

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 191

By: Senator D. Wallace
By: Representative Eaves

For An Act To Be Entitled

AN ACT TO AMEND THE METHOD OF HOW BOARD MEMBERS ARE
SELECTED TO THE STATE PLANT BOARD; TO DECLARE AN
EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE METHOD OF HOW BOARD MEMBERS
ARE SELECTED TO THE STATE PLANT BOARD;
AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 2-16-206(a), concerning the membership of the State Plant Board, is amended to read as follows:

(a) There is created and established a State Plant Board, composed of nineteen (19) members, as follows:

(1) Two (2) nonvoting members designated by the Vice President for Agriculture of the University of Arkansas or his or her designee;

(2) A practical cotton grower, actively ~~and~~ or principally engaged, currently or previously, in the production of cotton, to be appointed by the Governor and confirmed by the Senate;

(3) One (1) member to represent the fertilizer industry, who is actively or principally engaged, currently or previously, in the agricultural fertilizer industry, shall be appointed by the Governor and confirmed by the Senate ~~from a list of at least two (2) names submitted by the Arkansas Plant Food Association;~~

(4) A practical rice grower, actively ~~and~~ or principally



engaged, currently or previously, in the production of rice, to be appointed by the Governor and confirmed by the Senate;

(5) ~~A practical horticulturist or nurseryman~~ One (1) member to represent horticulture, nurseryman, ornamental production, or lawn care industries, who is, actively ~~and~~ or principally engaged, currently or previously, in the ~~business~~ horticulture, nurseryman, ornamental production, or lawn care industries, to be appointed by the Governor and confirmed by the Senate ~~from a list of at least two (2) names submitted by the Arkansas State Horticultural Society and the Arkansas Green Industry Association;~~

(6) A practical corn, peanut, sorghum, turf, or wheat grower, actively ~~and~~ or principally engaged, currently or previously, in the production of corn, peanuts, sorghum, turf, or wheat, to be appointed by the Governor and confirmed by the Senate;

(7) A practical soybean grower, actively ~~and~~ or principally engaged, currently or previously, in the production of soybeans, to be appointed by the Governor and confirmed by the Senate;

(8) One (1) member ~~representing~~ to represent the pest control operators industry, who is actively or principally engaged, currently or previously, in the pest control industry as a licensed pest control operator in Arkansas, shall be appointed by the Governor and confirmed by the Senate ~~from a list of at least two (2) names submitted by the Arkansas Pest Management Association, Inc.;~~

(9) ~~A seed dealer~~ One (1) member to represent seed dealers, who is actively ~~and~~ or principally engaged, currently or previously, in the ~~business~~ seed dealer industry as a seed dealer in Arkansas, to be appointed by the Governor and confirmed by the Senate ~~from a list of at least two (2) names submitted by the Arkansas Seed Dealers' Association;~~

(10) ~~A seed grower~~ One (1) member to represent seed growers, who is actively ~~and~~ or principally engaged, currently or previously, in the ~~business~~ seed grower industry as a seed grower in Arkansas, to be appointed by the Governor and confirmed by the Senate ~~from a list of at least two (2) names submitted by the Arkansas Seed Growers Association;~~

(11) One (1) member ~~representing~~ to represent the retail or wholesale fuel industry, who is actively or principally engaged, currently or previously, in the retail or wholesale fuel industry in Arkansas, shall be appointed by the Governor and confirmed by the Senate ~~from a list of at least~~

~~two (2) names submitted by the Arkansas Oil Marketers Association;~~

(12) One (1) member ~~representing pesticide manufacturers~~ who is actively or principally engaged, currently or previously, in the agricultural pesticide industry in Arkansas, shall be appointed by the Governor and confirmed by the Senate ~~from a list of at least two (2) names submitted by the Arkansas Crop Protection Association, Inc.;~~

(13) One (1) member ~~representing agricultural aviators~~ to represent the agricultural aviation industry, who is actively or principally engaged, currently or previously, in the agricultural aviation industry in Arkansas, to be appointed by the Governor and confirmed by the Senate ~~from a list of at least two (2) names submitted by the Arkansas Agricultural Aviation Association;~~

(14) One (1) member representing the timber and forest products sector, who is actively or principally engaged, currently or previously, in the timber and forest products sector, shall be appointed by the Governor and confirmed by the Senate ~~from a list of at least two (2) names submitted by the Arkansas Forestry Association;~~

(15) Two (2) farmers actively ~~and~~ or principally engaged, currently or previously, in the production of corn, cotton, peanuts, rice, sorghum, soybeans, turf, or wheat in this state, appointed by the Governor and confirmed by the Senate;

(16) A practical livestock producer, actively ~~and~~ or principally engaged, currently or previously, in the production of livestock, to be appointed by the Governor and confirmed by the Senate; and

(17) A practical forage grower, actively ~~and~~ or principally engaged, currently or previously, in the production of forage, to be appointed by the Governor and confirmed by the Senate.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the appointment process for nine (9) of the seventeen (17) members seats of the State Plant Board was found to be unconstitutional as decreed by judicial order in Pulaski County Circuit Court Case No. 60 CV-21-5113; that the appointment process outlined in § 2-16-206(a) required the Governor to appoint certain members of the State Plant Board from lists of nominees prepared by private business associations; that this is an unconstitutional delegation of public power to

private interests in violation of Articles 2, 4, and 5 of the Arkansas Constitution; that the inordinate number of vacancies has made it almost impossible for the State Plant Board to conduct its statutorily mandated functions that are necessary for the regulation and oversight of the agriculture industry in this state; and that this act is immediately necessary because the vacancies on the State Plant Board need to be filled immediately so that the State Plant Board can fully function to ensure public peace, health, and safety in matters related to the agriculture industry. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

APPROVED: 2/24/23