

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 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1527

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5 By: Representative Petrus
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For An Act To Be Entitled

9 AN ACT TO CLARIFY THE SCOPE AND REQUIREMENTS FOR
10 LICENSURE AS AN AGRICULTURAL CONSULTANT; TO
11 INCREASE THE PENALTY FOR VIOLATIONS OF THE
12 AGRICULTURAL CONSULTANTS LICENSING ACT OF 1987;
13 AND FOR OTHER PURPOSES.
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Subtitle

15 AN ACT TO CLARIFY THE REQUIREMENTS FOR
16 LICENSURE AS AN AGRICULTURAL CONSULTANT.
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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 § 17-13-103 is amended to read as follows:
23 17-13-103. Functions of licensed agricultural consultant.

24 A licensed agricultural consultant is a person who is licensed by the
25 State Plant Board to perform the following functions:

26 (1) Provide advice or prescriptions for the control or
27 eradication of any insect or mite pest;

28 (2) Provide advice or prescriptions for the control or
29 eradication of any plant pathogen, including nematodes;

30 (3) Provide advice or prescriptions for the control or
31 eradication of any weed; ~~and~~

32 (4) Provide advice or prescriptions for the use of fertilizer,
33 lime, or micronutrients based on soil classification and cropping systems and
34 soil or plant tests; and

35 (5) Provide other functions as the board may deem appropriate.
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SECTION 2. Arkansas Code § 17-13-104 is amended to read as follows:
17-13-104. Inapplicable to forestry consultants.

(a) This chapter shall in no way apply to:

(1) ~~forestry~~ Forestry consultants or in any way restrict or regulate forestry consultants.

(2) State, federal, or local government employees or employees of local conservation districts or in any way restrict or regulate those employees while working in their official capacity.

SECTION 3. Arkansas Code § 17-13-105 is amended to read as follows:
17-13-105. Penalty.

Any person who holds himself or herself out as a licensed agricultural consultant and who is not licensed as an agricultural consultant by the State Plant Board shall be subject to a fine not to exceed ~~one hundred dollars (\$100) for the first offense and not to exceed five hundred dollars (\$500) for subsequent offenses~~ six hundred dollars (\$600) for the first offense and not to exceed one thousand dollars (\$1,000) for subsequent offenses.

SECTION 4. Arkansas Code § 17-13-106 is amended to read as follows:
17-13-106. Administration.

The State Plant Board shall:

(1) Administer and enforce this chapter;

(2) Promulgate, pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., regulations necessary for the implementation of this chapter;

(3) Establish annual license fees not to exceed ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100);

(4) Formulate criteria for continuing educational training of licensed agricultural consultants in cooperation with the cooperative extension service; and

(5) Revoke or suspend any agricultural consultant's license for cause.

SECTION 5. Arkansas Code § 17-13-107 is amended to read as follows:
17-13-107. Requirements for licensing.

~~No person shall be licensed as an agricultural consultant unless he or~~

~~she furnishes satisfactory evidence that he or she meets at least one (1) of the following requirements:~~

~~(1) Holds a master's or Ph.D. degree from a college or university acceptable to the State Plant Board in appropriate agricultural disciplines and passes a written examination administered by the board; or~~

~~(2) Holds a bachelor's degree from a college or university acceptable to the board with at least twelve (12) semester hours of credit or its equivalent in appropriate agricultural disciplines and has one (1) year of experience in the field of crop or livestock and poultry management and passes a written examination administered by the board; or~~

~~(3) Has completed two (2) full years of training from a college or university acceptable to the board with at least nine (9) semester hours of credit or its equivalent in appropriate agricultural disciplines and has three (3) years of experience in the field of crop management and passes a written examination administered by the board.~~

(a)(1) No person may provide agricultural consulting for a fee that is directly tied to and identifiable with the agricultural consulting without a license issued by the State Plant Board under this subchapter.

(2) A person who provides agricultural consulting without charging a fee may be licensed under this subchapter if the person meets the requirements of this subchapter.

(b) Within the first year after the effective date of this section, a person may be licensed as an agricultural consultant if the person:

(1) Is currently licensed as an agricultural consultant by the board;

(2) Is certified under the Certified Crop Advisors Program of the American Society of Agronomy;

(3) Is certified by the National Alliance of Independent Crop Consultants; or

(4) Has at least five (5) years of agricultural consultant-related experience.

(c) From two (2) to five (5) years after the effective date of this section, a person may be licensed as an agricultural consultant if the person:

(1) Has completed two (2) full years of training at a college or university acceptable to the board, with at least nine (9) semester hours of

1 credit or their equivalent in appropriate agricultural disciplines;

2 (2) Has three (3) years of experience in the field of crop
3 management; and

4 (3) Passes a written examination administered by the board or by
5 Certified Crop Advisers.

6 (d)(1) Beyond the fifth year after the effective date of this act, a
7 person may be licensed as an agricultural consultant if the person:

8 (A)(i) Has a minimum of a bachelor's degree in a board-
9 approved crop related field; and

10 (ii) Two (2) years experience working for a licensed
11 agricultural consultant; or

12 (B) Has seven (7) years of continuous experience working
13 for a licensed agricultural consultant after the effective date of this
14 section; and

15 (2) Passes a written examination administered by the board or by
16 Certified Crop Advisers.

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