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.

State of Arkansas  
84th General Assembly  
Regular Session, 2003  

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

For An Act To Be Entitled  
ARKANSAS SOIL NUTRIENT MANAGEMENT PLANNER AND APPLICATOR CERTIFICATION ACT; AND FOR OTHER PURPOSES.  

Subtitle  
AN ACT TO CERTIFY SOIL NUTRIENT MANAGEMENT PLANERS AND SOIL NUTRIENT APPLICATORS  

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

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

15-20-1001. Title.  
This subchapter shall be known and may be cited as the “Arkansas Soil Nutrient Management Planner and Applicator Certification Act”.  

15-20-1002. Legislative intent.  
The Arkansas General Assembly finds that:  
(1) proper application of nutrients is necessary for maximum soil fertility and proper plant growth;  
(2) Failure to properly apply nutrients to soil may result in, a waste of a valuable resource and may negatively impact waters within the state;
(3) Persons developing soil nutrient plans or applying nutrients to soil should have certain knowledge, skills, and abilities to ensure the proper use of soil nutrients; and

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

As used in this subchapter:
(1) “Commission” means the Arkansas Soil and Water Conservation Commission;
(2) "Crop" means any vegetative cover;
(3) “Director” means the Executive Director of the Arkansas Soil and Water Conservation Commission;
(4) “Litter” means byproducts associated with the confinement of livestock, including excrement, feed wastes, bedding materials, composted carcasses, and any combinations thereof;
(5) "Livestock" means animals kept or raised for use or pleasure, especially farm animals kept for use and profit, including horses, cattle, swine, and poultry;
(6)(A) “Nutrient” means a substance or recognized plant nutrient, element or compound which is used or sold for its plant nutritive content or its claimed nutritive value.
(6)(B) “Nutrient” includes litter, compost as fertilizer, commercially manufactured chemical or organic fertilizers, sewage sludge, or combinations thereof;
(7) “Nutrient applicator” means any person who applies nutrients to soil or associated crops;
(8) "Nutrient application" means the process by which humans apply nutrients to soil or associated crops;
(9) “Nutrient management plan” means any plan prepared to assist landowners and operators in the proper management and utilization of nutrient sources for maximum soil fertility and protection of the waters within the state;
(10) “Nutrient surplus area” means: the Illinois River watershed, included within Benton, Washington, and Crawford counties; the Spavinaw Creek
watershed, included within Benton County; the Honey Creek watershed, included within Benton County; the Little Sugar Creek watershed, included within Benton County; the upper Arkansas River watershed which includes Lee Creek within Crawford and Washington counties, and Massard Creek within Sebastian County; the Poteau River watershed, included within Scott, Sebastian, and Polk counties; the Mountain Fork of the Little River watershed, included within Polk County; and the upper White River watershed above its confluence with the Buffalo River, included within Benton, Carroll, Washington, Madison, Franklin, Newton, Searcy, Marion, and Boone counties. No additional areas may be added unless the areas are added as nutrient surplus areas pursuant to Arkansas Code Title 15, Chapter 20, Subchapter 11:

(11) “Person” means any natural person; and

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


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

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

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

(c) The commission shall promulgate regulations that:

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

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

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

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


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

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

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

(c) The commission shall promulgate regulations that:

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

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

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

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


(a) The process for the development of regulations and the imposition
of administrative penalties shall be conducted pursuant to the Arkansas
(b) Any records collected by the commission in furtherance of this subchapter that contain information about a specific nutrient management plan or specific nutrient application shall not be made public record.

15-20-1007. Disposition of fees and penalties.
(a) Fees paid and penalties collected shall be deposited in the Arkansas Water Development Fund and used in furtherance of the nutrient management program, including this subchapter.
(b) Fees collected shall be cash funds when received by the Treasurer of the State and shall not be deposited or deemed to be a part of the State Treasury for the purposes of Arkansas Constitution, Article 5, § 29; Arkansas Constitution, Article 16, §12; Arkansas Constitution, Amendment 20; or any other constitutional or statutory provision.

15-20-1008. Administrative penalties.
(a) The Arkansas Soil and Water Conservation Commission may impose administrative penalties not to exceed one thousand dollars ($1,000) per violation against any person violating this subchapter or regulations adopted pursuant to this subchapter.
(b) The commission or the director may issue subpoenas under Arkansas Code § 15-22-208.
(c) If a person against whom an administrative penalty has been imposed by the commission, as authorized in this section, fails to pay the penalty to the commission, the commission may file an action to collect the administrative penalty in the circuit court of the county in which the person resides.

/s/ Scroggin, et al

APPROVED: 4/3/2003