

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1744

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

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE LAW CONCERNING AGRICULTURE; TO
10 AMEND THE LAW RELATED TO FERTILIZER; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14
15 TO AMEND THE LAW RELATED TO FERTILIZER.
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 2-19-202(a)(1), concerning the registration
20 of fertilizer and fertilizer materials, is amended to read as follows:

21 (a)(1)(A) All manufacturers, jobbers, and manipulators of commercial
22 fertilizers and of fertilizer materials to be used in the manufacture of
23 fertilizer, who may desire to sell or offer for sale in Arkansas fertilizer
24 and fertilizer materials, shall first file for registration with the ~~State~~
25 ~~Plant Board~~ Department of Agriculture, upon forms furnished by the ~~Department~~
26 ~~of Agriculture~~ department.

27 (B) The forms shall include the name of the brand of each
28 fertilizer, fertilizer materials, or chemicals which they may desire to sell
29 in the state, either by themselves or their agents, together with the names
30 and addresses of the manufacturers or manipulators, and such other
31 information as may be required by the ~~board~~ State Plant Board in its rules.
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33 SECTION 2. Arkansas Code § 2-19-202(d)(1)(B)(i), concerning the
34 registration of special agricultural crop-use fertilizer, is amended to read
35 as follows:

36 (B)(i) The special agricultural crop-use fertilizers with



1 less than the twenty-unit minimum shall be permitted for sale only after the
2 fertilizer grade is registered with the ~~board~~ department.

3
4 SECTION 3. Arkansas Code § 2-19-203(a), concerning the sale of
5 unregistered fertilizers, is amended to read as follows:

6 (a) It shall be unlawful for any manufacturer, individual,
7 corporation, or company, either by themselves or agents, to sell or offer for
8 sale in this state any fertilizer brand or fertilizer materials that have not
9 been registered with and the registration approved by the ~~State Plant Board~~
10 Department of Agriculture or its authorized representative, as required by
11 this subchapter.

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13 SECTION 4. Arkansas Code § 2-19-206(c)(1), concerning the
14 determination of the market value of the materials used in the manufacture of
15 fertilizer and fertilizer material, is amended to read as follows:

16 (c)(1) The ~~department board~~ shall ascertain the market value of the
17 materials from the manufacturers of fertilizer and fertilizer materials
18 specified in this subchapter to be used in the manufacture of fertilizer and
19 fertilizer materials and from other reliable sources. This determination
20 shall be done to fix units of value on them to be used in determining the
21 amount of damages due when the official analysis shows a deficiency from the
22 guaranteed analysis as specified in this subchapter.

23
24 SECTION 5. Arkansas Code § 2-19-207 is amended to read as follows:
25 2-19-207. Sampling fertilizers.

26 The inspectors for the Department of Agriculture shall obtain samples
27 of fertilizer or fertilizer materials in the following manner:

28 (1) They shall draw samples with a core instrument that shall
29 not be less than twelve inches (12") in length in a manner that will procure a
30 representative sample from such shipments of fertilizer or fertilizer
31 materials as they may be directed by the ~~State Plant Board~~ department or that
32 they may find uninspected;

33 (2) Where there are ten (10) packages or less, they shall take
34 samples from every package; where there are ten (10) or more packages, they
35 shall take samples from ten (10) packages, plus a sample for each additional
36 ton. In no case do more than twenty (20) packages need to be sampled;

1 (3) After thoroughly mixing the samples so drawn, they shall
 2 fill a container to be approved by the ~~board~~ department with a portion of the
 3 mixed sample for chemical analysis or inspection; and

4 (4) Accompanying these samples, a report shall be made giving
 5 the name of the commodity inspected, number of packages represented by
 6 sample, the name of the manufacturer, the guaranteed analysis, the place
 7 where inspected, the date of inspection, and the name of the inspector.

8
 9 SECTION 6. Arkansas Code § 2-19-208(a)(1), concerning the delivery of
 10 samples of fertilizer for analysis, is amended to read as follows:

11 (a)(1) Samples of fertilizer or fertilizer materials obtained by the
 12 inspectors shall be delivered to the Department of Agriculture ~~which shall~~
 13 ~~deliver the samples to the chief department chemist~~ who shall make or cause
 14 to be made a complete analysis thereof.

15
 16 SECTION 7. Arkansas Code § 2-19-209(a)(2), concerning the amount
 17 required to be paid per ton or fractional ton accompanying a tonnage report,
 18 is amended to read as follows:

19 (2)(A)(i) ~~The report shall be accompanied with the sum~~ Upon
 20 receipt of the report, the department shall invoice the responsible party for
 21 payment of the sum of two dollars and forty cents (\$2.40) per ton or
 22 fractional ton.

23 (ii) ~~A fee~~ The sum of two dollars and forty cents
 24 (\$2.40) ~~will accompany~~ shall be paid for each monthly report of tonnage which
 25 amounts to less than one (1) ton.

26 (B) The department shall issue receipt for the amount
 27 received and shall deposit the sums received as follows:

28 (i) Sixty-two cents (62¢) of the two-dollar-and-
 29 forty-cent ~~fee~~ sum per ton or fractional ton inspected shall be deposited
 30 with the Treasurer of State as special revenues and shall be credited to the
 31 Plant Board Fund to be used for the maintenance, operation, support, and
 32 improvement of the State Plant Board programs; and

33 (ii)(a)(1) One dollar and seventy-eight cents
 34 (\$1.78) of the two-dollar-and-forty-cent ~~fee~~ sum per ton or fractional ton
 35 inspected shall be:

36 (A) Remitted to the Board of

1 Trustees of the University of Arkansas; and

2 (B) Credited to a fund to be known
 3 as the "University of Arkansas, Division of Agriculture, Soil Testing and
 4 Research Fund" to be maintained in accounts in one (1) or more financial
 5 institutions in the State of Arkansas.

6 (2) Funds shall be expended:

7 (A) Exclusively for soil testing
 8 service and soil fertility research by the Board of Trustees of the
 9 University of Arkansas under appropriations made by the General Assembly; and

10 (B) In support of one (1) or more
 11 soil testing laboratories at the Division of Agriculture of the University of
 12 Arkansas's research and extension centers and research stations as determined
 13 and designated by the Vice President for Agriculture of the University of
 14 Arkansas, and soil fertility activities within the State of Arkansas.

15 (b)(1) The Board of Trustees of the University
 16 of Arkansas shall provide for the investment of any funds in the University
 17 of Arkansas, Division of Agriculture, Soil Testing and Research Fund that are
 18 not needed for current operations of the soil testing laboratories and soil
 19 fertility service and research activities and shall credit the interest
 20 earned on that investment to the credit of the University of Arkansas,
 21 Division of Agriculture, Soil Testing and Research Fund.

22 (2) The investment shall be of the type
 23 and nature authorized for the investment of average daily State Treasury
 24 balances by the State Board of Finance.

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26 SECTION 8. Arkansas Code § 2-19-209(b)(3), concerning the penalty for
 27 a late report or failure to report the entire amount of fertilizer sold, is
 28 amended to read as follows:

29 (3) For a late report or for failure to report the entire amount
 30 sold, the sum owed for tonnage ~~fee~~ on the late reported or unreported amount
 31 shall be enhanced by ten percent (10%) if less than fifteen (15) days late,
 32 twenty percent (20%) if less than thirty-one (31) days late, and doubled if
 33 more than thirty (30) days late. Penalties shall be deposited into the Plant
 34 Board Fund; otherwise, registrations may be cancelled by the State Plant
 35 Board.

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1 SECTION 9. Arkansas Code § 2-19-211 is amended to read as follows:

2 2-19-211. Use of penalties from sums owed for fertilizer tonnage ~~fees~~.

3 All penalties received by the Department of Agriculture for failure to
4 pay or report sums owed for fertilizer tonnage ~~fees~~ shall be remitted to the
5 Board of Trustees of the University of Arkansas, to be credited to the
6 University of Arkansas, Division of Agriculture, Soil Testing and Research
7 Fund in the same manner as prescribed by § 2-19-209 and to be used for the
8 same purposes as described in § 2-19-209.

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