

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

As Engrossed: S3/29/23
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11 effect until they are amended or repealed under authority given by law.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 (d) All funds and unexpended balances of appropriations transferred
13 under this section shall continue to be used for the purposes for which they
14 were designated.

15
16 SECTION 2. DO NOT CODIFY. Abolition of Arkansas Seed Arbitration
17 Committee.

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

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

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

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34 effect until they are amended or repealed under authority given by law.

35 (d) All funds and unexpended balances of appropriations transferred
36 under this section shall continue to be used for the purposes for which they

1 were designated.

2
3 SECTION 3. DO NOT CODIFY. Abolition of Arkansas State Board of
4 Registration for Foresters.

5 (a) The Arkansas State Board of Registration for Foresters is
6 abolished, and its authority, duties, functions, records, contracts,
7 personnel, property, and unexpended balances of appropriations, allocations,
8 and other funds, including the functions of budgeting or purchasing, are
9 transferred to the Arkansas Forestry Commission.

10 (b) The Arkansas State Board of Registration for Foresters' statutory
11 powers, duties, and functions, including the functions of budgeting or
12 purchasing, records, contracts, personnel, property, and unexpended balances
13 of appropriations, allocations, and other funds are transferred to the
14 Arkansas Forestry Commission.

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

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

23 (d) All funds and unexpended balances of appropriations transferred
24 under this section shall continue to be used for the purposes for which they
25 were designated.

26
27 SECTION 4. DO NOT CODIFY. Abolition of Arkansas State Board of
28 Registration for Professional Soil Classifiers.

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

34 (b) The Arkansas State Board of Registration for Professional Soil
35 Classifiers' statutory powers, duties, and functions, including the functions
36 of budgeting or purchasing, records, contracts, personnel, property, and

1 unexpended balances of appropriations, allocations, and other funds are
2 transferred to the Arkansas Natural Resources Commission.

3 (c)(1) The abolishment of the Arkansas State Board of Registration for
4 Professional Soil Classifiers does not affect the orders, rules, directives,
5 registration, licensing, or standards made or promulgated by the Arkansas
6 State Board of Registration for Professional Soil Classifiers before the
7 effective date of this act.

8 (2) The orders, rules, directives, registration, licensing, or
9 standards of the Arkansas State Board of Registration for Professional Soil
10 Classifiers shall continue to be in effect until they are amended or repealed
11 under authority given by law.

12 (d) All funds and unexpended balances of appropriations transferred
13 under this section shall continue to be used for the purposes for which they
14 were designated.

15
16 SECTION 5. DO NOT CODIFY. Abolition of Commission on Water Well
17 Construction.

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

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

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

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

35 (d) All funds and unexpended balances of appropriations transferred
36 under this section shall continue to be used for the purposes for which they

1 were designated.

2
3 SECTION 6. DO NOT CODIFY. Abolition of Private Wetland and Riparian
4 Zone Creation, Restoration, and Conservation Committee.

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

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

15 (c)(1) The abolishment of the Private Wetland and Riparian Zone
16 Creation, Restoration, and Conservation Committee does not affect the orders,
17 rules, directives, registration, licensing, or standards made or promulgated
18 by the Private Wetland and Riparian Zone Creation, Restoration, and
19 Conservation Committee before the effective date of this act.

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

24
25 SECTION 7. DO NOT CODIFY. Abolition of Veterinary Medical Examining
26 Board.

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

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

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

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

8 (d) All funds and unexpended balances of appropriations transferred
9 under this section shall continue to be used for the purposes for which they
10 were designated.

11
12 SECTION 8. DO NOT CODIFY. Abolition of Abandoned Pesticide Advisory
13 Board.

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

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

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

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

31 (d) All funds and unexpended balances of appropriations transferred
32 under this section shall continue to be used for the purposes for which they
33 were designated.

34
35 SECTION 9. DO NOT CODIFY. Abolition of Arkansas Agriculture Board.

36 (a) The Arkansas Agriculture Board is abolished, and its authority,

1 duties, functions, records, contracts, personnel, property, and unexpended
2 balances of appropriations, allocations, and other funds, including the
3 functions of budgeting or purchasing, are transferred to the Department of
4 Agriculture.

5 (b) The Arkansas Agriculture Board's statutory powers, duties, and
6 functions, including the functions of budgeting or purchasing, records,
7 contracts, personnel, property, and unexpended balances of appropriations,
8 allocations, and other funds are transferred to the Department of
9 Agriculture.

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

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

17 (d) All funds and unexpended balances of appropriations transferred
18 under this section shall continue to be used for the purposes for which they
19 were designated.

20
21 SECTION 10. DO NOT CODIFY. Abolition of the Red River Commission.

22 (a) Effective on July 1, 2026, the Red River Commission is abolished,
23 and its authority, duties, functions, records, contracts, personnel,
24 property, and unexpended balances of appropriations, allocations, and other
25 funds, including the functions of budgeting or purchasing, are transferred to
26 the Department of Agriculture.

27 (b) Effective on July 1, 2026, the Red River Commission's statutory
28 powers, duties, and functions, including the functions of budgeting or
29 purchasing, records, contracts, personnel, property, and unexpended balances
30 of appropriations, allocations, and other funds are transferred to the
31 Department of Agriculture.

32 (c)(1) The abolishment of the Red River Commission on July 1, 2026
33 does not affect the orders, rules, directives, registration, licensing, or
34 standards made or promulgated by the Red River Commission before the
35 effective date of this act.

36 (2) The orders, rules, directives, registration, licensing, or

1 standards of the Red River Commission shall continue to be in effect until
2 they are amended or repealed under authority given by law.

3 (d) All funds and unexpended balances of appropriations transferred
4 under this section shall continue to be used for the purposes for which they
5 were designated, including without limitation funds designated for the Red
6 River Navigation Feasibility Study.

7
8 SECTION 11. Arkansas Code § 2-10-101 is amended to read as follows:

9 2-10-101. Title.

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

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

14 ~~2-10-103. Arkansas Milk Stabilization Board.~~

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

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

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

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

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

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

26 ~~(1) One (1) member's term expiring after one (1) year;~~

27 ~~(2) One (1) member's term expiring after two (2) years;~~

28 ~~(3) One (1) member's term expiring after three (3) years;~~

29 ~~(4) One (1) member's term expiring after four (4) years; and~~

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

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

33 ~~(d)(1) Not less than thirty (30) calendar days before the expiration~~
34 ~~of the terms of the members of the board under subdivisions (a)(1) and (a)(4)~~
35 ~~of this section, interested parties shall submit to the Governor the names of~~
36 ~~nominees for the positions to be filled, and the Governor shall appoint the~~

1 ~~new members from each list of nominees.~~

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

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

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

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

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

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

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

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

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

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

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

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

29
30 SECTION 13. Arkansas Code § 2-10-104 is amended to read as follows:

31 2-10-104. Powers and duties of the ~~Arkansas Milk Stabilization Board~~
32 Arkansas Livestock and Poultry Commission - Definitions.

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

34 ~~(1) Administer this subchapter;~~

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

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

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

6 ~~(5) [Repealed.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (1) "Base milk price" means the top line of a milk producer's

1 milk check before deductions for quality premiums or discounts,
2 transportation costs, and cooperative administrative fees;

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

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

7

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

9 ~~2-10-201. Findings—Intent.~~

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

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

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

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

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

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

22 ~~(3) Ensure that dairy producers receive fair market breakeven~~
23 ~~prices;~~

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

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

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

29 ~~(7) Maintain and potentially increase jobs in the processing of~~
30 ~~milk products by stabilizing prices to dairy farmers.~~

31

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

33 ~~2-10-202. Definition.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(2) Fifty cents (50¢) per hundred weight of milk if the milk~~

1 ~~contains a somatic cell count of less than four hundred thousand (400,000).~~

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

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

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

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

12 ~~2-10-205. Rules.~~

13 ~~The Secretary of the Department of Finance and Administration and the~~
14 ~~Secretary of the Department of Agriculture shall adopt rules to implement~~
15 ~~this subchapter.~~

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

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

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

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

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

29 ~~(d) Meetings of the board shall be called by the chair or by four (4)~~
30 ~~members of the board.~~

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

35 ~~(f) If necessary to provide suitable space for its offices,~~
36 ~~laboratories, and other needs, the board may buy property, build buildings,~~

1 ~~or lease property for a period covering not more than fifteen (15) years from~~
2 ~~the date of lease~~ Each congressional district shall be represented by
3 membership on the board.

4
5 SECTION 20. Arkansas Code § 2-16-206, concerning the State Plant
6 Board, is amended to add an additional subsection to read as follows:

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

12
13 SECTION 21. Arkansas Code § 2-16-208 is amended to read as follows:

14 2-16-208. Director of board.

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

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

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

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

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

29 ~~(B) The secretary shall serve as the liaison between the~~
30 ~~State Plant Board and the Governor.~~

31 ~~(c)(1) The director shall furnish a bond of five thousand dollars~~
32 ~~(\$5,000) with sufficient sureties approved by the State Plant Board for the~~
33 ~~faithful performance of his or her duties of this subchapter and the rules of~~
34 ~~the State Plant Board.~~

35 ~~(2) Any person suffering damage by reason of the acts or~~
36 ~~omissions of the director or his or her duly authorized deputies or employees~~

1 ~~may bring action on the bond for damages.~~

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

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

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

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

10 (2) The director shall report to the Secretary of the Department
11 of Agriculture.

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

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

15 (B) Rules, orders, or directives promulgated or issued by
16 the board.

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

20
21 SECTION 22. Arkansas Code § 2-16-606 is amended to read as follows:

22 2-16-606. Cooperative programs authorized.

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

26 (b) The board department is authorized to cooperate with any agency of
27 the ~~federal government~~ United States Government, any state, any other agency
28 in this state, or any person engaged in growing, processing, marketing, or
29 handling cotton, or any group of such persons in this state, in programs to
30 effectuate the purposes of this subchapter and may enter into written
31 agreements to effectuate such purposes. Such agreements may provide for cost
32 sharing and for division of duties and responsibilities under this subchapter
33 and may include other provisions generally to effectuate the purposes of this
34 subchapter.

35
36 SECTION 23. Arkansas Code § 2-16-607 is amended to read as follows:

1 2-16-607. Entry of premises – Suppression or eradication activities –
2 Inspections.

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

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

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

19
20 SECTION 24. Arkansas Code § 2-16-608 is amended to read as follows:

21 2-16-608. Reports.

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

28
29 SECTION 25. Arkansas Code § 2-16-611 is amended to read as follows:

30 2-16-611. Destruction or treatment of volunteer or other noncommercial
31 cotton in eradication zones – Liability.

32 (a) The ~~State Plant Board~~ Department of Agriculture shall have
33 authority to destroy, or, at its discretion, cause to be treated with
34 pesticides, volunteer or other noncommercial cotton and to establish
35 procedures for the purchase and destruction of commercial cotton in
36 eradication zones when the ~~board~~ department deems such action necessary to

1 effectuate the purposes of this subchapter.

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

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

10

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

12 2-16-612. Certification of cotton growers' organization -
13 Requirements.

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

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

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

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

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

29 (c) The organization's board of directors shall be composed as
30 follows:

31 (1) ~~Two (2) Arkansas cotton growers recommended by the State~~
32 ~~Plant Board, to be appointed by the Governor~~ At least five (5) but no more
33 than seven (7) practical cotton growers, actively or principally engaged,
34 currently or previously, in the production of cotton, to be appointed by the
35 Governor and confirmed by the Senate;

36 (2) ~~Three (3) Arkansas cotton growers recommended by the~~

1 ~~Arkansas Farm Bureau Federation, to be appointed by the Governor;~~
2 ~~(3) Three (3) Arkansas cotton growers recommended by the~~
3 ~~Agricultural Council of Arkansas, to be appointed by the Governor;~~
4 ~~(4) One (1) representative of state government from this state~~
5 ~~recommended by the State Plant Board, to be appointed by the Governor The~~
6 ~~cotton grower member of the State Plant Board, as designated in § 2-16-~~
7 ~~206(a)(2); and~~

8 ~~(5)(3)~~ The cochairs of the University of Arkansas Boll Weevil
9 Eradication Technical Advisory Committee will serve as ex officio members of
10 the cotton growers' organization board to serve in an advisory capacity.

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

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

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

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

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

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

36 (2) The certified cotton growers' organization may indemnify its

1 directors against liability incurred in connection with their duties as board
2 members.

3 (g)(1) In order for a cotton growers' organization to maintain
4 certification by the ~~State Plant Board~~ department, it shall provide that its
5 board of directors serve ~~four-year~~ five-year terms of office except that on
6 July 1, ~~2004~~ 2023, the terms shall be staggered so that, to the extent
7 possible, an equal number of members' terms shall expire each year.

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

9 (3)(A) *Within the parameters of subdivision (g)(3)(B) of this*
10 *section, the cotton growers' organization shall ensure that the five (5)*
11 *eradication zones as they existed on January 1, ~~2003~~ 2023, are represented on*
12 *the board of directors in proportion to the number of acres of cotton planted*
13 *in each zone using the prior three (3) years' average acreage to determine*
14 *the proportional representation.*

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

17 (i) ~~At least one~~ One (1) member ~~but no more than (2)~~
18 ~~members~~ who ~~reside~~ resides within the Southeast Boll Weevil Eradication Zone
19 as it existed on January 1, ~~2003~~ 2023;

20 (ii) ~~At least one~~ One (1) member ~~but no more than (2)~~
21 ~~members~~ who ~~reside~~ resides within the Southwest Boll Weevil Eradication Zone
22 as it existed on January 1, ~~2003~~ 2023;

23 (iii) ~~At least one~~ One (1) member ~~but no more than~~
24 ~~(2) members~~ who ~~reside~~ resides within the Central Boll Weevil Eradication
25 Zone as it existed on January 1, ~~2003~~ 2023;

26 (iv) ~~At least one~~ One (1) member ~~but no more than (2)~~
27 ~~members~~ who ~~reside~~ resides within the Northeast Ridge Boll Weevil Eradication
28 Zone as it existed on January 1, ~~2003~~ 2023; ~~and~~; and

29 (v) ~~At least one~~ One (1) member ~~but no more than (2)~~
30 ~~members~~ who ~~reside~~ resides in the Northeast Delta Boll Weevil Eradication
31 Zone as it existed on January 1, ~~2003~~ 2023; ~~and~~

32 (vi) Up to two (2) additional members under § 2-16-
33 612(c)(1), if at the discretion of the Governor, he or she deems it to be in
34 the best interest of the State of Arkansas to appoint additional members.

35 (4) As vacancies occur, or in case of additional appointments
36 under § 2-16-612(c)(1) and § 2-16-612(g)(3)(B)(vi), they shall be filled in a

1 manner that will, to the extent possible, ensure the proportional
2 representation required in subdivision (g)(3)(A) of this section.

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

5
6 SECTION 27. Arkansas Code § 2-16-614(a)(1), concerning a referendum
7 for an assessment by a certified cotton growers' organization, is amended to
8 read as follows:

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

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

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

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

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

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

34 (g)(1) In addition to the authority granted in this section for a
35 referendum among cotton growers, the ~~board~~ department may conduct a separate
36 referendum among cotton growers in the southwest corner of the state, within

1 boundaries to be defined by the board on the question of whether an
2 assessment shall be levied upon cotton growers in the defined area to provide
3 funds to fund in whole or in part the cost of a boll weevil suppression or
4 eradication program.

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

11

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

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

20

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

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

26

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

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

33

34 SECTION 32. Arkansas Code § 2-16-617(d), concerning a cotton grower's
35 failure to pay assessments and certificates of compliance, is amended to read
36 as follows:

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

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

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

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

19
20 SECTION 33. Arkansas Code § 2-16-617(e)(1)-(3), concerning a cotton
21 grower's failure to pay assessments and certificates of compliance, is
22 amended to read as follows:

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

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

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

35 (C) The application form shall include an oath or
36 affirmation of the applicant as to the truth of all information contained in

1 or accompanying the application.

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

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

8

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

11 As used in this subchapter:

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

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

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

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

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

23 ~~(6)~~(4) "Dealer" means any person, individual, partnership, or
24 company who distributes agricultural seeds;

25 ~~(7)~~(5) "Label" means the display or displays of written,
26 printed, or graphic matter upon or attached to the container of seed or as
27 required by rules established under the Arkansas Plant Act of 1917, § 2-16-
28 201 et seq.;

29 ~~(8)~~(6) "Labeler" means the person, firm, corporation, or the
30 registered code number whose name appears on the label or container of seed;

31 ~~(9)~~(7) "Labeling" includes all labels, advertisements, and other
32 written, printed, or graphic representations in any manner whatsoever
33 pertaining to any seed, whether in bulk or in containers, and includes
34 representations on invoices except for current, official publications of the
35 United States Department of Agriculture and the United States Department of
36 the Interior, state experiment stations, state agricultural colleges, and

1 other similar federal or state institutions or agencies authorized by law to
2 conduct research; and

3 ~~(10)~~(8) "Person" means an individual, firm, partnership,
4 corporation, or company.

5

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

7 2-23-102. Prerequisite to legal action – Notice – Arbitration
8 ~~committee.~~

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

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

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

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

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

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

33 (c) Within ten (10) days after receipt of a copy of the complaint, the
34 labeler shall file with the director the labeler's answer to the complaint
35 and send a copy of the answer to the buyer by United States registered mail.

36 (d)(1) However, unless notice of this section is legibly printed or

1 typed on the seed container or on a label affixed to the seed container or
2 printed on the invoice covering bulk seed, the buyer shall not be required to
3 comply with this section as a prerequisite to maintaining a legal action
4 against the dealer or labeler.

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

7 "Notice of Mandatory Arbitration

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

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

16

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

18 2-23-103. Seed dealer or labeler may request investigation -
19 Requirements.

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

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

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

32

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

34 ~~2-23-104. Arbitration committee Members.~~

35 ~~(a)(1)(A) The Director of the State Plant Board shall appoint an~~
36 ~~arbitration committee composed of six (6) members and six (6) alternate~~

1 ~~members with one (1) member and one (1) alternate to be appointed upon the~~
2 ~~recommendation of each of the following:~~

3 ~~(i) The President of the Arkansas Seed Growers~~
4 ~~Association;~~

5 ~~(ii) The President of the Arkansas Seed Dealers~~
6 ~~Association;~~

7 ~~(iii) The President of the Arkansas Farm Bureau~~
8 ~~Federation; and~~

9 ~~(iv) The President of the Agricultural Council of~~
10 ~~Arkansas.~~

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

13 ~~(2) The members and alternates shall be confirmed by the~~
14 ~~Governor.~~

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

19 ~~(B) Ex officio members shall serve until replaced by their~~
20 ~~organizations.~~

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

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

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

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

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

34 ~~(3) It is the duty of the secretary to keep accurate and correct~~
35 ~~records on all meetings and deliberations and perform other duties for the~~
36 ~~committee as directed by the chairperson.~~

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

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

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

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

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

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

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

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

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

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

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

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

1 (A) In any contract governing the sale of the seed; or

2 (B) Before the official filing of arbitration.

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

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

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

19

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

21 2-23-108. ~~Committee~~— Investigative powers.

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

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

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

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

34 (4) Seek evaluations from authorities in allied disciplines,
35 when deemed necessary.

36 ~~(b) An investigation made by less than the whole membership of the~~

1 ~~committee shall be by authority of a written directive by the chairperson,~~
2 ~~and the investigation shall be summarized in writing and considered by the~~
3 ~~committee in reporting its findings and making its recommendations.~~

4
5 SECTION 42. Arkansas Code § 2-23-109 is amended to read as follows:

6 2-23-109. ~~Committee records~~ Record keeping.

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

10
11 SECTION 43. Arkansas Code § 2-23-110 is amended to read as follows:

12 2-23-110. Notice.

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

18
19 SECTION 44. Arkansas Code § 2-33-102 is amended to read as follows:

20 2-33-102. Members.

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

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

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

31 (b) Each congressional district shall be represented by membership on
32 the commission.

33 (c) The term of office shall commence on January 15 following the
34 expiration date of the preceding term and shall end on January 14 of the
35 ~~seventh~~ fifth year following the year in which the term commenced.

36 (d) Any vacancies arising in the membership of the commission for any

1 reason other than expiration of the terms for which the members were
 2 appointed shall be filled by appointment by the Governor and be effective
 3 until the expiration of the terms, subject to the confirmation of the Senate
 4 when it is next in session.

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

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

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

14 (g)(1) The commission shall create a committee to make recommendations
 15 to the commission including without limitation recommendations regarding:

16 (A) Rulemaking;

17 (B) Disciplinary issues;

18 (C) Ethical complaints; and

19 (D) Evaluation of applications under § 17-101-101 et seq.

20 (2) The veterinary members of the commission under § 2-33-
 21 102(a)(2) shall be members of the committee.

22 (3) The chair of the commission shall also designate an
 23 additional two (2) Arkansas licensed veterinarians who are engaged primarily
 24 in small animal veterinary medicine to serve on the committee.

25
 26 SECTION 45. Arkansas Code § 2-33-103 is amended to read as follows:

27 2-33-103. Organization and meetings.

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

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

33 ~~(2) The rules shall provide for regular meetings and for special~~
 34 ~~meetings at the call of the chairman or the vice chairman if he or she is,~~
 35 ~~for any reason, the acting chairman, either at his or her own instance or~~
 36 ~~upon the written request of at least four (4) members~~ Meetings of the

1 commission shall be called by the chair of the commission or by four (4)
2 members of the commission.

3 (c)(1) A majority of the membership of the commission shall constitute
4 a quorum.

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

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

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

13 ~~(f)~~(e) All meetings shall be open to the public.
14

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

17 (b) The State Veterinarian shall be a person who has been granted the
18 degree of Doctor of Veterinary Medicine and holds a current license issued by
19 the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry
20 Commission of this state.
21

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

24 (1) "Accredited veterinarian" means a veterinarian licensed by the
25 ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission
26 and approved by the United States Animal and Plant Health Inspection Service
27 to perform functions required for state or cooperative state and federal
28 animal disease control and eradication programs;
29

30 SECTION 48. Arkansas Code § 8-7-1202 is amended to read as follows:
31 8-7-1202. Purpose.

32 It is the purpose of this subchapter to protect the citizens of the
33 state and the environment by providing for the safe and proper disposal of
34 abandoned pesticides used in agriculture and for other uses. Furthermore, it
35 is the purpose of this subchapter ~~to create an Abandoned Pesticide Advisory~~
36 ~~Board~~ authorize the Department of Agriculture to review and approve proposed

1 pesticide disposal projects, select contractors to dispose of abandoned
2 pesticides used in agriculture and for other uses, and approve payments from
3 the Abandoned Agricultural Pesticide and Plant Regulator Disposal Trust Fund.
4

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

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

9
10 SECTION 50. Arkansas Code § 8-7-1204 is repealed.

11 ~~8-7-1204. Abandoned Pesticide Advisory Board.~~

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

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

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

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

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

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

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

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

27 ~~(c) Members of the board shall serve without compensation.~~
28

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

30 8-7-1205. Powers and duties of the ~~board~~ Department of Agriculture.

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

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

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

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

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

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

7 (6) To approve payments from the Abandoned Agricultural
8 Pesticide and Plant Regulator Disposal Trust Fund for collection and disposal
9 projects.

10
11 SECTION 52. Arkansas Code § 8-7-1206(a)(5), concerning abandoned
12 pesticide disposal, is amended to read as follows:

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

17
18 SECTION 53. Arkansas Code § 8-7-1206(b)(1), concerning abandoned
19 pesticide disposal, is amended to read as follows:

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

23
24 SECTION 54. Arkansas Code § 14-118-202 is amended to read as follows:

25 *14-118-202. Red River Commission – Creation, powers, and duties.*

26 *(a) There is created ~~and established~~ as a committee of the Arkansas*
27 *Natural Resources Commission the Red River Commission with the following*
28 *powers, duties, and responsibilities under this subchapter:*

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

33 (2) To review, study, and examine any plan by the State of
34 Arkansas or the federal government, or any agency thereof, for the
35 improvement of the main stem of the Red River in Arkansas and to ascertain
36 the nature and purpose of the improvement, the benefits to be expected

1 therefrom, and the necessity, feasibility, and estimated cost thereof;

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

5 (4) To delineate the area to be benefited by improvement of the
6 *main stem of the Red River.*

7 (b) If the Red River Commission ceases to exist, all of the powers and
8 responsibilities of the Red River Commission under this section shall
9 automatically transfer to the Department of Agriculture.

10
11 SECTION 55. Arkansas Code § 14-118-204(a), concerning a petition for a
12 district establishment for the improvement of the Red River, is amended to
13 read as follows:

14 (a) Whenever the ~~Congress of the~~ United States Congress has enacted a
15 law adopting and authorizing a project for the improvement of the main stem
16 of the Red River in Little River County, Hempstead County, Miller County, or
17 ~~Lafayette Counties~~ County in Arkansas, the ~~commission~~ Red River Commission
18 *may, after performing ~~their~~ the commission's duties as outlined and*
19 *prescribed by § 14-118-202, may petition the circuit court in the judicial*
20 *district in which the largest portion of the lands to be benefited are*
21 *situated and within a county in which some part or portion of lands in the*
22 *proposed district are situated for the establishment of an improvement*
23 *district to embrace the property within the area to be benefited.*

24
25 SECTION 56. Arkansas Code § 14-118-206(a), concerning an improvement
26 district board of commissioners, is amended to read as follows:

27 (a) When the circuit court has established the improvement district
28 *upon the petition of the commission under this subchapter*, it shall proceed
29 for the appointment of a board of commissioners in the same manner as
30 provided by § 14-118-106.

31
32 SECTION 57. Arkansas Code § 14-118-206(e), concerning an improvement
33 district board of commissioners, is amended to read as follows:

34 (e) Appointments by the circuit court shall be made upon petition by
35 *the commission ~~established~~ under this subchapter.*

36

1 SECTION 58. Arkansas Code § 14-125-301(a)(3), concerning the directors
2 of a governing body of a conservation district, is amended to read as
3 follows:

4 (3) ~~The two~~ Two (2) directors shall be appointed by the ~~Arkansas~~
5 ~~Natural Resources Commission~~ elected directors and shall be persons who are
6 owners of land within the district and who are by training and experience
7 qualified to perform the services which will be required of them in the
8 performance of their duties under this chapter.

9
10 SECTION 59. Arkansas Code § 14-125-301(f) and (g), concerning the
11 directors of a governing body of a conservation district, are amended to read
12 as follows:

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

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

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

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

22
23 SECTION 60. Arkansas Code § 14-125-301(j)-(1), concerning the
24 directors of a governing body of a conservation district, are amended to read
25 as follows:

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

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

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

33 (k)(1) A Except as provided in subdivision (k)(2) of this section, a
34 director shall not qualify for reappointment or reelection unless he or she
35 ~~shall have~~ attended at least sixty-five percent (65%) of the scheduled
36 conservation district board meetings and at least three (3) state or area

1 meetings during each three-year term of office; ~~provided, however, absences~~
2 ~~which~~

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

7 ~~(1) However, upon a showing of good cause, this condition may be~~
8 ~~waived by resolution duly adopted by the commission.~~

9
10 SECTION 61. Arkansas Code § 14-125-302(b)(8), concerning the election
11 of directors of a conservation district, is amended to read as follows:

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

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

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

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

17 (D) Publish the results and report results of the election
18 to the Secretary of State.

19
20 SECTION 62. Arkansas Code § 14-125-302(c), concerning the election of
21 directors of a conservation district, is amended to read as follows:

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

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

27
28 SECTION 63. Arkansas Code § 14-234-805 is amended to read as follows:

29 14-234-805. Training.

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

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

36 ~~(2)(b)~~ If a majority of the members of a provider board do not

1 receive the training required under this section, the commission may find the
2 provider is subject to § 14-234-802.

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

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

8 ~~(1) The Secretary of the Department of Health or his or her~~
9 ~~designee;~~

10 ~~(2) The Director of the Arkansas Natural Resources Commission or~~
11 ~~his or her designee;~~

12 ~~(3) The State Director of the United States Department of~~
13 ~~Agriculture Rural Development in Arkansas or his or her designee;~~

14 ~~(4) The Chief Executive Officer of the Arkansas Rural Water~~
15 ~~Association or his or her designee;~~

16 ~~(5) The Executive Director of the Association of Arkansas~~
17 ~~Counties or his or her designee;~~

18 ~~(6) The Executive Director of the Arkansas Municipal League or~~
19 ~~his or her designee;~~

20 ~~(7) The Chief Executive Officer of Central Arkansas Water or his~~
21 ~~or her designee;~~

22 ~~(8) The Chair of the Board of Directors of Communities~~
23 ~~Unlimited, Inc., or his or her designee;~~

24 ~~(9) The Chair of the Arkansas Water Works and Water Environment~~
25 ~~Association, Inc., or his or her designee;~~

26 ~~(10) The Director of the Arkansas Environmental Training Academy~~
27 ~~or his or her designee;~~

28 ~~(11) The Chair of the House Committee on City, County, and Local~~
29 ~~Affairs;~~

30 ~~(12) The Vice Chair of the House Committee on City, County, and~~
31 ~~Local Affairs;~~

32 ~~(13) The Chair of the Senate Committee on City, County, and~~
33 ~~Local Affairs;~~

34 ~~(14) The Vice Chair of the Senate Committee on City, County, and~~
35 ~~Local Affairs; and~~

36 ~~(15) The President of the Arkansas Water & Wastewater Managers~~

1 ~~Association.~~

2

3 SECTION 64. Arkansas Code § 15-20-202(b) and (c), concerning the
4 members of the Arkansas Natural Resources Commission, are amended to read as
5 follows:

6 (b) ~~At least two (2) members shall reside in each congressional~~
7 ~~district as the districts exist on August 1, 1985~~ Each congressional district
8 shall be represented by membership on the commission.

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

13

14 SECTION 65. Arkansas Code § 15-20-202, concerning the members of the
15 Arkansas Natural Resources Commission, is amended to add additional
16 subsections to read as follows:

17 (g)(1) A minimum of two (2) members of the commission shall be water
18 well contractors licensed under § 17-50-201 et seq.

19 (2)(A) One (1) of the water well contractors shall have his or
20 her principal place of business southeast of the fall line in Arkansas, and
21 be actively engaged in the construction of wells and pump installation in the
22 Mississippi Embayment or Gulf Coastal Plain as represented on the geologic
23 map of Arkansas.

24 (B) One (1) of the water well contractors shall have his
25 or her principal place of business northwest of the fall line in Arkansas and
26 be actively engaged in the construction of water wells and pump installation
27 in the Ozark region, Arkansas River Valley, or Ouachita Mountain region as
28 represented on the geologic map of Arkansas.

29

30 SECTION 66. Arkansas Code § 15-20-206 (c) and (d), concerning rules,
31 meetings, oaths, subpoenas of the Arkansas Natural Resources Commission, are
32 amended to read as follows:

33 (c) ~~The rules shall provide for regular meetings and for special~~
34 ~~meetings at the call of the Chair of the Arkansas Natural Resources~~
35 ~~Commission or the Vice Chair of the Arkansas Natural Resources Commission if~~
36 ~~he or she is for any reason the acting chair, either at his or her own~~

1 ~~instance or upon the written request of at least~~ Meetings of the commission
 2 shall be called by the Chair of the Arkansas Natural Resources Commission or
 3 by four (4) members of the commission.

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

9
 10 SECTION 67. Arkansas Code § 15-20-206, concerning rules, meetings,
 11 oaths, subpoenas of the Arkansas Natural Resources Commission, is amended to
 12 add an additional subsection to read as follows:

13 (h)(1) The commission shall create a committee to make recommendations
 14 to the commission, including without limitation recommendations regarding:

15 (A) Rulemaking;

16 (B) Disciplinary issues;

17 (C) Ethical complaints; and

18 (D) Evaluation of applications under § 17-50-201 et seq.

19 (2) A water well contractor member of the commission designated
 20 under § 15-20-202(g) shall chair the committee.

21 (3) The chair of the commission may also designate other
 22 Arkansas licensed water well contractors to serve on the committee on an ad
 23 hoc basis.

24
 25 SECTION 68. Arkansas Code § 15-31-102(a)-(c), concerning the members
 26 of the Arkansas Forestry Commission, are amended to read as follows:

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

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

33 ~~(B) As used in this section, "small tree farmer" means a~~
 34 ~~person owning timber acreage of two hundred fifty (250) acres or less~~ One (1)
 35 nonvoting member of the commission shall be nominated by the Provost of the
 36 University of Arkansas at Monticello from the faculty or staff of the College

1 of Forestry, Agriculture, and Natural Resources at the University of Arkansas
2 Monticello to be appointed by the Governor.

3 ~~(3) Each congressional district shall be represented on the~~
4 ~~commission.~~

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

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

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

14
15 SECTION 69. Arkansas Code § 15-31-102, concerning the members of the
16 Arkansas Forestry Commission, is amended to add an additional subsection to
17 read as follows:

18 (f)(1)(A) Three (3) of the members appointed to the commission by the
19 Governor shall be small tree farmers.

20 (B) As used in this section, "small tree farmer" means a
21 person owning timber acreage of two hundred fifty (250) acres or less.

22 (2) At least three (3) members of the commission shall be
23 foresters registered under § 17-31-101 et seq.

24 (3) Each congressional district shall be represented on the
25 commission.

26 (g)(1) The commission shall create a committee to make recommendations
27 to the commission, including without limitation recommendations regarding:

28 (A) Rulemaking;

29 (B) Disciplinary issues;

30 (C) Ethical complaints; and

31 (D) Evaluation of applications under § 17-31-101 et seq.

32 (2) The registered forester members of the commission designated
33 under subdivision (f)(3) of this section shall be members of the committee.

34 (3) The chair of the commission may also designate other Arkansas
35 registered foresters to serve on the committee on an ad hoc basis.

36

1 SECTION 70. Arkansas Code § 15-31-103(b), concerning the organization
2 of the Arkansas Forestry Commission, is amended to read as follows:

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

6
7 SECTION 71. Arkansas Code § 15-31-103(e)(1), concerning the
8 organization of the Arkansas Forestry Commission, is amended to read as
9 follows:

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

12
13 SECTION 72. Arkansas Code § 15-31-104(a), concerning the State
14 Forester, is amended to read as follows:

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

18
19 SECTION 73. Arkansas Code § 17-31-101(a), concerning the registration
20 of foresters, is amended to read as follows:

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

23
24 SECTION 74. Arkansas Code § 17-31-102(1), concerning the definition of
25 board as Arkansas State Board of Registration for Foresters Act, is repealed.

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

28
29 SECTION 75. Arkansas Code § 17-31-103 is amended to read as follows:
30 17-31-103. Administrative procedure.

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

35
36 SECTION 76. Arkansas Code § 17-31-104 is amended to read as follows:

1 17-31-104. Enforcement.

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

6 ~~(b) The Arkansas State Board of Registration for Foresters is~~
7 Department of Agriculture and the Arkansas Forestry Commission are charged
8 with the duty of seeing that the provisions of this chapter are enforced.

9
10 SECTION 77. Arkansas Code § 17-31-105(a)(5), concerning violations and
11 penalties for violating the Registration of Foresters Act, is amended to read
12 as follows:

13 (5) Gives false or forged evidence to the ~~Arkansas State Board~~
14 ~~of Registration for Foresters~~ Department of Agriculture or the Arkansas
15 Forestry Commission;

16
17 SECTION 78. Arkansas Code § 17-31-201 is repealed.

18 ~~17-31-201. Creation—Selection and compensation of members.~~

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

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

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

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

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

32 ~~(iii) One (1) member shall be nominated by the~~
33 ~~Provost of the University of Arkansas at Monticello from the faculty or staff~~
34 ~~of the College of Forestry, Agriculture and Natural Resources at the~~
35 ~~University of Arkansas at Monticello.~~

36 ~~(iv) One (1) member shall be nominated by the~~

1 ~~Arkansas Division, Ouachita Society of American Foresters.~~

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

5 ~~(C) At least one (1) member shall be a graduate of the~~
6 ~~College of Forestry, Agriculture and Natural Resources at the University of~~
7 ~~Arkansas at Monticello.~~

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

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

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

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

22
23 SECTION 79. Arkansas Code § 17-31-202 is repealed.

24 ~~17-31-202. Removal of members.~~

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

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

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

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

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

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

5 ~~(C) A faculty member selected by the Arkansas Division,~~
6 ~~Ouachita Society of American Foresters from the school or departments of~~
7 ~~forestry in Arkansas.~~

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

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

13 ~~(f) If a board member is removed, his or her vacancy shall be filled~~
14 ~~for the unexpired term by appointment by the Governor as provided in § 17-31-~~
15 ~~201.~~

16
17 SECTION 80. Arkansas Code § 17-31-203 is repealed.

18 ~~17-31-203. Organization and proceedings.~~

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

21 ~~(1) A chair;~~

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

23 ~~(3) A secretary.~~

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

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

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

34
35 SECTION 81. Arkansas Code § 17-31-204 is amended to read as follows:

36 17-31-204. Powers.

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

6 ~~(e)(b)(1)~~ Each member of the ~~board~~ commission shall have power to
7 administer oaths.

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

11 (3) Any employee of the Department of Agriculture engaged in
12 making any investigation on behalf of the ~~board~~ commission shall have the
13 power to administer oaths to and take depositions of persons pertaining to
14 any investigation.

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

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

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

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

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

31
32 SECTION 82. Arkansas Code § 17-31-206 is amended to read as follows:

33 17-31-206. Compensation of witnesses.

34 (a) The ~~Arkansas State Board of Registration for Foresters~~ Department
35 of Agriculture, ~~if it deems necessary or upon advice of the Attorney General,~~
36 may hire ~~counsel and~~ investigators and pay traveling expenses thereof for the

1 investigation and prosecution of any violator of this chapter.

2 (b)(1) At its discretion, the ~~board~~ department may pay any witness
3 subpoenaed to appear before the ~~board~~ Arkansas Forestry Commission twenty-
4 five dollars (\$25.00) per diem when actually in attendance, including time
5 spent in traveling not to exceed one (1) day to and one (1) day from the
6 location of the ~~board~~ commission meeting.

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

11
12 SECTION 83. Arkansas Code § 17-31-207 is amended to read as follows:
13 17-31-207. Records and reports.

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

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

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

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

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

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

5 (e) [Repealed.]
6

7 SECTION 84. Arkansas Code § 17-31-208 is amended to read as follows:
8 17-31-208. Disposition of funds.

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

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

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

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

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

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

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

30 ~~(d)(c)~~ Any surplus funds at the end of the fiscal year may be retained
31 ~~by the board~~ for future expenditures, and ~~the board~~ shall not be required to
32 ~~pay any surplus~~ be paid into the General Revenue Fund Account of the State
33 Apportionment Fund.
34

35 SECTION 85. Arkansas Code § 17-31-302 is amended to read as follows:
36 17-31-302. Qualifications.

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

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

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

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

18 (4) A bachelor's degree not related to natural resources from a
19 college or university program and, ~~subsequent to graduation~~, six (6) years'
20 or more experience in forestry work of a nature satisfactory to the ~~board~~
21 commission; or

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

25
26 SECTION 86. Arkansas Code § 17-31-303(a)(1), concerning application
27 for registration a a forester, is amended to read as follows:

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

30
31 SECTION 87. Arkansas Code § 17-31-303(b), concerning application for
32 registration a forester, is amended to read as follows:

33 (b) The amount of the application fee and the registration fee shall
34 be set annually by the ~~board~~ commission.

35
36 SECTION 88. Arkansas Code § 17-31-304(a) and (b), concerning written

1 examinations for foresters, are amended to read as follows:

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

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

8

9 SECTION 89. Arkansas Code § 17-31-305 is amended to read as follows:
10 17-31-305. Issuance – Form – Evidence.

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

16 (b) The certificate shall show the full name of the registrant, shall
17 have a serial number, and shall be signed by State Forester and the Chair of
18 the ~~Arkansas State Board of Registration for Foresters and the Secretary of~~
19 the Arkansas ~~State Board of Registration for Foresters~~ Forestry Commission.

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

24

25 SECTION 90. Arkansas Code § 17-31-306(a), concerning the unlawful use
26 of the seal for registered foresters, is amended to read as follows:

27 (a)(1) Each registrant may obtain a seal of a design authorized by the
28 Arkansas ~~State Board of Registration for Foresters~~ Forestry Commission,
29 bearing the registrant's name, serial number, and the legend "Registered
30 Forester, Arkansas".

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

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 91. Arkansas Code § 17-31-307 is amended to read as follows:
17-31-307. Expiration and renewal.

(a) Certificates of registration shall expire on December 31 of the year for which issued or renewed and shall become invalid thereafter unless renewed.

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

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

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

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

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

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

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

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

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

4 (e) The ~~board~~ commission may promulgate rules to ensure compliance
5 with the requirements of this section.

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

8 (g) The failure on the part of any registrant to renew the certificate
9 annually in the month of December as required in this section shall not
10 deprive the person of the right of renewal, but the fee to be paid for the
11 renewal of a certificate after December 31 shall be increased ten percent
12 (10%) for each month or fraction of a month that payment of renewal is
13 delayed. However, the maximum fee for delayed renewal shall not exceed two
14 (2) times the annual renewal fee.

15
16 SECTION 92. Arkansas Code § 17-31-308 is amended to read as follows:
17 17-31-308. Reciprocity.

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

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

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

31
32 SECTION 93. Arkansas Code § 17-31-309 is amended to read as follows:
33 17-31-309. Revocation – Grounds – Proceedings.

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

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

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

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

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

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

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

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

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

36

1 SECTION 94. Arkansas Code § 17-31-310 is amended to read as follows:
2 17-31-310. Reissuance.

3 (a) A new certificate of registration to replace any revoked, lost,
4 destroyed, or mutilated certificate may be issued, subject to the rules of
5 the Arkansas ~~State Board of Registration for Foresters~~ Forestry Commission,
6 and for a charge fixed by the ~~board~~ commission.

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

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

11 (2) The person presents satisfactory assurances that the grounds
12 which caused the certificate to be revoked will not occur again and that the
13 person is otherwise qualified to be registered hereunder.
14

15 SECTION 95. Arkansas Code § 17-47-101(3), concerning definitions for
16 soil classifiers, is amended to read as follows:

17 (3) "Professional soil classifier" means a person who, by reason
18 of his or her special knowledge of the physical, chemical, and biological
19 sciences applicable to soils as natural bodies and of the methods and
20 principles of soil classification experienced in the formation, morphology,
21 description, and mapping of soils, is qualified to practice soil classifying,
22 and who has been registered by the ~~Arkansas State Board of Registration for~~
23 ~~Professional Soil Classifiers~~ Arkansas Natural Resources Commission;
24

25 SECTION 96. Arkansas Code § 17-47-102(a)(1)(F), concerning penalties
26 concerning the registration of professional soil classifiers, is amended to
27 read as follows:

28 (F) Gives false or forged evidence of any kind to the
29 ~~Arkansas State Board of Registration for Professional Soil Classifiers~~
30 Arkansas Natural Resources Commission or to any member thereof in obtaining
31 or attempting to obtain a certificate of registration; or
32

33 SECTION 97. Arkansas Code § 17-47-103 is amended to read as follows:
34 17-47-103. Exemptions.

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

36 (1) The practice or offer to practice of soil classifying by a

1 person not a resident or having no established place of business in this
2 state, provided that the person is legally qualified by the provisions of
3 this chapter to practice soil classifying as defined in this chapter in his
4 or her own state which extends similar privileges to persons registered under
5 this chapter and provided that the person shall make application accompanied
6 by the appropriate application fee to the ~~Arkansas State Board of~~
7 ~~Registration for Professional Soil Classifiers~~ Arkansas Natural Resources
8 Commission in writing before his or her practicing or offering to practice
9 soil classifying. The applicant may be granted a temporary permit for a
10 definite period of time not to exceed one (1) year to do a specific job.
11 However, no right to practice soil classifying shall accrue to the applicant
12 with respect to any other work not set forth in the permit;

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

20 (3) The practice of any other legally recognized profession or
21 trade; or

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

27
28 SECTION 98. Arkansas Code § 17-47-201 is repealed.

29 ~~17-47-201. Creation and members.~~

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

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

36 ~~(2) Each member of the board shall be a citizen of the United~~

1 ~~States and a resident of this state.~~

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

4 ~~(4) Three (3) members of the board shall be registered~~
5 ~~professional soil classifiers in this state.~~

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

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

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

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

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

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

16 ~~(h) Each member of the board shall serve without compensation, except~~
17 ~~that the board member may receive expense reimbursement in accordance with §~~
18 ~~25-16-901 et seq.~~

19
20 SECTION 99. Arkansas Code § 17-47-202 is amended to read as follows:

21 17-47-202. Powers of the ~~board~~ Arkansas Natural Resources Commission.

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

24 (1) Administer this chapter;

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

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

33 (4) [Repealed.]

34 (5) Apply in the name of the state for relief by injunction,
35 without bond, enforce the provisions of this chapter, or restrain any
36 violation thereof. In this proceeding it shall not be necessary to allege or

1 prove either that an adequate remedy at law does not exist or that
2 substantial or irreparable damage would result from the continued violation
3 thereof. The members of the ~~board~~ commission shall not be personally liable
4 under this proceeding; and

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

8
9 SECTION 100. Arkansas Code § 17-47-203 is amended to read as follows:

10 17-47-203. Records and reports – Disposition of funds.

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

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

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

32 (3) Establish accounts in one (1) or more banks in this state,
33 chosen by the ~~board~~ commission, into which all funds collected by the ~~board~~
34 commission under this chapter shall be deposited and from which all
35 expenditures approved by the ~~board~~ commission, or by ~~the chair and the~~
36 ~~Secretary of the Arkansas State Board of Registration for Professional Soil~~

1 ~~Classifiers~~ secretary acting on ~~authority~~ behalf of the ~~board~~ commission,
2 shall be made.

3
4 SECTION 101. Arkansas Code § 17-47-302(a), concerning the eligibility
5 and application as a professional soil classifier, is amended to read as
6 follows:

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

16
17 SECTION 102. Arkansas Code § 17-47-302(b)(1), concerning the
18 eligibility and application as a professional soil classifier, is amended to
19 read as follows:

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

22
23 SECTION 103. Arkansas Code § 17-47-303 is amended to read as follows:
24 17-47-303. Examinations.

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

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

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

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

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 104. Arkansas Code § 17-47-304 is amended to read as follows:

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

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

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

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

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

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

SECTION 105. Arkansas Code § 17-47-305 is amended to read as follows:

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

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

4 (1) Is a graduate of a soils curriculum approved by the Arkansas
5 ~~State Board of Registration for Professional Soil Classifiers~~ Natural
6 Resources Commission and has passed an examination in the fundamentals of
7 soil classification; or

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

13
14 SECTION 106. Arkansas Code § 17-47-306 is amended to read as follows:

15 17-47-306. Issuance – Form – Evidence.

16 (a) The Arkansas ~~State Board of Registration for Professional Soil~~
17 ~~Classifiers~~ Natural Resources Commission shall issue a certificate of
18 registration upon payment of the registration fee as provided for in § 17-47-
19 307 to any applicant who, in the opinion of the ~~board~~ commission, has met the
20 requirements of this chapter.

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

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

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

33
34 SECTION 107. Arkansas Code § 17-47-307 is amended to read as follows:

35 17-47-307. Registration fees.

36 Registration fees shall be established by the Arkansas ~~State Board of~~

1 ~~Registration for Professional Soil Classifiers~~ Natural Resources Commission
2 subject to the following limitations:

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

6 (2) The registration fee for soil classifier-in-training
7 certification or enrollment shall be established by the ~~board~~ commission in
8 an amount not less than ten dollars (\$10.00) nor more than fifty dollars
9 (\$50.00); and

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

13
14 SECTION 108. Arkansas Code § 17-47-308(b)(1), concerning the
15 expiration and renewal of certificates of registration of professional soil
16 classifiers, is amended to read as follows:

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

22
23 SECTION 109. Arkansas Code § 17-47-308(c) and (d), concerning the
24 expiration and renewal of certificates of registration of professional soil
25 classifiers, are amended to read as follows:

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

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

32
33 SECTION 110. Arkansas Code § 17-47-309 is amended to read as follows:
34 17-47-309. Reissuance.

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

1 ~~State Board of Registration for Professional Soil Classifiers~~ Natural
2 Resources Commission. A reasonable charge shall be made for reissuance.

3
4 SECTION 111. Arkansas Code § 17-47-310(a), concerning the code of
5 ethics for professional soil classifiers, is amended to read as follows:

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

10
11 SECTION 112. Arkansas Code § 17-47-310(c), concerning the code of
12 ethics for professional soil classifiers, is amended to read as follows:

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

16
17 SECTION 113. Arkansas Code § 17-47-311 is amended to read as follows:

18 17-47-311. Disciplinary actions – Grounds.

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

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

29
30 SECTION 114. Arkansas Code § 17-47-312(b)-(d), concerning disciplinary
31 actions for professional soil classifiers, is amended to read as follows:

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

35 (c) All charges, unless dismissed by the ~~board~~ commission as unfounded
36 or trivial, shall be heard by the ~~board~~ commission within three (3) months

1 after the date on which they ~~shall~~ have been preferred.

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

4
5 SECTION 115. Arkansas Code § 17-47-312(g)-(j), concerning disciplinary
6 actions for professional soil classifiers, is amended to read as follows:

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

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

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

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

20

21 SECTION 116. Arkansas Code § 17-50-102(b), concerning the construction
22 of water wells, is amended to read as follows:

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

30

31 SECTION 117. Arkansas Code § 17-50-103(3), concerning definitions
32 related to water well construction, is amended to read as follows:

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

1 installers or water well drillers;

2

3 SECTION 118. Arkansas Code § 17-50-104(a)(1), concerning violations
4 concerning water well construction, is amended to read as follows:

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

9

10 SECTION 119. Arkansas Code § 17-50-106(a), concerning alternative
11 civil penalties for a person licensed to construct water wells, is amended to
12 read as follows:

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

20

21 SECTION 120. Arkansas Code § 17-50-108(a), concerning exemptions and
22 limitations for the construction of water wells, is amended to read as
23 follows:

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

30

31 SECTION 121. Arkansas Code § 17-50-109 is amended to read as follows:
32 17-50-109. Enforcement procedure.

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

1 ~~provided under § 17-50-110;~~

2 ~~(1) The commission shall give written notice to the person or~~
3 ~~persons alleged to be in violation;~~

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

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

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

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

20
21 SECTION 122. Arkansas Code § 17-50-201 is repealed.

22 ~~17-50-201. Creation—Members.~~

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

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

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

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

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

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

35 ~~(C) The person shall be a licensed HVACR contractor under~~
36 ~~§ 17-33-101 et seq., and shall be appointed by the Governor and confirmed by~~

1 ~~the Senate; and~~

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

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

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

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

14 ~~(C) These members shall be appointed by the Governor and~~
15 ~~confirmed by the Senate and shall be certified under the provisions of §§ 17-~~
16 ~~50-301 and 17-50-302.~~

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

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

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

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

31
32 SECTION 123. Arkansas Code § 17-50-202 is repealed.

33 ~~17-50-202. Employees.~~

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

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

1 ~~(2) Contract for legal and engineering services necessary to~~
2 ~~perform its powers and duties under the provisions of this chapter and fix~~
3 ~~their salaries within such limitations as may be provided by law; and~~

4 ~~(3) Allocate funds to the department to provide legal and~~
5 ~~engineering services necessary to perform the powers and duties of the~~
6 ~~commission under the provisions of this chapter.~~

7
8 SECTION 124. Arkansas Code § 17-50-203 is repealed.

9 ~~17-50-203. Office.~~

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

12
13 SECTION 125. Arkansas Code § 17-50-204(a), concerning the powers and
14 duties related to the construction of water wells, is amended to read as
15 follows:

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

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

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

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

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

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

35 (B) Pump installers in the planning, installation,
36 operation, and repair of pumping equipment and water wells including sealing

1 and abandonment, pumping efficiency, and the rules of this chapter; and

2 (C) Other persons who by trade install, alter, construct,
3 or repair water wells and related equipment and who are eligible for license
4 or certificate;

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

7 (6) Authorize the Department of Agriculture to:

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

10 (B) Grade all tests and examinations for certificates of
11 registration; and

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

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

16
17 SECTION 126. Arkansas Code § 17-50-205(b), concerning inspections
18 related to water well construction, is amended to read as follows:

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

25
26 SECTION 127. Arkansas Code § 17-50-206 is amended to read as follows:

27 17-50-206. Disposition of funds.

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

34
35 SECTION 128. Arkansas Code § 17-50-207(a), concerning injunctions and
36 liability of members licensed by the Commission on Water Well Construction,

1 is amended to read as follows:

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

9

10 SECTION 129. Arkansas Code § 17-50-208(a), concerning proceedings
11 before the Commission on Water Well Construction, is amended to read as
12 follows:

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

20

21 SECTION 130. Arkansas Code § 17-50-301(a), concerning applicant
22 qualifications and certificates of registration, is amended to read as
23 follows:

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

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

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

36 (i) Completing the commission's apprenticeship

1 program;

2 (ii) Holding a valid certificate of registration from
3 the commission, within the past ten (10) years, of the type and class for
4 which the applicant is applying; or

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

9

10 SECTION 131. Arkansas Code § 17-50-302 is amended to read as follows:

11 17-50-302. Certificate – Reciprocity.

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

14 (1) Applies for such a certificate;

15 (2) Pays the proper registration and testing fees;

16 (3) Passes the applicable test; and

17 (4) Holds a certificate of qualification or registration issued
18 to him or her by proper authority in any state, territory, or possession of
19 the United States or of any other country if:

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

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

27

28 SECTION 132. Arkansas Code § 17-50-303(c), concerning expiration and
29 renewal of certificates of registration, is amended to read as follows:

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

34

35 SECTION 133. Arkansas Code § 17-50-304(a), concerning license
36 requirements and exemptions, is amended to read as follows:

1 (a) Every person who wishes to engage in business as a water well
2 contractor shall obtain from the ~~Commission on Water Well Construction~~
3 Arkansas Natural Resources Commission a license to conduct such a business.
4

5 SECTION 134. Arkansas Code § 17-50-305(a)(1), concerning the
6 application and issuance of licenses for water well contractors, is amended
7 to read as follows:

8 (a)(1) The ~~Commission on Water Well Construction~~ Arkansas Natural
9 Resources Commission may adopt, and from time to time amend or repeal, rules
10 governing applications for water well contractor licenses.
11

12 SECTION 135. Arkansas Code § 17-50-307(b), concerning the expiration
13 and renewal of licenses for water well construction, is amended to read as
14 follows:

15 (b) As a condition for license renewal the ~~Commission on Water Well~~
16 ~~Construction~~ Arkansas Natural Resources Commission may require the licensee
17 or its agent to complete a program of continuing education.
18

19 SECTION 136. Arkansas Code § 17-50-308(a), concerning the suspension
20 and revocation of a license to construct water wells, is amended to read as
21 follows:

22 (a) Whenever the ~~Commission on Water Well Construction~~ Arkansas
23 Natural Resources Commission, after notice and hearing, determines that the
24 holder of a license issued pursuant to under this subchapter has violated any
25 provision of this chapter or any rule adopted pursuant to under it, the
26 commission is authorized to suspend or revoke the license.
27

28 SECTION 137. Arkansas Code § 17-50-309(b), concerning bonds by water
29 well contractors, is amended to read as follows:

30 (b) The ~~Commission on Water Well Construction~~ Arkansas Natural
31 Resources Commission shall establish and promulgate rules establishing the
32 amount of water well contractor's bonds based on a water well contractor's
33 past performance or violations of the rules of this chapter, construction
34 methods, type or class of construction, and business practices.
35

36 SECTION 138. Arkansas Code § 17-50-310(a)(1), concerning rig permits

1 for water well construction, is amended to read as follows:

2 (a)(1) The ~~Commission on Water Well Construction~~ Arkansas Natural
3 Resources Commission shall issue rig permits if the water well contractor
4 has:

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

8

9 SECTION 139. The introductory language of Arkansas Code § 17-50-
10 311(a), concerning fees for licensing for water well contractors, is amended
11 to read as follows:

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

15

16 SECTION 140. Arkansas Code § 17-50-312(a), concerning an
17 apprenticeship program for water well construction, is amended to read as
18 follows:

19 (a) The ~~Commission on Water Well Construction~~ Arkansas Natural
20 Resources Commission shall develop an apprenticeship program to assist
21 persons applying for registration and having a minimum level of knowledge,
22 skills, and abilities for the type or class of registration for which they
23 are applying.

24

25 SECTION 141. Arkansas Code § 17-50-402(2), concerning legislative
26 findings concerning water well construction, is amended to read as follows:

27 (2) Construction of water wells by those persons is a threat to
28 the general health, safety, and welfare because the ~~Commission on Water Well~~
29 ~~Construction~~ Arkansas Natural Resources Commission does not have knowledge of
30 their actions and has no means of holding them accountable for failure to
31 develop water in an orderly, sanitary, reasonable, and safe manner; and

32

33 SECTION 142. Arkansas Code § 17-50-407(a)(4), concerning application
34 of proceeds from a sale, is amended to read as follows:

35 (4) To payment of the costs incurred by the prosecuting attorney
36 or attorney for the law enforcement agency to which the property is forfeited

1 or to the ~~Commission on Water Well Construction~~ Arkansas Natural Resources
2 Commission in investigating and developing the case; and

3
4 SECTION 143. Arkansas Code § 17-80-106(a) and (b), concerning
5 investigations and inspections of alleged wrongdoing, are amended to read as
6 follows:

7 (a) The Arkansas State Medical Board, the Arkansas State Board of
8 Dental Examiners, the Arkansas State Board of Nursing, the ~~Veterinary Medical~~
9 ~~Examining Board~~ Arkansas Livestock and Poultry Commission, the Arkansas Board
10 of Podiatric Medicine, the State Board of Optometry, and the Arkansas State
11 Board of Physical Therapy are authorized to utilize as their employees, as
12 the investigators for the purposes described in this section, the
13 investigators and inspectors of the Division of Pharmacy Services and Drug
14 Control of the Department of Health.

15 (b) The Department of Health is directed to make investigators and
16 inspectors of the division available for those purposes and for as long as
17 they may conduct investigations and inspections of alleged wrongdoing of
18 those individuals licensed or permitted by the Arkansas State Medical Board,
19 the Arkansas State Board of Dental Examiners, the Arkansas State Board of
20 Nursing, the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and
21 Poultry Commission, the Arkansas Board of Podiatric Medicine, the State Board
22 of Optometry, and the Arkansas State Board of Physical Therapy.

23
24 SECTION 144. Arkansas Code § 17-80-106(i), concerning investigations
25 and inspections of alleged wrongdoing, is amended to read as follows:

26 (i) The Arkansas State Medical Board, the Arkansas State Board of
27 Dental Examiners, the Arkansas State Board of Nursing, the ~~Veterinary Medical~~
28 ~~Examining Board~~ Arkansas Livestock and Poultry Commission, the Arkansas Board
29 of Podiatric Medicine, the State Board of Optometry, and the Arkansas State
30 Board of Physical Therapy are authorized to collect costs incurred under
31 subsection (h) of this section from the licensees being investigated by the
32 division.

33
34 SECTION 145. Arkansas Code § 17-101-102(7) concerning definitions
35 under the Arkansas Veterinary Medical Practice Act, is amended to read as
36 follows:

1 (7) “Licensed veterinarian” means a person who is validly and
2 currently licensed to practice veterinary medicine in this state as a general
3 practitioner or in a specialty area as the ~~Veterinary Medical Examining Board~~
4 Arkansas Livestock and Poultry Commission may by rule provide;

5
6 SECTION 146. Arkansas Code § 17-101-102(17)(B) concerning definitions
7 under the Arkansas Veterinary Medical Practice Act, is amended to read as
8 follows:

9 (B) “Veterinary technology” does not include diagnosis,
10 prognosis, surgery, or the prescription of appliances, drugs, medications, or
11 treatment unless otherwise determined by the ~~board~~ commission.

12
13 SECTION 147. Arkansas Code § 17-101-201 is repealed.

14 ~~17-101-201. Creation—Members—Organization.~~

15 ~~(a) There is created the Veterinary Medical Examining Board.~~

16 ~~(b)(1) The board shall consist of five (5) members appointed by the~~
17 ~~Governor for terms of five (5) years.~~

18 ~~(2) Four (4) members shall:~~

19 ~~(A) Be licensed to practice veterinary medicine in the~~
20 ~~State of Arkansas;~~

21 ~~(B) Be in good standing and members of the Arkansas~~
22 ~~Veterinary Medical Association;~~

23 ~~(C) Be graduates of an accredited or approved college of~~
24 ~~veterinary medicine or holders of an Educational Commission for Foreign~~
25 ~~Veterinary Graduates Certificate;~~

26 ~~(D) Be actively engaged in the practice of veterinary~~
27 ~~medicine in this state; and~~

28 ~~(E) Have at least five (5) years of experience in the~~
29 ~~practice of veterinary medicine.~~

30 ~~(3) One (1) member shall be a public member who:~~

31 ~~(A) Shall be a resident of this state who has attained the~~
32 ~~age of majority; and~~

33 ~~(B) Shall not be, nor shall ever have been, a veterinarian~~
34 ~~or the spouse of a veterinarian, or a person who has:~~

35 ~~(i) Ever had any material financial interest in the~~
36 ~~provision of veterinarian services; or~~

1 ~~(ii) Engaged in any activity directly related to the~~
2 ~~practice of veterinary medicine.~~

3 ~~(c)(1) A board member's term of office shall expire on March 1 of the~~
4 ~~last year of the term of appointment.~~

5 ~~(2) Each member shall serve until his or her successor has been~~
6 ~~appointed and qualified.~~

7 ~~(d) The board shall elect from its membership a chair and a secretary-~~
8 ~~treasurer.~~

9 ~~(e) A majority of the members of the board constitutes a quorum for~~
10 ~~the transaction of business, except that the vote of four (4) members is~~
11 ~~required for suspension or revocation of a license.~~

12 ~~(f) The members of the board may receive expense reimbursement and~~
13 ~~stipends in accordance with § 25-16-901 et seq.~~

14
15 SECTION 148. Arkansas Code § 17-101-203 is amended to read as follows:
16 17-101-203. Powers and duties.

17 The ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry
18 Commission shall have the power to:

19 (1) Examine and determine the qualifications and fitness of
20 applicants for a license to practice general veterinary medicine or any
21 specialty area thereof, and the certification of veterinary technicians in
22 Arkansas, and issue, renew, deny, suspend, or revoke licenses or
23 certificates, or otherwise discipline veterinarians or veterinary
24 technicians;

25 (2) Subpoena witnesses and take testimony bearing on the records
26 of applicants for permits or for licenses to practice veterinary medicine in
27 the State of Arkansas;

28 (3) Establish annually a schedule of license and permit fees
29 based on the ~~board's~~ commission's financial requirements for the ensuing
30 year;

31 (4) Conduct investigations into matters brought before the ~~board~~
32 commission and proceed on the ~~board's~~ commission's own motion to a hearing or
33 other disciplinary action;

34 (5) [Repealed.]

35 (6) Purchase or rent necessary office space, equipment, and
36 supplies;

1 (7) Promulgate and enforce rules necessary to establish
2 recognized standards for the practice of veterinary medicine and to carry out
3 the provisions of this chapter. The ~~board~~ commission shall make available to
4 interested members of the public copies of this chapter and all rules
5 promulgated by the ~~board~~ commission;

6 (8) Examine and evaluate qualifications of education, skill, and
7 experience for certification of a person as a veterinary technician and for
8 annual registration of employment;

9 (9) Regulate all veterinarians in a corporate practice and
10 prevent corporate or noncorporate holdings from being sold to, directed by,
11 or controlled by a nonveterinarian;

12 (10)(A) Hold hearings on all matters properly brought
13 before the ~~board~~ commission and, in connection thereto, administer oaths,
14 receive evidence, make the necessary determinations, and enter orders
15 consistent with the findings.

16 (B) The ~~board~~ commission may require by subpoena the
17 attendance and testimony of witnesses and the production of papers, records,
18 or other documentary evidence and commission depositions;

19 (11) Bring proceedings in the courts for the enforcement of this
20 chapter or any rules made ~~pursuant thereto~~ under this chapter; and

21 (12) Promulgate rules:

22 (A) Limiting the amount of Schedule II narcotics that may
23 be prescribed and dispensed by licensees of the ~~board~~ commission; and

24 (B) Outlining the use of telehealth and telemedicine in
25 the practice of veterinary medicine.

26
27 SECTION 149. Arkansas Code § 17-101-204 is repealed.

28 ~~17-101-204. Director.~~

29 ~~The Secretary of the Department of Agriculture may employ a Director of~~
30 ~~the Veterinary Medical Examining Board.~~

31
32 SECTION 150. Arkansas Code § 17-101-301(a), concerning veterinarians,
33 applications, and qualifications, is amended to read as follows:

34 (a) Any veterinarian or licensed veterinarian desiring a license to
35 practice veterinary medicine in this state may make written application to
36 the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry

1 Commission showing that he or she is:

2 (1) At least twenty-one (21) years of age; and

3 (2) A person of moral integrity and acceptable ethical
4 standards.

5

6 SECTION 151. Arkansas Code § 17-101-301(b)(3) and (4), concerning
7 veterinarians, applications, and qualifications, are amended to read as
8 follows:

9 (3) Be submitted to the ~~board~~ commission at least thirty (30)
10 days before the exam;

11 (4) Be accompanied by a nonrefundable application fee
12 established by the ~~board~~ commission; and

13

14 SECTION 152. Arkansas Code § 17-101-301(b)(5)(D), concerning
15 veterinarians, applications, and qualifications, is amended to read as
16 follows:

17 (D) An Educational Commission for Foreign Veterinary
18 Graduates Certificate or an equivalent program approved by the ~~board~~
19 commission, if applicable; and

20

21 SECTION 153. Arkansas Code § 17-101-301(c) and (d), concerning
22 veterinarians, applications, and qualifications, is amended to read as
23 follows:

24 (c)(1) The ~~board~~ commission by rule may require that all applicants
25 for licensure by examination complete a preceptorship program during their
26 senior year under the supervision of a veterinarian licensed and in good
27 standing in any state, territory, or district of the United States.

28 (2) The supervising veterinarian shall submit an affidavit to
29 the ~~board~~ commission stating that the applicant has satisfactorily completed
30 the preceptorship.

31 (d)(1) If the ~~board~~ commission finds that the applicant possesses the
32 proper qualifications, ~~it~~ the commission shall admit him or her to the next
33 examination.

34 (2) If an applicant is found unqualified to take the examination
35 or to receive a license without examination, the ~~board~~ commission shall
36 immediately notify the applicant in writing of its findings and the grounds

1 for same.

2

3 SECTION 154. Arkansas Code § 17-101-302 is amended to read as follows:

4 17-101-302. Veterinarians – Examinations.

5 (a)(1) The ~~Veterinary Medical Examining Board~~ Arkansas Livestock and
6 Poultry Commission, at such times as it may designate, shall conduct an
7 examination of applicants for license to practice veterinary medicine in the
8 State of Arkansas.

9 (2) All examinations shall be:

10 (A) In writing, supplemented by oral interviews and
11 practical examinations as the ~~board~~ commission may deem necessary; and

12 (B) So conducted as to ensure absolute impartiality in
13 grading.

14 (b) The ~~board~~ commission hereby adopts the National Board Examination
15 and the Clinical Competency Test, or the North American Veterinary Licensing
16 Examination, or its future equivalent, as a basis for licensure in the State
17 of Arkansas, along with a written examination conducted by the ~~board~~
18 commission.

19 (c) The ~~board~~ commission requires that all applicants for licensure to
20 practice veterinary medicine in the State of Arkansas shall pass the National
21 Board Examination and the Clinical Competency Test, or the North American
22 Veterinary Licensing Examination, or its future equivalent, in addition to
23 any and all state examinations, written examinations, oral interviews, and
24 practical demonstrations as the ~~board~~ commission may request or require.

25 (d) All applicants are required to complete a written examination
26 conducted by the ~~board~~ commission composed of, but not limited to:

27 (1) The Arkansas Veterinary Medical Practice Act, § 17-101-101
28 et seq.;

29 (2) State and federal statutes relating to prescription and
30 controlled drugs;

31 (3) Ethics of veterinary medicine; and

32 (4) Rules and regulations of the Arkansas Livestock and Poultry
33 Commission, the United States Department of Agriculture, the United States
34 Animal and Plant Health Inspection Service, and ~~Rabies Control~~ rabies
35 control.

36 (e)(1) Poultry specialty applicants shall sit for a written

1 examination conducted by the ~~board~~ commission on poultry veterinary medicine.

2 (2) A license will be issued to poultry specialty applicants
3 with a seventy percent (70%) or better score on the ~~Veterinary Medical~~
4 ~~Examining Board~~ commission examination and a passing score on the National
5 Board Examination, the North American Veterinary Licensing Examination, or
6 its equivalent.

7
8 SECTION 155. Arkansas Code § 17-101-303 is amended to read as follows:

9 17-101-303. License without examination or license by endorsement.

10 (a) The ~~Veterinary Medical Examining Board~~ Arkansas Livestock and
11 Poultry Commission, at its discretion, may issue a license without written
12 examination to any qualified applicant who furnishes satisfactory evidence
13 that he or she is a veterinarian and has:

14 (1) For the five (5) years before filing his or her application,
15 been a practicing veterinarian and licensed in a state, territory, or
16 district of the United States having license requirements at the time the
17 applicant was first licensed which are substantially equivalent to the
18 requirements of this chapter;

19 (2) Qualified as a diplomate of a specialty board approved by
20 the American Veterinary Medical Association;

21 (3) Been awarded a postgraduate degree in veterinary medicine;
22 or

23 (4) Been recognized as an expert in the veterinary profession.

24 (b) At its discretion, the ~~board~~ commission may examine, orally or
25 practically, any person applying for a license under this section, provided
26 that the applicant has had no disciplinary proceedings pending or completed
27 in another jurisdiction.

28
29 SECTION 156. Arkansas Code § 17-101-304 is amended to read as follows:

30 17-101-304. Veterinarians – Temporary permit.

31 (a) The Director of the ~~Veterinary Medical Examining Board~~ Arkansas
32 Livestock and Poultry Commission or his or her designee may issue without
33 examination a temporary permit to practice veterinary medicine in this state
34 to a qualified applicant for a license pending examination and provided that
35 the temporary permit shall expire the day after the notice or results of the
36 first examination given after the permit is issued.

1 (b) A temporary permit may be issued or revoked by majority vote of
2 the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry
3 Commission.

4
5 SECTION 157. Arkansas Code § 17-101-305 is amended to read as follows:
6 17-101-305. Veterinarians – Denial, suspension, or revocation of
7 license.

8 (a) Upon written complaint by any person or on the ~~Veterinary Medical~~
9 ~~Examining Board~~ Arkansas Livestock and Poultry Commission's own motion and
10 after notice and hearing as prescribed in the Arkansas Administrative
11 Procedure Act, § 25-15-201 et seq., the ~~board~~ commission may deny, suspend
12 for a definite period, ~~or~~ revoke the license of any veterinarian, ~~and/or~~
13 impose a civil penalty for:

14 (1) Fraud, misrepresentation, or deception in obtaining a
15 license or permit;

16 (2) Adjudication of insanity;

17 (3) Use of advertising or solicitation which is false,
18 misleading, or otherwise deemed unprofessional under rules promulgated by the
19 ~~board~~ commission;

20 (4)(A) Conviction of a felony listed under § 17-3-102.

21 (B) A copy of the record of conviction certified by the
22 clerk of the court entering the conviction shall be conclusive evidence;

23 (5) Incompetence, gross negligence, or other malpractice in the
24 practice of veterinary medicine;

25 (6) Having professional association with or employing any person
26 practicing veterinary medicine unlawfully;

27 (7) Fraud or dishonesty in the application or reporting of any
28 test for disease in animals;

29 (8) Failure to maintain professional premises and equipment in a
30 clean and sanitary condition in compliance with rules promulgated by the
31 ~~board~~ commission;

32 (9) Dishonesty or gross negligence in the inspection of
33 foodstuffs or in the issuance of health or inspection certificates;

34 (10) Cruelty to animals;

35 (11) Unprofessional conduct by violation of a rule promulgated by
36 the ~~board~~ commission under this chapter;

1 (12) Being unable to practice as a veterinarian with reasonable
2 skill and safety to patients because of illness, the use of drugs, alcohol,
3 narcotics, or chemicals, or as a result of any mental or physical condition;

4 (13) Revocation, suspension, surrender, or other disciplinary
5 sanction of a license to practice veterinary medicine by another state,
6 territory, or district of the United States on grounds other than nonpayment
7 of a registration fee or suspension of privileges by any other regulatory
8 agency including the failure to report any such adverse action to the ~~board~~
9 commission within sixty (60) days of the final action;

10 (14) The use, prescription, or sale of any veterinary
11 prescription drug or the prescription of an extra-label use of any over-the-
12 counter drug in the absence of a valid veterinarian-client-patient
13 relationship;

14 (15) Overtreating patients or charging for services which did not
15 occur unless the services were contracted for in advance or for services
16 which were not rendered or documented in the patient's records or charging
17 for services which were not consented to by the owner of the patient or the
18 owner's agent;

19 (16)(A) Failing to furnish details of a patient's medical
20 records to another treating veterinarian, hospital, clinic, owner, or owner's
21 agent upon proper request or waiver by the owner or owner's agent or failing
22 to comply with any other law relating to medical records.

23 (B) However, X-rays prepared by the licensed veterinarian
24 shall remain the property of the veterinarian and shall be returned upon
25 request or as otherwise agreed between the veterinarian and client;

26 (17) Failure 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 (18) Failure to comply with any subpoena or subpoena duces tecum
30 from the ~~board~~ commission, or an order of the ~~board~~ commission;

31 (19) Failure to timely pay license or registration renewal fees
32 as specified in § 17-101-309;

33 (20) Violating a probation agreement with the ~~board~~ commission or
34 any other licensing authority of this state, another state or territory of
35 the United States, or a federal agency; or

36 (21) Violating any informal consent agreement for discipline

1 entered into by an applicant or licensee with the ~~board~~ commission or any
2 other licensing authority of this state, another state or territory of the
3 United States, or a federal agency.

4 (b) At the discretion of the ~~board~~ commission, any person whose
5 license is suspended or revoked by the ~~board~~ commission under this section
6 may be relicensed or reinstated by the ~~board~~ commission at any time upon
7 written application to the ~~board~~ commission showing cause to justify
8 relicensing or reinstatement.

9 (c)(1) Upon suspension or revocation of a license, the actual license
10 certificate must be surrendered to the ~~board~~ commission within thirty (30)
11 days of the ~~board's~~ commission's order unless the action is appealed and a
12 stay is issued.

13 (2) If the ~~board~~ commission prevails upon appeal or the stay is
14 lifted, the license certificate shall be surrendered within ten (10) days of
15 the final order of the court.

16
17 SECTION 158. Arkansas Code § 17-101-306(a)-(c), concerning veterinary
18 technician, veterinary technologist, and veterinary technician specialist and
19 certification, are amended to read as follows:

20 (a) A person shall not assist in the practice of veterinary medicine
21 as a veterinary technician or veterinary technologist without first applying
22 for and obtaining a certification from the ~~Veterinary Medical Examining Board~~
23 Arkansas Livestock and Poultry Commission and having his or her employment
24 with a licensed veterinarian registered with the ~~Veterinary Medical Examining~~
25 Board commission.

26 (b)(1) An applicant for certification as a veterinary technician or
27 veterinary technologist in this state may make written application to the
28 ~~Veterinary Medical Examining Board~~ commission showing that he or she is:

29 (A) A citizen of the United States or an applicant for
30 citizenship; and

31 (B) A person of moral integrity and acceptable ethical
32 standards.

33 (2) The application for certification as a veterinary technician
34 or veterinary technologist in the State of Arkansas shall be written, signed
35 by the applicant, and submitted to the ~~Veterinary Medical Examining Board~~
36 commission at least thirty (30) days before the examination, including

1 without limitation the information set forth in this subdivision (b)(2), and
2 the application shall be accompanied by a nonrefundable application fee
3 established by the ~~Veterinary Medical Examining Board~~ commission:

4 (A) A current photograph of the applicant;

5 (B)(i) A copy of the applicant's diploma or its equivalent
6 from a college-level program accredited by the American Veterinary Medical
7 Association.

8 (ii) If the applicant has not graduated at the time
9 of application, an affidavit from the program certifying the applicant's
10 ability to graduate may be accepted with a copy of the diploma or its
11 equivalent submitted upon availability;

12 (C) A certified copy of college transcripts;

13 (D) A passing score on the National Board Examination or
14 Veterinary Technician National Examination, or future equivalent, reported
15 through the American Association of Veterinary State Boards or its successor;
16 and

17 (E) A letter of recommendation signed by a veterinarian
18 who is licensed in this state or another state, territory, or district of the
19 United States and notarized.

20 (3) This section does not prevent the ~~Veterinary Medical~~
21 ~~Examining Board~~ commission from issuing a certification by endorsement to an
22 applicant who:

23 (A) Holds a certification, or its equivalent, as a
24 veterinary technician or veterinary technologist in another state, territory,
25 or district of the United States;

26 (B) Is not a respondent in any pending or unresolved board
27 action in any state, territory, or district of the United States;

28 (C) Has a passing score on the National Board Examination
29 or Veterinary Technician National Examination, or its future equivalent,
30 reported through the American Association of Veterinary State Boards or its
31 successor;

32 (D) Submits a completed application, including without
33 limitation a letter of recommendation that is:

34 (i) Signed by a veterinarian;

35 (ii) Notarized by a notary public; and

36 (iii) Accompanied by a nonrefundable application fee

1 established by the ~~Veterinary Medical Examining Board~~ commission; and

2 (E) Signs a statement attesting that he or she has read
3 and understands this chapter and the rules adopted by the ~~Veterinary Medical~~
4 ~~Examining Board~~ commission governing the practice of veterinary medicine in
5 Arkansas.

6 (c)(1) A veterinary technician or veterinary technologist shall
7 annually register his or her employment with the ~~Veterinary Medical Examining~~
8 ~~Board~~ commission, stating:

9 (A) His or her name and current address;

10 (B) The name and office address of both his or her
11 employer and the supervising licensed veterinarian; and

12 (C) Any additional information required by the ~~Veterinary~~
13 ~~Medical Examining Board~~ commission.

14 (2) Upon any change of employment as a veterinary technician or
15 veterinary technologist, the certification is inactive until:

16 (A) New employment as a veterinary technician or
17 veterinary technologist has been obtained; and

18 (B) The ~~Veterinary Medical Examining Board~~ commission has
19 been notified in writing of the new employment.

20
21 SECTION 159. Arkansas Code § 17-101-306(e), concerning veterinary
22 technician, veterinary technologist, and veterinary technician specialist
23 certification, is amended to read as follows:

24 (e) The ~~Veterinary Medical Examining Board~~ commission shall promulgate
25 rules to establish the appropriate level of supervision under which a
26 veterinary technician or veterinary technologist can perform veterinary
27 technology.

28
29 SECTION 160. Arkansas Code § 17-101-306(j), concerning veterinary
30 technician, veterinary technologist, and veterinary technician specialist and
31 certification, is amended to read as follows:

32 (j)(1) The ~~Veterinary Medical Examining Board~~ commission may issue
33 additional certifications for a veterinary technician specialist.

34 (2) For an applicant seeking certification as a veterinary
35 technician specialist, the ~~Veterinary Medical Examining Board~~ commission may
36 require an initial application, application fee as determined by the

1 ~~Veterinary Medical Examining Board~~ commission, renewal application, renewal
2 application fee as determined by the ~~Veterinary Medical Examining Board~~
3 commission, and any other relevant information determined by the ~~Veterinary~~
4 ~~Medical Examining Board~~ commission.

5
6 SECTION 161. Arkansas Code § 17-101-307(a), concerning the license
7 required to practice veterinary medicine, is amended to read as follows:

8 (a) No person may practice veterinary medicine in this state who is
9 not a licensed veterinarian or the holder of a valid temporary permit issued
10 by the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry
11 Commission.

12
13 SECTION 162. Arkansas Code § 17-101-307(b)(1), concerning the license
14 required to practice veterinary medicine, is amended to read as follows:

15 (1) Employees of the ~~federal~~ United States Government or state
16 government or employees of local government who are certified by an agency
17 approved by the ~~board~~ commission to perform euthanasia from performing their
18 official duties;

19
20 SECTION 163. Arkansas Code § 17-101-307(b)(9)(A)(i) and (ii),
21 concerning the license required to practice veterinary medicine, are amended
22 to read as follows:

23 (i) The veterinary technician or veterinary
24 technologist is certified by the ~~board~~ commission as being qualified by
25 training or experience to function as an assistant to a veterinarian;

26 (ii) The act, task, or function is performed at the
27 direction of and under the supervision of a licensed veterinarian in
28 accordance with rules promulgated by the ~~board~~ commission; and

29
30 SECTION 164. Arkansas Code § 17-101-308 is amended to read as follows:

31 17-101-308. Veterinary technicians – Denial, suspension, or revocation
32 of certificate.

33 (a) The ~~Veterinary Medical Examining Board~~ Arkansas Livestock and
34 Poultry Commission may deny or suspend any registration or deny or revoke any
35 certificate of qualification upon the grounds that the applicant or
36 veterinary technician is guilty of:

1 (1) Soliciting patients for any practitioner of the veterinary
2 healing arts;

3 (2) Soliciting or receiving any form of compensation from any
4 person other than his or her registered employer for performing as a
5 veterinary technician;

6 (3) Willfully or negligently divulging a professional secret or
7 discussing a veterinarian's diagnosis or treatment without the express
8 permission of the veterinarian;

9 (4)(A) Any offense punishable by incarceration in the Division
10 of Correction or federal prison.

11 (B) A copy of the record of conviction, certified by the
12 clerk of the court entering the conviction, shall be conclusive evidence;

13 (5) Being unable to practice as a veterinary technician with
14 reasonable skill and safety to patients because of illness, the use of drugs,
15 alcohol, narcotics, or chemicals, or as a result of any mental or physical
16 condition;

17 (6) Fraud or misrepresentation in applying for or procuring:

18 (A) A certificate of qualification to perform as a
19 veterinary technician in Arkansas; or

20 (B) An annual registration;

21 (7) Impersonating another person registered as a veterinary
22 technician or allowing any person to use his or her certificate of
23 qualification or registration;

24 (8) Aiding or abetting the practice of veterinary medicine by a
25 person not licensed by the ~~board~~ commission;

26 (9) Gross negligence in the performance of duties, tasks, or
27 functions assigned to him or her by a licensed veterinarian;

28 (10) Manifesting incapacity or incompetence to perform as a
29 veterinary technician; or

30 (11) Conduct unbecoming a person registered as a veterinary
31 technician or detrimental to the best interests of the public.

32 (b) At the discretion of the ~~board~~ commission, any person whose
33 certificate of qualification is suspended or revoked by the ~~board~~ commission
34 under this section may be recertified or reinstated by the ~~board~~ commission
35 at any time upon written application to the ~~board~~ commission showing cause to
36 justify recertification or reinstatement.

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 165. Arkansas Code § 17-101-309 is amended to read as follows:

17-101-309. License, certificate, and registration renewal –
Reinstatement.

(a)(1) All licenses, certificates, and registrations expire on March 31 each year and may be renewed by payment of the annual renewal fee established by rule of the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission.

(2) Not later than March 1 each year, the ~~board~~ commission shall provide a written notice to each licensed veterinarian, veterinary technician, and veterinary technologist that his or her license or certificate will expire on March 31 and shall provide a renewal application form.

(b)(1) Any person may reinstate an expired license or certificate within five (5) years of its expiration by making application to the ~~board~~ commission for renewal and paying the current renewal fee along with all delinquent renewal fees.

(2) After five (5) years have elapsed since the date of expiration, a license or certificate may not be renewed, and the holder must apply for a new license or certificate and take the required examinations.

(c) The ~~board~~ commission may provide by rule for waiver of payment of any renewal fee of a licensed veterinarian, veterinary technician, or veterinary technologist during any period when he or she is on active duty with any branch of the United States Armed Forces for not to exceed three (3) years or for the duration of a national emergency, whichever is longer.

(d) The ~~board~~ commission may provide by rule for waiver of payment of any renewal fee of a licensed veterinarian or veterinary technician during any period when he or she is a member of the Arkansas National Guard called into state active duty.

SECTION 166. Arkansas Code § 17-101-310(a)(2) and (3), concerning continuing education for veterinary medicine, are amended to read as follows:

(2) The postgraduate study or attendance at an institution or at an educational session approved by the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission shall be considered equivalent to continuing education requirements.

1 (3) The ~~board~~ commission shall have the right, for good cause
2 shown, to prescribe the type and character of postgraduate study to be done
3 by any licensed veterinarian in order to comply with the requirements of this
4 chapter.

5
6 SECTION 167. Arkansas Code § 17-101-310(b), concerning continuing
7 education for veterinary medicine, is amended to read as follows:

8 (b) The ~~board~~ commission shall excuse licentiates or certificate
9 holders, as a group or as individuals, from the annual educational
10 requirements in any of the following instances:

11 (1) When no educational program meeting the requirements
12 approved by the ~~board~~ commission is conducted within the state;

13 (2) When an affidavit is submitted to the ~~board~~ commission
14 evidencing that the licensee, for good cause assigned, was prevented from
15 attending an educational program at the proper time;

16 (3) In the event of an unusual emergency; or

17 (4) If that person holds an inactive license or certificate.
18

19 SECTION 168. Arkansas Code § 17-101-311 is amended to read as follows:
20 17-101-311. Civil penalty – Appeals and disposition of funds.

21 (a)(1) Whenever the ~~Veterinary Medical Examining Board~~ Arkansas
22 Livestock and Poultry Commission determines that any provision of this
23 chapter or any rule promulgated by the ~~board~~ commission pursuant to under
24 this chapter has been violated, the ~~board~~ commission may impose a civil
25 penalty not to exceed five thousand dollars (\$5,000) per violation.

26 (2) The ~~board~~ commission may file an action in the Pulaski
27 County Circuit Court to collect any civil penalty not paid within thirty (30)
28 days of service of the order assessing the penalty, unless the circuit court
29 enters a stay of the ~~board's~~ commission's order.

30 (3) If the ~~board~~ commission prevails in the action, the
31 defendant shall be directed to pay reasonable attorney's fees and costs
32 incurred by the ~~board~~ commission in prosecuting the action in addition to the
33 civil penalty.

34 (b) Any person aggrieved by the action of the ~~board~~ commission
35 imposing civil penalties may appeal the decision in the manner and under the
36 procedure prescribed in the Arkansas Administrative Procedure Act, § 25-15-

1 201 et seq., for appeals from administrative decisions.

2 (c) All funds derived from civil penalties imposed by the ~~board~~
3 commission shall be deposited into one (1) or more depositories qualifying
4 for the deposit of public funds. The funds shall be used by the ~~board~~
5 commission for administering the provisions of this chapter.

6
7 SECTION 169. Arkansas Code § 17-101-312(c), concerning unlawful
8 practice of veterinary medicine, is amended to read as follows:

9 (c) One-half ($\frac{1}{2}$) of the sums assessed as fines under this chapter
10 shall be paid into the general fund of the county wherein the fine is
11 assessed, and one-half ($\frac{1}{2}$) of the sums assessed as fines under this chapter
12 shall be deposited with the Director of the ~~Veterinary Medical Examining~~
13 ~~Board~~ Arkansas Livestock and Poultry Commission and credited to the account
14 of the ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry
15 Commission.

16
17 SECTION 170. Arkansas Code § 17-101-312(e), concerning unlawful
18 practice of veterinary medicine, is amended to read as follows:

19 (e) In addition to the penalties provided in this section, the ~~board~~
20 commission may institute legal proceedings to enjoin the violation of the
21 provisions of this chapter or the rules of the ~~board~~ commission in any court
22 of competent jurisdiction, and the court may grant a temporary or permanent
23 injunction restraining the violation thereof.

24
25 SECTION 171. Arkansas Code § 17-101-314 is amended to read as follows:

26 17-101-314. Practicing without a license – ~~Board~~ Commission penalties.

27 (a)(1)(A) If upon completion of an investigation the Director of the
28 ~~Veterinary Medical Examining Board~~ Arkansas Livestock and Poultry Commission
29 has probable cause to believe that a veterinarian or an unlicensed person
30 acting as a veterinarian has violated the provisions of this chapter, he or
31 she may issue a citation to the veterinarian or unlicensed person, as
32 provided in this section.

33 (B) Each citation shall be in writing and shall describe
34 with particularity the nature of the violation, including a reference to the
35 provision of this chapter alleged to have been violated.

36 (C) Each citation may also contain an order of abatement

1 fixing a reasonable time for abatement of the violation and may contain an
2 assessment of a civil penalty not to exceed five thousand dollars (\$5,000).

3 (2) The citation shall be served upon the veterinarian or
4 unlicensed individual personally or by any type of mailing requiring a return
5 receipt.

6 ~~(b)(1) Before any citation may be issued, the director shall submit~~
7 ~~the alleged violation for review to at least one (1) member of the board.~~

8 ~~(c)(1) Upon conclusion of the board designee's review, the designee~~
9 ~~shall prepare a finding of fact and a recommendation.~~

10 ~~(2) If the board designee concludes that the veterinarian or~~
11 ~~unlicensed person has violated any provision of this chapter, a civil~~
12 ~~citation shall be issued to the veterinarian or unlicensed person.~~

13 ~~(d)(1) If a veterinarian or unlicensed person desires to~~
14 ~~administratively contest a civil citation or the proposed assessment of a~~
15 ~~civil penalty, he or she shall notify within ten (10) business days after~~
16 ~~service of the citation the executive officer in writing of his or her~~
17 ~~request.~~

18 (2) Upon receipt of the request, a hearing on the matter shall
19 be scheduled before the ~~board~~ commission.

20 ~~(e)(c)~~ Any administrative hearing shall be governed by the Arkansas
21 Administrative Procedure Act, § 25-15-201 et seq.

22 ~~(f)(d)~~ In addition to the penalties provided in this section, the
23 ~~board~~ commission may institute legal proceedings to enjoin the violation of
24 the provisions of this chapter or the rules of the ~~board~~ commission in any
25 court of competent jurisdiction, and the court may grant a temporary or
26 permanent injunction restraining the violation thereof.

27
28 SECTION 172. Arkansas Code § 17-101-315 is amended to read as follows:
29 17-101-315. Equine teeth floating.

30 ~~(a) The Veterinary Medical Examining Board~~ Arkansas Livestock and
31 Poultry Commission is prohibited from enforcing ~~board~~ commission policy
32 regarding equine teeth floating by either investigating or prosecuting an
33 individual practitioner engaged in equine teeth floating until July 1, 2013.

34 (b)(1) Before engaging in the practice of equine teeth floating in the
35 state, an individual practitioner shall present to the ~~board~~ commission
36 signed letters of recommendation from two (2) clients who have previously

1 employed the individual practitioner and who bear witness to the individual
2 practitioner's ability to perform equine teeth floating.

3 (2) The letters of recommendation shall be presented to the
4 ~~board~~ commission before providing service to a client or performing any
5 procedure on any animal.

6
7 SECTION 173. Arkansas Code § 17-101-316 is amended to read as follows:
8 17-101-316. Livestock embryo transfer or transplant and livestock
9 pregnancy determination.

10 (a) Until July 1, 2019, the ~~Veterinary Medical Examining Board~~
11 Arkansas Livestock and Poultry Commission is prohibited from investigating or
12 prosecuting under a ~~board~~ commission rule or policy an individual technician
13 who engages in both:

14 (1) Livestock embryo transfer or transplant; and

15 (2) Livestock pregnancy determination.

16 (b) Before engaging in livestock embryo transfer or transplant and
17 livestock pregnancy determination in the state, an individual technician
18 shall obtain a certification from the ~~board~~ commission.

19 (c)(1) An applicant for certification shall submit the following
20 information to the ~~board~~ commission with an application and application fee
21 of one thousand dollars (\$1,000):

22 (A)(i) One (1) letter from a licensed veterinarian who has
23 witnessed the applicant's ability to perform livestock embryo transfer or
24 transplant and livestock pregnancy determination on at least three (3)
25 occasions within six (6) consecutive months.

26 (ii) The letter described in subdivision (c)(1)(A)(i)
27 of this section shall include the dates that the veterinarian spent with the
28 applicant and an endorsement certifying that the applicant is proficient in
29 the following areas:

30 (a) Basic knowledge, skills, and abilities
31 required to proficiently extract, grade, freeze, thaw, and transfer livestock
32 embryos; and

33 (b) The ability to properly use ultrasound
34 equipment in determining pregnancy status with at least ninety percent (90%)
35 accuracy beginning at sixty (60) days of pregnancy and with at least ninety
36 percent (90%) accuracy when identifying trimester;

1 (B) A record of successfully completing a qualified course
2 taught by a livestock reproduction specialist on both livestock embryo
3 transfer and livestock pregnancy determination;

4 (C) Proof that the applicant has at least fifty percent
5 (50%) financial interest in livestock management equipment, including without
6 limitation ultrasound equipment, microscope, embryo freezer, and other
7 required transfer tools; and

8 (D) Proof of membership in either the International Embryo
9 Technology Society or the American Embryo Transfer Association.

10 (2) The ~~board~~ commission shall approve or deny certification
11 within thirty (30) days of receiving an application.

12 (d)(1) A certification under this section expires after two (2) years.

13 (2) An individual technician shall submit a renewal application
14 and renewal application fee of two hundred fifty dollars (\$250) to the ~~board~~
15 commission along with a record of completion of a continuing education course
16 on bovine reproduction within the United States or Canada.

17 (3) The ~~board~~ commission shall approve or deny recertification
18 within thirty (30) days of receiving a renewal application.

19 (e) An embryo transfer technician may only administer to livestock
20 prescription drugs that have been prescribed by a licensed veterinarian who
21 has a valid veterinarian-client-patient relationship.

22
23 SECTION 174. Arkansas Code § 17-101-317 is amended to read as follows:

24 17-101-317. Veterinary technologist and veterinary technician
25 specialist – Grounds for denial, suspension, or revocation.

26 (a) Upon written complaint by any person or on the ~~Veterinary Medical~~
27 ~~Examining Board~~ Arkansas Livestock and Poultry Commission's own motion and
28 after notice and hearing as prescribed in the Arkansas Administrative
29 Procedure Act, § 25-15-201 et seq., the ~~board~~ commission may deny or suspend
30 any certification or deny or revoke any certificate of qualification of the
31 applicant, veterinary technologist, or veterinary technician specialist for
32 the following conduct:

33 (1) Solicitation of patients on behalf of a veterinarian or
34 veterinary technician;

35 (2) Solicitation or receiving any form of compensation from any
36 person other than his or her registered employer for his or her employment;

1 (3) Willful or negligent disclosure of a professional secret or
2 discussing a veterinarian's diagnosis or treatment without the express
3 permission of the veterinarian;

4 (4)(A) Any offense punishable by incarceration in the Division
5 of Correction or federal prison.

6 (B) A copy of the record of conviction, certified by the
7 clerk of the court entering the conviction, shall be evidence;

8 (5) Inability to practice as a veterinary technologist or a
9 veterinary technician specialist with reasonable skill and safety to patients
10 due to illness, the use of drugs, alcohol, narcotics, or chemicals, or as a
11 result of any mental or physical condition;

12 (6) Fraud or misrepresentation in applying for or procuring:

13 (A) A certificate of qualification to perform as a
14 veterinary technologist or veterinary technician specialist in Arkansas; or

15 (B) An annual employment registration;

16 (7) Impersonation of another person registered as a veterinary
17 technologist or veterinary technician specialist or authorization of any
18 person to use his or her certificate of qualification or registration;

19 (8) Aids or abets the practice of veterinary medicine by a
20 person not licensed by the ~~board~~ commission;

21 (9) Incompetence, gross negligence, or other malpractice in the
22 performance of duties, tasks, or functions assigned to him or her by a
23 licensed veterinarian;

24 (10) Incapacity or incompetence to perform as a veterinary
25 technologist or veterinary technician specialist;

26 (11) Cruelty to animals;

27 (12) Failure:

28 (A) Of any applicant or licensee to cooperate with the
29 ~~board~~ commission during any investigation, if the investigation does not
30 concern the applicant or licensee;

31 (B) To comply with any subpoena or subpoena duces tecum
32 from the ~~board~~ commission or an order of the ~~board~~ commission; or

33 (C) To timely pay certification or renewal fees; or

34 (13) Unprofessional conduct or conduct that is detrimental to
35 the best interests of the public.

36 (b) At the discretion of the ~~board~~ commission, a person whose

1 certificate of qualification is suspended or revoked by the ~~board~~ commission
2 under this section may be:

3 (1) Recertified or reinstated by the ~~board~~ commission at any
4 time upon written application to the ~~board~~ commission showing cause to
5 justify recertification or reinstatement; and

6 (2) Subject to civil penalties under § 17-101-311 as determined
7 by the ~~board~~ commission.

8
9 SECTION 175. Arkansas Code § 17-101-318(a) and (b), concerning
10 restricted licenses for veterinarians, are amended to read as follows:

11 (a) The Director of the ~~Veterinary Medical Examining Board~~ Arkansas
12 Livestock and Poultry Commission or his or her designee may issue a
13 restricted license to a person who has graduated from an accredited or
14 approved college of veterinary medicine but has not passed the North American
15 Veterinary Licensing ~~Exam~~ Examination, or its future equivalent, to engage in
16 the practice of veterinary medicine under the direct supervision of a
17 licensed veterinarian.

18 (b) A restricted license shall be issued by the ~~Veterinary Medical~~
19 ~~Examining Board~~ commission upon the receipt of the following:

20 (1) A completed application as described in § 17-101-301 and the
21 application fee established by the ~~board~~ commission, if not previously
22 submitted during the applicant's final year of veterinary school;

23 (2) A restricted license fee established by the ~~board~~
24 commission;

25 (3) A letter of recommendation from the supervising licensed
26 veterinarian; and

27 (4) Written confirmation that the applicant is scheduled to take
28 the next available North American Veterinary Licensing ~~Exam~~ Examination, or
29 its future equivalent.

30
31 SECTION 176. Arkansas Code § 17-101-318(c)(1), concerning restricted
32 licenses for veterinarians, are amended to read as follows:

33 (1) The restricted license fee established by the ~~board~~
34 commission;

35
36 SECTION 177. Arkansas Code § 19-6-301(95), concerning special revenues

1 of the state, is amended to read as follows:

2 (95) Fees charged by the ~~Veterinary Medical Examining Board~~
3 Arkansas Livestock and Poultry Commission for the various examinations,
4 permits, licenses, and certificates issued by the ~~board~~ Arkansas Livestock
5 and Poultry Commission, as enacted by Acts 1975, No. 650, as amended, the
6 Arkansas Veterinary Medical Practice Act, § 17-101-101 et seq.;

7

8 SECTION 178. Arkansas Code § 19-6-429 is amended to read as follows:
9 19-6-429. Veterinary Examiners Board Fund.

10 The Veterinary Examiners Board Fund shall consist of those special
11 revenues as specified in § 19-6-301(95), there to be used for the operation,
12 maintenance, and improvement of the ~~Veterinary Medical Examining Board~~
13 Arkansas Livestock and Poultry Commission in exercising the powers,
14 functions, and duties as set out in the Arkansas Veterinary Medical Practice
15 Act, § 17-101-101 et seq.

16

17 SECTION 179. Arkansas Code § 25-15-104(a)(1)(K), concerning subpoena
18 powers, is amended to read as follows:

19 (K) ~~Veterinary Medical Examining Board~~ Arkansas Livestock
20 and Poultry Commission, ~~§ 17-101-201~~ § 2-33-101 et seq.;

21

22 SECTION 180. Arkansas Code § 25-15-104(a)(1), concerning subpoena
23 powers, is amended to add additional subdivisions to read as follows:

24 (P) State Plant Board, § 2-16-206 et seq.;

25 (Q) Arkansas Forestry Commission, § 15-31-101 et seq.; and

26 (R) Arkansas Natural Resources Commission, § 15-20-201 et
27 seq.

28

29 SECTION 181. Arkansas Code § 25-38-202(b)(2), concerning the creation
30 of the Department of Agriculture and the appointment of the Secretary of the
31 Department of Agriculture, is amended to read as follows:

32 (2) The secretary shall be selected by the ~~Arkansas Agriculture~~
33 ~~Board, and the name shall be submitted to the~~ Governor and confirmed by the
34 Senate ~~for confirmation~~. The secretary shall serve at the pleasure of the
35 Governor.

36

1 SECTION 182. Arkansas Code § 25-38-202(b)(3)(A)(ii)(a)-(c), concerning
2 the creation of the Department of Agriculture and the appointment of the
3 Secretary of the Department of Agriculture, are repealed.

4 ~~(a) Abandoned Pesticide Advisory Board;~~

5 ~~(b) Arkansas Agriculture Board;~~

6
7 SECTION 183. Arkansas Code § 25-38-202(b)(3)(A)(ii)(i), concerning the
8 creation of the Department of Agriculture and the appointment of the
9 Secretary of the Department of Agriculture, is repealed.

10 ~~(i) Arkansas Milk Stabilization Board;~~

11
12 SECTION 184. Arkansas Code § 25-38-202(b)(3)(A)(ii)(k)-(m), concerning
13 the creation of the Department of Agriculture and the appointment of the
14 Secretary of the Department of Agriculture, are repealed.

15 ~~(k) Arkansas Seed Arbitration Committee;~~

16 ~~(l) Arkansas State Board of Registration for~~
17 ~~Foresters;~~

18 ~~(m) Arkansas State Board of Registration for~~
19 ~~Professional Soil Classifiers;~~

20
21 SECTION 185. Arkansas Code § 25-38-202(b)(3)(A)(ii)(o), concerning the
22 creation of the Department of Agriculture and the appointment of the
23 Secretary of the Department of Agriculture, is repealed.

24 ~~(o) Commission on Water Well Construction;~~

25
26 SECTION 186. Arkansas Code § 25-38-202(b)(3)(A)(ii)(r), concerning the
27 creation of the Department of Agriculture and the appointment of the
28 Secretary of the Department of Agriculture, is repealed.

29 ~~(r) Private Wetland and Riparian Zone~~
30 ~~Creation, Restoration, and Conservation Committee;~~

31
32 SECTION 187. Arkansas Code § 25-38-202(b)(3)(A)(ii)(u), concerning the
33 creation of the Department of Agriculture and the appointment of the
34 Secretary of the Department of Agriculture, is repealed.

35 ~~(u) Veterinary Medical Examining Board;~~

36

1 SECTION 188. Arkansas Code § 25-38-202(b)(3)(A)(ii)(x), concerning the
2 creation of the Department of Agriculture and the appointment of the
3 Secretary of the Department of Agriculture, is repealed.

4 ~~(x) Red River Commission, created under § 14-~~
5 ~~118-202;~~

6
7 SECTION 189. Arkansas Code § 25-38-202(b)(3), concerning the creation
8 of the Department of Agriculture and the duties of the Secretary of the
9 Department of Agriculture, is amended to add an additional subdivision to
10 read as follows:

11 (D) After consultation with and approval from the
12 Governor, establish advisory committees to advise the department on all
13 matters concerning agriculture, forestry, and natural resources.

14
15 SECTION 190. Arkansas Code § 25-38-206(a)(5)-(8), concerning the
16 transfer of personnel, administrative functions, human resources, and
17 accounting offices to the Department of Agriculture, are repealed.

18 ~~(5) The Arkansas State Board of Registration for Foresters;~~
19 ~~(6) The Veterinary Medical Examining Board;~~
20 ~~(7) The Abandoned Pesticide Advisory Board;~~
21 ~~(8) The Commission on Water Well Construction;~~

22
23 SECTION 191. Arkansas Code § 25-38-206(a)(11) and (12), concerning the
24 transfer of personnel, administrative functions, human resources, and
25 accounting offices to the Department of Agriculture, are repealed.

26 ~~(11) The Arkansas State Board of Registration for Professional~~
27 ~~Soil Classifiers;~~

28 ~~(12) The Arkansas Farm Mediation Office;~~

29
30 SECTION 192. Arkansas Code § 25-38-206(a)(15) and (16), concerning the
31 transfer of personnel, administrative functions, human resources, and
32 accounting offices to the Department of Agriculture, are repealed.

33 ~~(15) The Arkansas Milk Stabilization Board;~~

34 ~~(16) The Arkansas Seed Arbitration Committee;~~

35
36 SECTION 193. Arkansas Code § 25-38-206(a)(20) and (21), concerning the

1 transfer of personnel, administrative functions, human resources, and
2 accounting offices to the Department of Agriculture, are repealed.

3 ~~(20) The Arkansas Agriculture Board;~~

4 ~~(21) The Private Wetland and Riparian Zone Creation, Restoration,~~
5 ~~and Conservation Committee; and~~

6
7 SECTION 194. Arkansas Code § 25-38-206(a)(23), concerning the transfer
8 of personnel, administrative functions, human resources, and accounting
9 offices to the Department of Agriculture, is repealed.

10 ~~(23) The Red River Commission, created under § 14-118-202.~~

11
12 SECTION 195. Arkansas Code § 25-38-207 is repealed.

13 ~~25-38-207. Arkansas Agriculture Board—Creation—Members—~~
14 ~~Organization—Duties.~~

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

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

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

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

24 ~~(C) Two (2) members from the Arkansas Natural Resources~~
25 ~~Commission;~~

26 ~~(D) Two (2) members from the Arkansas Forestry Commission;~~

27 and

28 ~~(E) One (1) member actively engaged in farming from the~~
29 ~~Arkansas Rural Development Commission;~~

30 ~~(2) Eleven (11) members, appointed by the Governor with the~~
31 ~~consent of the Senate as follows:~~

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

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

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

1 ~~(b) The Arkansas Agriculture Board shall advise the Secretary of the~~
2 ~~Department of Agriculture on all matters concerning agriculture, aquaculture,~~
3 ~~horticulture, and kindred industries.~~

4 ~~(c) The Arkansas Agriculture Board shall meet at least quarterly and~~
5 ~~shall fix a regular date for the quarterly meeting.~~

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

10 ~~(2) The members appointed by the Governor shall serve no more~~
11 ~~than two (2) terms.~~

12 ~~(e)(1) Vacancies due to death, resignation, refusal to serve, or other~~
13 ~~causes among members of the Arkansas Agriculture Board appointed by the~~
14 ~~Governor shall be filled by appointment by the Governor of a qualified person~~
15 ~~to serve the remainder of the unexpired term.~~

16 ~~(2) A person so appointed is eligible for appointment to a~~
17 ~~subsequent full term on the Arkansas Agriculture Board.~~

18 ~~(f)(1) State agency members of the Arkansas Agriculture Board shall~~
19 ~~receive no additional salary or compensation for their services as members of~~
20 ~~the Arkansas Agriculture Board, but they may receive expense reimbursement in~~
21 ~~accordance with § 25-16-902, to the extent funds are available.~~

22 ~~(2) The members appointed by the Governor may receive expense~~
23 ~~reimbursement from funds made available for that purpose in accordance with §~~
24 ~~25-16-902, to the extent funds are available.~~

25
26 SECTION 196. Arkansas Code § 25-38-211(a)(1) and (2), concerning the
27 transfer of certain agricultural boards, commissions, committees, bureaus,
28 programs, and offices, 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 197. Arkansas Code § 25-38-211(a)(9), concerning the transfer
34 of certain agricultural boards, commissions, committees, bureaus, programs,
35 and offices, is repealed.

36 ~~(9) The Arkansas Milk Stabilization Board, created under § 2-10-~~

1 ~~103,~~

2

3 SECTION 198. Arkansas Code § 25-38-211(a)(11)-(13), concerning the
4 transfer of certain agricultural boards, commissions, committees, bureaus,
5 programs, and offices, are repealed.

6 ~~(11) The Arkansas Seed Arbitration Committee, created under § 2-~~
7 ~~23-104,~~

8 ~~(12) The Arkansas State Board of Registration for Foresters,~~
9 ~~created under § 17-31-201,~~

10 ~~(13) The Arkansas State Board of Registration for Professional~~
11 ~~Soil Classifiers, created under § 17-47-201,~~

12

13 SECTION 199. Arkansas Code § 25-38-211(a)(15), concerning the transfer
14 of certain agricultural boards, commissions, committees, bureaus, programs,
15 and offices, is repealed.

16 ~~(15) The Commission on Water Well Construction, created under §~~
17 ~~17-50-201,~~

18

19 SECTION 200. Arkansas Code § 25-38-211(a)(17) and (18), concerning the
20 transfer of certain agricultural boards, commissions, committees, bureaus,
21 programs, and offices, are repealed.

22 ~~(17) The Private Wetland and Riparian Zone Creation, Restoration,~~
23 ~~and Conservation Committee, created under § 26-51-1503,~~

24 ~~(18) The Ouachita River Commission, created under § 15-23-803,~~

25

26 SECTION 201. Arkansas Code § 25-38-211(a)(21), concerning the transfer
27 of certain agricultural boards, commissions, committees, bureaus, programs,
28 and offices, is repealed.

29 ~~(21) The Veterinary Medical Examining Board, created under § 17-~~
30 ~~101-201, and~~

31

32 SECTION 202. Arkansas Code § 25-38-211(a)(23), concerning the transfer
33 of certain agricultural boards, commissions, committees, bureaus, programs,
34 and offices, is repealed.

35 ~~(23) The Red River Commission, created under § 14-118-202,~~

36

1 SECTION 203. Arkansas Code § 25-43-202(a)(1) and (2), concerning state
2 entities transferred to the Department of Agriculture, are repealed.

3 ~~(1) The Abandoned Pesticide Advisory Board, created under § 8-7-~~
4 ~~1204;~~

5 ~~(2) The Arkansas Agriculture Board, created under § 25-38-207;~~

6
7 SECTION 204. Arkansas Code § 25-43-202(a)(10), concerning state
8 entities transferred to the Department of Agriculture, is repealed.

9 ~~(10) The Arkansas Milk Stabilization Board, created under § 2-10-~~
10 ~~103;~~

11
12 SECTION 205. Arkansas Code § 25-43-202(a)(12)-(14), concerning state
13 entities transferred to the Department of Agriculture, are repealed.

14 ~~(12) The Arkansas Seed Arbitration Committee, created under § 2-~~
15 ~~23-104;~~

16 ~~(13) The Arkansas State Board of Registration for Foresters,~~
17 ~~created under § 17-31-201;~~

18 ~~(14) The Arkansas State Board of Registration for Professional~~
19 ~~Soil Classifiers, created under § 17-47-201;~~

20
21 SECTION 206. Arkansas Code § 25-43-202(a)(16), concerning state
22 entities transferred to the Department of Agriculture, is repealed.

23 ~~(16) The Commission on Water Well Construction, created under §~~
24 ~~17-50-201;~~

25
26 SECTION 207. Arkansas Code § 25-43-202(a)(18), concerning state
27 entities transferred to the Department of Agriculture, is repealed.

28 ~~(18) The Private Wetland and Riparian Zone Creation, Restoration,~~
29 ~~and Conservation Committee, created under § 26-51-1503(3);~~

30
31 SECTION 208. Arkansas Code § 25-43-202(a)(22), concerning state
32 entities transferred to the Department of Agriculture, is repealed.

33 ~~(22) The Veterinary Medical Examining Board, created under § 17-~~
34 ~~101-201; and~~

35
36 SECTION 209. Arkansas Code § 25-43-202(a)(24), concerning state

1 entities transferred to the Department of Agriculture, is repealed.

2 ~~(24) The Red River Commission, created under § 14-118-202,~~

3
4 SECTION 210. Arkansas Code § 26-51-1503(3), concerning definition of
5 "committee" under the Arkansas Private Wetland and Riparian Zone Creation,
6 Restoration, and Conservation Tax Credits Act is repealed.

7 ~~(3) "Committee" means the Private Wetland and Riparian Zone~~
8 ~~Creation, Restoration, and Conservation Committee;~~

9
10 SECTION 211. Arkansas Code § 26-51-1505(d), concerning credits granted
11 under the Arkansas Private Wetland and Riparian Zone Creation, Restoration,
12 and Conservation Tax Credits Act is amended to read as follows:

13 (d) To claim the benefits of this section, a taxpayer must obtain a
14 certification from the ~~Arkansas Natural Resources Commission~~ Department of
15 Agriculture certifying to the Revenue Division of the Department of Finance
16 and Administration that the taxpayer has met all of the requirements and
17 qualifications set forth in § 26-51-1504(b)(2) and § 26-51-1507(a) for a
18 wetland and riparian zone creation and restoration tax credit or in § 26-51-
19 1507(b) for a wetland and riparian zone conservation tax credit.

20
21 SECTION 212. Arkansas Code § 26-51-1506 is amended to read as follows:
22 26-51-1506. Administration.

23 (a) ~~There is created the Private Wetland and Riparian Zone Creation,~~
24 ~~Restoration, and Conservation Committee, which is made up of:~~

25 ~~(1) The secretary, director, or their designees, of:~~

26 ~~(A) The Arkansas State Game and Fish Commission;~~

27 ~~(B) The Department of Finance and Administration;~~

28 ~~(C) The Division of Arkansas Heritage; and~~

29 ~~(D) The Division of Environmental Quality; and~~

30 ~~(2)(A) Two (2) public members with expertise in wetlands and~~
31 ~~riparian zone ecology appointed by the Arkansas Natural Resources Commission;~~

32 ~~(B) In appointing public members, the Arkansas Natural~~
33 ~~Resources Commission should consider the wide variety of interests in~~
34 ~~wetlands and riparian zones.~~

35 ~~(b)(1)~~ The Arkansas Natural Resources Commission is charged with the
36 responsibility of promulgating and administering rules related to the

1 creation, restoration, and conservation of wetlands and riparian zones with
2 the intent of qualifying for the tax credits provided for in this subchapter.

3 ~~(2) Prior to adoption of any rules under this subchapter, the~~
4 ~~Arkansas Natural Resources Commission shall obtain comments on the proposed~~
5 ~~rules from the committee.~~

6 ~~(e)(1)(b)(1)~~ The ~~Arkansas Natural Resources Commission~~ commission may
7 charge a reasonable application fee for the processing of tax credit
8 applications.

9 (2) All fees collected shall be deposited into the Arkansas
10 Water Development Fund.

11
12 SECTION 213. Arkansas Code § 26-51-1507(a)(1)(B)-(D), concerning the
13 method of application for a wetland and riparian zone creation and
14 restoration tax credit, is amended to read as follows:

15 (B) A taxpayer wishing to obtain a wetland and riparian
16 zone creation and restoration tax credit shall submit an application to the
17 ~~Arkansas Natural Resources Commission~~ Department of Agriculture.

18 (C) ~~Upon receipt of the application, the commission shall~~
19 ~~make the application available to the Private Wetland and Riparian Zone~~
20 ~~Creation, Restoration, and Conservation Committee for its review and comment.~~

21 ~~(D)~~ After review of the ~~committee comments~~ application
22 under subdivision (a)(1)(B) of this section, the ~~commission~~ Department of
23 Agriculture may issue a wetland and riparian zone creation and restoration
24 tax credit approval certificate for those applications proposing projects
25 that meet the requirements of this subchapter and rules promulgated
26 ~~thereunder~~ under this subchapter.

27
28 SECTION 214. Arkansas Code § 26-51-1507(a)(3)(A), concerning the
29 certificate of completion issued for a wetland and riparian zone creation and
30 restoration tax credit, is amended to read as follows:

31 (3)(A) Upon completion and proper functioning of the project,
32 the ~~commission~~ Department of Agriculture shall issue a certificate of
33 completion.

34
35 SECTION 215. Arkansas Code § 26-51-1507(b)(1)(B)-(D), concerning the
36 method of application by a donor for a wetland and riparian zone creation and

1 restoration tax credit, is amended to read as follows:

2 (B) An eligible donor wishing to obtain a wetland and
3 riparian zone conservation tax credit shall submit an application to the
4 ~~commission~~ Department of Agriculture.

5 (C) ~~Upon receipt of the application, the commission shall
6 make the application available to the committee for its review and comment.~~

7 The committee review shall include the following considerations:

8 (i) Whether the appraisal of the qualified real
9 property interest meets the minimum standards of the Uniform Standards of
10 Professional Appraisal Practice and the Internal Revenue Service requirements
11 for a qualified appraisal;

12 (ii) Whether the qualified real property interest's
13 valuation does not appear to be manifestly abusive;

14 (iii) Whether the conservation purpose of the
15 donation complies with the requirements of a qualified conservation purpose
16 and contributes to the wetland and riparian zone benefits in § 26-51-1502;

17 (iv) Whether the real property interest meets the
18 requirements for a qualified real property interest; and

19 (v) Whether the donee of the qualified real property
20 interest meets the requirements of an eligible donee.

21 (D) ~~After review of the committee comments, the commission
22 consideration of the requirements for approval, the Department of Agriculture~~
23 may issue a wetland and riparian zone conservation tax credit approval
24 certificate for those applications that meet the requirements of this
25 subchapter and the rules promulgated under this subchapter.

26

27 SECTION 216. Arkansas Code § 26-51-1507(b)(2)(B), concerning the
28 resubmission of a conditionally approved wetland and riparian zone creation
29 and restoration tax credit, is amended to read as follows:

30 (B) If conditional approval of a wetland and riparian zone
31 conservation tax credit is granted, the application must be resubmitted to
32 the ~~commission~~ Department of Agriculture after the qualified real property
33 interest donation has been recorded for the limited purpose of demonstrating
34 conformity with the originally submitted draft documents.

35

36 SECTION 217. Arkansas Code § 26-51-1507(b)(3), concerning the denial

1 and appeal of a wetland and riparian zone creation and restoration tax
2 credit, is amended to read as follows:

3 (3)(A) If the ~~commission~~ Department of Agriculture denies
4 approval of a wetland and riparian zone conservation tax credit, it shall
5 provide a brief written statement to the applicant of the reason for a
6 decision to deny approval.

7 (B) When a problem identified by the ~~commission~~ Department
8 of Agriculture is remedied, an eligible donor may resubmit the application
9 for approval of the wetland and riparian zone conservation tax credit.

10

11 SECTION 218. Arkansas Code § 26-51-1508(a)(1), concerning the time in
12 which a wetlands or riparian zone project must be completed, is amended to
13 read as follows:

14 (a)(1) All projects must be completed and properly functioning within
15 three (3) years of the date of the certificate of tax credit approval, except
16 if the ~~Arkansas Natural Resources Commission~~ Department of Agriculture
17 determines that failure to comply with this subdivision (a)(1) is the result
18 of conditions beyond the control of the taxpayer, an additional year to
19 comply with this subdivision (a)(1) may be granted by the ~~commission~~
20 Department of Agriculture.

21

22 SECTION 219. Arkansas Code § 26-51-1508(b)(1)-(3), concerning the
23 maintenance or termination of wetlands or riparian zone project for which a
24 tax credit has been claimed, is amended to read as follows:

25 (b)(1) Project activities shall meet or exceed those standards as
26 established by the ~~commission~~ Department of Agriculture, and the project must
27 be maintained for a minimum life of ten (10) years after it is certified as
28 being complete.

29 (2)(A) If the taxpayer terminates the project prior to
30 expiration of the minimum project life, the taxpayer shall provide written
31 notification to the ~~commission~~ Department of Agriculture and the division.

32 (B) In addition, the taxpayer shall file an amended tax
33 return and repay the amount of tax credit claimed which was not allowable.

34 (3) If the ~~commission~~ Department of Agriculture determines that
35 the taxpayer has terminated the project, it shall notify the division.

36

1 SECTION 220. DO NOT CODIFY. Changes in membership.

2 (a) Under Section 66 of this act the membership of the Arkansas
3 Natural Resources Commission is modified, and this act shall not shorten the
4 term of any current member of the Arkansas Natural Resources Commission, but
5 the requirement that each congressional district be represented by membership
6 on the commission, and the shortening of the term of membership shall be
7 implemented as terms expire, if a member voluntarily resigns, and by filling
8 vacancies on the Arkansas Natural Resources Commission.

9 (b) Under Section 67 of this act the membership of the Arkansas
10 Natural Resources Commission is modified, and this act shall not shorten the
11 term of any current member of the Arkansas Natural Resources Commission, but
12 the requirement that a minimum of one (1) member of the Arkansas Natural
13 Resources Commission shall be a water well contractor licensed under § 17-50-
14 201 et seq. shall be implemented as terms expire and by filling vacancies on
15 the Arkansas Natural Resources Commission.

16 (c) Under Section 70 of this act the membership of the Arkansas
17 Forestry Commission is modified, and this act shall not shorten the term of
18 any current member of the Arkansas Forestry Commission, but the requirement
19 that at least one (1) member of the Arkansas Forestry Commission shall be a
20 forester registered under the State Board of Registration for Foresters Act §
21 17-31-101 et seq., shall be implemented as terms expire and by filling
22 vacancies on the Arkansas Forestry Commission.

23 (d) Under Section 44 of this act the membership of the Arkansas
24 Livestock and Poultry Commission is modified, and this act shall not shorten
25 the term of any current member of the Arkansas Livestock and Poultry
26 Commission, and the shortening of the term of membership shall be implemented
27 as terms expire, if a member voluntarily resigns, and by filling vacancies on
28 the Arkansas Livestock and Poultry Commission.

29
30 SECTION 221. EMERGENCY CLAUSE.

31 It is found and determined by the General Assembly of the State of
32 Arkansas that it is important to Arkansans that state government services are
33 provided in an efficient and cost-effective manner; that the consolidation of
34 state entities that perform similar functions and serve similar
35 constituencies is an effective way to achieve both operational efficiencies
36 and economies of scale; that this act abolishing and transferring the duties

1 of the Arkansas Milk Stabilization Board, the Arkansas Seed Arbitration
2 Committee, the Arkansas State Board of Registration for Foresters, the
3 Arkansas State Board of Registration for Professional Soil Classifiers, the
4 Commission on Water Well Construction, the Private Wetland and Riparian Zone
5 Creation, Restoration, and Conservation Committee, the Veterinary Medical
6 Examining Board, the Abandoned Pesticide Advisory Board, the Arkansas
7 Agriculture Board, and the Red River Commission will increase the
8 effectiveness of the industries regulated by the state entities; that the
9 transfer of the duties of these state entities to the Arkansas Livestock and
10 Poultry Commission, the Department of Agriculture, the State Plant Board, the
11 Arkansas Forestry Commission, and the Arkansas Natural Resources Commission
12 will increase these entities' ability to protect the safety and property of
13 Arkansas citizens; that this act should become effective on July 1, 2023, to
14 coincide with the beginning of the fiscal year of the state and ensure that
15 the Arkansas Livestock and Poultry Commission, the Department of Agriculture,
16 the State Plant Board, the Arkansas Forestry Commission, and the Arkansas
17 Natural Resources Commission provide expanded vital services as the transfer
18 of duties is implemented and do not experience any issues with funding under
19 the transfer of duties. Therefore, an emergency is declared to exist, and
20 this act being necessary for the preservation of the public peace, health,
21 and safety shall become effective on July 1, 2023.

22
23 */s/B. Johnson*
24
25
26
27
28
29
30
31
32
33
34
35
36