

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025

A Bill

SENATE BILL 453

4
5 By: Senator B. King
6
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE LAW CONCERNING THE DEPARTMENT OF
10 AGRICULTURE; TO TRANSFER CERTAIN DUTIES TO THE
11 SECRETARY OF THE DEPARTMENT OF AGRICULTURE; TO AMEND
12 THE APPOINTMENT AND REAPPOINTMENT PROCESS OF THE
13 SECRETARY OF THE DEPARTMENT OF AGRICULTURE; TO
14 PROHIBIT CERTAIN POSITIONS WITHIN THE DEPARTMENT OF
15 AGRICULTURE FROM BEING FILLED AND TO ELIMINATE THOSE
16 POSITIONS; AND FOR OTHER PURPOSES.
17
18

Subtitle

19
20 TO AMEND THE LAW CONCERNING THE
21 DEPARTMENT OF AGRICULTURE.
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

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

28 (14) "State Apiarist" means the ~~Director of the Division of Plant~~
29 ~~Industries of the State Plant Board~~ Secretary of the Department of
30 Agriculture.
31

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

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

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



1 ~~Governor.~~

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

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

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

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

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

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

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

27

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

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

35

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

1 15-31-104. State Forester.

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

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

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

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

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

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

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

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

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

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

26
27 SECTION 6. Arkansas Code § 15-31-116(b)(2), concerning liability
28 related to donated fire control or fire rescue equipment, is amended to read
29 as follows:

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

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

4
5 SECTION 7. Arkansas Code § 15-31-201 is amended to read as follows:
6 15-31-201. Administration.

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

10
11 SECTION 8. The introductory language of Arkansas Code § 15-31-202(b),
12 concerning the provision of technical assistance to a forest landowner, is
13 amended to read as follows:

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

17
18 SECTION 9. Arkansas Code § 15-31-203 is amended to read as follows:
19 15-31-203. Payment for services – Free services.

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

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

32
33 SECTION 10. Arkansas Code § 15-31-205 is amended to read as follows:
34 15-31-205. Disposition of revenues.

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

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

3

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

5 15-33-102. ~~State Forester~~ Secretary of the Department of Agriculture as
6 compact administrator.

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

12

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

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

26

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

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

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

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

1 Governor.

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

4
5 SECTION 14. DO NOT CODIFY. Elimination of positions.

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

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

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

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

15 (4) Director of the Natural Resources Division, position number
16 22087699, authorized job U043U, authorized grade SE01;

17 (5) Director of the Plant Industry Division, position number
18 22088003, authorized job U044U, authorized grade SE01;

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

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

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

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

32
33 SECTION 15. DO NOT CODIFY. Reappointment of the Secretary of the
34 Department of Agriculture.

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

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

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