affect the orders, rules, directives, registration, licensing, or  
24 standards made or promulgated by the Veterinary Medical Examining Board  
25 before the effective date of this act.

26 (2) The orders, rules, directives, registration, licensing, or  
27 standards of the Veterinary Medical Examining Board shall continue to be in  
28 effect until they are amended or repealed under authority given by law.

29  
30 SECTION 8. DO NOT CODIFY. Abolition of Abandoned Pesticide Advisory  
31 Board.

32 (a) The Abandoned Pesticide Advisory Board is abolished, and its  
33 authority, duties, functions, records, contracts, personnel, property, and  
34 unexpended balances of appropriations, allocations, and other funds,  
35 including the functions of budgeting or purchasing, are transferred to the  
36 Department of Agriculture.

1       (b) The Abandoned Pesticide Advisory Board's statutory powers, duties,  
2 and functions, including the functions of budgeting or purchasing, records,  
3 contracts, personnel, property, and unexpended balances of appropriations,  
4 allocations, and other funds are transferred to the Department of  
5 Agriculture.

6       (c)(1) The abolishment of the Abandoned Pesticide Advisory Board does  
7 not affect the orders, rules, directives, registration, licensing, or  
8 standards made or promulgated by the Abandoned Pesticide Advisory Board  
9 before the effective date of this act.

10       (2) The orders, rules, directives, registration, licensing, or  
11 standards of the Abandoned Pesticide Advisory Board shall continue to be in  
12 effect until they are amended or repealed under authority given by law.

13  
14       SECTION 9. DO NOT CODIFY. Abolition of Arkansas Agriculture Board.

15       (a) The Arkansas Agriculture Board is abolished, and its authority,  
16 duties, functions, records, contracts, personnel, property, and unexpended  
17 balances of appropriations, allocations, and other funds, including the  
18 functions of budgeting or purchasing, are transferred to the Department of  
19 Agriculture.

20       (b) The Arkansas Agriculture Board's statutory powers, duties, and  
21 functions, including the functions of budgeting or purchasing, records,  
22 contracts, personnel, property, and unexpended balances of appropriations,  
23 allocations, and other funds are transferred to the Department of  
24 Agriculture.

25       (c)(1) The abolishment of the Arkansas Agriculture Board does not  
26 affect the orders, rules, directives, registration, licensing, or standards  
27 made or promulgated by the Arkansas Agriculture Board before the effective  
28 date of this act.

29       (2) The orders, rules, directives, registration, licensing, or  
30 standards of the Arkansas Agriculture Board shall continue to be in effect  
31 until they are amended or repealed under authority given by law.

32  
33       SECTION 10. DO NOT CODIFY. Abolition of the Red River Commission.

34       (a) The Red River Commission is abolished, and its authority, duties,  
35 functions, records, contracts, personnel, property, and unexpended balances  
36 of appropriations, allocations, and other funds, including the functions of

1 budgeting or purchasing, are transferred to the Department of Agriculture.

2 (b) The Red River Commission’s statutory powers, duties, and  
3 functions, including the functions of budgeting or purchasing, records,  
4 contracts, personnel, property, and unexpended balances of appropriations,  
5 allocations, and other funds are transferred to the Department of  
6 Agriculture.

7 (c)(1) The abolishment of the Red River Commission does not affect the  
8 orders, rules, directives, registration, licensing, or standards made or  
9 promulgated by the Red River Commission before the effective date of this  
10 act.

11 (2) The orders, rules, directives, registration, licensing, or  
12 standards of the Red River Commission shall continue to be in effect until  
13 they are amended or repealed under authority given by law.

14  
15 SECTION 11. Arkansas Code § 2-10-101 is amended to read as follows:  
16 2-10-101. Title.

17 This subchapter shall be known and may be cited as the “Arkansas Milk  
18 Stabilization ~~Board~~ Act”.

19  
20 SECTION 12. Arkansas Code § 2-10-103 is repealed.

21 ~~2-10-103. Arkansas Milk Stabilization Board.~~

22 ~~(a) There is created no later than July 1, 2007, the Arkansas~~  
23 ~~Milk Stabilization Board, to be composed of five (5) members appointed by the~~  
24 ~~Governor as follows:~~

25 ~~(1) Two (2) members who are actively and principally~~  
26 ~~engaged in dairy farming in this state;~~

27 ~~(2) One (1) member who is an Arkansas consumer;~~

28 ~~(3) One (1) member who is an Arkansas milk processor; and~~

29 ~~(4) One (1) member who is an Arkansas retailer.~~

30 ~~(b) Each member appointed to the board shall be appointed for a term~~  
31 ~~of five (5) years except that the initial members of the board shall be~~  
32 ~~appointed for terms that result in:~~

33 ~~(1) One (1) member’s term expiring after one (1) year;~~

34 ~~(2) One (1) member’s term expiring after two (2) years;~~

35 ~~(3) One (1) member’s term expiring after three (3) years;~~

36 ~~(4) One (1) member’s term expiring after four (4) years; and~~

1           ~~(5) One (1) member's term expiring after five (5) years.~~

2           ~~(c) Members of the board shall draw lots to determine the length of~~  
3 ~~the initial term.~~

4           ~~(d)(1) Not less than thirty (30) calendar days before the expiration~~  
5 ~~of the terms of the members of the board under subdivisions (a)(1) and (a)(4)~~  
6 ~~of this section, interested parties shall submit to the Governor the names of~~  
7 ~~nominees for the positions to be filled, and the Governor shall appoint the~~  
8 ~~new members from each list of nominees.~~

9           ~~(2) If no lists are submitted, the appointments shall be at the~~  
10 ~~discretion of the Governor.~~

11           ~~(3) Each member selected for the board shall serve for a term of~~  
12 ~~five (5) years except as provided in subsection (b) of this section and until~~  
13 ~~his or her successor is selected as provided in this subsection.~~

14           ~~(4) A member of the board may be removed by a majority vote of~~  
15 ~~the remaining board members for:~~

16                   ~~(A) Conviction of a felony;~~

17                   ~~(B) Failing to attend three (3) consecutive meetings; or~~

18                   ~~(C) No longer meeting the qualifications for his or her~~  
19 ~~initial appointment.~~

20           ~~(e) Upon a vacancy of a member of the board, the Governor shall make a~~  
21 ~~new appointment within thirty (30) days.~~

22           ~~(f) Members of the board shall organize immediately after their~~  
23 ~~appointment and shall elect a chair, a vice chair, and a secretary-treasurer~~  
24 ~~from the membership of the board, whose duties shall be those customarily~~  
25 ~~exercised by those officers or specifically designated by the board.~~

26           ~~(g)(1) Meetings of the board shall be called by the chair or by four~~  
27 ~~(4) members of the board.~~

28           ~~(2) Four (4) members of the board shall constitute a quorum for~~  
29 ~~the transaction of business of the board.~~

30           ~~(h) The members of the board shall receive no salary or other~~  
31 ~~compensation for their services except that they may receive expense~~  
32 ~~reimbursement in accordance with § 25-16-901 et seq. for attending meetings~~  
33 ~~of the board.~~

34           ~~(i) The Secretary of the Department of Agriculture shall assist the~~  
35 ~~board when necessary by providing resources and guidance.~~

36



SECTION 13. Arkansas Code § 2-10-104 is amended to read as follows:

2-10-104. Powers and duties of the ~~Arkansas Milk Stabilization Board~~  
Arkansas Livestock and Poultry Commission - Definitions.

~~(a)(1) The Arkansas Milk Stabilization Board shall:~~

~~(1) Administer this subchapter;~~

~~(2) Research other states to determine how those states support their dairy farmers;~~

~~(3) Investigate methods of milk production, dairy pricing, and support of the dairy industry;~~

~~(4) Create a plan to assist Arkansas dairy farmers that would be equitable to all parties in the state dairy industry and withstand legal challenges;~~

~~(5) [Repealed.]~~

~~(6) Provide a forty-five-day period for public comment on the proposed plan provided in subdivision (a)(4) of this section;~~

~~(7) Create the final plan for submission to the Legislative Council following the public comment period; and~~

~~(8) Promulgate rules the board considers necessary or desirable to implement the final plan determined in subdivision (a)(7) of this section.~~

~~(b) The board shall submit its final plan as determined under subdivision (a)(7) of this section and rules as determined under subdivision (a)(8) of this section to the Legislative Council for review no later than March 1, 2008.~~

~~(c)(1) Once reviewed by the Legislative Council, the Department of Agriculture shall implement the plan.~~

~~(2) The board shall monitor progress and success of the plan.~~

~~(d)(1) The board Arkansas Livestock and Poultry Commission shall:~~

(A) Have jurisdiction over milk and milk products marketed in the State of Arkansas, including without limitation the base milk price paid to an Arkansas milk producer; and

(B)(i) Require that an Arkansas milk producer receive Class 1 prices for milk utilized or sold as fluid milk in this state.

(ii) Subdivision ~~(d)(1)(B)(i)~~ (a)(1)(B)(i) of this section applies only to milk that is both produced in and sold as fluid milk within this state.

(2) The ~~board~~ commission may:

1 (A) Revise the payment of Class 1 prices required under  
 2 subdivision ~~(d)(1)(B)(i)(a)(1)(B)(i)~~ of this section if Arkansas is no longer  
 3 considered a milk-deficit state; and

4 (B) Make, modify, and enforce rules that the ~~board~~  
 5 commission deems necessary to effectively carry out this subsection.

6 ~~(e)(b)~~ As used in this section:

7 (1) "Base milk price" means the top line of a milk producer's  
 8 milk check before deductions for quality premiums or discounts,  
 9 transportation costs, and cooperative administrative fees;

10 (2) "Class 1 price" means the price declared by the Federal Milk  
 11 Marketing Order No. 7; and

12 (3) "Fluid milk" means milk used for buttermilk, eggnog,  
 13 flavored, low-fat, skimmed, or whole milk.

14  
 15 SECTION 14. Arkansas Code § 2-10-201 is repealed.

16 ~~2-10-201. Findings—Intent.~~

17 ~~(a) The General Assembly finds that:~~

18 ~~(1) The State of Arkansas is at risk of losing its dairy~~  
 19 ~~industry if immediate legislative action is not taken to reduce the sharp~~  
 20 ~~decline in the number of its dairy farms; and~~

21 ~~(2) The loss of the dairy industry in Arkansas will result not~~  
 22 ~~only in the demise of dairy farming but also in significantly higher milk~~  
 23 ~~cost to Arkansas's citizens, including its children, and a loss of jobs in~~  
 24 ~~the processing of milk products.~~

25 ~~(b) The intent of this subchapter is to:~~

26 ~~(1) Prevent harm to Arkansas's consumers and dairy industry;~~

27 ~~(2) Establish the Dairy Stabilization Program, which will~~  
 28 ~~safeguard the interests of dairy producers in this state;~~

29 ~~(3) Ensure that dairy producers receive fair market breakeven~~  
 30 ~~prices;~~

31 ~~(4) Provide consumers a continuous and affordable supply of~~  
 32 ~~Arkansas-produced fluid milk and other dairy products;~~

33 ~~(5) Reverse the loss of dairy farms in the state;~~

34 ~~(6) Significantly curtail the increase in milk prices to the~~  
 35 ~~consumer by helping to ensure in-state production; and~~

36 ~~(7) Maintain and potentially increase jobs in the processing of~~

1 ~~milk products by stabilizing prices to dairy farmers.~~

3 SECTION 15. Arkansas Code § 2-10-202 is repealed.

4 ~~2-10-202. Definition.~~

5 ~~As used in this subchapter, "milk producer" means a person or entity~~  
6 ~~that operates a bovine dairy farm that possesses a valid permit signed by the~~  
7 ~~administrator of the Arkansas Grade "A" Milk Program.~~

9 SECTION 16. Arkansas Code § 2-10-203 is repealed.

10 ~~2-10-203. Dairy Stabilization Grant.~~

11 ~~(a) The Dairy Stabilization Grant is created.~~

12 ~~(b)(1)(A) If funds are available, the Secretary of the Department of~~  
13 ~~Agriculture shall calculate monthly the difference between the average~~  
14 ~~monthly blend price of milk received by Arkansas milk producers as estimated~~  
15 ~~by the secretary and seventy percent (70%) of the average monthly cost of~~  
16 ~~producing milk in Missouri and Tennessee as estimated by the United States~~  
17 ~~Department of Agriculture.~~

18 ~~(B) If the average monthly blend price of milk received by~~  
19 ~~Arkansas milk producers is lower than seventy percent (70%) of the calculated~~  
20 ~~average cost of producing milk in Missouri and Tennessee, the milk producer~~  
21 ~~is eligible for a monthly Dairy Stabilization Grant in the amount of the~~  
22 ~~difference, which will be paid quarterly. The secretary shall pay the milk~~  
23 ~~producer by the fifteenth day of the month following the end of the quarter.~~

24 ~~(2) The secretary shall not pay a milk producer more than five~~  
25 ~~dollars (\$5.00) per hundred weight of milk per month under subdivision (b)(1)~~  
26 ~~of this section.~~

27 ~~(c) Grants received by a milk producer under this section shall not~~  
28 ~~exceed an annual average of two dollars (\$2.00) per hundred weight of milk.~~

29 ~~(d) Grants authorized by the secretary shall be made to the milk~~  
30 ~~producer from moneys appropriated by the General Assembly for that purpose.~~

32 SECTION 17. Arkansas Code § 2-10-204 is repealed.

33 ~~2-10-204. Milk production and quality incentives.~~

34 ~~(a) If funds are available, as an incentive to continue milk~~  
35 ~~production and to improve milk quality, the Secretary of the Department of~~  
36 ~~Agriculture may pay a milk producer the following incentive payments:~~

1           ~~(1)(A) Fifty cents (50¢) per hundred weight of milk for each~~  
2 ~~hundred weight of milk produced above the milk producer's average annual milk~~  
3 ~~production.~~

4           ~~(B) A milk producer's average annual milk production~~  
5 ~~specified under subdivision (a)(1)(A) of this section shall be calculated~~  
6 ~~over the two (2) years preceding the year of disbursement; and~~

7           ~~(2) Fifty cents (50¢) per hundred weight of milk if the milk~~  
8 ~~contains a somatic cell count of less than four hundred thousand (400,000).~~

9           ~~(b) A milk producer that begins milk production after July 31, 2009,~~  
10 ~~qualifies for payments under subsection (a) of this section after the~~  
11 ~~completion of one (1) continuous year of milk production in Arkansas.~~

12           ~~(c) Annual payments to a milk producer under this section shall not~~  
13 ~~exceed fifty thousand dollars (\$50,000).~~

14           ~~(d) If funds are available, the secretary shall pay the annual~~  
15 ~~production and quality incentive payments to the eligible milk producers by~~  
16 ~~January 15 of the following year.~~

17  
18           SECTION 18. Arkansas Code § 2-10-205 is repealed.

19           ~~2-10-205. Rules.~~

20           ~~The Secretary of the Department of Finance and Administration and the~~  
21 ~~Secretary of the Department of Agriculture shall adopt rules to implement~~  
22 ~~this subchapter.~~

23  
24           SECTION 19. Arkansas Code § 2-16-206(b)-(f), concerning the State  
25 Plant Board, are amended to read as follows:

26           ~~(b)(1)~~ Board members shall serve a term of ~~two (2)~~ five (5) years or  
27 until such time as a successor has been elected or appointed as herein  
28 provided.

29           ~~(2)~~ A majority of the voting members of the board shall  
30 constitute a quorum ~~for all purposes.~~

31           ~~(3)~~ A majority vote of those members present shall be required  
32 for any action of the board to take place.

33           ~~(c) The chair, and vice chair, and secretary-treasurer shall be~~  
34 ~~elected by the members of the board. The board shall designate some official~~  
35 ~~or employee of the board to serve as disbursing officer of the board.~~

36           ~~(d) Meetings of the board shall be called by the chair or by four (4)~~

1 members of the board.

2 (e) The members shall serve without compensation but may receive  
3 expense reimbursements and stipends in accordance with § 25-16-901 et seq.  
4 ~~and shall be authorized to provide a suitable office where the meetings of~~  
5 ~~the board may be held and its records kept.~~

6 (f) ~~If necessary to provide suitable space for its offices,~~  
7 ~~laboratories, and other needs, the board may buy property, build buildings,~~  
8 ~~or lease property for a period covering not more than fifteen (15) years from~~  
9 ~~the date of lease~~ Each congressional district shall be represented by  
10 membership on the board.

11

12 SECTION 20. Arkansas Code § 2-16-206, concerning the State Plant  
13 Board, is amended to add an additional subsection to read as follows:

14 (g) A vacancy arising in the membership of the board for any reason  
15 other than expiration of the term for which the member was appointed shall be  
16 filled by appointment by the Governor and be effective until the expiration  
17 of the term of the member who created the vacancy, subject to the  
18 confirmation of the Senate when it is next in session.

19

20 SECTION 21. Arkansas Code § 2-16-208 is amended to read as follows:

21 2-16-208. Director of board.

22 ~~(a)(1) For the purpose of carrying out the provisions of this~~  
23 ~~subchapter, the State Plant Board shall employ, prescribe the duties of, and~~  
24 ~~fix the compensation for a Director of the State Plant Board.~~

25 ~~(2)(A) With the approval of the State Plant Board, the director~~  
26 ~~may employ such inspectors or other employees as may be required and may~~  
27 ~~incur such expenses as may be necessary within the limits of the~~  
28 ~~appropriation made by law.~~

29 ~~(B) The State Plant Board shall be subject to all~~  
30 ~~executive orders by the Governor instituting a hiring freeze or restriction~~  
31 ~~applicable to all cabinet-level departments.~~

32 ~~(b)(1) The director shall be appointed by the State Plant Board with~~  
33 ~~the approval of the Governor and shall serve at the pleasure of the Governor.~~

34 ~~(2)(A) The director shall report to the Secretary of the~~  
35 ~~Department of Agriculture.~~

36 ~~(B) The secretary shall serve as the liaison between the~~

1 ~~State Plant Board and the Governor.~~

2 ~~(c)(1) The director shall furnish a bond of five thousand dollars~~  
 3 ~~(\$5,000) with sufficient sureties approved by the State Plant Board for the~~  
 4 ~~faithful performance of his or her duties of this subchapter and the rules of~~  
 5 ~~the State Plant Board.~~

6 ~~(2) Any person suffering damage by reason of the acts or~~  
 7 ~~omissions of the director or his or her duly authorized deputies or employees~~  
 8 ~~may bring action on the bond for damages.~~

9 ~~(3) The State Plant Board may require to indemnify the director~~  
 10 ~~that similar bonds shall be furnished by deputies, inspectors, or employees.~~

11 ~~(d) The State Plant Board shall cooperate with other departments,~~  
 12 ~~boards, and officers of this state and of the United States as far as~~  
 13 ~~possible.~~

14 ~~(e) The secretary shall not be appointed to the position of director.~~

15 (a)(1) The Director of the State Plant Board shall be appointed by the  
 16 Governor and shall serve at the pleasure of the Governor.

17 (2) The director shall report to the Secretary of the Department  
 18 of Agriculture.

19 (b)(1) The secretary may delegate to the director any of the powers  
 20 and duties required to administer the:

21 (A) Statutory duties of the State Plant Board; and

22 (B) Rules, orders, or directives promulgated or issued by  
 23 the board.

24 (2) The director may exercise the powers and duties delegated  
 25 under subdivision (b)(1) of this section in the name of the board and of the  
 26 Department of Agriculture.

27  
 28 SECTION 22. Arkansas Code § 2-16-606 is amended to read as follows:

29 2-16-606. Cooperative programs authorized.

30 (a) The State Plant Board Department of Agriculture is hereby  
 31 authorized to carry out programs to suppress or eradicate the boll weevil in  
 32 this state.

33 (b) The board department is authorized to cooperate with any agency of  
 34 the federal government United States Government, any state, any other agency  
 35 in this state, or any person engaged in growing, processing, marketing, or  
 36 handling cotton, or any group of such persons in this state, in programs to

1 effectuate the purposes of this subchapter and may enter into written  
2 agreements to effectuate such purposes. Such agreements may provide for cost  
3 sharing and for division of duties and responsibilities under this subchapter  
4 and may include other provisions generally to effectuate the purposes of this  
5 subchapter.

6  
7 SECTION 23. Arkansas Code § 2-16-607 is amended to read as follows:

8 2-16-607. Entry of premises – Suppression or eradication activities –  
9 Inspections.

10 (a) The ~~State Plant Board~~ Department of Agriculture, or its authorized  
11 representatives, shall have authority to enter cotton fields, cotton  
12 processing facilities, and other premises in order to carry out suppression  
13 or eradication activities, including, but not limited to, treatment with  
14 pesticides, monitoring, and destruction of growing cotton or other host  
15 plants, as may be necessary to carry out the provisions of this subchapter.

16 (b) The ~~board~~ department shall have authority to make inspection of  
17 any fields or premises in this state and any property located therein or  
18 thereon for the purpose of determining whether such property is infested with  
19 the boll weevil. Such inspection and other activities may be conducted in a  
20 reasonable manner without a warrant at any reasonable daylight hour falling  
21 between sunrise and sunset.

22 (c) Any judge of this state will, within his or her jurisdiction, and  
23 upon proper cause shown, issue a warrant giving the ~~board~~ department the  
24 right of entry to any premises for the purpose of carrying out the provisions  
25 of this section or other activities authorized by this subchapter.

26  
27 SECTION 24. Arkansas Code § 2-16-608 is amended to read as follows:

28 2-16-608. Reports.

29 Every person growing cotton in this state shall furnish to the ~~State~~  
30 ~~Plant Board~~ Department of Agriculture, or its designated representative, on  
31 forms supplied by the ~~board~~ department or its cooperators, such information  
32 as the ~~board~~ department may require concerning the size and location of all  
33 commercial cotton fields and of noncommercial patches of cotton grown as  
34 ornamentals or for other purposes.

35  
36 SECTION 25. Arkansas Code § 2-16-611 is amended to read as follows:

1           2-16-611. Destruction or treatment of volunteer or other noncommercial  
2 cotton in eradication zones – Liability.

3           (a) The ~~State Plant Board~~ Department of Agriculture shall have  
4 authority to destroy, or, at its discretion, cause to be treated with  
5 pesticides, volunteer or other noncommercial cotton and to establish  
6 procedures for the purchase and destruction of commercial cotton in  
7 eradication zones when the ~~board~~ department deems such action necessary to  
8 effectuate the purposes of this subchapter.

9           (b)(1) No payment shall be made by the ~~board~~ department to the owner  
10 or lessee for the destruction or injury of any cotton which was planted in an  
11 eradication zone after publication of notice as provided in this subchapter,  
12 or was otherwise handled in violation of this subchapter, or the rules  
13 adopted pursuant thereto.

14           (2) However, the ~~board~~ department shall pay for losses resulting  
15 from the destruction of cotton which was planted in such zones before  
16 promulgation of such notice.

17  
18           SECTION 26. Arkansas Code § 2-16-612 is amended to read as follows:

19           2-16-612. Certification of cotton growers' organization –  
20 Requirements.

21           (a) The ~~State Plant Board~~ Department of Agriculture may certify a  
22 cotton growers' organization for the purpose of entering into agreements with  
23 the State of Arkansas, other states, the ~~federal government~~ United States  
24 Government, and such other parties as may be necessary to carry out the  
25 purposes of this subchapter.

26           (b)(1) In order to be eligible for certification by the ~~State Plant~~  
27 ~~Board~~ Department of Agriculture, the cotton growers' organization must  
28 demonstrate to the satisfaction of the ~~State Plant Board~~ department that:

29                   (A) It is a nonprofit organization and could qualify as a  
30 tax-exempt organization under § 501(a) of the Internal Revenue Code of 1986,  
31 as amended.

32                   (B) Membership in the organization ~~will~~ shall consist of  
33 all cotton growers in an eradication zone.

34           (2) The organization shall have only one (1) class of members  
35 with each member entitled to only one (1) vote.

36           (c) The organization's board of directors shall be composed as



1 follows:

2 (1) ~~Two (2) Arkansas cotton growers recommended by the State~~  
3 ~~Plant Board, to be appointed by the Governor~~ Five (5) practical cotton  
4 growers, actively or principally engaged, currently or previously, in the  
5 production of cotton, to be appointed by the Governor and confirmed by the  
6 Senate;

7 (2) ~~Three (3) Arkansas cotton growers recommended by the~~  
8 ~~Arkansas Farm Bureau Federation, to be appointed by the Governor;~~

9 ~~(3) Three (3) Arkansas cotton growers recommended by the~~  
10 ~~Agricultural Council of Arkansas, to be appointed by the Governor;~~

11 ~~(4) One (1) representative of state government from this state~~  
12 ~~recommended by the State Plant Board~~ department, to be appointed by the  
13 Governor; and

14 ~~(5)~~(3) The cochairs of the University of Arkansas Boll Weevil  
15 Eradication Technical Advisory Committee will serve as ex officio members of  
16 the cotton growers' organization board to serve in an advisory capacity.

17 (d)(1) All books and records of accounts and minutes of proceedings of  
18 the organization shall be available for inspection or audit by the board at  
19 any reasonable time.

20 (2) Employees or agents of the growers' organization who handle  
21 funds of the organization shall be adequately bonded in an amount to be  
22 determined by the ~~State Plant Board~~ department.

23 (e)(1) In addition to any authority granted the certified cotton  
24 growers' organization, the organization may borrow funds from any bona fide  
25 lender, including any state entity or authority, instruct the Arkansas  
26 Development Finance Authority to issue bonds under § 15-5-101 et seq., or to  
27 issue bonds in any other appropriate manner, any of which credit arrangements  
28 may be secured by a pledge of funds derived from assessments against cotton  
29 grower members of the organization.

30 (2)(A) Any funds borrowed and any funds derived from the sale of  
31 bonds shall be used exclusively for funding a boll weevil suppression or  
32 eradication program.

33 (B) Funds derived from assessments against cotton grower  
34 members of the organization shall be used to pay the operating expenses of  
35 the boll weevil suppression or eradication program and to repay any loans or  
36 obligations incurred by the boll weevil suppression or eradication program.

1 (f)(1) Upon being certified as the certified cotton growers'  
 2 organization under this subchapter, the certified cotton growers'  
 3 organization and its board of directors are granted all the immunities and  
 4 protections allowed under § 16-120-701 et seq., notwithstanding the  
 5 requirements of § 16-120-702(a).

6 (2) The certified cotton growers' organization may indemnify its  
 7 directors against liability incurred in connection with their duties as board  
 8 members.

9 (g)(1) In order for a cotton growers' organization to maintain  
 10 certification by the ~~State Plant Board~~ department, it shall provide that its  
 11 board of directors serve four-year terms of office except that on July 1,  
 12 2004, the terms shall be staggered so that, to the extent possible, an equal  
 13 number of members' terms shall expire each year.

14 (2) Members of the board of directors may succeed themselves.

15 ~~(3)(A) Within the parameters of subdivision (g)(3)(B) of this~~  
 16 ~~section, the cotton growers' organization shall ensure that the five (5)~~  
 17 ~~eradication zones as they existed on January 1, 2003, are represented on the~~  
 18 ~~board of directors in proportion to the number of acres of cotton planted in~~  
 19 ~~each zone using the prior three (3) years' average acreage to determine the~~  
 20 ~~proportional representation.~~

21 ~~(B) Beginning July 1, 2004~~ 2023, the cotton growers'  
 22 organization shall cause its board of directors to be composed of:

23 (i) ~~At least one~~ One (1) member ~~but no more than (2)~~  
 24 ~~members~~ who ~~reside~~ resides within the Southeast Boll Weevil Eradication Zone  
 25 as it existed on January 1, 2003;

26 (ii) ~~At least one~~ One (1) member ~~but no more than (2)~~  
 27 ~~members~~ who ~~reside~~ resides within the Southwest Boll Weevil Eradication Zone  
 28 as it existed on January 1, 2003;

29 (iii) ~~At least one~~ One (1) member ~~but no more than~~  
 30 ~~(2) members~~ who ~~reside~~ resides within the Central Boll Weevil Eradication  
 31 Zone as it existed on January 1, 2003;

32 (iv) ~~At least one~~ One (1) member ~~but no more than (2)~~  
 33 ~~members~~ who ~~reside~~ resides within the Northeast Ridge Boll Weevil Eradication  
 34 Zone as it existed on January 1, 2003; and

35 (v) ~~At least one~~ One (1) member ~~but no more than (2)~~  
 36 ~~members~~ who ~~reside~~ resides in the Northeast Boll Weevil Eradication Zone as

1 it existed on January 1, 2003.

2 ~~(4) As vacancies occur, they shall be filled in a manner that~~  
 3 ~~will, to the extent possible, ensure the proportional representation required~~  
 4 ~~in subdivision (g)(3)(A) of this section.~~

5 (h) The board of directors of the certified cotton growers'  
 6 organization shall be a subcommittee of the State Plant Board.

7  
 8 SECTION 27. Arkansas Code § 2-16-614(a)(1), concerning a referendum  
 9 for an assessment by a certified cotton growers' organization, is amended to  
 10 read as follows:

11 (a)(1) At the request of the certified cotton growers'  
 12 organization, the State Plant Board ~~shall~~ may authorize a referendum among  
 13 cotton growers in a designated region on the question of whether an  
 14 assessment shall be levied upon cotton growers in that region to offset, in  
 15 whole or in part, the cost of boll weevil suppression, preeradication,  
 16 eradication, or maintenance programs authorized by this subchapter or any  
 17 other law of this state.

18  
 19 SECTION 28. Arkansas Code § 2-16-614(d)-(g), concerning a referendum  
 20 for an assessment by a certified cotton growers' organization, is amended to  
 21 read as follows:

22 (d)(1) The assessments approved under this subchapter shall be  
 23 collected by the certified cotton growers' organization or such other agency  
 24 or entity designated by the ~~board~~ department from the affected cotton  
 25 growers.

26 (2) The assessments collected by the ~~board~~ department or such  
 27 other agency or entity designated by the ~~board~~ department under this  
 28 subchapter shall be promptly remitted to the ~~certified cotton growers'~~  
 29 ~~organization~~ department under such terms and conditions as the ~~board~~  
 30 department shall deem necessary to ensure that the assessments are used in a  
 31 sound program of eradication or suppression of the boll weevil.

32 (e) The certified organization shall provide to the ~~board~~ department  
 33 an annual audit of its accounts performed by a certified public accountant.

34 (f) The assessments collected by the ~~board~~ department under this  
 35 subchapter shall not be state funds.

36 (g)(1) In addition to the authority granted in this section for a

1 referendum among cotton growers, the ~~board~~ department may conduct a separate  
 2 referendum among cotton growers in the southwest corner of the state, within  
 3 boundaries to be defined by the board on the question of whether an  
 4 assessment shall be levied upon cotton growers in the defined area to provide  
 5 funds to fund in whole or in part the cost of a boll weevil suppression or  
 6 eradication program.

7 (2) Any such regional referendum shall be conducted in the same  
 8 manner as any other referendum authorized in this section, and any  
 9 assessments levied pursuant to such a referendum shall be subject to the same  
 10 uses and limitations and shall be made, collected, and remitted in the same  
 11 manner as assessments levied pursuant to any other referenda conducted under  
 12 this subchapter.

13  
 14 SECTION 29. Arkansas Code § 2-16-617(b), concerning a cotton grower’s  
 15 failure to pay assessments, is amended to read as follows:

16 (b) The ~~board~~ Department of Agriculture may petition the circuit court  
 17 of the judicial circuit in which the public nuisance is located to have the  
 18 nuisance condemned and destroyed, with all costs of destroying to be levied  
 19 against the grower. This injunctive relief shall be available to the ~~board~~  
 20 department notwithstanding the existence of any other legal remedy, and the  
 21 ~~board~~ department shall not be required to file a bond.

22  
 23 SECTION 30. Arkansas Code § 2-16-617(c)(1), concerning a cotton  
 24 grower’s failure to pay assessments, is amended to read as follows:

25 (c)(1) In addition to any other remedies for the collection of  
 26 assessments, including penalties, the ~~board~~ department may secure a lien upon  
 27 cotton subject to the assessments.

28  
 29 SECTION 31. Arkansas Code § 2-16-617(c)(2)(B), concerning a cotton  
 30 grower’s failure to pay assessments and liens, is amended to read as follows:

31 (B) Any buyer of cotton shall take free of the lien if he  
 32 or she has not received written notice of the lien from the ~~board~~ department  
 33 or if he or she has paid for the cotton by a check in which the ~~board~~  
 34 department is named as joint payee.

35  
 36 SECTION 32. Arkansas Code § 2-16-617(d), concerning a cotton grower’s

1 failure to pay assessments and certificates of compliance, is amended to read  
2 as follows:

3 (d)(1)(A) No gins in the State of Arkansas shall gin any cotton for  
4 any cotton grower from Arkansas or from any other state unless and until that  
5 grower files with the respective gin a certificate of compliance issued by  
6 the ~~board~~ department certifying that the grower has paid all fees,  
7 assessments, penalties, and costs imposed and required under this subchapter,  
8 unless a grower has been granted an extension by the ~~board~~ department in  
9 compliance with subsection (e) of this section.

10 (B) It is the responsibility of each grower to procure a  
11 certificate of compliance or proof that an exemption for compliance has been  
12 granted from the ~~board~~ department by September 1 of each successive crop year  
13 and to file same with a gin.

14 (2)(A) Any gin that gins cotton for any cotton grower who has  
15 not filed a current valid certificate of compliance issued by the ~~board~~  
16 department shall be assessed a penalty to be established by ~~board~~ department  
17 rules.

18 (B) Any cotton grower will be subject to having a lien  
19 placed on the following year's crop for any unpaid assessments or penalties  
20 incurred in the previous year.

21  
22 SECTION 33. Arkansas Code § 2-16-617(e)(1)-(3), concerning a cotton  
23 grower's failure to pay assessments and certificates of compliance, is  
24 amended to read as follows:

25 (e)(1) The board shall by rule establish a procedure in which a cotton  
26 grower can apply for exemption from payment of any assessment or penalty  
27 imposed in this section, on the basis that the payment of the assessment or  
28 the penalty will impose undue financial hardship on the grower, and shall  
29 prescribe the criteria to be used in determining undue financial hardship.

30 (2)(A) Any cotton grower who wishes to request an exemption from  
31 payment of the assessment, or the penalty, or both, shall apply for the  
32 exemption on forms prescribed by the ~~board~~ department.

33 (B) A separate application must be filed for each calendar  
34 year for which the cotton grower seeks an exemption, and each such  
35 application shall contain information on which the grower relies to justify  
36 an exemption on the basis of undue financial hardship.

1 (C) The application form shall include an oath or  
2 affirmation of the applicant as to the truth of all information contained in  
3 or accompanying the application.

4 (3)(A) The ~~board~~ department shall forward each completed  
5 exemption application form and any information accompanying the form to the  
6 cotton growers' organization certified under § 2-16-612.

7 (B) The certified cotton growers' organization shall  
8 determine whether each applicant qualifies for a hardship exemption based on  
9 the information contained in or accompanying the application form.

10  
11 SECTION 34. Arkansas Code § 2-23-101 is amended to read as follows:  
12 2-23-101. Definitions.

13 As used in this subchapter:

14 (1) "Advertisement" means all representations other than those  
15 on the label written, recorded, or published and distributed by the labeler;

16 (2) "Agricultural seed" means the seeds of grass, forage,  
17 cereal, oil and fiber crops, and any other kinds of seed commonly recognized  
18 within this state as agricultural seeds and mixtures of such seed;

19 ~~(3) "Arbitration committee" means the committee established by~~  
20 ~~the Director of the State Plant Board under this subchapter to hear and make~~  
21 ~~determinations in mandatory, nonbinding arbitration cases;~~

22 ~~(4)~~ (4) "Buyer" means a person who purchases agricultural seeds;

23 ~~(5) "Chairperson" means the person selected by the arbitration~~  
24 ~~committee from among its members to preside over arbitration hearings;~~

25 ~~(6)~~(4) "Dealer" means any person, individual, partnership, or  
26 company who distributes agricultural seeds;

27 ~~(7)~~(5) "Label" means the display or displays of written,  
28 printed, or graphic matter upon or attached to the container of seed or as  
29 required by rules established under the Arkansas Plant Act of 1917, § 2-16-  
30 201 et seq.;

31 ~~(8)~~(6) "Labeler" means the person, firm, corporation, or the  
32 registered code number whose name appears on the label or container of seed;

33 ~~(9)~~(7) "Labeling" includes all labels, advertisements, and other  
34 written, printed, or graphic representations in any manner whatsoever  
35 pertaining to any seed, whether in bulk or in containers, and includes  
36 representations on invoices except for current, official publications of the

1 United States Department of Agriculture and the United States Department of  
2 the Interior, state experiment stations, state agricultural colleges, and  
3 other similar federal or state institutions or agencies authorized by law to  
4 conduct research; and

5 ~~(10)~~(8) "Person" means an individual, firm, partnership,  
6 corporation, or company.

7  
8 SECTION 35. Arkansas Code § 2-23-102 is amended to read as follows:

9 2-23-102. Prerequisite to legal action – Notice – Arbitration  
10 ~~committee.~~

11 (a)(1) When any buyer believes that he or she has been damaged by the  
12 failure of agricultural seed to produce or perform as represented by the  
13 labeling of the agricultural seed, as a prerequisite to the buyer's right to  
14 maintain a legal action against the dealer or labeler and within a reasonable  
15 time after the alleged defect or violation becomes apparent, the buyer shall  
16 file a written notice of intent to seek arbitration to permit inspection of  
17 the crops or plants during the growing season.

18 (2) A meeting shall be scheduled by the Director of the State  
19 Plant Board between the buyer and labeler for the purpose of resolving the  
20 dispute, or if the dispute is not resolved, for officially filing the  
21 complaint.

22 (3) The buyer shall make a sworn complaint against the dealer or  
23 labeler alleging the damages sustained or to be sustained and file the  
24 complaint with the director.

25 (4) The buyer shall send a copy of the complaint to the labeler  
26 by United States registered mail.

27 (b)(1) A filing fee of two hundred fifty dollars (\$250) plus one  
28 dollar (\$1.00) per acre filed on, not to exceed a total of seven hundred  
29 fifty dollars (\$750), shall be paid to the director with each complaint  
30 filed, and complaints shall be filed on forms provided by the State Plant  
31 Board.

32 (2) This fee shall be deposited into the Plant Board Fund in the  
33 State Treasury and may be used by the director to offset expenses of the  
34 investigation.

35 (c) Within ten (10) days after receipt of a copy of the complaint, the  
36 labeler shall file with the director the labeler's answer to the complaint

1 and send a copy of the answer to the buyer by United States registered mail.

2 (d)(1) However, unless notice of this section is legibly printed or  
3 typed on the seed container or on a label affixed to the seed container or  
4 printed on the invoice covering bulk seed, the buyer shall not be required to  
5 comply with this section as a prerequisite to maintaining a legal action  
6 against the dealer or labeler.

7 (2) A notice in the following form, or some reasonably  
8 equivalent language, is sufficient:

9 "Notice of Mandatory Arbitration

10 NOTICE: As a prerequisite to maintaining a legal  
11 action based upon the failure of seed to which this label is attached to  
12 produce as represented, a consumer shall file a sworn complaint with the  
13 Director of the State Plant Board within such time as to permit inspection of  
14 the crops or plants during the growing season."

15 (3) If language setting forth the requirement is not so placed  
16 on the seed package, analysis label, or invoice covering bulk seed shipments,  
17 the filing and serving of a complaint under this section are not required.  
18

19 SECTION 36. Arkansas Code § 2-23-103 is amended to read as follows:

20 2-23-103. Seed dealer or labeler may request investigation -  
21 Requirements.

22 (a)~~(1)~~ Any seed dealer or labeler against whom suit is brought in any  
23 state or federal court by a buyer who alleges that he or she has been damaged  
24 by the failure of seeds purchased from a seed dealer to perform as labeled,  
25 may request an investigation by the ~~arbitration committee~~ Department of  
26 Agriculture.

27 ~~(2)(b)~~ A filing fee of two hundred fifty dollars (\$250) plus one  
28 dollar (\$1.00) per acre filed on, not to exceed a total of seven hundred  
29 fifty dollars (\$750), shall be paid by the party.

30 ~~(b) The Director of the State Plant Board shall refer the complaint~~  
31 ~~and the answer to the complaint to the arbitration committee provided in § 2-~~  
32 ~~23-104 for investigation, findings, and recommendations on the matters~~  
33 ~~complained of.~~

34  
35 SECTION 37. Arkansas Code § 2-23-104 is repealed.

36 ~~2-23-104. Arbitration committee Members.~~



1           ~~(a)(1)(A) The Director of the State Plant Board shall appoint an~~  
2 ~~arbitration committee composed of six (6) members and six (6) alternate~~  
3 ~~members with one (1) member and one (1) alternate to be appointed upon the~~  
4 ~~recommendation of each of the following:~~

5                           ~~(i) The President of the Arkansas Seed Growers~~  
6 ~~Association;~~

7                           ~~(ii) The President of the Arkansas Seed Dealers~~  
8 ~~Association;~~

9                           ~~(iii) The President of the Arkansas Farm Bureau~~  
10 ~~Federation; and~~

11                           ~~(iv) The President of the Agricultural Council of~~  
12 ~~Arkansas.~~

13                           ~~(B) Terms for seed grower, seed dealer, farm bureau, and~~  
14 ~~agricultural council members shall be for four (4) years.~~

15                           ~~(2) The members and alternates shall be confirmed by the~~  
16 ~~Governor.~~

17                           ~~(3)(A) The Director of the University of Arkansas Agricultural~~  
18 ~~Experiment Station, or his or her designee or alternate, and the Director of~~  
19 ~~the University of Arkansas Cooperative Extension Service, or his or her~~  
20 ~~designee or alternate, shall serve as ex officio members.~~

21                           ~~(B) Ex officio members shall serve until replaced by their~~  
22 ~~organizations.~~

23                           ~~(4) Recommending organizations shall submit member~~  
24 ~~recommendations not less than thirty (30) days before the expiration day of~~  
25 ~~an expiring term.~~

26                           ~~(5) Each alternate member shall serve only in the absence of the~~  
27 ~~member for whom he or she is an alternate.~~

28                           ~~(6) Members of the committee may receive expense reimbursement~~  
29 ~~in accordance with § 25-16-901 et seq.~~

30                           ~~(b)(1) The committee shall elect a chairperson from its membership and~~  
31 ~~the Director of the State Plant Board, or his or her designee, shall serve as~~  
32 ~~secretary of the committee and shall not vote.~~

33                           ~~(2) It is the duty of the chairperson to conduct all meetings~~  
34 ~~and deliberations held by the committee and to direct all other activities of~~  
35 ~~the committee.~~

36                           ~~(3) It is the duty of the secretary to keep accurate and correct~~

1 ~~records on all meetings and deliberations and perform other duties for the~~  
2 ~~committee as directed by the chairperson.~~

4 SECTION 38. Arkansas Code § 2-23-105 is repealed.

5 ~~2-23-105. Committee purpose.~~

6 ~~(a) The purpose of the arbitration committee is to assist agricultural~~  
7 ~~seed buyers and agricultural seed dealers or labelers in determining the~~  
8 ~~facts relating to matters alleged in complaints made by buyers against~~  
9 ~~dealers or labelers. The committee may make rules to carry out the purposes~~  
10 ~~of this act.~~

11 ~~(b) The committee may recommend money damages be paid the buyer as a~~  
12 ~~result of alleged failure of seeds to produce as represented by the labeling~~  
13 ~~of the seed and may also recommend that the seed dealer or labeler reimburse~~  
14 ~~the buyer for the amount of the filing fee paid by the buyer.~~

16 SECTION 39. Arkansas Code § 2-23-106 is amended to read as follows:

17 2-23-106. ~~Committee—Meetings—~~ Informal hearing.

18 ~~(a) The arbitration committee may be called into session by the~~  
19 ~~Director of the State Plant Board or upon the direction of the chairperson to~~  
20 ~~consider the matters referred to it by the board.~~

21 ~~(b) If the ~~committee~~ Secretary of the Department of Agriculture~~  
22 ~~determines that an informal hearing should be conducted to allow each party~~  
23 ~~an opportunity to present his or her respective side of the dispute,~~  
24 ~~attorneys may be present at the hearing to confer with their clients, but may~~  
25 ~~not participate directly in the proceedings unless requested to do so by the~~  
26 ~~chairperson of the arbitration committee secretary or his or her designee.~~

28 SECTION 40. Arkansas Code § 2-23-107 is amended to read as follows:

29 2-23-107. ~~Committee—~~ Investigation and report – Findings as evidence.

30 ~~(a) When the Director of the State Plant Board refers to the~~  
31 ~~arbitration committee any a complaint is made by a buyer against a dealer or~~  
32 ~~labeler, ~~the committee~~ the Secretary of the Department of Agriculture or his~~  
33 ~~or her designee shall make a full and complete investigation of the matters~~  
34 ~~complained of and at the conclusion of the investigation, report ~~through its~~~~  
35 ~~~~secretary~~ the findings and recommendations to the buyer and to the labeler by~~  
36 ~~United States registered mail.~~

1 (b)(1) The report of arbitration shall be binding upon all parties to  
2 the extent, if any, that they have so agreed:

- 3 (A) In any contract governing the sale of the seed; or
- 4 (B) Before the official filing of arbitration.

5 (2) In the absence of an agreement to be bound by arbitration, a  
6 buyer may commence legal proceedings against a seller or assert such claim,  
7 as a counterclaim or defense in any action brought by the seller, at any time  
8 after the receipt of the report of arbitration.

9 (3)(A) In litigation involving a complaint which has been the  
10 subject of arbitration under this section, any party may introduce the report  
11 of arbitration as evidence of the facts found in the report, and the court  
12 may give such weight to the ~~committee's~~ findings and conclusions of law and  
13 recommendations as to damages and costs as the court may see fit based upon  
14 all the evidence before the court.

15 (B) The court may also take into account any findings ~~of~~  
16 ~~the committee~~ with respect to the failure of any party to cooperate in the  
17 arbitration proceedings, including any finding as to the effect of delay in  
18 filing the arbitration claim upon the ~~committee's~~ the Secretary of the  
19 Department of Agriculture or his or her designee ability to determine the  
20 facts of the case.

21  
22 SECTION 41. Arkansas Code § 2-23-108 is amended to read as follows:

23 2-23-108. ~~Committee~~— Investigative powers.

24 ~~(a)~~ In conducting its investigation, the ~~arbitration committee~~  
25 Department of Agriculture may:

26 (1) Examine the buyer on his or her use of the seed of which he  
27 or she complains and the dealer or labeler on his or her packaging, labeling,  
28 and selling operation of the seed alleged to be faulty;

29 (2) Grow to production a representative sample of the alleged  
30 faulty seed through the facilities of the state, under the supervision of the  
31 Director of the State Plant Board, when such action is deemed by the  
32 ~~committee~~ Secretary of the Department of Agriculture to be necessary;

33 (3) Hold informal hearings at a time and place directed by the  
34 ~~chairperson of the committee~~ secretary upon reasonable notice to the buyer  
35 and the dealer or labeler; and

36 (4) Seek evaluations from authorities in allied disciplines,

1 when deemed necessary.

2 ~~(b) An investigation made by less than the whole membership of the~~  
3 ~~committee shall be by authority of a written directive by the chairperson,~~  
4 ~~and the investigation shall be summarized in writing and considered by the~~  
5 ~~committee in reporting its findings and making its recommendations.~~

6  
7 SECTION 42. Arkansas Code § 2-23-109 is amended to read as follows:  
8 2-23-109. ~~Committee records~~ Record keeping.

9 The ~~committee~~ Department of Agriculture shall keep a record of its  
10 activities and reports ~~on file in the State Plant Board~~ under this  
11 subchapter.

12  
13 SECTION 43. Arkansas Code § 2-23-110 is amended to read as follows:  
14 2-23-110. Notice.

15 The consumer and seedsman shall give written notice to the ~~department~~  
16 Department of Agriculture of the acceptance or rejection of the ~~arbitration~~  
17 ~~committee's~~ department's recommended terms of settlement within thirty (30)  
18 days from the date such recommended terms of settlement are issued by the  
19 ~~arbitration committee~~ department.

20  
21 SECTION 44. Arkansas Code § 2-33-102 is amended to read as follows:  
22 2-33-102. Members.

23 (a)(1) The Arkansas Livestock and Poultry Commission shall consist of  
24 ~~seven (7)~~ nine (9) members who are residents and electors of this state to be  
25 appointed by the Governor by and with the advice and consent of the Senate  
26 for terms of ~~seven (7)~~ five (5) years ~~and shall be actively engaged in the~~  
27 ~~Arkansas livestock or poultry industries.~~

28 (2) At least two (2) members of the commission shall be  
29 veterinarians, at least one (1) of which shall be engaged primarily in large  
30 animal or food supply veterinary medicine.

31 (3) The remaining members and shall be actively engaged in the  
32 Arkansas livestock, dairy, or poultry industries.

33 (b) Each congressional district shall be represented by membership on  
34 the commission.

35 (c) The term of office shall commence on January 15 following the  
36 expiration date of the preceding term and shall end on January 14 of the

1 ~~seventh~~ fifth year following the year in which the term commenced.

2 (d) Any vacancies arising in the membership of the commission for any  
3 reason other than expiration of the terms for which the members were  
4 appointed shall be filled by appointment by the Governor and be effective  
5 until the expiration of the terms, subject to the confirmation of the Senate  
6 when it is next in session.

7 (e) Before entering upon his or her duties, each member of the  
8 commission shall take, subscribe, and file in the office of the Secretary of  
9 State an oath to support the United States Constitution and the Arkansas  
10 Constitution and to faithfully perform the duties of the office upon which he  
11 or she is about to enter.

12 (f)(1) Members of the commission shall receive no pay for their  
13 services.

14 (2) Members of the commission may receive expense reimbursement  
15 and stipends in accordance with § 25-16-901 et seq.

16 (g) The commission may create a committee to make recommendations to  
17 the commission regarding rulemaking, disciplinary issues ethical complaints,  
18 and evaluation of applications pursuant to § 17-101-101 et seq.

19  
20 SECTION 45. Arkansas Code § 2-33-103 is amended to read as follows:

21 2-33-103. Organization and meetings.

22 (a) The Arkansas Livestock and Poultry Commission shall from time to  
23 time select from its membership a chair and a vice chair.

24 (b)(1) The commission shall adopt and may modify rules for the conduct  
25 of its business and shall keep a record of its transactions, findings, and  
26 determinations, which shall be public.

27 ~~(2) The rules shall provide for regular meetings and for special~~  
28 ~~meetings at the call of the chairman or the vice chairman if he or she is,~~  
29 ~~for any reason, the acting chairman, either at his or her own instance or~~  
30 ~~upon the written request of at least four (4) members~~ Meetings of the  
31 commission shall be called by the chair of the commission or by four (4)  
32 members of the commission.

33 (c)(1) A majority of the membership of the commission shall constitute  
34 a quorum.

35 (2) A majority vote of those members present shall be required  
36 for any action of the commission.

1 (d) ~~A vacancy on the commission due to death, resignation, removal, or~~  
2 ~~other cause shall be filled by appointment by the Governor for the unexpired~~  
3 ~~portion of the term.~~

4 (e) The Governor may remove a member of the commission before the  
5 expiration of his or her term for cause only, after notice and a hearing in  
6 accordance with §§ 25-17-210 and 25-17-211.

7 ~~(f)~~(e) All meetings shall be open to the public.

8  
9 SECTION 46. Arkansas Code § 2-33-105(b), concerning the State  
10 Veterinarian, is amended to read as follows:

11 (b) The State Veterinarian shall be a person who has been granted the  
12 degree of Doctor of Veterinary Medicine and holds a current license issued by  
13 the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry  
14 Commission of this state.

15  
16 SECTION 47. Arkansas Code § 2-40-801(1), concerning definitions  
17 regarding equine infectious anemia, is amended to read as follows:

18 (1) "Accredited veterinarian" means a veterinarian licensed by the  
19 ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission  
20 and approved by the United States Animal and Plant Health Inspection Service  
21 to perform functions required for state or cooperative state and federal  
22 animal disease control and eradication programs;

23  
24 SECTION 48. Arkansas Code § 8-7-1202 is amended to read as follows:  
25 8-7-1202. Purpose.

26 It is the purpose of this subchapter to protect the citizens of the  
27 state and the environment by providing for the safe and proper disposal of  
28 abandoned pesticides used in agriculture and for other uses. Furthermore, it  
29 is the purpose of this subchapter ~~to create an Abandoned Pesticide Advisory~~  
30 ~~Board~~ authorize the Department of Agriculture to review and approve proposed  
31 pesticide disposal projects, select contractors to dispose of abandoned  
32 pesticides used in agriculture and for other uses, and approve payments from  
33 the Abandoned Agricultural Pesticide and Plant Regulator Disposal Trust Fund.  
34

35 SECTION 49. Arkansas Code § 8-7-1203(2), concerning definitions under  
36 the Abandoned Agricultural Pesticide Disposal Act, is repealed.

1           (2) ~~“Advisory board” means the Abandoned Pesticide Advisory~~  
2 ~~Board;~~

3  
4           SECTION 50. Arkansas Code § 8-7-1204 is repealed.

5           ~~8-7-1204. Abandoned Pesticide Advisory Board.~~

6           ~~(a) There is created the Abandoned Pesticide Advisory Board.~~

7           ~~(b) The board shall be composed of up to six (6) members:~~

8                 ~~(1) One (1) member shall be a representative from the Arkansas~~  
9 ~~Farm Bureau Federation;~~

10                ~~(2) One (1) member shall be a representative from the Arkansas~~  
11 ~~Natural Resources Commission;~~

12                ~~(3) One (1) member shall be a representative from the University~~  
13 ~~of Arkansas Cooperative Extension Service;~~

14                ~~(4) One (1) member shall be a representative from the Division~~  
15 ~~of Environmental Quality;~~

16                ~~(5) One (1) member may be a representative from the United~~  
17 ~~States Natural Resources Conservation Service; and~~

18                ~~(6) One (1) member shall be a representative from the Department~~  
19 ~~of Agriculture, who shall serve as the Chair of the Abandoned Pesticide~~  
20 ~~Advisory Board.~~

21           ~~(c) Members of the board shall serve without compensation.~~

22  
23           SECTION 51. Arkansas Code § 8-7-1205 is amended to read as follows:

24           8-7-1205. Powers and duties of the board Department of Agriculture.

25           The ~~Abandoned Pesticide Advisory Board~~ Department of Agriculture shall  
26 have the following powers and duties:

27                (1) To identify any abandoned pesticides which shall be excluded  
28 from the collection and disposal program;

29                (2) To advise and make recommendations to the State Plant Board  
30 regarding projects for collecting and disposing of abandoned pesticides;

31                (3) To advise and make recommendations to the State Plant Board  
32 on the issuance of requests for proposals from contractors;

33                (4) To review and evaluate proposals for the collection and  
34 disposal of abandoned pesticides;

35                (5) To select proposals for the collection and disposal of  
36 abandoned pesticides to be implemented; and

1           (6) To approve payments from the Abandoned Agricultural  
2 Pesticide and Plant Regulator Disposal Trust Fund for collection and disposal  
3 projects.

4  
5           SECTION 52. Arkansas Code § 8-7-1206(a)(5), concerning abandoned  
6 pesticide disposal, is amended to read as follows:

7           (5) Moneys received into the fund shall be utilized by the  
8 Department of Agriculture, ~~as authorized by the Abandoned Pesticide Advisory~~  
9 ~~Board,~~ to pay for projects and other activities relating to the collection  
10 and disposal of abandoned pesticides and for administrative support.

11  
12           SECTION 53. Arkansas Code § 8-7-1206(b)(1), concerning abandoned  
13 pesticide disposal, is amended to read as follows:

14           (b)(1) The department shall administer the program relating to the  
15 collection and disposal of abandoned pesticides, ~~as authorized by the~~  
16 ~~Abandoned Pesticide Advisory Board.~~

17  
18           SECTION 54. Arkansas Code § 14-118-202 is amended to read as follows:

19           14-118-202. ~~Red River Commission — Creation, powers, and duties~~  
20 Department of Agriculture — Powers — Duties.

21           ~~There is created and established the Red River Commission with The~~  
22 Department of Agriculture has the following powers, duties, and  
23 responsibilities under this subchapter:

24           (1) To cooperate with the appropriate state and federal agencies  
25 for the study and planning of needed improvements to and along the main stem  
26 of the Red River in Little River County, Hempstead County, Miller County, and  
27 Lafayette ~~Counties~~ County, Arkansas;

28           (2) To review, study, and examine any plan by the State of  
29 Arkansas or the federal government, or any agency thereof, for the  
30 improvement of the main stem of the Red River in Arkansas and to ascertain  
31 the nature and purpose of the improvement, the benefits to be expected  
32 therefrom, and the necessity, feasibility, and estimated cost thereof;

33           (3) To determine the local, nonfederal costs necessary for the  
34 construction, operation, and maintenance of any Red River improvement project  
35 along and upon the main stem thereof;

36           (4) To delineate the area to be benefited by improvement of the



1 main stem of the Red River.

2

3 SECTION 55. Arkansas Code § 14-118-203 is repealed.

4 ~~14-118-203. Commission members.~~

5 ~~(a)(1) The commission shall be composed of eight (8) members,~~  
6 ~~appointed by the Governor as follows: Two (2) who are residents and electors~~  
7 ~~of Little River County, two (2) who are residents and electors of Hempstead~~  
8 ~~County, two (2) who are residents and electors of Miller County, and two (2)~~  
9 ~~who are residents and electors of Lafayette County.~~

10 ~~(2) The Governor's appointments shall be by and with the advice~~  
11 ~~and consent of the Senate.~~

12 ~~(b) Before entering upon commission duties, each member of the~~  
13 ~~commission shall take and subscribe and file in the office of the Secretary~~  
14 ~~of State an oath to support the United States Constitution and the Arkansas~~  
15 ~~Constitution and to faithfully perform the duties of the office upon which he~~  
16 ~~or she is about to enter.~~

17 ~~(c) For each member of the commission, the term of office shall~~  
18 ~~commence on January 15 following the January 14 expiration date, and shall~~  
19 ~~end on January 14 of the seventh year following the year in which the term~~  
20 ~~commenced.~~

21 ~~(d) Any vacancies arising in the membership of the commission for any~~  
22 ~~reason other than expiration of the regular terms for which the members were~~  
23 ~~appointed shall be filled by appointment by the Governor, and to be~~  
24 ~~thereafter effective until the expiration of the regular terms, subject,~~  
25 ~~however, to the confirmation of the Senate when it is next in session.~~

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

31

32 SECTION 56. Arkansas Code § 14-118-204(a), concerning a petition for a  
33 district establishment for the improvement of the Red River, is amended to  
34 read as follows:

35 (a) Whenever the ~~Congress of the~~ United States Congress has enacted a  
36 law adopting and authorizing a project for the improvement of the main stem

1 of the Red River in Little River County, Hempstead County, Miller County, or  
2 Lafayette ~~Counties~~ County in Arkansas, the ~~commission~~ Department of  
3 Agriculture may, after performing ~~their~~ the department's duties as outlined  
4 and prescribed by § 14-118-202, may petition the circuit court in the  
5 judicial district in which the largest portion of the lands to be benefited  
6 are situated and within a county in which some part or portion of lands in  
7 the proposed district are situated for the establishment of an improvement  
8 district to embrace the property within the area to be benefited.

9  
10 SECTION 57. Arkansas Code § 14-118-206(a), concerning an improvement  
11 district board of commissioners, is amended to read as follows:

12 (a) When the circuit court has established the improvement district  
13 upon the petition of the ~~commission~~ Department of Agriculture under this  
14 subchapter, it shall proceed for the appointment of a board of commissioners  
15 in the same manner as provided by § 14-118-106.

16  
17 SECTION 58. Arkansas Code § 14-118-206(e), concerning an improvement  
18 district board of commissioners, is amended to read as follows:

19 (e) Appointments by the circuit court shall be made upon petition by  
20 the ~~commission established~~ department under this subchapter.

21  
22 SECTION 59. Arkansas Code § 14-118-208 is amended to read as follows:  
23 14-118-208. Additional powers.

24 (a) The ~~Red River Commission~~ Department of Agriculture may receive and  
25 use any federal, state or private funds, donations, and grants made available  
26 for the development, use, and expansion of the Red River.

27 (b) The ~~commission~~ department may share in costs associated with the  
28 Red River Valley Association.

29  
30 SECTION 60. Arkansas Code § 14-125-301(a)(3), concerning the directors  
31 of a governing body of a conservation district, is amended to read as  
32 follows:

33 (3) ~~The two~~ Two (2) directors shall be appointed by the ~~Arkansas~~  
34 ~~Natural Resources Commission~~ elected directors and shall be persons who are  
35 owners of land within the district and who are by training and experience  
36 qualified to perform the services which will be required of them in the

1 performance of their duties under this chapter.

2

3 SECTION 61. Arkansas Code § 14-125-301(f) and (g), concerning the  
4 directors of a governing body of a conservation district, are amended to read  
5 as follows:

6 (f)(1) All vacancies shall be filled by appointment by the ~~commission~~  
7 elected directors.

8 (2) Vacancies in the office of an elected director shall be  
9 filled for the unexpired term.

10 (3) Vacancies in the office of an appointed director shall be  
11 filled for a new full term.

12 (g) In making appointments, the ~~commission~~ elected directors shall  
13 consider any recommendation which may be made by the remaining members of the  
14 local board.

15

16 SECTION 62. Arkansas Code § 14-125-301(j)-(1), concerning the  
17 directors of a governing body of a conservation district, are amended to read  
18 as follows:

19 (j)(1) Any director may be removed by the ~~commission~~ governing body of  
20 the district upon notice and hearing, but only for neglect of duty or  
21 malfeasance in office, ~~but for no other reason~~.

22 (2) As used in this subsection, "neglect of duty" means absence  
23 from three (3) successive, regular district board meetings.

24 (3) Removal of a director shall require an affirmative vote of  
25 no fewer than four (4) directors.

26 (k)(1) Except as provided in subdivision (k)(2) of this section, a  
27 director shall not qualify for reappointment or reelection unless he or she  
28 ~~shall have~~ attended at least sixty-five percent (65%) of the scheduled  
29 conservation district board meetings and at least three (3) state or area  
30 meetings during each three-year term of office; ~~provided, however, absences~~  
31 ~~which~~

32 (2) Absences that are excused by the ~~commission~~ governing body  
33 of the district shall not disqualify a director for reappointment or  
34 reelection. ~~Furthermore, the commission shall not require a director to~~  
35 ~~personally appear before the commission in order to receive a waiver.~~

36 (1) ~~However, upon a showing of good cause, this condition may be~~

1 ~~waived by resolution duly adopted by the commission.~~

2  
3 SECTION 63. Arkansas Code § 14-125-302(b)(8), concerning the election  
4 of directors of a conservation district, is amended to read as follows:

5 (8) ~~The commission~~ governing body of the district shall:

6 (A) Pay all the expenses of the election;

7 (B) Supervise the conduct ~~thereof~~ of the election; and

8 (C) Prescribe rules governing the conduct of the election  
9 and the determination of the eligibility of voters therein; and

10 (D) Publish the results and report results of the election  
11 to the Secretary of State.

12  
13 SECTION 64. Arkansas Code § 14-125-302(c), concerning the election of  
14 directors of a conservation district, is amended to read as follows:

15 (c)(1) Subsequent elections shall be conducted in the same manner.

16 However, the district shall pay all the expenses of the elections, and the  
17 nominating petitions for candidates shall be filed with the ~~commission~~  
18 governing body of the district during the first two (2) weeks of February of  
19 the year of election.

20  
21 SECTION 65. Arkansas Code § 14-234-805 is amended to read as follows:

22 14-234-805. Training.

23 (a)~~(1)(A)~~ Within one (1) year of election or appointment, a majority  
24 of the members of a provider board shall receive a minimum of eight (8) hours  
25 of provider training as promulgated by rule of the Arkansas Natural Resources  
26 Commission.

27 ~~(B) A member of a provider board as of January 1, 2021,~~  
28 ~~shall receive the training required under this section by December 31, 2022.~~

29 ~~(2)(b)~~ If a majority of the members of a provider board do not  
30 receive the training required under this section, the commission may find the  
31 provider is subject to § 14-234-802.

32 ~~(3)(c)~~ This section does not apply to a member of a provider  
33 board who has served on the provider board for ten (10) years or more.

34 ~~(b) The commission shall consult with an advisory training board for~~  
35 ~~the development of the training required under this section, whose members~~  
36 ~~shall include without limitation:~~

- 1                   ~~(1) The Secretary of the Department of Health or his or her~~
- 2 ~~designee;~~
- 3                   ~~(2) The Director of the Arkansas Natural Resources Commission or~~
- 4 ~~his or her designee;~~
- 5                   ~~(3) The State Director of the United States Department of~~
- 6 ~~Agriculture Rural Development in Arkansas or his or her designee;~~
- 7                   ~~(4) The Chief Executive Officer of the Arkansas Rural Water~~
- 8 ~~Association or his or her designee;~~
- 9                   ~~(5) The Executive Director of the Association of Arkansas~~
- 10 ~~Counties or his or her designee;~~
- 11                   ~~(6) The Executive Director of the Arkansas Municipal League or~~
- 12 ~~his or her designee;~~
- 13                   ~~(7) The Chief Executive Officer of Central Arkansas Water or his~~
- 14 ~~or her designee;~~
- 15                   ~~(8) The Chair of the Board of Directors of Communities~~
- 16 ~~Unlimited, Inc., or his or her designee;~~
- 17                   ~~(9) The Chair of the Arkansas Water Works and Water Environment~~
- 18 ~~Association, Inc., or his or her designee;~~
- 19                   ~~(10) The Director of the Arkansas Environmental Training Academy~~
- 20 ~~or his or her designee;~~
- 21                   ~~(11) The Chair of the House Committee on City, County, and Local~~
- 22 ~~Affairs;~~
- 23                   ~~(12) The Vice Chair of the House Committee on City, County, and~~
- 24 ~~Local Affairs;~~
- 25                   ~~(13) The Chair of the Senate Committee on City, County, and~~
- 26 ~~Local Affairs;~~
- 27                   ~~(14) The Vice Chair of the Senate Committee on City, County, and~~
- 28 ~~Local Affairs; and~~
- 29                   ~~(15) The President of the Arkansas Water & Wastewater Managers~~
- 30 ~~Association.~~

31

32           SECTION 66. Arkansas Code § 15-20-202(b) and (c), concerning the

33 members of the Arkansas Natural Resources Commission, are amended to read as

34 follows:

35           ~~(b) At least two (2) members shall reside in each congressional~~

36 ~~district as the districts exist on August 1, 1985~~ Each congressional district

1 shall be represented by membership on the commission.

2 (c) For each member appointed to a regular term, the term of office  
3 shall commence on January 15 following the expiration date of the prior term  
4 and shall end on January 14 of the ~~seventh~~ fifth year following the year in  
5 which the regular term commenced.

6  
7 SECTION 67. Arkansas Code § 15-20-202, concerning the members of the  
8 Arkansas Natural Resources Commission, is amended to add additional  
9 subsections to read as follows:

10 (g) A minimum of one (1) member of the commission shall be a water  
11 well contractor licensed under § 17-50-201 et seq.

12  
13 SECTION 68. Arkansas Code § 15-20-206 (c) and (d), concerning rules,  
14 meetings, oaths, subpoenas of the Arkansas Natural Resources Commission, are  
15 amended to read as follows:

16 ~~(c) The rules shall provide for regular meetings and for special~~  
17 ~~meetings at the call of the Chair of the Arkansas Natural Resources~~  
18 ~~Commission or the Vice Chair of the Arkansas Natural Resources Commission if~~  
19 ~~he or she is for any reason the acting chair, either at his or her own~~  
20 ~~instance or upon the written request of at least~~ Meetings of the commission  
21 shall be called by the Chair of the Arkansas Natural Resources Commission or  
22 by four (4) members of the commission.

23 ~~(d) A quorum shall consist of not less than one half (½) of the a~~  
24 majority of the commission membership present at any regular or special  
25 meetings, and ~~the affirmative vote of that number shall be necessary for the~~  
26 ~~disposition of any business~~ a majority vote of those members present shall be  
27 required for any action of the commission.

28  
29 SECTION 69. Arkansas Code § 15-20-206, concerning rules, meetings,  
30 oaths, subpoenas of the Arkansas Natural Resources Commission, is amended to  
31 add an additional subsection to read as follows:

32 (h) The commission may create a committee to make recommendations to  
33 the commission regarding rulemaking, disciplinary issues, ethical complaints,  
34 and evaluation of applicants under § 17-50-201 et seq.

35  
36 SECTION 70. Arkansas Code § 15-31-102(a)-(c), concerning the members

1 of the Arkansas Forestry Commission, are amended to read as follows:

2 (a)(1) The Arkansas Forestry Commission shall consist of nine (9)  
 3 members to be appointed by the Governor by and with the advice and consent of  
 4 the Senate ~~from resident electors of this state having a long-standing~~  
 5 ~~interest in the forest resources of Arkansas.~~

6 (2)(A) Three (3) of the ~~nine (9)~~ members appointed to the  
 7 commission shall be small tree farmers.

8 (B) As used in this section, “small tree farmer” means a  
 9 person owning timber acreage of two hundred fifty (250) acres or less.

10 (3) Each congressional district shall be represented on the  
 11 commission.

12 (4) At least one (1) member of the commission shall be a  
 13 forester registered under § 17-31-101 et seq.

14 (b) The term of office shall commence on January 15 following the  
 15 expiration date of the prior term and shall end on January 14 of the ~~ninth~~  
 16 fifth year following the year in which the term commenced.

17 (c)~~(1)~~ Any vacancies arising in the membership of the commission for  
 18 any reason other than expiration of the regular terms for which the members  
 19 were appointed shall be filled by appointment by the Governor.

20 ~~(2) Appointments shall be thereafter effective until the~~  
 21 ~~expiration of the regular terms, subject, however, to the confirmation of the~~  
 22 ~~Senate when it is next in session.~~

23  
 24 SECTION 71. Arkansas Code § 15-31-102, concerning the members of the  
 25 Arkansas Forestry Commission, is amended to add an additional subsection to  
 26 read as follows:

27 (f) The commission may create a committee to make recommendations to  
 28 the commission regarding rulemaking, disciplinary issues, ethical complaints,  
 29 and evaluation of applicants under § 17-31-301 et seq.

30  
 31 SECTION 72. Arkansas Code § 15-31-103(b), concerning the organization  
 32 of the Arkansas Forestry Commission, is amended to read as follows:

33 (b) The State Forester provided for in § 15-31-104 shall be, an ex  
 34 officio, ~~Secretary member~~ of the Arkansas Forestry Commission but shall have  
 35 no vote on matters coming before it.

1 SECTION 73. Arkansas Code § 15-31-103(e)(1), concerning the  
2 organization of the Arkansas Forestry Commission, is amended to read as  
3 follows:

4 (e)(1) A quorum shall consist of ~~not less than five (5) members~~  
5 ~~present at any regular or special meeting~~ a majority of the voting members.

6  
7 SECTION 74. Arkansas Code § 15-31-104(a), concerning the State  
8 Forester, is amended to read as follows:

9 (a) The State Forester shall be appointed by ~~the Arkansas Forestry~~  
10 ~~Commission, with the approval of~~ the Governor, and shall serve at the  
11 pleasure of the Governor.

12  
13 SECTION 75. Arkansas Code § 17-31-101(a), concerning the registration  
14 of foresters, is amended to read as follows:

15 (a) This chapter may be referred to and cited as the ~~“State Board of~~  
16 ~~Registration for~~ of Foresters Act”.

17  
18 SECTION 76. Arkansas Code § 17-31-102(1), concerning the definition of  
19 board as Arkansas State Board of Registration for Foresters Act, is repealed.

20 ~~(1) “Board” means the Arkansas State Board of Registration for~~  
21 ~~Foresters;~~

22  
23 SECTION 77. Arkansas Code § 17-31-103 is amended to read as follows:  
24 17-31-103. Administrative procedure.

25 All proceedings of the Arkansas ~~State Board of Registration for~~  
26 ~~Foresters~~ Forestry Commission shall be governed by the Arkansas  
27 Administrative Procedure Act, § 25-15-201 et seq., in addition to the  
28 requirements set forth in this chapter.

29  
30 SECTION 78. Arkansas Code § 17-31-104 is amended to read as follows:  
31 17-31-104. Enforcement.

32 ~~(a) The Attorney General, all prosecuting attorneys, and duly~~  
33 ~~constituted officers of the law of this state or political subdivision~~  
34 ~~thereof shall be authorized to enforce the provisions of this chapter and to~~  
35 ~~prosecute any person violating them.~~

36 (b) ~~The Arkansas State Board of Registration for Foresters is~~



1 Department of Agriculture and the Arkansas Forestry Commission are charged  
2 with the duty of seeing that the provisions of this chapter are enforced.

3  
4 SECTION 79. Arkansas Code § 17-31-105(a)(5), concerning violations and  
5 penalties for violating the Registration of Foresters Act, is amended to read  
6 as follows:

7 (5) Gives false or forged evidence to the ~~Arkansas State Board~~  
8 ~~of Registration for Foresters~~ Department of Agriculture or the Arkansas  
9 Forestry Commission;

10  
11 SECTION 80. Arkansas Code § 17-31-201 is repealed.

12 ~~17-31-201. Creation Selection and compensation of members.~~

13 ~~(a) The Arkansas State Board of Registration for Foresters is created~~  
14 ~~to administer the provisions of this chapter.~~

15 ~~(b)(1) The board shall consist of six (6) members appointed by the~~  
16 ~~Governor, with the advice and consent of the Senate. Each member shall be a~~  
17 ~~citizen of the United States and a registered voter and resident of the State~~  
18 ~~of Arkansas.~~

19 ~~(2)(A) Five (5) members of the board shall be foresters~~  
20 ~~registered under § 17-31-302 and who have been engaged in forestry for at~~  
21 ~~least twelve (12) years.~~

22 ~~(B)(i) One (1) member shall be nominated by the Arkansas~~  
23 ~~Forestry Association to represent the forest products industry.~~

24 ~~(ii) One (1) member shall be nominated by the~~  
25 ~~Arkansas Forestry Commission to represent the Arkansas Forestry Commission.~~

26 ~~(iii) One (1) member shall be nominated by the~~  
27 ~~Provost of the University of Arkansas at Monticello from the faculty or staff~~  
28 ~~of the College of Forestry, Agriculture and Natural Resources at the~~  
29 ~~University of Arkansas at Monticello.~~

30 ~~(iv) One (1) member shall be nominated by the~~  
31 ~~Arkansas Division, Ouachita Society of American Foresters.~~

32 ~~(v) One (1) member shall be nominated by the~~  
33 ~~Association of Consulting Foresters, Inc., Arkansas Chapter to represent~~  
34 ~~private forestry consultants.~~

35 ~~(C) At least one (1) member shall be a graduate of the~~  
36 ~~College of Forestry, Agriculture and Natural Resources at the University of~~

1 ~~Arkansas at Monticello.~~

2 ~~(3) One (1) member of the board shall not be actively engaged in~~  
 3 ~~or retired from the forestry profession. That member shall represent~~  
 4 ~~consumers. He or she shall be appointed from the state at large and shall be~~  
 5 ~~a full voting member but shall not participate in the grading of~~  
 6 ~~examinations.~~

7 ~~(c) Appointments shall be for a term of five (5) years or, in the~~  
 8 ~~event of vacancies, for the period of the unexpired term of the vacancy being~~  
 9 ~~filled.~~

10 ~~(d) Each member of the board shall receive a certificate of~~  
 11 ~~appointment from the Governor and before beginning the term of office shall~~  
 12 ~~file with the Secretary of State a written oath or affirmation relative to~~  
 13 ~~the faithful discharge of the official duty.~~

14 ~~(e) Each member of the board may receive expense reimbursement and~~  
 15 ~~stipends in accordance with § 25-16-901 et seq.~~

16  
 17 SECTION 81. Arkansas Code § 17-31-202 is repealed.

18 ~~17-31-202. Removal of members.~~

19 ~~(a) The Governor may remove any member of the Arkansas State Board of~~  
 20 ~~Registration for Foresters for misconduct, incompetency, or neglect of duty.~~

21 ~~(b) Before the Governor can remove a member for cause, he or she must~~  
 22 ~~serve the member with a written notice of the charge or charges against him~~  
 23 ~~or her and afford him or her an opportunity to be heard publicly on such~~  
 24 ~~charge or charges.~~

25 ~~(c)(1) If the member thus served does not request a public hearing~~  
 26 ~~within ten (10) days from being served, the Governor may proceed with the~~  
 27 ~~member's removal.~~

28 ~~(2) If the member does request a public hearing, it shall be~~  
 29 ~~heard by a special committee composed of three (3) persons, not members of~~  
 30 ~~the board, namely:~~

31 ~~(A) The Chief Justice of the Supreme Court or a substitute~~  
 32 ~~selected by the Chief Justice, who shall be the chair;~~

33 ~~(B) The chair of the Arkansas Division, Ouachita Society~~  
 34 ~~of American Foresters; and~~

35 ~~(C) A faculty member selected by the Arkansas Division,~~  
 36 ~~Ouachita Society of American Foresters from the school or departments of~~

1 forestry in Arkansas.

2 (d) ~~The recommendation or decision of this committee shall be binding~~  
3 ~~upon the Governor.~~

4 (e) ~~A copy of the charge or charges, a transcript of the record of the~~  
5 ~~hearing, and a copy of the recommendation shall be filed with the Secretary~~  
6 ~~of State.~~

7 (f) ~~If a board member is removed, his or her vacancy shall be filled~~  
8 ~~for the unexpired term by appointment by the Governor as provided in § 17-31-~~  
9 ~~201.~~

10

11 SECTION 82. Arkansas Code § 17-31-203 is repealed.

12 ~~17-31-203. Organization and proceedings.~~

13 (a) ~~The Arkansas State Board of Registration for Foresters shall elect~~  
14 ~~annually from its membership the following officers:~~

15 (1) ~~A chair;~~

16 (2) ~~A vice chair; and~~

17 (3) ~~A secretary.~~

18 (b) ~~A quorum of the board shall consist of not fewer than three (3)~~  
19 ~~members, and no action shall be official without at least three (3) votes in~~  
20 ~~accord.~~

21 (c) ~~The board shall hold at least two (2) regular meetings each year.~~  
22 ~~Special meetings shall be held at such time and place as shall be specified~~  
23 ~~by call of the chair or the secretary. Notice of all meetings shall be given~~  
24 ~~in writing to each member by the secretary.~~

25 (d) ~~The board shall be domiciled and maintain its principal office in~~  
26 ~~Little Rock and shall hold its meetings in its principal office, unless the~~  
27 ~~chair finds a necessary reason for meeting elsewhere in the state.~~

28

29 SECTION 83. Arkansas Code § 17-31-204 is amended to read as follows:

30 17-31-204. Powers.

31 (a) The Arkansas State Board of Registration for Foresters Forestry  
32 Commission shall have the power to make, adopt, alter, amend, and promulgate  
33 all bylaws and rules consistent with the Arkansas Constitution and laws of  
34 this state, which may be reasonably necessary for the proper performance of  
35 its duties and the regulation of the proceedings before it.

36 (b) The ~~board~~ commission shall adopt and have an official seal.

1 (c)(1) Each member of the ~~board~~ commission shall have power to  
2 administer oaths.

3 (2) The ~~board~~ commission shall have power to subpoena witnesses  
4 and compel the production of books and papers pertinent to any investigation  
5 or hearing authorized by this chapter.

6 (3) Any employee of the Department of Agriculture engaged in  
7 making any investigation on behalf of the ~~board~~ commission shall have the  
8 power to administer oaths to and take depositions of persons pertaining to  
9 any investigation.

10 (4) The ~~board~~ department may require any law enforcement officer  
11 of any state agency, the sheriffs of the various counties, or other law  
12 enforcement officers of any county or municipality to serve subpoenas and  
13 other process of the ~~board~~ commission or department.

14 (5) When county, municipal, or other local officers are required  
15 to serve subpoenas or other process of the ~~board~~ commission or department,  
16 they shall be paid the same fees by the ~~board~~ commission as are provided by  
17 laws for similar services under process issued by circuit courts.

18 (d)(1) If any person shall refuse to testify or produce any books,  
19 papers, or documents, the ~~board~~ commission may proceed by rule, in the  
20 circuit court of the county where the person is domiciled or is engaged in  
21 business, to have the person adjudged guilty of contempt.

22 (2) In the event the rule is made absolute, the circuit court  
23 shall punish the person for contempt of court.

24 (3) The person shall be permitted to purge himself or herself of  
25 contempt by compliance with such order as the court may render.

26  
27 SECTION 84. Arkansas Code § 17-31-206 is amended to read as follows:  
28 17-31-206. Compensation of witnesses.

29 (a) ~~The Arkansas State Board of Registration for Foresters Department~~  
30 ~~of Agriculture, if it deems necessary or upon advice of the Attorney General,~~  
31 may hire ~~counsel and~~ investigators and pay traveling expenses thereof for the  
32 investigation and prosecution of any violator of this chapter.

33 (b)(1) At its discretion, the ~~board~~ department may pay any witness  
34 subpoenaed to appear before the ~~board~~ Arkansas Forestry Commission twenty-  
35 five dollars (\$25.00) per diem when actually in attendance, including time  
36 spent in traveling not to exceed one (1) day to and one (1) day from the

1 location of the ~~board~~ commission meeting.

2 (2) In addition, the ~~board~~ department may reimburse any witness  
3 for actual traveling expenses when furnished proof of such expenses,  
4 including hotel or motel expenses, when the witness resides in a county other  
5 than the one in which the ~~board~~ commission is meeting.

6  
7 SECTION 85. Arkansas Code § 17-31-207 is amended to read as follows:  
8 17-31-207. Records and reports.

9 (a)(1) The ~~Arkansas State Board of Registration for Foresters~~  
10 Department of Agriculture shall keep a record of ~~its~~ Arkansas Forestry  
11 Commission proceedings and a register of all applications.

12 (2) The register shall show:

- 13 ~~(1)~~(A) The name, age, and residence of each applicant;
- 14 ~~(2)~~(B) The date of the application;
- 15 ~~(3)~~(C) The place of business of such an applicant;
- 16 ~~(4)~~(D) His or her education and other qualifications;
- 17 ~~(5)~~(E) Whether or not an examination was required;
- 18 ~~(6)~~(F) Whether the applicant was rejected;
- 19 ~~(7)~~(G) Whether a certificate of registration was granted;
- 20 ~~(8)~~(H) The date of action of the ~~board~~ commission; and
- 21 ~~(9)~~(I) Such other information as may be deemed necessary

22 by the ~~board~~ commission.

23 (b)(1) A roster showing the names and places of business of all  
24 foresters registered under this chapter shall be published by the ~~Secretary~~  
25 ~~of the Arkansas State Board of Registration for Foresters~~ Department of  
26 Agriculture during the month of April each year.

27 (2) Copies of this roster shall be ~~mailed to each person so~~  
28 ~~registered, placed on file with the Secretary of State, and~~ furnished to the  
29 public on request.

30 (c) The records of the ~~board~~ commission shall be prima facie evidence  
31 of the proceedings of the ~~board~~ commission.

32 (d) A transcript of the records of the ~~board~~ commission, certified by  
33 ~~the Secretary of the Arkansas State Board of Registration for Foresters under~~  
34 ~~seal~~ authorized department personnel, shall be admissible in evidence with  
35 the same force and effect as if the originals were produced.

36 (e) [Repealed.]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

SECTION 86. Arkansas Code § 17-31-208 is amended to read as follows:  
17-31-208. Disposition of funds.

~~(a)(1) The Secretary of the Arkansas State Board of Registration for Foresters shall receive, disburse, and account for all income paid to or received by the Arkansas State Board of Registration for Foresters.~~

~~(2) The secretary shall institute a system of books and financial records satisfactory to the Director of the Department of Finance and Administration.~~

~~(3)(A) The secretary shall open an account in a bank in this state designated by the board as its official depository.~~

~~(B) The secretary and one (1) other officer of the board shall both sign all checks disbursing funds of the board.~~

~~(C) The secretary shall deposit all funds of the board which he or she receives into the bank designated as the official depository within forty eight (48) hours, excluding holidays and Sundays, after he or she receives the funds.~~

~~(b)~~ All fines collected for the violation of any provisions of this chapter shall be paid over to the ~~board~~ Department of Agriculture to be used by it in the same manner as funds received for the issuance of licenses.

~~(e)(b)~~ Under no circumstances shall the total amount of warrants issued ~~by the board~~ in payment of the expenses and compensation provided for in this chapter exceed the amount of the application, registration, and other fees collected as herein provided.

~~(d)(c)~~ Any surplus funds at the end of the fiscal year may be retained ~~by the board~~ for future expenditures, and ~~the board~~ shall not be required to ~~pay any surplus~~ be paid into the General Revenue Fund Account of the State Apportionment Fund.

SECTION 87. Arkansas Code § 17-31-302 is amended to read as follows:  
17-31-302. Qualifications.

The applicant must pass a written examination on basic forestry subjects administered by the Arkansas ~~State Board of Registration for Foresters~~ Forestry Commission or the Department of Agriculture, or both, with a score established by the ~~board~~ commission along with the following minimum evidence that an applicant is qualified to be registered as a forester:

1 (1) A bachelor’s or advanced degree in forestry from a college  
2 or university program accredited by the Society of American Foresters;

3 (2) A bachelor’s or advanced degree in forestry from a college  
4 or university program not accredited by the Society of American Foresters  
5 and, ~~subject to graduation,~~ three (3) years or more experience in forestry  
6 work of a nature satisfactory to the board commission;

7 (3) A bachelor’s degree in a natural resources-related field  
8 from a college or university program, including, but not limited to, wildlife  
9 management, with at least twenty (20) semester hours of forestry courses  
10 approved by the board commission and, ~~subsequent to graduation,~~ three (3)  
11 years’ or more experience in forestry work of a nature satisfactory to the  
12 board commission;

13 (4) A bachelor’s degree not related to natural resources from a  
14 college or university program and, ~~subsequent to graduation,~~ six (6) years’  
15 or more experience in forestry work of a nature satisfactory to the board  
16 commission; or

17 (5) A two-year associate’s degree in forestry and, ~~subsequent to~~  
18 ~~graduation,~~ six (6) years’ or more experience in forestry work of a nature  
19 satisfactory to the board commission.

20  
21 SECTION 88. Arkansas Code § 17-31-303(a)(1), concerning application  
22 for registration a a forester, is amended to read as follows:

23 (1) Be on forms prescribed and furnished by the Arkansas ~~State~~  
24 ~~Board of Registration for Foresters~~ Forestry Commission;

25  
26 SECTION 89. Arkansas Code § 17-31-303(b), concerning application for  
27 registration a forester, is amended to read as follows:

28 (b) The amount of the application fee and the registration fee shall  
29 be set annually by the board commission.

30  
31 SECTION 90. Arkansas Code § 17-31-304(a) and (b), concerning written  
32 examinations for foresters, are amended to read as follows:

33 (a) When written examinations are required, they shall be held at such  
34 times and places as the ~~Arkansas State Board of Registration for Foresters~~  
35 Department of Agriculture, in consultation with the Arkansas Forestry  
36 Commission, shall determine.

1 (b) The scope of the examinations and the methods of procedure shall  
2 be prescribed by the ~~board~~ commission.

3  
4 SECTION 91. Arkansas Code § 17-31-305 is amended to read as follows:  
5 17-31-305. Issuance – Form – Evidence.

6 (a) The Arkansas ~~State Board of Registration for Foresters~~ Forestry  
7 Commission shall issue a certificate of registration upon payment of a  
8 registration fee as provided for in this chapter to any applicant who, in the  
9 opinion of the ~~board~~ commission, has satisfactorily met all of the  
10 requirements of this chapter.

11 (b) The certificate shall show the full name of the registrant, shall  
12 have a serial number, and shall be signed by State Forester and the Chair of  
13 the ~~Arkansas State Board of Registration for Foresters and the Secretary of~~  
14 ~~the Arkansas State Board of Registration for Foresters~~ Forestry Commission  
15 under the seal of the ~~board~~ commission.

16 (c) The issuance of a certificate of registration by the ~~board~~  
17 commission shall be prima facie evidence that the person named therein is  
18 entitled to all the rights and privileges of a registered forester while the  
19 certificate remains unrevoked or unexpired.

20  
21 SECTION 92. Arkansas Code § 17-31-306(a), concerning the unlawful use  
22 of the seal for registered foresters, is amended to read as follows:

23 (a)(1) Each registrant may obtain a seal of a design authorized by the  
24 ~~Arkansas State Board of Registration for Foresters~~ Forestry Commission,  
25 bearing the registrant’s name, serial number, and the legend “Registered  
26 Forester, Arkansas”.

27 (2) All registrants engaged in the practice of forestry, either  
28 in a private professional practice or as an employee of an agency of the  
29 government or of a corporation, company, partnership, individual, or other  
30 private employer, shall endorse with his or her name and impress with his or  
31 her seal all plans, specifications, maps, reports, or documents which he or  
32 she prepares or which shall be prepared under his or her supervision.

33  
34 SECTION 93. Arkansas Code § 17-31-307 is amended to read as follows:  
35 17-31-307. Expiration and renewal.

36 (a) Certificates of registration shall expire on December 31 of the



1 year for which issued or renewed and shall become invalid thereafter unless  
2 renewed.

3 (b)(1) ~~The Secretary of the Arkansas State Board of Registration for~~  
4 ~~Foresters~~ The Department of Agriculture shall notify by letter to the last  
5 known address every person registered under this chapter of the date of the  
6 expiration of the certificate and the amount of the fee required for its  
7 renewal of one (1) year.

8 (2) Notice shall be delivered at least one (1) month in advance  
9 of the date of the expiration of such a certificate.

10 (c)(1)(A) ~~The Arkansas State Board of Registration for Foresters~~  
11 Forestry Commission shall require persons who are licensed under this  
12 subchapter to complete not fewer than six (6) hours of continuing forestry  
13 education during the previous year beginning January 1, 2001, as a condition  
14 of license renewal.

15 (B) Continuing forestry education shall be equivalent to  
16 the Society of American Foresters Category I for continuing forestry  
17 education which includes, but is not limited to, seminars, short courses, and  
18 workshops in forestry or a related subject matter as approved by the ~~board~~  
19 commission.

20 (2) Credit accrues at a rate of one (1) hour for each hour of  
21 actual contact.

22 (3)(A) ~~The board commission~~ may approve continuing forestry  
23 education courses offered by professional organizations, institutions of  
24 higher education, qualified individuals, or specialty societies.

25 (B) ~~The board commission~~ may approve credit hours for  
26 meetings, presentations, or other activities considered by the ~~board~~  
27 commission to be a form of continuing forestry education.

28 (4) A successful applicant for licensure under this subchapter  
29 shall have two (2) years from the date the license is issued to complete the  
30 first year's requirements for continuing forestry education. After two (2)  
31 years, the registered forester shall complete the continuing forestry  
32 education requirements as required by this subsection.

33 (d) ~~The board commission~~ may waive the continuing forestry education  
34 requirements in cases of hardship, illness, or retirement from active  
35 forestry practice.

36 (e) ~~The board commission~~ may promulgate rules to ensure compliance

1 with the requirements of this section.

2 (f) Renewal of a certificate of registration shall be for a fee set  
3 annually by the ~~board~~ commission.

4 (g) The failure on the part of any registrant to renew the certificate  
5 annually in the month of December as required in this section shall not  
6 deprive the person of the right of renewal, but the fee to be paid for the  
7 renewal of a certificate after December 31 shall be increased ten percent  
8 (10%) for each month or fraction of a month that payment of renewal is  
9 delayed. However, the maximum fee for delayed renewal shall not exceed two  
10 (2) times the annual renewal fee.

11  
12 SECTION 94. Arkansas Code § 17-31-308 is amended to read as follows:  
13 17-31-308. Reciprocity.

14 Upon application therefor and the payment of a fee set by the Arkansas  
15 ~~State Board of Registration for Foresters~~ Forestry Commission, the ~~board~~  
16 commission may issue a certificate of registration as a registered forester  
17 in Arkansas to any qualified person of any state of the United States or its  
18 possessions, or Canada, provided that:

19 (1) The person is a legally registered forester or the  
20 equivalent in the person's own state or province and has submitted evidence  
21 satisfactory to the ~~board~~ commission that the person is so registered and  
22 that the requirements therein are substantially equivalent to the  
23 requirements of registration under this chapter; and

24 (2) The state in which the person is so registered will accept  
25 the certificates of registration issued by the ~~board~~ commission on a  
26 reciprocal basis.

27  
28 SECTION 95. Arkansas Code § 17-31-309 is amended to read as follows:  
29 17-31-309. Revocation – Grounds – Proceedings.

30 (a) The ~~Arkansas State Board of Registration for Foresters~~ Department  
31 of Agriculture may receive and investigate complaints against registered  
32 foresters and the Arkansas Forestry Commission may make findings thereon.

33 (b)(1) The ~~board~~ commission may revoke the certificate of any  
34 registered forester who has been convicted of a felony listed under § 17-3-  
35 102 or who is found guilty by the ~~board~~ commission of any fraud, deceit,  
36 gross negligence, misrepresentation, willful violation of contract,

1 misconduct, or gross incompetence.

2 (2) The ~~board~~ commission shall investigate such charges.

3 (c) All charges, unless dismissed ~~by the board~~ as unfounded or  
4 trivial, shall be heard by the ~~board~~ commission within three (3) months after  
5 the date on which they are presented to the ~~board~~ commission.

6 (d) Before the ~~board~~ commission shall revoke the certificate of any  
7 registered forester, the ~~board~~ commission shall conduct a hearing, the time  
8 and place for which shall be fixed by the ~~board~~ commission. A copy of the  
9 charges, together with a notice of the time and place of hearing, shall be  
10 personally served on or mailed by registered letter to the last known address  
11 of the registered forester at least thirty (30) days before the date fixed  
12 for the hearing.

13 (e) At any hearing, the accused registered forester shall have the  
14 right to appear personally and, by counsel, to cross-examine witnesses  
15 appearing against him or her and to produce evidence and witnesses in his or  
16 her own defense.

17 (f) A written record, including the testimony of all witnesses, shall  
18 be made ~~and filed by the Secretary of the Arkansas State Board of~~  
19 ~~Registration for Foresters.~~

20 (g) If the accused registered forester is found guilty of the charges  
21 made against him or her, the ~~board shall~~ commission may revoke his or her  
22 certificate of registration.

23 (h) A registered forester whose certificate of registration has been  
24 revoked may apply for a review of the proceedings of the ~~board~~ commission by  
25 any court of competent jurisdiction ~~within sixty (60) days following the~~  
26 ~~action of the board~~ as provided for in the Arkansas Administrative Procedure  
27 Act, § 25-15-201 et seq. The petition to the circuit court shall set out in  
28 detail what adverse action of the ~~board~~ commission was erroneous. ~~After~~  
29 ~~citation of the board as provided by law and full hearing, the court shall~~  
30 ~~make such decree sustaining or reversing the action of the board as may seem~~  
31 ~~just and proper.~~

32  
33 SECTION 96. Arkansas Code § 17-31-310 is amended to read as follows:  
34 17-31-310. Reissuance.

35 (a) A new certificate of registration to replace any revoked, lost,  
36 destroyed, or mutilated certificate may be issued, subject to the rules of

1 the Arkansas ~~State Board of Registration for Foresters~~ Forestry Commission,  
2 and for a charge fixed by the ~~board~~ commission.

3 (b) The ~~board~~ commission may also reissue a certificate of  
4 registration to any person whose certificate has been revoked if:

5 (1) ~~Four (4) or more members of the board~~ A majority of the  
6 commission members present vote in favor of reissuance; and

7 (2) The person presents satisfactory assurances that the grounds  
8 which caused the certificate to be revoked will not occur again and that the  
9 person is otherwise qualified to be registered hereunder.

10  
11 SECTION 97. Arkansas Code § 17-47-101(3), concerning definitions for  
12 soil classifiers, is amended to read as follows:

13 (3) "Professional soil classifier" means a person who, by reason  
14 of his or her special knowledge of the physical, chemical, and biological  
15 sciences applicable to soils as natural bodies and of the methods and  
16 principles of soil classification experienced in the formation, morphology,  
17 description, and mapping of soils, is qualified to practice soil classifying,  
18 and who has been registered by the ~~Arkansas State Board of Registration for~~  
19 ~~Professional Soil Classifiers~~ Arkansas Natural Resources Commission;

20  
21 SECTION 98. Arkansas Code § 17-47-102(a)(1)(F), concerning penalties  
22 concerning the registration of professional soil classifiers, is amended to  
23 read as follows:

24 (F) Gives false or forged evidence of any kind to the  
25 ~~Arkansas State Board of Registration for Professional Soil Classifiers~~  
26 Arkansas Natural Resources Commission or to any member thereof in obtaining  
27 or attempting to obtain a certificate of registration; or

28  
29 SECTION 99. Arkansas Code § 17-47-103 is amended to read as follows:  
30 17-47-103. Exemptions.

31 This chapter shall not be construed to prevent or affect:

32 (1) The practice or offer to practice of soil classifying by a  
33 person not a resident or having no established place of business in this  
34 state, provided that the person is legally qualified by the provisions of  
35 this chapter to practice soil classifying as defined in this chapter in his  
36 or her own state which extends similar privileges to persons registered under

1 this chapter and provided that the person shall make application accompanied  
 2 by the appropriate application fee to the ~~Arkansas State Board of~~  
 3 ~~Registration for Professional Soil Classifiers~~ Arkansas Natural Resources  
 4 Commission in writing before his or her practicing or offering to practice  
 5 soil classifying. The applicant may be granted a temporary permit for a  
 6 definite period of time not to exceed one (1) year to do a specific job.  
 7 However, no right to practice soil classifying shall accrue to the applicant  
 8 with respect to any other work not set forth in the permit;

9 (2) The work of an employee or a subordinate of a person holding  
 10 a certificate or registration under this chapter or an employee of a person  
 11 practicing lawfully under subdivision (1) of this section, provided that the  
 12 work does not include final soil classifying decisions and is done under the  
 13 direct supervision of, and verified by, a person holding a certificate of  
 14 registration under this chapter or a person practicing lawfully under  
 15 subdivision (4) of this section;

16 (3) The practice of any other legally recognized profession or  
 17 trade; or

18 (4) The practice of soil classifying by any person regularly  
 19 employed to perform soil classifying services solely for his or her employer  
 20 or for a subsidiary or affiliated corporation of his or her employer, when  
 21 the soil classifying performed is in connection with the property, products,  
 22 or services of his or her employer.

23  
 24 SECTION 100. Arkansas Code § 17-47-201 is repealed.

25 ~~17-47-201. Creation and members.~~

26 ~~(a) There is created the Arkansas State Board of Registration for~~  
 27 ~~Professional Soil Classifiers.~~

28 ~~(b)(1) The board shall consist of five (5) members to be appointed by~~  
 29 ~~the Governor subject to confirmation by the Senate and for terms of five (5)~~  
 30 ~~years. The Governor shall consult the Arkansas Association of Professional~~  
 31 ~~Soil Classifiers before making an appointment under this section.~~

32 ~~(2) Each member of the board shall be a citizen of the United~~  
 33 ~~States and a resident of this state.~~

34 ~~(3) One (1) member of the board shall be a member of a board of~~  
 35 ~~directors of a soil conservation district in this state.~~

36 ~~(4) Three (3) members of the board shall be registered~~

1 ~~professional soil classifiers in this state.~~

2 ~~(5) One (1) member of the board shall be from the public at~~  
3 ~~large in this state.~~

4 ~~(c) A member may be reappointed to succeed himself or herself.~~

5 ~~(d) Each member shall hold office until a successor has been duly~~  
6 ~~appointed.~~

7 ~~(e) The Governor may remove any member of the board for misconduct,~~  
8 ~~incompetence, or neglect of duty.~~

9 ~~(f) Vacancies on the board, however created, shall be filled by the~~  
10 ~~Governor for the unexpired term.~~

11 ~~(g) All members shall be subject to confirmation of the Senate.~~

12 ~~(h) Each member of the board shall serve without compensation, except~~  
13 ~~that the board member may receive expense reimbursement in accordance with §~~  
14 ~~25-16-901 et seq.~~

15  
16 SECTION 101. Arkansas Code § 17-47-202 is amended to read as follows:

17 17-47-202. Powers of the ~~board~~ Arkansas Natural Resources Commission.

18 ~~The Arkansas State Board of Registration for Professional Soil~~  
19 ~~Classifiers~~ Arkansas Natural Resources Commission shall have the power to:

20 (1) Administer this chapter;

21 (2) Adopt and amend all bylaws and rules of procedure to  
22 administer and carry out the provisions of this chapter and for the conduct  
23 of its affairs and functions, consistent with this chapter and the Arkansas  
24 Constitution and laws of this state, which may be reasonably necessary for  
25 the proper performance of its duties and the regulation of its proceedings,  
26 meetings, records, examinations, and the conduct thereof;

27 (3) Adopt and promulgate a code of ethics which shall be binding  
28 upon all persons registered under or subject to this chapter;

29 (4) [Repealed.]

30 (5) Apply in the name of the state for relief by injunction,  
31 without bond, enforce the provisions of this chapter, or restrain any  
32 violation thereof. In this proceeding it shall not be necessary to allege or  
33 prove either that an adequate remedy at law does not exist or that  
34 substantial or irreparable damage would result from the continued violation  
35 thereof. The members of the ~~board~~ commission shall not be personally liable  
36 under this proceeding; and

1           (6) Enter into agreements with the Department of Agriculture to  
2 share office, clerical, and secretarial services and to reimburse the  
3 department for the cost of the services.  
4

5           SECTION 102. Arkansas Code § 17-47-203 is amended to read as follows:

6           17-47-203. Records and reports – Disposition of funds.

7           ~~The Arkansas State Board of Registration for Professional Soil~~  
8 ~~Classifiers~~ Arkansas Natural Resources Commission shall:

9           (1) Keep a record of its proceedings and of all applications for  
10 registration which shall show the name, age, and last known address of each  
11 applicant, his or her education, experience, and other qualifications, type  
12 of examination required, whether or not a certificate of registration was  
13 granted, whether or not the applicant was rejected, the date of the action of  
14 the ~~board~~ commission, and other information which may be deemed necessary by  
15 the ~~board~~ commission. The record of the ~~board~~ commission shall be prima facie  
16 evidence of the proceeding of the ~~board~~ commission. A transcript thereof  
17 certified by ~~the Secretary of the Arkansas State Board of Registration for~~  
18 ~~Professional Soil Classifiers under seal~~ authorized personnel shall be  
19 admissible as evidence with the same force and effect as if the original were  
20 produced;

21           (2) Annually submit to the Secretary of the Department of  
22 Agriculture a report of its transactions of the preceding year and transmit  
23 to him or her a complete statement of the receipts and expenditures of the  
24 ~~board~~ commission ~~attested by affidavits of the Chair of the Arkansas State~~  
25 ~~Board of Registration for Professional Soil Classifiers and the Secretary of~~  
26 ~~the Arkansas State Board of Registration for Professional Soil Classifiers;~~  
27 and

28           (3) Establish accounts in one (1) or more banks in this state,  
29 chosen by the ~~board~~ commission, into which all funds collected by the ~~board~~  
30 commission under this chapter shall be deposited and from which all  
31 expenditures approved by the ~~board~~ commission, or by ~~the chair and the~~  
32 ~~Secretary of the Arkansas State Board of Registration for Professional Soil~~  
33 ~~Classifiers~~ secretary acting on ~~authority~~ behalf of the ~~board~~ commission,  
34 shall be made.  
35

36           SECTION 103. Arkansas Code § 17-47-302(a), concerning the eligibility

1 and application as a professional soil classifier, is amended to read as  
 2 follows:

3 (a) To be eligible for registration as a professional soil classifier  
 4 or certification as a soil classifier-in-training, an applicant shall submit  
 5 a written application to the ~~Arkansas State Board of Registration for~~  
 6 ~~Professional Soil Classifiers~~ Arkansas Natural Resources Commission  
 7 containing information the ~~board~~ commission may require, together with five  
 8 (5) references, three (3) of which shall be professional soil classifiers  
 9 having personal knowledge of his or her soil classifying experience or, in  
 10 the case of an application for certification as a soil classifier-in-  
 11 training, three (3) character references.

12

13 SECTION 104. Arkansas Code § 17-47-302(b)(1), concerning the  
 14 eligibility and application as a professional soil classifier, is amended to  
 15 read as follows:

16 (1) Be on a form prescribed and furnished by the ~~board~~  
 17 commission;

18

19 SECTION 105. Arkansas Code § 17-47-303 is amended to read as follows:  
 20 17-47-303. Examinations.

21 (a) Examinations shall be held at times and places which the Arkansas  
 22 ~~State Board of Registration for Professional Soil Classifiers~~ Natural  
 23 Resources Commission shall determine.

24 (b) Examinations required on fundamental soil subjects may be taken at  
 25 any time prescribed by the ~~board~~ commission.

26 (c) The final examinations may not be taken until the applicant has  
 27 completed a period of soil classifying experience as provided in this  
 28 chapter.

29 (d) A candidate failing one (1) examination may apply for  
 30 reexamination which may be granted upon payment of a fee established by the  
 31 ~~board~~ commission of not less than ten dollars (\$10.00) nor more than twenty-  
 32 five dollars (\$25.00).

33

34 SECTION 106. Arkansas Code § 17-47-304 is amended to read as follows:

35 17-47-304. Professional soil classifiers – Qualifications –  
 36 Registration.



1 (a) An applicant otherwise eligible shall be admitted to registration  
 2 as a professional soil classifier if he or she has successfully passed an  
 3 examination in the principles and practice of soil classifying as prescribed  
 4 by the Arkansas ~~State Board of Registration for Professional Soil Classifiers~~  
 5 Natural Resources Commission and has one (1) of the following additional  
 6 qualifications:

7 (1) Is a graduate of a soils curriculum approved by the ~~board~~  
 8 commission as satisfactory and with a specific record of an additional one  
 9 (1) year or more of experience of a grade and character which indicates to  
 10 the ~~board~~ commission that the applicant is competent to practice soil  
 11 classifying and who holds a valid soil classifier-in-training certificate;

12 (2) Is a person who has satisfactorily completed a soil  
 13 curriculum not approved by the ~~board~~ commission and two (2) years or more of  
 14 experience in soil classifying work of a character and grade which indicates  
 15 to the ~~board~~ commission that the applicant is competent to practice soil  
 16 classifying; or

17 (3) Is a person who holds a valid soil classifier-in-training  
 18 certificate with a specific record of one (1) year or more of experience as a  
 19 soil classifier-in-training of a grade and character which indicates to the  
 20 ~~board~~ commission that the applicant is competent to practice soil  
 21 classifying.

22 (b) An applicant otherwise qualified shall be admitted to registration  
 23 as a professional soil classifier without examination if he or she is a  
 24 person who holds a certificate of registration in the practice of soil  
 25 classifying on the basis of comparable qualifications issued to him or her by  
 26 a proper authority of another state, possession, or territory of the United  
 27 States and who, in the opinion of the ~~board~~ commission, meets the  
 28 requirements of this chapter.

29  
 30 SECTION 107. Arkansas Code § 17-47-305 is amended to read as follows:

31 17-47-305. Soil classifier-in-training – Qualifications –  
 32 Certification.

33 Unless otherwise qualified, a person shall be admitted to certification  
 34 as a soil classifier-in-training. The certification shall be valid for four  
 35 (4) years, if he or she is a person who:

36 (1) Is a graduate of a soils curriculum approved by the Arkansas

1 ~~State Board of Registration for Professional Soil Classifiers~~ Natural  
2 Resources Commission and has passed an examination in the fundamentals of  
3 soil classification; or

4 (2) Is an applicant who has completed a soil curriculum not  
5 approved by the ~~board~~ commission, who has a specific record of one (1) year  
6 of soil classification experience of a grade and character satisfactory to  
7 the ~~board~~ commission, and who passes an examination in the fundamentals of  
8 soil classification.

9  
10 SECTION 108. Arkansas Code § 17-47-306 is amended to read as follows:

11 17-47-306. Issuance – Form – Evidence.

12 (a) The Arkansas ~~State Board of Registration for Professional Soil~~  
13 Classifiers Natural Resources Commission shall issue a certificate of  
14 registration upon payment of the registration fee as provided for in § 17-47-  
15 307 to any applicant who, in the opinion of the ~~board~~ commission, has met the  
16 requirements of this chapter.

17 (b) Enrollment cards shall be issued to those who qualify as soil  
18 classifiers-in-training.

19 (c) Certificates of registration shall carry the designation  
20 “professional soil classifier”, shall show the full name of the registrant  
21 without any titles, shall be numbered, and shall be signed by the Chair of  
22 the Arkansas ~~State Board of Registration for Professional Soil Classifiers~~  
23 Natural Resources Commission and the Secretary of the Arkansas ~~State Board of~~  
24 Registration for Professional Soil Classifiers Natural Resources Commission  
25 under the seal of the ~~board~~ commission.

26 (d) The issuance of a certificate of registration by the ~~board~~  
27 commission shall be prima facie evidence that the person is entitled to all  
28 rights and privileges of a professional soil classifier during the term for  
29 which the certificate is valid, providing it has not been revoked or  
30 suspended.

31  
32 SECTION 109. Arkansas Code § 17-47-307 is amended to read as follows:

33 17-47-307. Registration fees.

34 Registration fees shall be established by the Arkansas ~~State Board of~~  
35 Registration for Professional Soil Classifiers Natural Resources Commission  
36 subject to the following limitations:

1           (1) The registration fee for professional soil classifiers shall  
 2 be in an amount of not less than twenty dollars (\$20.00) nor more than one  
 3 hundred dollars (\$100);

4           (2) The registration fee for soil classifier-in-training  
 5 certification or enrollment shall be established by the ~~board~~ commission in  
 6 an amount not less than ten dollars (\$10.00) nor more than fifty dollars  
 7 (\$50.00); and

8           (3) Should the ~~board~~ commission deny the issuance of a  
 9 certificate to an applicant, the fee paid may be retained as an application  
 10 fee.

11  
 12           SECTION 110. Arkansas Code § 17-47-308(b)(1), concerning the  
 13 expiration and renewal of certificates of registration of professional soil  
 14 classifiers, is amended to read as follows:

15           (b)(1) It shall be the duty of the Arkansas ~~State Board of~~  
 16 ~~Registration for Professional Soil Classifiers~~ Natural Resources Commission  
 17 to notify every person registered under this chapter of the date of the  
 18 expiration of the certificate of registration and the amount of the fee  
 19 required for its renewal.

20  
 21           SECTION 111. Arkansas Code § 17-47-308(c) and (d), concerning the  
 22 expiration and renewal of certificates of registration of professional soil  
 23 classifiers, are amended to read as follows:

24           (c) Renewal may be effected at any time before or during the month of  
 25 July by the payment of a fee established by the ~~board~~ commission not to  
 26 exceed the fees established for registration.

27           (d) Renewal of an expired certificate may be effected under rules  
 28 promulgated by the ~~board~~ commission regarding requirements for reexamination  
 29 and penalty fees.

30  
 31           SECTION 112. Arkansas Code § 17-47-309 is amended to read as follows:  
 32           17-47-309. Reissuance.

33           A new certificate of registration to replace any certificate lost,  
 34 destroyed, or mutilated may be issued subject to the rules of the Arkansas  
 35 ~~State Board of Registration for Professional Soil Classifiers~~ Natural  
 36 Resources Commission. A reasonable charge shall be made for reissuance.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

SECTION 113. Arkansas Code § 17-47-310(a), concerning the code of ethics for professional soil classifiers, is amended to read as follows:

(a) The Arkansas ~~State Board of Registration for Professional Soil Classifiers~~ Natural Resources Commission shall cause to have prepared and shall adopt a code of ethics, a copy of which shall be delivered to every registrant and applicant for registration under this chapter.

SECTION 114. Arkansas Code § 17-47-310(c), concerning the code of ethics for professional soil classifiers, is amended to read as follows:

(c) The ~~board~~ commission may revise and amend this code of ethics from time to time and shall forthwith notify each registrant in writing of revisions and amendments.

SECTION 115. Arkansas Code § 17-47-311 is amended to read as follows:  
17-47-311. Disciplinary actions – Grounds.

The Arkansas ~~State Board of Registration for Professional Soil Classifiers~~ Natural Resources Commission shall have the power to suspend, refuse to renew, or revoke the certificate of registration of, or reprimand, any registrant who is guilty of:

- (1) Fraud or deceit in obtaining a certificate of registration;
- (2) Gross negligence, incompetence, or misconduct in the practice of soil classifying;
- (3) A felony listed under § 17-3-102; or
- (4) A violation of the code of ethics adopted and promulgated by the ~~board~~ commission.

SECTION 116. Arkansas Code § 17-47-312(b)-(d), concerning disciplinary actions for professional soil classifiers, is amended to read as follows:

(b) Charges shall be in writing, shall be sworn to by the person or persons making them, and shall be filed with the Arkansas ~~State Board of Registration for Professional Soil Classifiers~~ Natural Resources Commission.

(c) All charges, unless dismissed by the ~~board~~ commission as unfounded or trivial, shall be heard by the ~~board~~ commission within three (3) months after the date on which they ~~shall~~ have been preferred.

(d) The time and place for the hearing shall be fixed by the ~~board~~

1 commission.

2

3 SECTION 117. Arkansas Code § 17-47-312(g)-(j), concerning disciplinary  
4 actions for professional soil classifiers, is amended to read as follows:

5 (g) If the accused person fails or refuses to appear, the ~~board~~  
6 commission may proceed to hear and determine the validity of the charges.

7 (h) If after the hearing a majority of the ~~board~~ commission votes in  
8 favor of sustaining the charges, the ~~board~~ commission shall make findings of  
9 fact, draw its conclusions, and issue its order therein and serve it upon the  
10 accused.

11 (i) In the order the ~~board~~ commission may reprimand, suspend, refuse  
12 to renew, or revoke the accused individual’s certificate of registration.

13 (j) Any person who feels aggrieved by any action of the ~~board~~  
14 commission in denying, suspending, refusing to renew, or revoking his or her  
15 certificate of registration may appeal therefrom to the circuit court of the  
16 county in which he or she resides or in Pulaski County as the aggrieved party  
17 may elect.

18

19 SECTION 118. Arkansas Code § 17-50-102(b), concerning the construction  
20 of water wells, is amended to read as follows:

21 (b) In that there is an ever-increasing demand for water in this state  
22 necessitating the construction of water wells and pump installation, it is  
23 imperative that the general health, safety, and welfare be protected by  
24 providing the ~~Commission on Water Well Construction~~ Arkansas Natural  
25 Resources Commission with jurisdiction over pump installation, which is an  
26 inherent part of water well construction. The regulation of pump installation  
27 and installers is essential to fulfill the intent of this chapter.

28

29 SECTION 119. Arkansas Code § 17-50-103(3), concerning definitions  
30 related to water well construction, is amended to read as follows:

31 (3) “Apprenticeship program” means a program developed by the  
32 ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission  
33 ~~pursuant to~~ under § 17-50-312 to develop certain minimum knowledge, skills,  
34 or abilities in those natural persons desiring registration as pump  
35 installers or water well drillers;

36

1 SECTION 120. Arkansas Code § 17-50-104(a)(1), concerning violations  
2 concerning water well construction, is amended to read as follows:

3 (1) Any person to engage in well construction or pump  
4 installation unless the work is performed under the supervision of an  
5 individual certified by the ~~Commission on Water Well Construction~~ Arkansas  
6 Natural Resources Commission in the type of work done;

7  
8 SECTION 121. Arkansas Code § 17-50-106(a), concerning alternative  
9 civil penalties for a person licensed to construct water wells, is amended to  
10 read as follows:

11 (a) Whenever the ~~Commission on Water Well Construction~~ Arkansas  
12 Natural Resources Commission, after a hearing conducted in accordance with  
13 the Arkansas Administrative Procedure Act, § 25-15-201 et seq., finds that a  
14 person has violated the provisions of this chapter or any rules promulgated  
15 by the commission pursuant to the authority granted in this chapter, the  
16 commission shall have the power and authority to impose a civil penalty on  
17 the person in lieu of prosecuting the person under § 17-50-105.

18  
19 SECTION 122. Arkansas Code § 17-50-108(a), concerning exemptions and  
20 limitations for the construction of water wells, is amended to read as  
21 follows:

22 (a) Where the ~~Commission on Water Well Construction~~ Arkansas Natural  
23 Resources Commission finds that compliance with all requirements of this  
24 chapter would result in undue hardship, an exemption from any one (1) or more  
25 such requirements may be granted by the commission to the extent the  
26 exemption can be granted without impairing the intent and purpose of this  
27 chapter.

28  
29 SECTION 123. Arkansas Code § 17-50-109 is amended to read as follows:  
30 17-50-109. Enforcement procedure.

31 Whenever the ~~Commission on Water Well Construction~~ Arkansas Natural  
32 Resources Commission has reasonable grounds for believing that there has been  
33 a violation of this chapter or any rule adopted pursuant to ~~under~~ this  
34 chapter, the commission may enforce compliance ~~in the following manner~~ as  
35 provided under § 17-50-110+

36 ~~(1) The commission shall give written notice to the person or~~

1 ~~persons alleged to be in violation;~~

2 ~~(2) The notice shall identify the provisions of this chapter or~~  
 3 ~~rule issued hereunder alleged to be violated and the facts alleged to~~  
 4 ~~constitute the violation;~~

5 ~~(3) The notice shall be served in the manner required by law for~~  
 6 ~~the service of process upon a person in a civil action or by an employee of~~  
 7 ~~the commission and may be accompanied by an order of the commission requiring~~  
 8 ~~described remedial action which, if taken within the time specified in the~~  
 9 ~~order, will effect compliance with the requirements of this chapter and rules~~  
 10 ~~issued under this chapter;~~

11 ~~(4) The order shall become final unless a written request for a~~  
 12 ~~hearing before the commission is made within ten (10) days from the date of~~  
 13 ~~service of the order; and~~

14 ~~(5) In lieu of such an order, the commission may require the~~  
 15 ~~person or persons named in the notice to appear at a hearing, at a time and~~  
 16 ~~place specified in the notice, after which an appropriate remedial order may~~  
 17 ~~issue.~~

18  
 19 SECTION 124. Arkansas Code § 17-50-201 is repealed.

20 ~~17-50-201. Creation—Members.~~

21 ~~(a) There is created a Commission on Water Well Construction which~~  
 22 ~~shall exercise its duties as provided by this chapter.~~

23 ~~(b) The commission shall consist of seven (7) members, composed of:~~

24 ~~(1) The Secretary of the Department of Health or his or her~~  
 25 ~~designated representative;~~

26 ~~(2) The Secretary of the Department of Agriculture or his or her~~  
 27 ~~designated representative;~~

28 ~~(3)(A) One (1) person engaged in the business of manufacturing,~~  
 29 ~~distributing, or supplying heat pumps which require heat pump wells.~~

30 ~~(B) The person shall be recommended by the Arkansas Heat~~  
 31 ~~Pump Association or the EnviroEnergy Group, Inc. or another groundwater~~  
 32 ~~source industry association.~~

33 ~~(C) The person shall be a licensed HVACR contractor under~~  
 34 ~~§ 17-33-101 et seq., and shall be appointed by the Governor and confirmed by~~  
 35 ~~the Senate; and~~

36 ~~(4)(A) Four (4) persons who are, by trade, water well drillers.~~

1                   ~~(B) The water well drilling members shall be:~~

2                   ~~(i) Two (2) water well drillers whose principal~~  
3 ~~place of business is southeast of the fall line in Arkansas, and who are~~  
4 ~~actively engaged in the construction of water wells and pump installation in~~  
5 ~~the Mississippi Embayment or Gulf Coastal Plain as represented on the~~  
6 ~~geologic map of Arkansas; and~~

7                   ~~(ii) Two (2) water well drillers whose principal~~  
8 ~~place of business is northwest of the fall line in Arkansas and who are~~  
9 ~~actively engaged in the construction of water wells and pump installation~~  
10 ~~business in the Ozark Region, Arkansas River Valley, or Ouachita Mountain~~  
11 ~~Region as represented on the geologic map of Arkansas.~~

12                   ~~(C) These members shall be appointed by the Governor and~~  
13 ~~confirmed by the Senate and shall be certified under the provisions of §§ 17-~~  
14 ~~50-301 and 17-50-302.~~

15                   ~~(D) No person may be appointed as a water well driller~~  
16 ~~member of the commission unless his or her principal place of business is at~~  
17 ~~least twenty (20) miles in a straight line from any other water well driller~~  
18 ~~members.~~

19                   ~~(e) Terms of office shall commence on January 15 and shall end on~~  
20 ~~January 14 of the fifth year following the year in which the term commenced.~~

21                   ~~(d) Any vacancies arising on the membership of the commission for any~~  
22 ~~reason other than expiration of the regular terms for which the members were~~  
23 ~~appointed shall be filled by appointment by the Governor, to be effective~~  
24 ~~until the expiration of the regular terms, subject, however, to the~~  
25 ~~confirmation of the Senate when it is next in session.~~

26                   ~~(e) The five (5) business and trade members of the commission may~~  
27 ~~receive expense reimbursement and stipends in accordance with § 25-16-901 et~~  
28 ~~seq.~~

29  
30                   SECTION 125. Arkansas Code § 17-50-202 is repealed.

31                   ~~17-50-202. Employees.~~

32                   ~~The Commission on Water Well Construction may:~~

33                   ~~(1) Allocate funds to the Department of Agriculture to employ an~~  
34 ~~executive secretary who shall be an employee of the department;~~

35                   ~~(2) Contract for legal and engineering services necessary to~~  
36 ~~perform its powers and duties under the provisions of this chapter and fix~~



1 ~~their salaries within such limitations as may be provided by law; and~~  
 2 ~~(3) Allocate funds to the department to provide legal and~~  
 3 ~~engineering services necessary to perform the powers and duties of the~~  
 4 ~~commission under the provisions of this chapter.~~

5  
 6 SECTION 126. Arkansas Code § 17-50-203 is repealed.

7 ~~17-50-203. Office.~~

8 ~~The Department of Agriculture or the department's designee shall house~~  
 9 ~~the office of the Commission on Water Well Construction.~~

10  
 11 SECTION 127. Arkansas Code § 17-50-204(a), concerning the powers and  
 12 duties related to the construction of water wells, is amended to read as  
 13 follows:

14 (a) ~~The Commission on Water Well Construction~~ Arkansas Natural  
 15 Resources Commission shall be responsible for the administration of this  
 16 chapter and shall adopt, and from time to time amend or repeal, necessary  
 17 rules governing the installation, construction, repair, and abandonment of  
 18 water wells and pumping equipment. With respect thereto, the commission  
 19 shall:

20 (1) Hold public hearings in accordance with the Arkansas  
 21 Administrative Procedure Act, § 25-15-201 et seq.;

22 (2) Issue such orders and take such other actions as may be  
 23 necessary to enforce the provisions of this chapter and the rules adopted  
 24 ~~pursuant thereto~~ under this chapter;

25 (3) Establish procedures and forms for the submission, review,  
 26 approval, and rejection of applications, notifications, and reports required  
 27 under this chapter;

28 (4) Prepare subject matter for examinations to test the  
 29 knowledge and skills of:

30 (A) Water well drillers in the construction, alteration,  
 31 and repair of water wells, including proper sealing and abandonment of water  
 32 wells, and the rules of this chapter;

33 (B) Pump installers in the planning, installation,  
 34 operation, and repair of pumping equipment and water wells including sealing  
 35 and abandonment, pumping efficiency, and the rules of this chapter; and

36 (C) Other persons who by trade install, alter, construct,

1 or repair water wells and related equipment and who are eligible for license  
2 or certificate;

3 (5) Adopt, amend, or repeal, and publish rules governing  
4 examinations;

5 (6) Authorize the Department of Agriculture to:

6 (A) Hold examinations of applicants for certificates of  
7 registration at least one (1) time a year;

8 (B) Grade all tests and examinations for certificates of  
9 registration; and

10 (C) Issue licenses, permits, or certificates for the type  
11 or class of well construction or repair or pump installation; and

12 (7) Perform such other duties as are consistent with the  
13 purposes of this chapter.

14

15 SECTION 128. Arkansas Code § 17-50-205(b), concerning inspections  
16 related to water well construction, is amended to read as follows:

17 (b) Upon the basis of such inspections, if the ~~Commission on Water~~  
18 ~~Well Construction~~ Arkansas Natural Resources Commission finds that applicable  
19 laws or rules have not been complied with or that a health hazard exists, the  
20 commission shall disapprove the water well. If disapproved, no water well  
21 shall thereafter be used until brought into compliance and any health hazard  
22 is eliminated.

23

24 SECTION 129. Arkansas Code § 17-50-206 is amended to read as follows:  
25 17-50-206. Disposition of funds.

26 All fees, civil penalties, or payments of any type collected by the  
27 ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission  
28 under this chapter shall be deposited into one (1) or more banks qualifying  
29 for the deposit of public funds to be used by the commission for the proper  
30 administration of this chapter. The deposits shall be audited under the rules  
31 prescribed by the Department of Finance and Administration.

32

33 SECTION 130. Arkansas Code § 17-50-207(a), concerning injunctions and  
34 liability of members licensed by the Commission on Water Well Construction,  
35 is amended to read as follows:

36 (a) The ~~Commission on Water Well Construction~~ Arkansas Natural

1 Resources Commission is authorized to seek in a court of competent  
 2 jurisdiction an injunction, whether permanent or temporary, upon affidavit to  
 3 prevent any person, business, corporation, or other legal entity from  
 4 violating any provisions of this chapter or any rule promulgated by the  
 5 commission under the authority of this chapter. Such injunctions shall be  
 6 issued without bond.

7  
 8 SECTION 131. Arkansas Code § 17-50-208(a), concerning proceedings  
 9 before the Commission on Water Well Construction, is amended to read as  
 10 follows:

11 (a) The ~~Commission on Water Well Construction~~ Arkansas Natural  
 12 Resources Commission is empowered, by majority vote, to issue subpoenas for  
 13 witnesses, to require their attendance in the giving of testimony before it,  
 14 and to require the production of books, papers, and records in any proceeding  
 15 before the commission as may be pertinent to any questions lawfully before  
 16 the commission. The subpoena shall be served by the sheriff or any other  
 17 officer authorized by law to serve process in this state.

18  
 19 SECTION 132. Arkansas Code § 17-50-301(a), concerning applicant  
 20 qualifications and certificates of registration, is amended to read as  
 21 follows:

22 (a) Upon proper application to the ~~Commission on Water Well~~  
 23 ~~Construction~~ Arkansas Natural Resources Commission, a person is entitled to  
 24 be registered and to be issued a certificate of registration as a certified  
 25 water well driller or certified pump installer who shall furnish to the  
 26 commission proof that he or she:

- 27 (1) Is at least eighteen (18) years of age;
- 28 (2) [Repealed.]
- 29 (3) Has knowledge of the rules adopted under this chapter; and
- 30 (4)(A) Has experience as defined by the commission's rules in  
 31 the work for which he or she is applying for a certificate of registration.

32 (B) An applicant may satisfy the requirement under  
 33 subdivision (a)(4)(A) of this section by:

- 34 (i) Completing the commission's apprenticeship  
 35 program;
- 36 (ii) Holding a valid certificate of registration from

1 the commission, within the past ten (10) years, of the type and class for  
2 which the applicant is applying; or

3 (iii) Providing a valid certificate from another  
4 state of a type and class substantially similar to the type and class for  
5 which the applicant is applying for the period of time equal to the  
6 requirement for the apprenticeship program.

7  
8 SECTION 133. Arkansas Code § 17-50-302 is amended to read as follows:  
9 17-50-302. Certificate – Reciprocity.

10 The ~~Commission on Water Well Construction~~ Arkansas Natural Resources  
11 Commission may issue a certificate of registration to any person who:

- 12 (1) Applies for such a certificate;
- 13 (2) Pays the proper registration and testing fees;
- 14 (3) Passes the applicable test; and
- 15 (4) Holds a certificate of qualification or registration issued

16 to him or her by proper authority in any state, territory, or possession of  
17 the United States or of any other country if:

18 (A) The registration standard under which the certificate  
19 was issued is of a standard not lower than that specified by the provisions  
20 of this chapter and the rules of the commission promulgated pursuant to the  
21 provisions hereof; and

22 (B) That particular state, territory, or possession of the  
23 United States or other country extends similar privileges to the persons  
24 registered under the provisions of this chapter.

25  
26 SECTION 134. Arkansas Code § 17-50-303(c), concerning expiration and  
27 renewal of certificates of registration, is amended to read as follows:

28 (c) As a condition for renewal of certificates of registration, the  
29 ~~Commission on Water Well Construction~~ Arkansas Natural Resources Commission  
30 may require the person holding the certificate to complete a program of  
31 continuing education.

32  
33 SECTION 135. Arkansas Code § 17-50-304(a), concerning license  
34 requirements and exemptions, is amended to read as follows:

35 (a) Every person who wishes to engage in business as a water well  
36 contractor shall obtain from the ~~Commission on Water Well Construction~~

1 Arkansas Natural Resources Commission a license to conduct such a business.

2

3 SECTION 136. Arkansas Code § 17-50-305(a)(1), concerning the  
4 application and issuance of licenses for water well contractors, is amended  
5 to read as follows:

6 (a)(1) The ~~Commission on Water Well Construction~~ Arkansas Natural  
7 Resources Commission may adopt, and from time to time amend or repeal, rules  
8 governing applications for water well contractor licenses.

9

10 SECTION 137. Arkansas Code § 17-50-307(b), concerning the expiration  
11 and renewal of licenses for water well construction, is amended to read as  
12 follows:

13 (b) As a condition for license renewal the ~~Commission on Water Well~~  
14 ~~Construction~~ Arkansas Natural Resources Commission may require the licensee  
15 or its agent to complete a program of continuing education.

16

17 SECTION 138. Arkansas Code § 17-50-308(a), concerning the suspension  
18 and revocation of a license to construct water wells, is amended to read as  
19 follows:

20 (a) Whenever the ~~Commission on Water Well Construction~~ Arkansas  
21 Natural Resources Commission, after notice and hearing, determines that the  
22 holder of a license issued pursuant to under this subchapter has violated any  
23 provision of this chapter or any rule adopted pursuant to under it, the  
24 commission is authorized to suspend or revoke the license.

25

26 SECTION 139. Arkansas Code § 17-50-309(b), concerning bonds by water  
27 well contractors, is amended to read as follows:

28 (b) The ~~Commission on Water Well Construction~~ Arkansas Natural  
29 Resources Commission shall establish and promulgate rules establishing the  
30 amount of water well contractor's bonds based on a water well contractor's  
31 past performance or violations of the rules of this chapter, construction  
32 methods, type or class of construction, and business practices.

33

34 SECTION 140. Arkansas Code § 17-50-310(a)(1), concerning rig permits  
35 for water well construction, is amended to read as follows:

36 (a)(1) The ~~Commission on Water Well Construction~~ Arkansas Natural

1 Resources Commission shall issue rig permits if the water well contractor  
2 has:

- 3 (A) A valid license;
- 4 (B) Made proper application for a rig permit; and
- 5 (C) Paid the required fee.

6  
7 SECTION 141. The introductory language of Arkansas Code § 17-50-  
8 311(a), concerning fees for licensing for water well contractors, is amended  
9 to read as follows:

10 (a) ~~The Commission on Water Well Construction~~ Arkansas Natural  
11 Resources Commission shall establish and collect fees not to exceed the  
12 maximum amounts as follows:

13  
14 SECTION 142. Arkansas Code § 17-50-312(a), concerning an  
15 apprenticeship program for water well construction, is amended to read as  
16 follows:

17 (a) ~~The Commission on Water Well Construction~~ Arkansas Natural  
18 Resources Commission shall develop an apprenticeship program to assist  
19 persons applying for registration and having a minimum level of knowledge,  
20 skills, and abilities for the type or class of registration for which they  
21 are applying.

22  
23 SECTION 143. Arkansas Code § 17-50-402(2), concerning legislative  
24 findings concerning water well construction, is amended to read as follows:

25 (2) Construction of water wells by those persons is a threat to  
26 the general health, safety, and welfare because the ~~Commission on Water Well~~  
27 ~~Construction~~ Arkansas Natural Resources Commission does not have knowledge of  
28 their actions and has no means of holding them accountable for failure to  
29 develop water in an orderly, sanitary, reasonable, and safe manner; and

30  
31 SECTION 144. Arkansas Code § 17-50-407(a)(4), concerning application  
32 of proceeds from a sale, is amended to read as follows:

33 (4) To payment of the costs incurred by the prosecuting attorney  
34 or attorney for the law enforcement agency to which the property is forfeited  
35 or to the ~~Commission on Water Well Construction~~ Arkansas Natural Resources  
36 Commission in investigating and developing the case; and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

SECTION 145. Arkansas Code § 17-80-106(a) and (b), concerning investigations and inspections of alleged wrongdoing, are amended to read as follows:

(a) The Arkansas State Medical Board, the Arkansas State Board of Dental Examiners, the Arkansas State Board of Nursing, the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission, the Arkansas Board of Podiatric Medicine, the State Board of Optometry, and the Arkansas State Board of Physical Therapy are authorized to utilize as their employees, as the investigators for the purposes described in this section, the investigators and inspectors of the Division of Pharmacy Services and Drug Control of the Department of Health.

(b) The Department of Health is directed to make investigators and inspectors of the division available for those purposes and for as long as they may conduct investigations and inspections of alleged wrongdoing of those individuals licensed or permitted by the Arkansas State Medical Board, the Arkansas State Board of Dental Examiners, the Arkansas State Board of Nursing, the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission, the Arkansas Board of Podiatric Medicine, the State Board of Optometry, and the Arkansas State Board of Physical Therapy.

SECTION 146. Arkansas Code § 17-80-106(i), concerning investigations and inspections of alleged wrongdoing, is amended to read as follows:

(i) The Arkansas State Medical Board, the Arkansas State Board of Dental Examiners, the Arkansas State Board of Nursing, the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission, the Arkansas Board of Podiatric Medicine, the State Board of Optometry, and the Arkansas State Board of Physical Therapy are authorized to collect costs incurred under subsection (h) of this section from the licensees being investigated by the division.

SECTION 147. Arkansas Code § 17-101-102(7) concerning definitions under the Arkansas Veterinary Medical Practice Act, is amended to read as follows:

(7) "Licensed veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in this state as a general

1 practitioner or in a specialty area as the ~~Veterinary Medical Examining Board~~  
2 Arkansas Livestock and Poultry Commission may by rule provide;

3  
4 SECTION 148. Arkansas Code § 17-101-102(17)(B) concerning definitions  
5 under the Arkansas Veterinary Medical Practice Act, is amended to read as  
6 follows:

7 (B) "Veterinary technology" does not include diagnosis,  
8 prognosis, surgery, or the prescription of appliances, drugs, medications, or  
9 treatment unless otherwise determined by the ~~board~~ commission.

10  
11 SECTION 149. Arkansas Code § 17-101-201 is repealed.

12 ~~17-101-201. Creation—Members—Organization.~~

13 ~~(a) There is created the Veterinary Medical Examining Board.~~

14 ~~(b)(1) The board shall consist of five (5) members appointed by the~~  
15 ~~Governor for terms of five (5) years.~~

16 ~~(2) Four (4) members shall:~~

17 ~~(A) Be licensed to practice veterinary medicine in the~~  
18 ~~State of Arkansas;~~

19 ~~(B) Be in good standing and members of the Arkansas~~  
20 ~~Veterinary Medical Association;~~

21 ~~(C) Be graduates of an accredited or approved college of~~  
22 ~~veterinary medicine or holders of an Educational Commission for Foreign~~  
23 ~~Veterinary Graduates Certificate;~~

24 ~~(D) Be actively engaged in the practice of veterinary~~  
25 ~~medicine in this state; and~~

26 ~~(E) Have at least five (5) years of experience in the~~  
27 ~~practice of veterinary medicine.~~

28 ~~(3) One (1) member shall be a public member who:~~

29 ~~(A) Shall be a resident of this state who has attained the~~  
30 ~~age of majority; and~~

31 ~~(B) Shall not be, nor shall ever have been, a veterinarian~~  
32 ~~or the spouse of a veterinarian, or a person who has:~~

33 ~~(i) Ever had any material financial interest in the~~  
34 ~~provision of veterinarian services; or~~

35 ~~(ii) Engaged in any activity directly related to the~~  
36 ~~practice of veterinary medicine.~~



1       ~~(c)(1) A board member's term of office shall expire on March 1 of the~~  
2 ~~last year of the term of appointment.~~

3       ~~(2) Each member shall serve until his or her successor has been~~  
4 ~~appointed and qualified.~~

5       ~~(d) The board shall elect from its membership a chair and a secretary-~~  
6 ~~treasurer.~~

7       ~~(e) A majority of the members of the board constitutes a quorum for~~  
8 ~~the transaction of business, except that the vote of four (4) members is~~  
9 ~~required for suspension or revocation of a license.~~

10       ~~(f) The members of the board may receive expense reimbursement and~~  
11 ~~stipends in accordance with § 25-16-901 et seq.~~

12  
13       SECTION 150. Arkansas Code § 17-101-203 is amended to read as follows:  
14       17-101-203. Powers and duties.

15       The ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry  
16 Commission shall have the power to:

17               (1) Examine and determine the qualifications and fitness of  
18 applicants for a license to practice general veterinary medicine or any  
19 specialty area thereof, and the certification of veterinary technicians in  
20 Arkansas, and issue, renew, deny, suspend, or revoke licenses or  
21 certificates, or otherwise discipline veterinarians or veterinary  
22 technicians;

23               (2) Subpoena witnesses and take testimony bearing on the records  
24 of applicants for permits or for licenses to practice veterinary medicine in  
25 the State of Arkansas;

26               (3) Establish annually a schedule of license and permit fees  
27 based on the ~~board's~~ commission's financial requirements for the ensuing  
28 year;

29               (4) Conduct investigations into matters brought before the ~~board~~  
30 commission and proceed on the ~~board's~~ commission's own motion to a hearing or  
31 other disciplinary action;

32               (5) [Repealed.]

33               (6) Purchase or rent necessary office space, equipment, and  
34 supplies;

35               (7) Promulgate and enforce rules necessary to establish  
36 recognized standards for the practice of veterinary medicine and to carry out

1 the provisions of this chapter. The ~~board~~ commission shall make available to  
 2 interested members of the public copies of this chapter and all rules  
 3 promulgated by the ~~board~~ commission;

4 (8) Examine and evaluate qualifications of education, skill, and  
 5 experience for certification of a person as a veterinary technician and for  
 6 annual registration of employment;

7 (9) Regulate all veterinarians in a corporate practice and  
 8 prevent corporate or noncorporate holdings from being sold to, directed by,  
 9 or controlled by a nonveterinarian;

10 (10)(A) Hold hearings on all matters properly brought  
 11 before the ~~board~~ commission and, in connection thereto, administer oaths,  
 12 receive evidence, make the necessary determinations, and enter orders  
 13 consistent with the findings.

14 (B) The ~~board~~ commission may require by subpoena the  
 15 attendance and testimony of witnesses and the production of papers, records,  
 16 or other documentary evidence and commission depositions;

17 (11) Bring proceedings in the courts for the enforcement of this  
 18 chapter or any rules made ~~pursuant thereto~~ under this chapter; and

19 (12) Promulgate rules:

20 (A) Limiting the amount of Schedule II narcotics that may  
 21 be prescribed and dispensed by licensees of the ~~board~~ commission; and

22 (B) Outlining the use of telehealth and telemedicine in  
 23 the practice of veterinary medicine.

24  
 25 SECTION 151. Arkansas Code § 17-101-204 is repealed.

26 ~~17-101-204. Director.~~

27 ~~The Secretary of the Department of Agriculture may employ a Director of~~  
 28 ~~the Veterinary Medical Examining Board.~~

29  
 30 SECTION 152. Arkansas Code § 17-101-301(a), concerning veterinarians,  
 31 applications, and qualifications, is amended to read as follows:

32 (a) Any veterinarian or licensed veterinarian desiring a license to  
 33 practice veterinary medicine in this state may make written application to  
 34 the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry  
 35 Commission showing that he or she is:

36 (1) At least twenty-one (21) years of age; and

1 (2) A person of moral integrity and acceptable ethical  
2 standards.

3  
4 SECTION 153. Arkansas Code § 17-101-301(b)(3) and (4), concerning  
5 veterinarians, applications, and qualifications, are amended to read as  
6 follows:

7 (3) Be submitted to the ~~board~~ commission at least thirty (30)  
8 days before the exam;

9 (4) Be accompanied by a nonrefundable application fee  
10 established by the ~~board~~ commission; and

11  
12 SECTION 154. Arkansas Code § 17-101-301(b)(5)(D), concerning  
13 veterinarians, applications, and qualifications, is amended to read as  
14 follows:

15 (D) An Educational Commission for Foreign Veterinary  
16 Graduates Certificate or an equivalent program approved by the ~~board~~  
17 commission, if applicable; and

18  
19 SECTION 155. Arkansas Code § 17-101-301(c) and (d), concerning  
20 veterinarians, applications, and qualifications, is amended to read as  
21 follows:

22 (c)(1) The ~~board~~ commission by rule may require that all applicants  
23 for licensure by examination complete a preceptorship program during their  
24 senior year under the supervision of a veterinarian licensed and in good  
25 standing in any state, territory, or district of the United States.

26 (2) The supervising veterinarian shall submit an affidavit to  
27 the ~~board~~ commission stating that the applicant has satisfactorily completed  
28 the preceptorship.

29 (d)(1) If the ~~board~~ commission finds that the applicant possesses the  
30 proper qualifications, ~~it~~ the commission shall admit him or her to the next  
31 examination.

32 (2) If an applicant is found unqualified to take the examination  
33 or to receive a license without examination, the ~~board~~ commission shall  
34 immediately notify the applicant in writing of its findings and the grounds  
35 for same.

SECTION 156. Arkansas Code § 17-101-302 is amended to read as follows:  
 17-101-302. Veterinarians – Examinations.

(a)(1) The ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission, at such times as it may designate, shall conduct an examination of applicants for license to practice veterinary medicine in the State of Arkansas.

(2) All examinations shall be:

(A) In writing, supplemented by oral interviews and practical examinations as the ~~board~~ commission may deem necessary; and

(B) So conducted as to ensure absolute impartiality in grading.

(b) The ~~board~~ commission hereby adopts the National Board Examination and the Clinical Competency Test, or the North American Veterinary Licensing Examination, or its future equivalent, as a basis for licensure in the State of Arkansas, along with a written examination conducted by the ~~board~~ commission.

(c) The ~~board~~ commission requires that all applicants for licensure to practice veterinary medicine in the State of Arkansas shall pass the National Board Examination and the Clinical Competency Test, or the North American Veterinary Licensing Examination, or its future equivalent, in addition to any and all state examinations, written examinations, oral interviews, and practical demonstrations as the ~~board~~ commission may request or require.

(d) All applicants are required to complete a written examination conducted by the ~~board~~ commission composed of, but not limited to:

(1) The Arkansas Veterinary Medical Practice Act, § 17-101-101 et seq.;

(2) State and federal statutes relating to prescription and controlled drugs;

(3) Ethics of veterinary medicine; and

(4) Rules and regulations of the Arkansas Livestock and Poultry Commission, the United States Department of Agriculture, the United States Animal and Plant Health Inspection Service, and ~~Rabies Control~~ rabies control.

(e)(1) Poultry specialty applicants shall sit for a written examination conducted by the ~~board~~ commission on poultry veterinary medicine.

(2) A license will be issued to poultry specialty applicants

1 with a seventy percent (70%) or better score on the ~~Veterinary Medical~~  
 2 ~~Examining Board~~ commission examination and a passing score on the National  
 3 Board Examination, the North American Veterinary Licensing Examination, or  
 4 its equivalent.

5  
 6 SECTION 157. Arkansas Code § 17-101-303 is amended to read as follows:

7 17-101-303. License without examination or license by endorsement.

8 (a) The ~~Veterinary Medical Examining Board~~ Arkansas Livestock and  
 9 Poultry Commission, at its discretion, may issue a license without written  
 10 examination to any qualified applicant who furnishes satisfactory evidence  
 11 that he or she is a veterinarian and has:

12 (1) For the five (5) years before filing his or her application,  
 13 been a practicing veterinarian and licensed in a state, territory, or  
 14 district of the United States having license requirements at the time the  
 15 applicant was first licensed which are substantially equivalent to the  
 16 requirements of this chapter;

17 (2) Qualified as a diplomate of a specialty board approved by  
 18 the American Veterinary Medical Association;

19 (3) Been awarded a postgraduate degree in veterinary medicine;  
 20 or

21 (4) Been recognized as an expert in the veterinary profession.

22 (b) At its discretion, the ~~board~~ commission may examine, orally or  
 23 practically, any person applying for a license under this section, provided  
 24 that the applicant has had no disciplinary proceedings pending or completed  
 25 in another jurisdiction.

26  
 27 SECTION 158. Arkansas Code § 17-101-304 is amended to read as follows:

28 17-101-304. Veterinarians – Temporary permit.

29 (a) The Director of the ~~Veterinary Medical Examining Board~~ Arkansas  
 30 Livestock and Poultry Commission or his or her designee may issue without  
 31 examination a temporary permit to practice veterinary medicine in this state  
 32 to a qualified applicant for a license pending examination and provided that  
 33 the temporary permit shall expire the day after the notice or results of the  
 34 first examination given after the permit is issued.

35 (b) A temporary permit may be issued or revoked by majority vote of  
 36 the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry

1 Commission.

2

3 SECTION 159. Arkansas Code § 17-101-305 is amended to read as follows:

4 17-101-305. Veterinarians – Denial, suspension, or revocation of  
5 license.

6 (a) Upon written complaint by any person or on the ~~Veterinary Medical~~  
7 ~~Examining Board~~ Arkansas Livestock and Poultry Commission's own motion and  
8 after notice and hearing as prescribed in the Arkansas Administrative  
9 Procedure Act, § 25-15-201 et seq., the ~~board~~ commission may deny, suspend  
10 for a definite period, ~~or~~ revoke the license of any veterinarian, ~~and/or~~  
11 impose a civil penalty for:

12 (1) Fraud, misrepresentation, or deception in obtaining a  
13 license or permit;

14 (2) Adjudication of insanity;

15 (3) Use of advertising or solicitation which is false,  
16 misleading, or otherwise deemed unprofessional under rules promulgated by the  
17 ~~board~~ commission;

18 (4)(A) Conviction of a felony listed under § 17-3-102.

19 (B) A copy of the record of conviction certified by the  
20 clerk of the court entering the conviction shall be conclusive evidence;

21 (5) Incompetence, gross negligence, or other malpractice in the  
22 practice of veterinary medicine;

23 (6) Having professional association with or employing any person  
24 practicing veterinary medicine unlawfully;

25 (7) Fraud or dishonesty in the application or reporting of any  
26 test for disease in animals;

27 (8) Failure to maintain professional premises and equipment in a  
28 clean and sanitary condition in compliance with rules promulgated by the  
29 ~~board~~ commission;

30 (9) Dishonesty or gross negligence in the inspection of  
31 foodstuffs or in the issuance of health or inspection certificates;

32 (10) Cruelty to animals;

33 (11) Unprofessional conduct by violation of a rule promulgated by  
34 the ~~board~~ commission under this chapter;

35 (12) Being unable to practice as a veterinarian with reasonable  
36 skill and safety to patients because of illness, the use of drugs, alcohol,

1 narcotics, or chemicals, or as a result of any mental or physical condition;

2 (13) Revocation, suspension, surrender, or other disciplinary  
 3 sanction of a license to practice veterinary medicine by another state,  
 4 territory, or district of the United States on grounds other than nonpayment  
 5 of a registration fee or suspension of privileges by any other regulatory  
 6 agency including the failure to report any such adverse action to the ~~board~~  
 7 commission within sixty (60) days of the final action;

8 (14) The use, prescription, or sale of any veterinary  
 9 prescription drug or the prescription of an extra-label use of any over-the-  
 10 counter drug in the absence of a valid veterinarian-client-patient  
 11 relationship;

12 (15) Overtreating patients or charging for services which did not  
 13 occur unless the services were contracted for in advance or for services  
 14 which were not rendered or documented in the patient's records or charging  
 15 for services which were not consented to by the owner of the patient or the  
 16 owner's agent;

17 (16)(A) Failing to furnish details of a patient's medical  
 18 records to another treating veterinarian, hospital, clinic, owner, or owner's  
 19 agent upon proper request or waiver by the owner or owner's agent or failing  
 20 to comply with any other law relating to medical records.

21 (B) However, X-rays prepared by the licensed veterinarian  
 22 shall remain the property of the veterinarian and shall be returned upon  
 23 request or as otherwise agreed between the veterinarian and client;

24 (17) Failure of any applicant or licensee to cooperate with the  
 25 ~~board~~ commission during any investigation, if the investigation does not  
 26 concern the applicant or licensee;

27 (18) Failure to comply with any subpoena or subpoena duces tecum  
 28 from the ~~board~~ commission, or an order of the ~~board~~ commission;

29 (19) Failure to timely pay license or registration renewal fees  
 30 as specified in § 17-101-309;

31 (20) Violating a probation agreement with the ~~board~~ commission or  
 32 any other licensing authority of this state, another state or territory of  
 33 the United States, or a federal agency; or

34 (21) Violating any informal consent agreement for discipline  
 35 entered into by an applicant or licensee with the ~~board~~ commission or any  
 36 other licensing authority of this state, another state or territory of the

1 United States, or a federal agency.

2 (b) At the discretion of the ~~board~~ commission, any person whose  
3 license is suspended or revoked by the ~~board~~ commission under this section  
4 may be relicensed or reinstated by the ~~board~~ commission at any time upon  
5 written application to the ~~board~~ commission showing cause to justify  
6 relicensing or reinstatement.

7 (c)(1) Upon suspension or revocation of a license, the actual license  
8 certificate must be surrendered to the ~~board~~ commission within thirty (30)  
9 days of the ~~board's~~ commission's order unless the action is appealed and a  
10 stay is issued.

11 (2) If the ~~board~~ commission prevails upon appeal or the stay is  
12 lifted, the license certificate shall be surrendered within ten (10) days of  
13 the final order of the court.

14

15 SECTION 160. Arkansas Code § 17-101-306(a)-(c), concerning veterinary  
16 technician, veterinary technologist, and veterinary technician specialist and  
17 certification, are amended to read as follows:

18 (a) A person shall not assist in the practice of veterinary medicine  
19 as a veterinary technician or veterinary technologist without first applying  
20 for and obtaining a certification from the ~~Veterinary Medical Examining Board~~  
21 Arkansas Livestock and Poultry Commission and having his or her employment  
22 with a licensed veterinarian registered with the ~~Veterinary Medical Examining~~  
23 Board commission.

24 (b)(1) An applicant for certification as a veterinary technician or  
25 veterinary technologist in this state may make written application to the  
26 ~~Veterinary Medical Examining Board~~ commission showing that he or she is:

27 (A) A citizen of the United States or an applicant for  
28 citizenship; and

29 (B) A person of moral integrity and acceptable ethical  
30 standards.

31 (2) The application for certification as a veterinary technician  
32 or veterinary technologist in the State of Arkansas shall be written, signed  
33 by the applicant, and submitted to the ~~Veterinary Medical Examining Board~~  
34 commission at least thirty (30) days before the examination, including  
35 without limitation the information set forth in this subdivision (b)(2), and  
36 the application shall be accompanied by a nonrefundable application fee



1 established by the ~~Veterinary Medical Examining Board~~ commission:

2 (A) A current photograph of the applicant;

3 (B)(i) A copy of the applicant's diploma or its equivalent  
4 from a college-level program accredited by the American Veterinary Medical  
5 Association.

6 (ii) If the applicant has not graduated at the time  
7 of application, an affidavit from the program certifying the applicant's  
8 ability to graduate may be accepted with a copy of the diploma or its  
9 equivalent submitted upon availability;

10 (C) A certified copy of college transcripts;

11 (D) A passing score on the National Board Examination or  
12 Veterinary Technician National Examination, or future equivalent, reported  
13 through the American Association of Veterinary State Boards or its successor;  
14 and

15 (E) A letter of recommendation signed by a veterinarian  
16 who is licensed in this state or another state, territory, or district of the  
17 United States and notarized.

18 (3) This section does not prevent the ~~Veterinary Medical~~  
19 ~~Examining Board~~ commission from issuing a certification by endorsement to an  
20 applicant who:

21 (A) Holds a certification, or its equivalent, as a  
22 veterinary technician or veterinary technologist in another state, territory,  
23 or district of the United States;

24 (B) Is not a respondent in any pending or unresolved board  
25 action in any state, territory, or district of the United States;

26 (C) Has a passing score on the National Board Examination  
27 or Veterinary Technician National Examination, or its future equivalent,  
28 reported through the American Association of Veterinary State Boards or its  
29 successor;

30 (D) Submits a completed application, including without  
31 limitation a letter of recommendation that is:

32 (i) Signed by a veterinarian;

33 (ii) Notarized by a notary public; and

34 (iii) Accompanied by a nonrefundable application fee  
35 established by the ~~Veterinary Medical Examining Board~~ commission; and

36 (E) Signs a statement attesting that he or she has read

1 and understands this chapter and the rules adopted by the ~~Veterinary Medical~~  
2 ~~Examining Board~~ commission governing the practice of veterinary medicine in  
3 Arkansas.

4 (c)(1) A veterinary technician or veterinary technologist shall  
5 annually register his or her employment with the ~~Veterinary Medical Examining~~  
6 ~~Board~~ commission, stating:

7 (A) His or her name and current address;

8 (B) The name and office address of both his or her  
9 employer and the supervising licensed veterinarian; and

10 (C) Any additional information required by the ~~Veterinary~~  
11 ~~Medical Examining Board~~ commission.

12 (2) Upon any change of employment as a veterinary technician or  
13 veterinary technologist, the certification is inactive until:

14 (A) New employment as a veterinary technician or  
15 veterinary technologist has been obtained; and

16 (B) The ~~Veterinary Medical Examining Board~~ commission has  
17 been notified in writing of the new employment.

18  
19 SECTION 161. Arkansas Code § 17-101-306(e), concerning veterinary  
20 technician, veterinary technologist, and veterinary technician specialist  
21 certification, is amended to read as follows:

22 (e) The ~~Veterinary Medical Examining Board~~ commission shall promulgate  
23 rules to establish the appropriate level of supervision under which a  
24 veterinary technician or veterinary technologist can perform veterinary  
25 technology.

26  
27 SECTION 162. Arkansas Code § 17-101-306(j), concerning veterinary  
28 technician, veterinary technologist, and veterinary technician specialist and  
29 certification, is amended to read as follows:

30 (j)(1) The ~~Veterinary Medical Examining Board~~ commission may issue  
31 additional certifications for a veterinary technician specialist.

32 (2) For an applicant seeking certification as a veterinary  
33 technician specialist, the ~~Veterinary Medical Examining Board~~ commission may  
34 require an initial application, application fee as determined by the  
35 ~~Veterinary Medical Examining Board~~ commission, renewal application, renewal  
36 application fee as determined by the ~~Veterinary Medical Examining Board~~

1 commission, and any other relevant information determined by the ~~Veterinary~~  
2 ~~Medical Examining Board~~ commission.

3  
4 SECTION 163. Arkansas Code § 17-101-307(a), concerning the license  
5 required to practice veterinary medicine, is amended to read as follows:

6 (a) No person may practice veterinary medicine in this state who is  
7 not a licensed veterinarian or the holder of a valid temporary permit issued  
8 by the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry  
9 Commission.

10  
11 SECTION 164. Arkansas Code § 17-101-307(b)(1), concerning the license  
12 required to practice veterinary medicine, is amended to read as follows:

13 (1) Employees of the ~~federal~~ United States Government or state  
14 government or employees of local government who are certified by an agency  
15 approved by the ~~board~~ commission to perform euthanasia from performing their  
16 official duties;

17  
18 SECTION 165. Arkansas Code § 17-101-307(b)(9)(A)(i) and (ii),  
19 concerning the license required to practice veterinary medicine, are amended  
20 to read as follows:

21 (i) The veterinary technician or veterinary  
22 technologist is certified by the ~~board~~ commission as being qualified by  
23 training or experience to function as an assistant to a veterinarian;

24 (ii) The act, task, or function is performed at the  
25 direction of and under the supervision of a licensed veterinarian in  
26 accordance with rules promulgated by the ~~board~~ commission; and

27  
28 SECTION 166. Arkansas Code § 17-101-308 is amended to read as follows:

29 17-101-308. Veterinary technicians – Denial, suspension, or revocation  
30 of certificate.

31 (a) The ~~Veterinary Medical Examining Board~~ Arkansas Livestock and  
32 Poultry Commission may deny or suspend any registration or deny or revoke any  
33 certificate of qualification upon the grounds that the applicant or  
34 veterinary technician is guilty of:

35 (1) Soliciting patients for any practitioner of the veterinary  
36 healing arts;

1           (2) Soliciting or receiving any form of compensation from any  
2 person other than his or her registered employer for performing as a  
3 veterinary technician;

4           (3) Willfully or negligently divulging a professional secret or  
5 discussing a veterinarian's diagnosis or treatment without the express  
6 permission of the veterinarian;

7           (4)(A) Any offense punishable by incarceration in the Division  
8 of Correction or federal prison.

9           (B) A copy of the record of conviction, certified by the  
10 clerk of the court entering the conviction, shall be conclusive evidence;

11          (5) Being unable to practice as a veterinary technician with  
12 reasonable skill and safety to patients because of illness, the use of drugs,  
13 alcohol, narcotics, or chemicals, or as a result of any mental or physical  
14 condition;

15          (6) Fraud or misrepresentation in applying for or procuring:

16           (A) A certificate of qualification to perform as a  
17 veterinary technician in Arkansas; or

18           (B) An annual registration;

19          (7) Impersonating another person registered as a veterinary  
20 technician or allowing any person to use his or her certificate of  
21 qualification or registration;

22          (8) Aiding or abetting the practice of veterinary medicine by a  
23 person not licensed by the ~~board~~ commission;

24          (9) Gross negligence in the performance of duties, tasks, or  
25 functions assigned to him or her by a licensed veterinarian;

26          (10) Manifesting incapacity or incompetence to perform as a  
27 veterinary technician; or

28          (11) Conduct unbecoming a person registered as a veterinary  
29 technician or detrimental to the best interests of the public.

30          (b) At the discretion of the ~~board~~ commission, any person whose  
31 certificate of qualification is suspended or revoked by the ~~board~~ commission  
32 under this section may be recertified or reinstated by the ~~board~~ commission  
33 at any time upon written application to the ~~board~~ commission showing cause to  
34 justify recertification or reinstatement.

35  
36          SECTION 167. Arkansas Code § 17-101-309 is amended to read as follows:

1 17-101-309. License, certificate, and registration renewal –  
2 Reinstatement.

3 (a)(1) All licenses, certificates, and registrations expire on March  
4 31 each year and may be renewed by payment of the annual renewal fee  
5 established by rule of the ~~Veterinary Medical Examining Board~~ Arkansas  
6 Livestock and Poultry Commission.

7 (2) Not later than March 1 each year, the ~~board~~ commission shall  
8 provide a written notice to each licensed veterinarian, veterinary  
9 technician, and veterinary technologist that his or her license or  
10 certificate will expire on March 31 and shall provide a renewal application  
11 form.

12 (b)(1) Any person may reinstate an expired license or certificate  
13 within five (5) years of its expiration by making application to the ~~board~~  
14 commission for renewal and paying the current renewal fee along with all  
15 delinquent renewal fees.

16 (2) After five (5) years have elapsed since the date of  
17 expiration, a license or certificate may not be renewed, and the holder must  
18 apply for a new license or certificate and take the required examinations.

19 (c) The ~~board~~ commission may provide by rule for waiver of payment of  
20 any renewal fee of a licensed veterinarian, veterinary technician, or  
21 veterinary technologist during any period when he or she is on active duty  
22 with any branch of the United States Armed Forces for not to exceed three (3)  
23 years or for the duration of a national emergency, whichever is longer.

24 (d) The ~~board~~ commission may provide by rule for waiver of payment of  
25 any renewal fee of a licensed veterinarian or veterinary technician during  
26 any period when he or she is a member of the Arkansas National Guard called  
27 into state active duty.

28  
29 SECTION 168. Arkansas Code § 17-101-310(a)(2) and (3), concerning  
30 continuing education for veterinary medicine, are amended to read as follows:

31 (2) The postgraduate study or attendance at an institution or at  
32 an educational session approved by the ~~Veterinary Medical Examining Board~~  
33 Arkansas Livestock and Poultry Commission shall be considered equivalent to  
34 continuing education requirements.

35 (3) The ~~board~~ commission shall have the right, for good cause  
36 shown, to prescribe the type and character of postgraduate study to be done

1 by any licensed veterinarian in order to comply with the requirements of this  
 2 chapter.

3

4 SECTION 169. Arkansas Code § 17-101-310(b), concerning continuing  
 5 education for veterinary medicine, is amended to read as follows:

6 (b) The ~~board~~ commission shall excuse licentiates or certificate  
 7 holders, as a group or as individuals, from the annual educational  
 8 requirements in any of the following instances:

9 (1) When no educational program meeting the requirements  
 10 approved by the ~~board~~ commission is conducted within the state;

11 (2) When an affidavit is submitted to the ~~board~~ commission  
 12 evidencing that the licensee, for good cause assigned, was prevented from  
 13 attending an educational program at the proper time;

14 (3) In the event of an unusual emergency; or

15 (4) If that person holds an inactive license or certificate.

16

17 SECTION 170. Arkansas Code § 17-101-311 is amended to read as follows:

18 17-101-311. Civil penalty – Appeals and disposition of funds.

19 (a)(1) Whenever the ~~Veterinary Medical Examining Board~~ Arkansas  
 20 Livestock and Poultry Commission determines that any provision of this  
 21 chapter or any rule promulgated by the ~~board~~ commission pursuant to under  
 22 this chapter has been violated, the ~~board~~ commission may impose a civil  
 23 penalty not to exceed five thousand dollars (\$5,000) per violation.

24 (2) The ~~board~~ commission may file an action in the Pulaski  
 25 County Circuit Court to collect any civil penalty not paid within thirty (30)  
 26 days of service of the order assessing the penalty, unless the circuit court  
 27 enters a stay of the ~~board's~~ commission's order.

28 (3) If the ~~board~~ commission prevails in the action, the  
 29 defendant shall be directed to pay reasonable attorney's fees and costs  
 30 incurred by the ~~board~~ commission in prosecuting the action in addition to the  
 31 civil penalty.

32 (b) Any person aggrieved by the action of the ~~board~~ commission  
 33 imposing civil penalties may appeal the decision in the manner and under the  
 34 procedure prescribed in the Arkansas Administrative Procedure Act, § 25-15-  
 35 201 et seq., for appeals from administrative decisions.

36 (c) All funds derived from civil penalties imposed by the ~~board~~

1 commission shall be deposited into one (1) or more depositories qualifying  
2 for the deposit of public funds. The funds shall be used by the ~~board~~  
3 commission for administering the provisions of this chapter.

4  
5 SECTION 171. Arkansas Code § 17-101-312(c), concerning unlawful  
6 practice of veterinary medicine, is amended to read as follows:

7 (c) One-half (½) of the sums assessed as fines under this chapter  
8 shall be paid into the general fund of the county wherein the fine is  
9 assessed, and one-half (½) of the sums assessed as fines under this chapter  
10 shall be deposited with the Director of the ~~Veterinary Medical Examining~~  
11 ~~Board~~ Arkansas Livestock and Poultry Commission and credited to the account  
12 of the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry  
13 Commission.

14  
15 SECTION 172. Arkansas Code § 17-101-312(e), concerning unlawful  
16 practice of veterinary medicine, is amended to read as follows:

17 (e) In addition to the penalties provided in this section, the ~~board~~  
18 commission may institute legal proceedings to enjoin the violation of the  
19 provisions of this chapter or the rules of the ~~board~~ commission in any court  
20 of competent jurisdiction, and the court may grant a temporary or permanent  
21 injunction restraining the violation thereof.

22  
23 SECTION 173. Arkansas Code § 17-101-314 is amended to read as follows:  
24 17-101-314. Practicing without a license – ~~Board~~ Commission penalties.

25 (a)(1)(A) If upon completion of an investigation the Director of the  
26 ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission  
27 has probable cause to believe that a veterinarian or an unlicensed person  
28 acting as a veterinarian has violated the provisions of this chapter, he or  
29 she may issue a citation to the veterinarian or unlicensed person, as  
30 provided in this section.

31 (B) Each citation shall be in writing and shall describe  
32 with particularity the nature of the violation, including a reference to the  
33 provision of this chapter alleged to have been violated.

34 (C) Each citation may also contain an order of abatement  
35 fixing a reasonable time for abatement of the violation and may contain an  
36 assessment of a civil penalty not to exceed five thousand dollars (\$5,000).

1 (2) The citation shall be served upon the veterinarian or  
2 unlicensed individual personally or by any type of mailing requiring a return  
3 receipt.

4 ~~(b)(1) Before any citation may be issued, the director shall submit~~  
5 ~~the alleged violation for review to at least one (1) member of the board.~~

6 ~~(c)(1) Upon conclusion of the board designee's review, the designee~~  
7 ~~shall prepare a finding of fact and a recommendation.~~

8 ~~(2) If the board designee concludes that the veterinarian or~~  
9 ~~unlicensed person has violated any provision of this chapter, a civil~~  
10 ~~citation shall be issued to the veterinarian or unlicensed person.~~

11 ~~(d)(1) If a veterinarian or unlicensed person desires to~~  
12 ~~administratively contest a civil citation or the proposed assessment of a~~  
13 ~~civil penalty, he or she shall notify within ten (10) business days after~~  
14 ~~service of the citation the executive officer in writing of his or her~~  
15 ~~request.~~

16 (2) Upon receipt of the request, a hearing on the matter shall  
17 be scheduled before the ~~board~~ commission.

18 ~~(e)(c)~~ Any administrative hearing shall be governed by the Arkansas  
19 Administrative Procedure Act, § 25-15-201 et seq.

20 ~~(f)(d)~~ In addition to the penalties provided in this section, the  
21 ~~board~~ commission may institute legal proceedings to enjoin the violation of  
22 the provisions of this chapter or the rules of the ~~board~~ commission in any  
23 court of competent jurisdiction, and the court may grant a temporary or  
24 permanent injunction restraining the violation thereof.

25  
26 SECTION 174. Arkansas Code § 17-101-315 is amended to read as follows:

27 17-101-315. Equine teeth floating.

28 (a) ~~The Veterinary Medical Examining Board~~ Arkansas Livestock and  
29 Poultry Commission is prohibited from enforcing ~~board~~ commission policy  
30 regarding equine teeth floating by either investigating or prosecuting an  
31 individual practitioner engaged in equine teeth floating until July 1, 2013.

32 (b)(1) Before engaging in the practice of equine teeth floating in the  
33 state, an individual practitioner shall present to the ~~board~~ commission  
34 signed letters of recommendation from two (2) clients who have previously  
35 employed the individual practitioner and who bear witness to the individual  
36 practitioner's ability to perform equine teeth floating.



1 (2) The letters of recommendation shall be presented to the  
2 ~~board~~ commission before providing service to a client or performing any  
3 procedure on any animal.  
4

5 SECTION 175. Arkansas Code § 17-101-316 is amended to read as follows:  
6 17-101-316. Livestock embryo transfer or transplant and livestock  
7 pregnancy determination.

8 (a) Until July 1, 2019, the ~~Veterinary Medical Examining Board~~  
9 Arkansas Livestock and Poultry Commission is prohibited from investigating or  
10 prosecuting under a ~~board~~ commission rule or policy an individual technician  
11 who engages in both:

- 12 (1) Livestock embryo transfer or transplant; and
- 13 (2) Livestock pregnancy determination.

14 (b) Before engaging in livestock embryo transfer or transplant and  
15 livestock pregnancy determination in the state, an individual technician  
16 shall obtain a certification from the ~~board~~ commission.

17 (c)(1) An applicant for certification shall submit the following  
18 information to the ~~board~~ commission with an application and application fee  
19 of one thousand dollars (\$1,000):

20 (A)(i) One (1) letter from a licensed veterinarian who has  
21 witnessed the applicant’s ability to perform livestock embryo transfer or  
22 transplant and livestock pregnancy determination on at least three (3)  
23 occasions within six (6) consecutive months.

24 (ii) The letter described in subdivision (c)(1)(A)(i)  
25 of this section shall include the dates that the veterinarian spent with the  
26 applicant and an endorsement certifying that the applicant is proficient in  
27 the following areas:

28 (a) Basic knowledge, skills, and abilities  
29 required to proficiently extract, grade, freeze, thaw, and transfer livestock  
30 embryos; and

31 (b) The ability to properly use ultrasound  
32 equipment in determining pregnancy status with at least ninety percent (90%)  
33 accuracy beginning at sixty (60) days of pregnancy and with at least ninety  
34 percent (90%) accuracy when identifying trimester;

35 (B) A record of successfully completing a qualified course  
36 taught by a livestock reproduction specialist on both livestock embryo

1 transfer and livestock pregnancy determination;

2 (C) Proof that the applicant has at least fifty percent  
3 (50%) financial interest in livestock management equipment, including without  
4 limitation ultrasound equipment, microscope, embryo freezer, and other  
5 required transfer tools; and

6 (D) Proof of membership in either the International Embryo  
7 Technology Society or the American Embryo Transfer Association.

8 (2) The ~~board~~ commission shall approve or deny certification  
9 within thirty (30) days of receiving an application.

10 (d)(1) A certification under this section expires after two (2) years.

11 (2) An individual technician shall submit a renewal application  
12 and renewal application fee of two hundred fifty dollars (\$250) to the ~~board~~  
13 commission along with a record of completion of a continuing education course  
14 on bovine reproduction within the United States or Canada.

15 (3) The ~~board~~ commission shall approve or deny recertification  
16 within thirty (30) days of receiving a renewal application.

17 (e) An embryo transfer technician may only administer to livestock  
18 prescription drugs that have been prescribed by a licensed veterinarian who  
19 has a valid veterinarian-client-patient relationship.

20  
21 SECTION 176. Arkansas Code § 17-101-317 is amended to read as follows:

22 17-101-317. Veterinary technologist and veterinary technician  
23 specialist – Grounds for denial, suspension, or revocation.

24 (a) Upon written complaint by any person or on the ~~Veterinary Medical~~  
25 ~~Examining Board~~ Arkansas Livestock and Poultry Commission's own motion and  
26 after notice and hearing as prescribed in the Arkansas Administrative  
27 Procedure Act, § 25-15-201 et seq., the ~~board~~ commission may deny or suspend  
28 any certification or deny or revoke any certificate of qualification of the  
29 applicant, veterinary technologist, or veterinary technician specialist for  
30 the following conduct:

31 (1) Solicitation of patients on behalf of a veterinarian or  
32 veterinary technician;

33 (2) Solicitation or receiving any form of compensation from any  
34 person other than his or her registered employer for his or her employment;

35 (3) Willful or negligent disclosure of a professional secret or  
36 discussing a veterinarian's diagnosis or treatment without the express

1 permission of the veterinarian;

2 (4)(A) Any offense punishable by incarceration in the Division  
3 of Correction or federal prison.

4 (B) A copy of the record of conviction, certified by the  
5 clerk of the court entering the conviction, shall be evidence;

6 (5) Inability to practice as a veterinary technologist or a  
7 veterinary technician specialist with reasonable skill and safety to patients  
8 due to illness, the use of drugs, alcohol, narcotics, or chemicals, or as a  
9 result of any mental or physical condition;

10 (6) Fraud or misrepresentation in applying for or procuring:

11 (A) A certificate of qualification to perform as a  
12 veterinary technologist or veterinary technician specialist in Arkansas; or

13 (B) An annual employment registration;

14 (7) Impersonation of another person registered as a veterinary  
15 technologist or veterinary technician specialist or authorization of any  
16 person to use his or her certificate of qualification or registration;

17 (8) Aids or abets the practice of veterinary medicine by a  
18 person not licensed by the ~~board~~ commission;

19 (9) Incompetence, gross negligence, or other malpractice in the  
20 performance of duties, tasks, or functions assigned to him or her by a  
21 licensed veterinarian;

22 (10) Incapacity or incompetence to perform as a veterinary  
23 technologist or veterinary technician specialist;

24 (11) Cruelty to animals;

25 (12) Failure:

26 (A) Of any applicant or licensee to cooperate with the  
27 ~~board~~ commission during any investigation, if the investigation does not  
28 concern the applicant or licensee;

29 (B) To comply with any subpoena or subpoena duces tecum  
30 from the ~~board~~ commission or an order of the ~~board~~ commission; or

31 (C) To timely pay certification or renewal fees; or

32 (13) Unprofessional conduct or conduct that is detrimental to  
33 the best interests of the public.

34 (b) At the discretion of the ~~board~~ commission, a person whose  
35 certificate of qualification is suspended or revoked by the ~~board~~ commission  
36 under this section may be:

1 (1) Recertified or reinstated by the ~~board~~ commission at any  
2 time upon written application to the ~~board~~ commission showing cause to  
3 justify recertification or reinstatement; and

4 (2) Subject to civil penalties under § 17-101-311 as determined  
5 by the ~~board~~ commission.

6  
7 SECTION 177. Arkansas Code § 17-101-318(a) and (b), concerning  
8 restricted licenses for veterinarians, are amended to read as follows:

9 (a) The Director of the ~~Veterinary Medical Examining Board~~ Arkansas  
10 Livestock and Poultry Commission or his or her designee may issue a  
11 restricted license to a person who has graduated from an accredited or  
12 approved college of veterinary medicine but has not passed the North American  
13 Veterinary Licensing ~~Exam~~ Examination, or its future equivalent, to engage in  
14 the practice of veterinary medicine under the direct supervision of a  
15 licensed veterinarian.

16 (b) A restricted license shall be issued by the ~~Veterinary Medical~~  
17 ~~Examining Board~~ commission upon the receipt of the following:

18 (1) A completed application as described in § 17-101-301 and the  
19 application fee established by the ~~board~~ commission, if not previously  
20 submitted during the applicant’s final year of veterinary school;

21 (2) A restricted license fee established by the ~~board~~  
22 commission;

23 (3) A letter of recommendation from the supervising licensed  
24 veterinarian; and

25 (4) Written confirmation that the applicant is scheduled to take  
26 the next available North American Veterinary Licensing ~~Exam~~ Examination, or  
27 its future equivalent.

28  
29 SECTION 178. Arkansas Code § 17-101-318(c)(1), concerning restricted  
30 licenses for veterinarians, are amended to read as follows:

31 (1) The restricted license fee established by the ~~board~~  
32 commission;

33  
34 SECTION 179. Arkansas Code § 19-6-301(95), concerning special revenues  
35 of the state, is amended to read as follows:

36 (95) Fees charged by the ~~Veterinary Medical Examining Board~~

1 Arkansas Livestock and Poultry Commission for the various examinations,  
 2 permits, licenses, and certificates issued by the ~~board~~ Arkansas Livestock  
 3 and Poultry Commission, as enacted by Acts 1975, No. 650, as amended, the  
 4 Arkansas Veterinary Medical Practice Act, § 17-101-101 et seq.;

5  
 6 SECTION 180. Arkansas Code § 19-6-429 is amended to read as follows:  
 7 19-6-429. Veterinary Examiners Board Fund.

8 The Veterinary Examiners Board Fund shall consist of those special  
 9 revenues as specified in § 19-6-301(95), there to be used for the operation,  
 10 maintenance, and improvement of the ~~Veterinary Medical Examining Board~~  
 11 Arkansas Livestock and Poultry Commission in exercising the powers,  
 12 functions, and duties as set out in the Arkansas Veterinary Medical Practice  
 13 Act, § 17-101-101 et seq.

14  
 15 SECTION 181. Arkansas Code § 25-15-104(a)(1)(K), concerning subpoena  
 16 powers, is amended to read as follows:

17 (K) ~~Veterinary Medical Examining Board~~ Arkansas Livestock  
 18 and Poultry Commission, ~~§ 17-101-201~~ § 2-33-101 et seq.;

19  
 20 SECTION 182. Arkansas Code § 25-15-104(a)(1), concerning subpoena  
 21 powers, is amended to add additional subdivisions to read as follows:

22 (P) State Plant Board, § 2-16-206 et seq.;

23 (Q) Arkansas Forestry Commission, § 15-31-101 et seq.; and

24 (R) Arkansas Natural Resources Commission, § 15-20-201 et  
 25 seq.

26  
 27 SECTION 183. Arkansas Code § 25-38-202(b)(2), concerning the creation  
 28 of the Department of Agriculture and the appointment of the Secretary of the  
 29 Department of Agriculture, is amended to read as follows:

30 (2) The secretary shall be selected by the ~~Arkansas Agriculture~~  
 31 ~~Board, and the name shall be submitted to the~~ Governor and confirmed by the  
 32 Senate ~~for confirmation~~. The secretary shall serve at the pleasure of the  
 33 Governor.

34  
 35 SECTION 184. Arkansas Code § 25-38-202(b)(3)(A)(ii)(a)-(c), concerning  
 36 the creation of the Department of Agriculture and the appointment of the

1 Secretary of the Department of Agriculture, are repealed.

2 ~~(a) Abandoned Pesticide Advisory Board;~~

3 ~~(b) Arkansas Agriculture Board;~~

4

5 SECTION 185. Arkansas Code § 25-38-202(b)(3)(A)(ii)(i), concerning the  
6 creation of the Department of Agriculture and the appointment of the  
7 Secretary of the Department of Agriculture, is repealed.

8 ~~(i) Arkansas Milk Stabilization Board;~~

9

10 SECTION 186. Arkansas Code § 25-38-202(b)(3)(A)(ii)(k)-(m), concerning  
11 the creation of the Department of Agriculture and the appointment of the  
12 Secretary of the Department of Agriculture, are repealed.

13 ~~(k) Arkansas Seed Arbitration Committee;~~

14 ~~(l) Arkansas State Board of Registration for~~

15 ~~Foresters;~~

16 ~~(m) Arkansas State Board of Registration for~~

17 ~~Professional Soil Classifiers;~~

18

19 SECTION 187. Arkansas Code § 25-38-202(b)(3)(A)(ii)(o), concerning the  
20 creation of the Department of Agriculture and the appointment of the  
21 Secretary of the Department of Agriculture, is repealed.

22 ~~(o) Commission on Water Well Construction;~~

23

24 SECTION 188. Arkansas Code § 25-38-202(b)(3)(A)(ii)(r), concerning the  
25 creation of the Department of Agriculture and the appointment of the  
26 Secretary of the Department of Agriculture, is repealed.

27 ~~(r) Private Wetland and Riparian Zone~~

28 ~~Creation, Restoration, and Conservation Committee;~~

29

30 SECTION 189. Arkansas Code § 25-38-202(b)(3)(A)(ii)(u), concerning the  
31 creation of the Department of Agriculture and the appointment of the  
32 Secretary of the Department of Agriculture, is repealed.

33 ~~(u) Veterinary Medical Examining Board;~~

34

35 SECTION 190. Arkansas Code § 25-38-202(b)(3)(A)(ii)(x), concerning the  
36 creation of the Department of Agriculture and the appointment of the

1 Secretary of the Department of Agriculture, is repealed.

2 ~~(x) Red River Commission, created under § 14-~~  
3 ~~118-202;~~

4  
5 SECTION 191. Arkansas Code § 25-38-206(a)(5)-(8), concerning the  
6 transfer of personnel, administrative functions, human resources, and  
7 accounting offices to the Department of Agriculture, are repealed.

- 8 ~~(5) The Arkansas State Board of Registration for Foresters;~~
- 9 ~~(6) The Veterinary Medical Examining Board;~~
- 10 ~~(7) The Abandoned Pesticide Advisory Board;~~
- 11 ~~(8) The Commission on Water Well Construction;~~

12  
13 SECTION 192. Arkansas Code § 25-38-206(a)(11) and (12), concerning the  
14 transfer of personnel, administrative functions, human resources, and  
15 accounting offices to the Department of Agriculture, are repealed.

- 16 ~~(11) The Arkansas State Board of Registration for Professional~~
- 17 ~~Soil Classifiers;~~
- 18 ~~(12) The Arkansas Farm Mediation Office;~~

19  
20 SECTION 193. Arkansas Code § 25-38-206(a)(15) and (16), concerning the  
21 transfer of personnel, administrative functions, human resources, and  
22 accounting offices to the Department of Agriculture, are repealed.

- 23 ~~(15) The Arkansas Milk Stabilization Board;~~
- 24 ~~(16) The Arkansas Seed Arbitration Committee;~~

25  
26 SECTION 194. Arkansas Code § 25-38-206(a)(20) and (21), concerning the  
27 transfer of personnel, administrative functions, human resources, and  
28 accounting offices to the Department of Agriculture, are repealed.

- 29 ~~(20) The Arkansas Agriculture Board;~~
- 30 ~~(21) The Private Wetland and Riparian Zone Creation, Restoration,~~
- 31 ~~and Conservation Committee; and~~

32  
33 SECTION 195. Arkansas Code § 25-38-206(a)(23), concerning the transfer  
34 of personnel, administrative functions, human resources, and accounting  
35 offices to the Department of Agriculture, is repealed.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

SECTION 196. Arkansas Code § 25-38-207 is repealed.

~~25-38-207. Arkansas Agriculture Board—Creation—Members—  
Organization—Duties.~~

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

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

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

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

~~(C) Two (2) members from the Arkansas Natural Resources  
Commission;~~

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

~~(E) One (1) member actively engaged in farming from the  
Arkansas Rural Development Commission;~~

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

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

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

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

~~(ii) Meat processing;~~

~~(iii) Grain processing;~~

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

~~(v) Aquaculture; and~~

~~(vi) The Arkansas Livestock Marketing Association;~~

~~and~~

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



1                                   ~~(i) One (1) member who is actively engaged in~~  
2 ~~producing beef;~~

3                                   ~~(ii) One (1) member who is actively engaged in~~  
4 ~~producing swine;~~

5                                   ~~(iii) One (1) member who is actively engaged in dairy~~  
6 ~~farming;~~

7                                   ~~(iv) One (1) member who is actively engaged in~~  
8 ~~producing poultry; and~~

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

11                                   ~~(3) Eight (8) nonvoting ex officio members, as follows:~~

12                                   ~~(A) The Vice President for Agriculture of the University~~  
13 ~~of Arkansas System;~~

14                                   ~~(B) The Dean of Agriculture and Technology of Arkansas~~  
15 ~~State University;~~

16                                   ~~(C) The Dean of Agriculture of the University of Arkansas~~  
17 ~~at Pine Bluff;~~

18                                   ~~(D) A representative of the University of Arkansas for~~  
19 ~~Medical Sciences who is actively involved in nutrition teaching or research,~~  
20 ~~or both;~~

21                                   ~~(E) A representative of the University of Arkansas at~~  
22 ~~Monticello;~~

23                                   ~~(F) The President of the Arkansas Association of~~  
24 ~~Conservation Districts;~~

25                                   ~~(G) A representative of Southern Arkansas University; and~~

26                                   ~~(H) A representative of Arkansas Tech University.~~

27                                   ~~(b) The Arkansas Agriculture Board shall advise the Secretary of the~~  
28 ~~Department of Agriculture on all matters concerning agriculture, aquaculture,~~  
29 ~~horticulture, and kindred industries.~~

30                                   ~~(c) The Arkansas Agriculture Board shall meet at least quarterly and~~  
31 ~~shall fix a regular date for the quarterly meeting.~~

32                                   ~~(d)(1) The members of the Arkansas Agriculture Board appointed by the~~  
33 ~~Governor shall serve staggered terms of four (4) years, to be determined at~~  
34 ~~the first meeting of the Arkansas Agriculture Board by lot in a manner to~~  
35 ~~result, as far as possible, in an equal number of terms expiring each year.~~

36                                   ~~(2) The members appointed by the Governor shall serve no more~~

1 ~~than two (2) terms.~~

2 ~~(e)(1) Vacancies due to death, resignation, refusal to serve, or other~~  
 3 ~~causes among members of the Arkansas Agriculture Board appointed by the~~  
 4 ~~Governor shall be filled by appointment by the Governor of a qualified person~~  
 5 ~~to serve the remainder of the unexpired term.~~

6 ~~(2) A person so appointed is eligible for appointment to a~~  
 7 ~~subsequent full term on the Arkansas Agriculture Board.~~

8 ~~(f)(1) State agency members of the Arkansas Agriculture Board shall~~  
 9 ~~receive no additional salary or compensation for their services as members of~~  
 10 ~~the Arkansas Agriculture Board, but they may receive expense reimbursement in~~  
 11 ~~accordance with § 25-16-902, to the extent funds are available.~~

12 ~~(2) The members appointed by the Governor may receive expense~~  
 13 ~~reimbursement from funds made available for that purpose in accordance with §~~  
 14 ~~25-16-902, to the extent funds are available.~~

15  
 16 SECTION 197. Arkansas Code § 25-38-211(a)(1) and (2), concerning the  
 17 transfer of certain agricultural boards, commissions, committees, bureaus,  
 18 programs, and offices, are repealed.

19 ~~(1) The Abandoned Pesticide Advisory Board, created under § 8-7-~~  
 20 ~~1204;~~

21 ~~(2) The Arkansas Agriculture Board, created under § 25-38-207;~~

22  
 23 SECTION 198. Arkansas Code § 25-38-211(a)(9), concerning the transfer  
 24 of certain agricultural boards, commissions, committees, bureaus, programs,  
 25 and offices, is repealed.

26 ~~(9) The Arkansas Milk Stabilization Board, created under § 2-10-~~  
 27 ~~103;~~

28  
 29 SECTION 199. Arkansas Code § 25-38-211(a)(11)-(13), concerning the  
 30 transfer of certain agricultural boards, commissions, committees, bureaus,  
 31 programs, and offices, are repealed.

32 ~~(11) The Arkansas Seed Arbitration Committee, created under § 2-~~  
 33 ~~23-104;~~

34 ~~(12) The Arkansas State Board of Registration for Foresters,~~  
 35 ~~created under § 17-31-201;~~

36 ~~(13) The Arkansas State Board of Registration for Professional~~

1 ~~Soil Classifiers, created under § 17-47-201;~~

2  
 3 SECTION 200. Arkansas Code § 25-38-211(a)(15), concerning the transfer  
 4 of certain agricultural boards, commissions, committees, bureaus, programs,  
 5 and offices, is repealed.

6 ~~(15) The Commission on Water Well Construction, created under §~~  
 7 ~~17-50-201;~~

8  
 9 SECTION 201. Arkansas Code § 25-38-211(a)(17) and (18), concerning the  
 10 transfer of certain agricultural boards, commissions, committees, bureaus,  
 11 programs, and offices, are repealed.

12 ~~(17) The Private Wetland and Riparian Zone Creation, Restoration,~~  
 13 ~~and Conservation Committee, created under § 26-51-1503;~~

14 ~~(18) The Ouachita River Commission, created under § 15-23-803;~~

15  
 16 SECTION 202. Arkansas Code § 25-38-211(a)(21), concerning the transfer  
 17 of certain agricultural boards, commissions, committees, bureaus, programs,  
 18 and offices, is repealed.

19 ~~(21) The Veterinary Medical Examining Board, created under § 17-~~  
 20 ~~101-201; and~~

21  
 22 SECTION 203. Arkansas Code § 25-38-211(a)(23), concerning the transfer  
 23 of certain agricultural boards, commissions, committees, bureaus, programs,  
 24 and offices, is repealed.

25 ~~(23) The Red River Commission, created under § 14-118-202;~~

26  
 27 SECTION 204. Arkansas Code § 25-43-202(a)(1) and (2), concerning state  
 28 entities transferred to the Department of Agriculture, are repealed.

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

31 ~~(2) The Arkansas Agriculture Board, created under § 25-38-207;~~

32  
 33 SECTION 205. Arkansas Code § 25-43-202(a)(10), concerning state  
 34 entities transferred to the Department of Agriculture, is repealed.

35 ~~(10) The Arkansas Milk Stabilization Board, created under § 2-10-~~  
 36 ~~103;~~

1  
2 SECTION 206. Arkansas Code § 25-43-202(a)(12)-(14), concerning state  
3 entities transferred to the Department of Agriculture, are repealed.

4 ~~(12) The Arkansas Seed Arbitration Committee, created under § 2-~~  
5 ~~23-104;~~

6 ~~(13) The Arkansas State Board of Registration for Foresters,~~  
7 ~~created under § 17-31-201;~~

8 ~~(14) The Arkansas State Board of Registration for Professional~~  
9 ~~Soil Classifiers, created under § 17-47-201;~~

10  
11 SECTION 207. Arkansas Code § 25-43-202(a)(16), concerning state  
12 entities transferred to the Department of Agriculture, is repealed.

13 ~~(16) The Commission on Water Well Construction, created under §~~  
14 ~~17-50-201;~~

15  
16 SECTION 208. Arkansas Code § 25-43-202(a)(18), concerning state  
17 entities transferred to the Department of Agriculture, is repealed.

18 ~~(18) The Private Wetland and Riparian Zone Creation, Restoration,~~  
19 ~~and Conservation Committee, created under § 26-51-1503(3);~~

20  
21 SECTION 209. Arkansas Code § 25-43-202(a)(22), concerning state  
22 entities transferred to the Department of Agriculture, is repealed.

23 ~~(22) The Veterinary Medical Examining Board, created under § 17-~~  
24 ~~101-201; and~~

25  
26 SECTION 210. Arkansas Code § 25-43-202(a)(24), concerning state  
27 entities transferred to the Department of Agriculture, is repealed.

28 ~~(24) The Red River Commission, created under § 14-118-202;~~

29  
30 SECTION 211. Arkansas Code § 26-51-1503(3), concerning definition of  
31 "committee" under the Arkansas Private Wetland and Riparian Zone Creation,  
32 Restoration, and Conservation Tax Credits Act is repealed.

33 ~~(3) "Committee" means the Private Wetland and Riparian Zone~~  
34 ~~Creation, Restoration, and Conservation Committee;~~

35  
36 SECTION 212. Arkansas Code § 26-51-1505(d), concerning credits granted

1 under the Arkansas Private Wetland and Riparian Zone Creation, Restoration,  
2 and Conservation Tax Credits Act is amended to read as follows:

3 (d) To claim the benefits of this section, a taxpayer must obtain a  
4 certification from the ~~Arkansas Natural Resources Commission~~ Department of  
5 Agriculture certifying to the Revenue Division of the Department of Finance  
6 and Administration that the taxpayer has met all of the requirements and  
7 qualifications set forth in § 26-51-1504(b)(2) and § 26-51-1507(a) for a  
8 wetland and riparian zone creation and restoration tax credit or in § 26-51-  
9 1507(b) for a wetland and riparian zone conservation tax credit.

10  
11 SECTION 213. Arkansas Code § 26-51-1506 is amended to read as follows:  
12 26-51-1506. Administration.

13 (a) ~~There is created the Private Wetland and Riparian Zone Creation,~~  
14 ~~Restoration, and Conservation Committee, which is made up of:~~

15 ~~(1) The secretary, director, or their designees, of:~~

16 ~~(A) The Arkansas State Game and Fish Commission;~~

17 ~~(B) The Department of Finance and Administration;~~

18 ~~(C) The Division of Arkansas Heritage; and~~

19 ~~(D) The Division of Environmental Quality; and~~

20 ~~(2)(A) Two (2) public members with expertise in wetlands and~~  
21 ~~riparian zone ecology appointed by the Arkansas Natural Resources Commission.~~

22 ~~(B) In appointing public members, the Arkansas Natural~~  
23 ~~Resources Commission should consider the wide variety of interests in~~  
24 ~~wetlands and riparian zones.~~

25 ~~(b)(1)~~ The Arkansas Natural Resources Commission is charged with the  
26 responsibility of promulgating and administering rules related to the  
27 creation, restoration, and conservation of wetlands and riparian zones with  
28 the intent of qualifying for the tax credits provided for in this subchapter.

29 ~~(2) Prior to adoption of any rules under this subchapter, the~~  
30 ~~Arkansas Natural Resources Commission shall obtain comments on the proposed~~  
31 ~~rules from the committee.~~

32 ~~(c)(1)(b)(1)~~ The Arkansas Natural Resources Commission commission may  
33 charge a reasonable application fee for the processing of tax credit  
34 applications.

35 (2) All fees collected shall be deposited into the Arkansas  
36 Water Development Fund.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

SECTION 214. Arkansas Code § 26-51-1507(a)(1)(B)-(D), concerning the method of application for a wetland and riparian zone creation and restoration tax credit, is amended to read as follows:

(B) A taxpayer wishing to obtain a wetland and riparian zone creation and restoration tax credit shall submit an application to the ~~Arkansas Natural Resources Commission~~ Department of Agriculture.

~~(C) Upon receipt of the application, the commission shall make the application available to the Private Wetland and Riparian Zone Creation, Restoration, and Conservation Committee for its review and comment.~~

~~(D)~~ After review of the ~~committee comments~~ application under subdivision (a)(1)(B) of this section, the ~~commission~~ Department of Agriculture may issue a wetland and riparian zone creation and restoration tax credit approval certificate for those applications proposing projects that meet the requirements of this subchapter and rules promulgated ~~thereunder~~ under this subchapter.

SECTION 215. Arkansas Code § 26-51-1507(a)(3)(A), concerning the certificate of completion issued for a wetland and riparian zone creation and restoration tax credit, is amended to read as follows:

(3)(A) Upon completion and proper functioning of the project, the ~~commission~~ Department of Agriculture shall issue a certificate of completion.

SECTION 216. Arkansas Code § 26-51-1507(b)(1)(B)-(D), concerning the method of application by a donor for a wetland and riparian zone creation and restoration tax credit, is amended to read as follows:

(B) An eligible donor wishing to obtain a wetland and riparian zone conservation tax credit shall submit an application to the ~~commission~~ Department of Agriculture.

~~(C) Upon receipt of the application, the commission shall make the application available to the committee for its review and comment.~~  
The committee review shall include the following considerations:

(i) Whether the appraisal of the qualified real property interest meets the minimum standards of the Uniform Standards of Professional Appraisal Practice and the Internal Revenue Service requirements

1 for a qualified appraisal;

2 (ii) Whether the qualified real property interest's  
3 valuation does not appear to be manifestly abusive;

4 (iii) Whether the conservation purpose of the  
5 donation complies with the requirements of a qualified conservation purpose  
6 and contributes to the wetland and riparian zone benefits in § 26-51-1502;

7 (iv) Whether the real property interest meets the  
8 requirements for a qualified real property interest; and

9 (v) Whether the donee of the qualified real property  
10 interest meets the requirements of an eligible donee.

11 (D) After ~~review of the committee comments, the commission~~  
12 consideration of the requirements for approval, the Department of Agriculture  
13 may issue a wetland and riparian zone conservation tax credit approval  
14 certificate for those applications that meet the requirements of this  
15 subchapter and the rules promulgated under this subchapter.

16  
17 SECTION 217. Arkansas Code § 26-51-1507(b)(2)(B), concerning the  
18 resubmission of a conditionally approved wetland and riparian zone creation  
19 and restoration tax credit, is amended to read as follows:

20 (B) If conditional approval of a wetland and riparian zone  
21 conservation tax credit is granted, the application must be resubmitted to  
22 the ~~commission~~ Department of Agriculture after the qualified real property  
23 interest donation has been recorded for the limited purpose of demonstrating  
24 conformity with the originally submitted draft documents.

25  
26 SECTION 218. Arkansas Code § 26-51-1507(b)(3), concerning the denial  
27 and appeal of a wetland and riparian zone creation and restoration tax  
28 credit, is amended to read as follows:

29 (3)(A) If the ~~commission~~ Department of Agriculture denies  
30 approval of a wetland and riparian zone conservation tax credit, it shall  
31 provide a brief written statement to the applicant of the reason for a  
32 decision to deny approval.

33 (B) When a problem identified by the ~~commission~~ Department  
34 of Agriculture is remedied, an eligible donor may resubmit the application  
35 for approval of the wetland and riparian zone conservation tax credit.

36

1 SECTION 219. Arkansas Code § 26-51-1508(a)(1), concerning the time in  
2 which a wetlands or riparian zone project must be completed, is amended to  
3 read as follows:

4 (a)(1) All projects must be completed and properly functioning within  
5 three (3) years of the date of the certificate of tax credit approval, except  
6 if the ~~Arkansas Natural Resources Commission~~ Department of Agriculture  
7 determines that failure to comply with this subdivision (a)(1) is the result  
8 of conditions beyond the control of the taxpayer, an additional year to  
9 comply with this subdivision (a)(1) may be granted by the ~~commission~~  
10 Department of Agriculture.

11  
12 SECTION 220. Arkansas Code § 26-51-1508(b)(1)-(3), concerning the  
13 maintenance or termination of wetlands or riparian zone project for which a  
14 tax credit has been claimed, is amended to read as follows:

15 (b)(1) Project activities shall meet or exceed those standards as  
16 established by the ~~commission~~ Department of Agriculture, and the project must  
17 be maintained for a minimum life of ten (10) years after it is certified as  
18 being complete.

19 (2)(A) If the taxpayer terminates the project prior to  
20 expiration of the minimum project life, the taxpayer shall provide written  
21 notification to the ~~commission~~ Department of Agriculture and the division.

22 (B) In addition, the taxpayer shall file an amended tax  
23 return and repay the amount of tax credit claimed which was not allowable.

24 (3) If the ~~commission~~ Department of Agriculture determines that  
25 the taxpayer has terminated the project, it shall notify the division.

26  
27 SECTION 221. DO NOT CODIFY. Changes in membership.

28 (a) Under Section 66 of this act the membership of the Arkansas  
29 Natural Resources Commission is modified, and this act shall not shorten the  
30 term of any current member of the Arkansas Natural Resources Commission, but  
31 the requirement that each congressional district be represented by membership  
32 on the commission, and the shortening of the term of membership shall be  
33 implemented as terms expire, if a member voluntarily resigns, and by filling  
34 vacancies on the Arkansas Natural Resources Commission.

35 (b) Under Section 67 of this act the membership of the Arkansas  
36 Natural Resources Commission is modified, and this act shall not shorten the



1 term of any current member of the Arkansas Natural Resources Commission, but  
2 the requirement that a minimum of one (1) member of the Arkansas Natural  
3 Resources Commission shall be a water well contractor licensed under § 17-50-  
4 201 et seq. shall be implemented as terms expire and by filling vacancies on  
5 the Arkansas Natural Resources Commission.

6 (c) Under Section 70 of this act the membership of the Arkansas  
7 Forestry Commission is modified, and this act shall not shorten the term of  
8 any current member of the Arkansas Forestry Commission, but the requirement  
9 that at least one (1) member of the Arkansas Forestry Commission shall be a  
10 forester registered under the State Board of Registration for Foresters Act §  
11 17-31-101 et seq., shall be implemented as terms expire and by filling  
12 vacancies on the Arkansas Forestry Commission.

13  
14 SECTION 222. EMERGENCY CLAUSE.

15 It is found and determined by the General Assembly of the State of  
16 Arkansas that it is important to Arkansans that state government services are  
17 provided in an efficient and cost-effective manner; that the consolidation of  
18 state entities that perform similar functions and serve similar  
19 constituencies is an effective way to achieve both operational efficiencies  
20 and economies of scale; that this act abolishing and transferring the duties  
21 of the Arkansas Milk Stabilization Board, the Arkansas Seed Arbitration  
22 Committee, the Arkansas State Board of Registration for Foresters, the  
23 Arkansas State Board of Registration for Professional Soil Classifiers, the  
24 Commission on Water Well Construction, the Private Wetland and Riparian Zone  
25 Creation, Restoration, and Conservation Committee, the Veterinary Medical  
26 Examining Board, the Abandoned Pesticide Advisory Board, the Arkansas  
27 Agriculture Board, and the Red River Commission will increase the  
28 effectiveness of the industries regulated by the state entities; that the  
29 transfer of the duties of these state entities to the Arkansas Livestock and  
30 Poultry Commission, the Department of Agriculture, the State Plant Board, the  
31 Arkansas Forestry Commission, and the Arkansas Natural Resources Commission  
32 will increase these entities' ability to protect the safety and property of  
33 Arkansas citizens; that this act should become effective on July 1, 2023, to  
34 coincide with the beginning of the fiscal year of the state and ensure that  
35 the Arkansas Livestock and Poultry Commission, the Department of Agriculture,  
36 the State Plant Board, the Arkansas Forestry Commission, and the Arkansas

1 Natural Resources Commission provide expanded vital services as the transfer  
2 of duties is implemented and do not experience any issues with funding under  
3 the transfer of duties. Therefore, an emergency is declared to exist, and  
4 this act being necessary for the preservation of the public peace, health,  
5 and safety shall become effective on July 1, 2023.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36