

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

A Bill

SENATE BILL 191

5 By: Senator D. Wallace
6 By: Representative Eaves
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE METHOD OF HOW BOARD MEMBERS ARE
10 SELECTED TO THE STATE PLANT BOARD; TO DECLARE AN
11 EMERGENCY; AND FOR OTHER PURPOSES.
12
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Subtitle

15 TO AMEND THE METHOD OF HOW BOARD MEMBERS
16 ARE SELECTED TO THE STATE PLANT BOARD;
17 AND TO DECLARE AN EMERGENCY.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 2-16-206(a), concerning the membership of
23 the State Plant Board, is amended to read as follows:

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 12 (1) The date of its approval by the Governor;
- 13 (2) If the bill is neither approved nor vetoed by the Governor,
14 the expiration of the period of time during which the Governor may veto the
15 bill; or
- 16 (3) If the bill is vetoed by the Governor and the veto is
17 overridden, the date the last house overrides the veto.

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