

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/5/03 H3/13/03 H3/19/03

A Bill

Act 1059 of 2003
HOUSE BILL 1652

5 By: Representatives Scroggin, Agee, Berry, Gillespie, Borhauer, Edwards, Judy
6 By: Senators Baker, Horn, Whitaker
7

For An Act To Be Entitled

10 ARKANSAS SOIL NUTRIENT MANAGEMENT PLANNER AND
11 APPLICATOR CERTIFICATION ACT; AND FOR OTHER
12 PURPOSES.
13

Subtitle

15 AN ACT TO CERTIFY SOIL NUTRIENT
16 MANAGEMENT PLANNERS AND SOIL NUTRIENT
17 APPLICATORS
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Effective January 1, 2004, Arkansas Code Title 15, Chapter
26 20, is amended to add an additional subchapter to read as follows:

27 15-20-1001. Title.

28 This subchapter shall be known and may be cited as the "Arkansas Soil
29 Nutrient Management Planner and Applicator Certification Act".
30

31 15-20-1002. Legislative intent.

32 The Arkansas General Assembly finds that:

33 (1) proper application of nutrients is necessary for maximum soil
34 fertility and proper plant growth;

35 (2) Failure to properly apply nutrients to soil may result in, a waste
36 of a valuable resource and may negatively impact waters within the state;



1 (3) Persons developing soil nutrient plans or applying nutrients to
2 soil should have certain knowledge, skills, and abilities to ensure the
3 proper use of soil nutrients; and

4 (4) A certification system must be developed to determine that persons
5 certified have the knowledge, skill, and abilities to properly develop
6 nutrient management plans or properly apply soil nutrients.

7
8 15-20-1003. Definitions.

9 As used in this subchapter:

10 (1) "Commission" means the Arkansas Soil and Water Conservation
11 Commission;

12 (2) "Crop" means any vegetative cover;

13 (3) "Director" means the Executive Director of the Arkansas Soil and
14 Water Conservation Commission;

15 (4) "Litter" means byproducts associated with the confinement of
16 livestock, including excrement, feed wastes, bedding materials, composted
17 carcasses, and any combinations thereof;

18 (5) "Livestock" means animals kept or raised for use or pleasure,
19 especially farm animals kept for use and profit, including horses, cattle,
20 swine, and poultry;

21 (6)(A) "Nutrient" means a substance or recognized plant nutrient,
22 element or compound which is used or sold for its plant nutritive content or
23 its claimed nutritive value.

24 (B) "Nutrient" includes litter, compost as fertilizer,
25 commercially manufactured chemical or organic fertilizers, sewage sludge, or
26 combinations thereof;

27 (7) "Nutrient applicator" means any person who applies nutrients to
28 soil or associated crops;

29 (8) "Nutrient application" means the process by which humans apply
30 nutrients to soil or associated crops;

31 (9) "Nutrient management plan" means any plan prepared to assist
32 landowners and operators in the proper management and utilization of nutrient
33 sources for maximum soil fertility and protection of the waters within the
34 state;

35 (10) "Nutrient surplus area" means: the Illinois River watershed,
36 included within Benton, Washington, and Crawford counties; the Spavinaw Creek

1 watershed, included within Benton County; the Honey Creek watershed, included
2 within Benton County; the Little Sugar Creek watershed, included within
3 Benton County; the upper Arkansas River watershed which includes Lee Creek
4 within Crawford and Washington counties, and Massard Creek within Sebastian
5 County; the Poteau River watershed, included within Scott, Sebastian, and
6 Polk counties; the Mountain Fork of the Little River watershed, included
7 within Polk County; and the upper White River watershed above its confluence
8 with the Buffalo River, included within Benton, Carroll, Washington, Madison,
9 Franklin, Newton, Searcy, Marion, and Boone counties. No additional areas may
10 be added unless the areas are added as nutrient surplus areas pursuant to
11 Arkansas Code Title 15, Chapter 20, Subchapter 11;

12 (11) "Person" means any natural person; and

13 (12) "Waters within the state" means all streams, lakes, marshes,
14 ponds, watercourses, waterways, wells, springs, irrigation systems, drainage
15 systems, and all other bodies or accumulations of water, surface and
16 underground, natural or artificial, public or private, that are contained
17 within, flow through, or border upon this state or any portion of the state.

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19 15-20-1004. Nutrient planner program.

20 (a) The Arkansas Soil and Water Conservation Commission shall develop
21 and implement a nutrient management education, training, and certification
22 program to certify the minimal competence and knowledge of a person preparing
23 a nutrient management plan.

24 (b)(1) The planner certification program is voluntary for planners who
25 develop plans outside nutrient surplus areas.

26 (2) The commission may not require nutrient planners to become
27 certified unless the planner intends to develop plans for areas within
28 nutrient surplus areas or the plans or the components of the plans are to be
29 paid in whole or part by federal or state funds.

30 (c) The commission shall promulgate regulations that:

31 (1) Specify qualifications and standards for a person to be
32 deemed competent in nutrient management plan preparation, and providing for
33 the issuance of documentation of certification to the person;

34 (2) Specify the conditions under which a certification issued
35 may be suspended or revoked;

36 (3) Establish fees to be paid by a person enrolling in the

1 training and certification programs;

2 (4) Provide for the performance of other duties and the exercise
3 of other powers by the Executive Director of the Arkansas Soil and Water
4 Conservation Commission as may be necessary to provide for the training and
5 certification of a person preparing nutrient management plans; and

6 (5) Give due consideration to relevant existing agricultural or
7 other certification programs.

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9 15-20-1005. Nutrient applicator program.

10 (a) The Arkansas Soil and Water Conservation Commission shall develop
11 and implement a nutrient applicator training and certification program to
12 certify the competence and knowledge of a person making nutrient application,
13 including the proper utilization of litter.

14 (b)(1) The applicator certification program is voluntary for
15 applicators that apply nutrients outside nutrient surplus areas.

16 (2) The commission may not require nutrient applicators to
17 become certified unless the applicator intends to apply nutrients within
18 nutrient surplus areas or otherwise utilize litter produced within nutrient
19 surplus areas.

20 (c) The commission shall promulgate regulations that:

21 (1) Specify the qualifications and standards for a person to be
22 deemed competent in nutrient application, and provide for the issuance of
23 documentation of certification to the person;

24 (2) Specify the conditions under which a certification issued
25 may be suspended or revoked;

26 (3) Establish fees to be paid by persons enrolling in the
27 training and certification programs; and

28 (4) Provide for the performance of other duties and the exercise
29 of other powers by the Executive Director of the Arkansas Soil and Water
30 Conservation Commission as may be necessary to provide for the training and
31 certification of a person making nutrient application.

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33 15-20-1006. Procedure.

34 (a) The process for the development of regulations and the imposition
35 of administrative penalties shall be conducted pursuant to the Arkansas
36 Administrative Procedure Act, § 25-15-201, et seq.

