

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 453

By: Senator B. King

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE DEPARTMENT OF AGRICULTURE; TO TRANSFER CERTAIN DUTIES TO THE SECRETARY OF THE DEPARTMENT OF AGRICULTURE; TO AMEND THE APPOINTMENT AND REAPPOINTMENT PROCESS OF THE SECRETARY OF THE DEPARTMENT OF AGRICULTURE; TO PROHIBIT CERTAIN POSITIONS WITHIN THE DEPARTMENT OF AGRICULTURE FROM BEING FILLED AND TO ELIMINATE THOSE POSITIONS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE DEPARTMENT OF AGRICULTURE.

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

SECTION 1. Arkansas Code § 2-22-101(14), concerning the definition of the State Apiarist related to the regulation of bees and apiaries, is amended to read as follows:

(14) "State Apiarist" means the ~~Director of the Division of Plant Industries of the State Plant Board~~ Secretary of the Department of Agriculture.

SECTION 2. Arkansas Code § 2-33-104 is amended to read as follows:

2-33-104. ~~Director~~ Duties of the Secretary of the Department of Agriculture.

(a)(1) ~~The Director of the Arkansas Livestock and Poultry Commission shall be appointed by the Governor and shall serve at the pleasure of the~~



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~~Governor.~~

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

(b)(1) The ~~secretary~~ Secretary of the Department of Agriculture may delegate ~~to the director~~ any of the powers or duties required to administer the:

(A) Statutory duties of the Arkansas Livestock and Poultry Commission; and

(B) Rules, orders, or directives promulgated or issued by the commission.

(2) The ~~director~~ secretary may exercise the powers and duties ~~delegated to him or her under subdivision (b)(1) of~~ under this section in the name of the commission and of the Department of Agriculture.

SECTION 3. Arkansas Code § 2-40-206(a)(1)(B)(i), concerning the authority of the Arkansas Livestock and Poultry Commission to promulgate an emergency rule related to bovine disease if an emergency is determined, amended to read as follows:

(B)(i) However, if the ~~Director of the Arkansas Livestock and Poultry Commission~~ Secretary of the Department of Agriculture determines there is an emergency, the Arkansas Livestock and Poultry Commission may promulgate a rule to temporarily raise the fee set in subdivision (a)(1)(A) of this section after receiving approval of the rule from the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee.

SECTION 4. Arkansas Code § 15-31-103(b), concerning the State Forester's membership on the Arkansas Forestry Commission, is amended to read as follows:

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

SECTION 5. Arkansas Code § 15-31-104 is amended to read as follows:

15-31-104. State Forester.

~~(a) The State Forester shall be appointed by the Governor, and shall serve at the pleasure of the Governor.~~

~~(b) The State Forester shall report to the Secretary of the Department of Agriculture~~ Secretary of the Department of Agriculture shall act as the State Forester.

~~(e)(1)(b)(1)~~ The secretary may delegate ~~to the State Forester~~ any of the powers or duties required to administer the:

(A) Statutory duties of the Arkansas Forestry Commission;
and

(B) Rules, orders, or directives promulgated or issued by the commission.

(2) The ~~State Forester~~ secretary may exercise the powers and duties ~~delegated to him or her~~ under subdivision ~~(e)(1)(b)(1)~~ of this section in the name of the commission and the ~~department~~ Department of Agriculture.

(3) The commission may delegate to the department any of the powers or duties vested in or imposed upon the commission by law, and these delegated powers or duties may be exercised by the secretary or his or her designee.

~~(d)(c)~~ The ~~State Forester~~ secretary shall:

(1) Have earned at a minimum a bachelor's degree in forestry from an accredited four-year program at an institution of higher education;
and

(2) Have not less than three (3) years' practical administrative and field experience in forestry.

SECTION 6. Arkansas Code § 15-31-116(b)(2), concerning liability related to donated fire control or fire rescue equipment, is amended to read as follows:

(2) The commission, ~~the State Forester~~, the Department of Agriculture, the Secretary of the Department of Agriculture, and other officers and employees of the department are not liable in civil damages for personal injury, property damage, or death resulting from a defect in equipment sold, loaned, or otherwise made available in good faith by the ~~State Forester~~ secretary under this section unless the act or omission of the commission, ~~the State Forester~~, the department, the secretary, or the officer

or employee of the department proximately causing the claim, damage, or loss constitutes malice, gross negligence, recklessness, or intentional misconduct.

SECTION 7. Arkansas Code § 15-31-201 is amended to read as follows:
15-31-201. Administration.

The administration of the provisions of this subchapter shall be under the direction of the ~~State Forester~~ Secretary of the Department of Agriculture.

SECTION 8. The introductory language of Arkansas Code § 15-31-202(b), concerning the provision of technical assistance to a forest landowner, is amended to read as follows:

(b) Upon receipt of a request from a forest landowner for technical forestry assistance or service, the ~~State Forester~~ Secretary of the Department of Agriculture or his or her authorized agent may:

SECTION 9. Arkansas Code § 15-31-203 is amended to read as follows:
15-31-203. Payment for services – Free services.

(a) For designating, measuring, or estimating services, the landowner or his or her agent, upon presentation of a statement, shall pay to the ~~State Forester~~ Secretary of the Department of Agriculture, within thirty (30) days of receipt of the statement, an amount not to exceed five percent (5%) of the sale price or fair market value of the stumpage so designated and measured or estimated.

(b) However, for the purpose of further encouraging the use of approved scientific forestry principles on the private forest lands of this state and to permit explanation of the application of principles, the ~~State Forester~~ secretary, where he or she deems it advisable, may designate and measure or estimate without charge the trees of a forest landowner on an area not in excess of eighty (80) acres.

SECTION 10. Arkansas Code § 15-31-205 is amended to read as follows:
15-31-205. Disposition of revenues.

All moneys collected under the provisions of this subchapter shall be deposited with the ~~State Forester~~ Secretary of the Department of Agriculture

and shall be used by him or her in carrying out the provisions of this subchapter.

SECTION 11. Arkansas Code § 15-33-102 is amended to read as follows:

15-33-102. ~~State Forester~~ Secretary of the Department of Agriculture as compact administrator.

The ~~State Forester~~ Secretary of the Department of Agriculture is designated as the South Central Interstate Forest Fire Protection Compact administrator for this state and shall consult with like officials of the other member states and shall implement cooperation between member states in forest fire prevention and control.

SECTION 12. Arkansas Code § 15-57-315(8)(A), concerning authorization for the Division of Environmental Quality's approval of an operator of an open-cut mine's reclamation plan to be based on advice and technical assistance from certain stakeholders, is amended to read as follows:

(8)(A) The division's approval of the operator's reclamation plan may be based upon the advice and technical assistance of the Arkansas Natural Resources Commission, the Arkansas State Game and Fish Commission, the ~~State Forester~~ Secretary of the Department of Agriculture, the Office of the State Geologist, and other agencies or persons having experience in foresting and reclaiming open-cut mined lands with forest or agronomic or horticultural species, based upon scientific knowledge from research into reclaiming and utilizing forest and agronomic species on open-cut mined lands.

SECTION 13. Arkansas Code § 25-38-202(b)(2), concerning the appointment of the Secretary of the Department of Agriculture, is amended to read as follows:

(2)(A)(i) The secretary shall be selected by the Governor and confirmed by the Senate.

(ii) A committee composed of members of the Senate whose districts have agriculture as the primary industry as determined by the Governor first shall confirm an individual selected as secretary before the individual selected as secretary is confirmed by the Senate.

(B)(i) The secretary shall serve at the pleasure of the

Governor.

(ii) The reappointment of the secretary shall follow the process provided under subdivision (b)(2)(A) of this section.

SECTION 14. DO NOT CODIFY. Elimination of positions.

(a) The General Assembly intends with this act for the following positions at the Department of Agriculture and its divisions to be eliminated and not be filled:

(1) Deputy Secretary of the Department of Agriculture, position number 22133710, authorized job U072U, authorized grade SE02;

(2) Laboratory Director of the Department of Agriculture, position number 22142797, authorized job U057U, authorized grade SE01;

(3) Director of the Arkansas Livestock and Poultry Commission, position number 22177528, authorized job U048U, authorized grade SE01;

(4) Director of the Natural Resources Division, position number 22087699, authorized job U043U, authorized grade SE01;

(5) Director of the Plant Industry Division, position number 22088003, authorized job U044U, authorized grade SE01;

(6) State Forester, position number 22088666, authorized job U003U, authorized grade SE01; and

(7) General Counsel of the Department of Agriculture, position number 22181808, authorized job G345C, authorized grade GS15.

(b) To the extent a position listed in subdivision (a)(1) of this section is filled at the effective date of this act, the individual filling the position shall be terminated, and the position shall not be filled following the termination.

(c) To the extent that an appropriation bill or a substantive bill enacted by the General Assembly conflicts with this bill draft regarding the positions identified in subsection (a) of this section, this bill draft shall supersede the other bill draft as it relates to the positions identified in subsection (a) of this section.

SECTION 15. DO NOT CODIFY. Reappointment of the Secretary of the Department of Agriculture.

The Secretary of the Department of Agriculture who is in the position at the effective date of this act shall be reappointed, including without

limitation by submittal to the Senate for confirmation under Section 13 of this act within thirty (30) days of the effective date of this act.