

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.

Act 532 of the Regular Session

1 State of Arkansas

As Engrossed: S2/26/07 S3/8/07

2 86th General Assembly

A Bill

3 Regular Session, 2007

HOUSE BILL 1318

4  
5 By: Representatives Sullivan, Petrus, Thyer, George

6 By: Senator Laverty

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8  
9 **For An Act To Be Entitled**

10 AN ACT TO CREATE THE SURPLUS POULTRY LITTER  
11 REMOVAL INCENTIVES ACT; TO PROVIDE ECONOMIC  
12 DEVELOPMENT INCENTIVES FOR POULTRY LITTER  
13 REMOVAL; AND FOR OTHER PURPOSES.

14  
15 **Subtitle**

16 AN ACT TO CREATE THE SURPLUS POULTRY  
17 LITTER REMOVAL INCENTIVES ACT AND TO  
18 PROVIDE ECONOMIC DEVELOPMENT INCENTIVES  
19 FOR POULTRY LITTER REMOVAL.

20  
21  
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23  
24 *SECTION 1. Arkansas Code Title 15, Chapter 20 is amended to add an*  
25 *additional subchapter to read as follows:*

26 15-20-1201. Title.

27 This subchapter shall be known and may be cited as the "Surplus  
28 Nutrient Removal Incentives Act".

29  
30 15-20-1202. Definitions.

31 As used in this subchapter:

32 (1) "Litter" means byproducts associated with the confinement of  
33 poultry, including excrement, feed wastes, bedding materials, composted  
34 carcasses, and any combinations thereof; and

35 (2) "Nutrient surplus area" means an area declared a nutrient



1 surplus area under § 15-20-1104.

2  
3 15-20-1203. Cost share.

4 (a)(1) For the purchase and transportation of surplus litter from any  
5 nutrient surplus area to be used or disposed of within Arkansas but outside  
6 nutrient surplus areas and outside the watersheds listed in subdivision  
7 (a)(2) of this section, the Arkansas Natural Resources Commission may provide  
8 cost share incentives to natural persons, partnerships, and corporations in  
9 an amount not to exceed fifteen dollars (\$15.00) from the Water Development  
10 Fund for each ton of surplus litter purchased and transported.

11 (2) Surplus litter removed from a nutrient surplus area under  
12 this subchapter may not be applied to land in the following watersheds as  
13 defined by the National Datasets for Natural Resource Analysis of the  
14 National Resources Conservation Service of the United States Department of  
15 Agriculture:

16 (A) Upper Frog Bayou, Hydrologic Unit Code 1111020104;

17 (B) Lower Frog Bayou, Hydrologic Unit Code 1111020105;

18 (C) Lower Mulberry River, Hydrologic Unit Code 1111020108;

19 (D) Middle Mulberry River, Hydrologic Unit Code

20 1111020107;

21 (E) White Oak Creek-Arkansas River, Hydrologic Unit Code

22 1111020109;

23 (F) Headwaters Mulberry River, Hydrologic Unit Code

24 1111020106;

25 (G) Horsehead Creek, Hydrologic Unit Code 1111020202;

26 (H) Spadra Creek, Hydrologic Unit Code 1111020203;

27 (I) Headwaters Buffalo River, Hydrologic Unit Code

28 1101000502;

29 (J) Little Buffalo River, Hydrologic Unit Code 1101000501;

30 (K) Upper Big Piney Creek, Hydrologic Unit Code

31 1111020206;

32 (L) Little Piney Creek, Hydrologic Unit Code 1111020207;

33 (M) Lower Big Piney Creek, Hydrologic Unit Code

34 1111020208;

35 (N) Headwaters Crooked Creek, Hydrologic Unit Code

36 1101000309;

1 (O) Clear Creek-Crooked Creek, Hydrologic Unit Code  
2 1101000308;

3 (P) Outlet Crooked Creek, Hydrologic Unit Code 1101000310;

4 (Q) Richland Creek-Buffalo River, Hydrologic Unit Code  
5 1101000503;

6 (R) Bear Creek-Buffalo River, Hydrologic Unit Code  
7 1101000504; and

8 (S) Outlet Buffalo River, Hydrologic Unit Code 1101000505.

9 (b) Cost share funds shall be available to a natural person,  
10 partnership, or corporation that:

11 (1) Purchases surplus litter from a poultry feeding operation in  
12 a nutrient surplus area registered under the Arkansas Poultry Feeding  
13 Operations Registration Act, § 15-20-901 et seq.; and

14 (2) Transports or arranges for the transportation of the surplus  
15 litter outside the nutrient surplus areas to an area within Arkansas but  
16 outside the watersheds listed in subdivision (a)(2) of this section.

17  
18 15-20-1204. Application of transported litter.

19 Litter that is transported from a nutrient surplus area and then land  
20 applied shall be applied in a manner consistent with soil test  
21 recommendations.

22  
23 15-20-1205. Application and approval procedure – Administration.

24 (a) The Arkansas Natural Resources Commission shall promulgate rules  
25 necessary to administer the cost share program under this subchapter.

26 (b)(1) The commission may charge a reasonable application fee to  
27 process cost share applications.

28 (2) All fees received under subdivision (b)(1) of this section  
29 shall be deposited into the Arkansas Water Development Fund.

30  
31 15-20-1206. Source of program money.

32 The Arkansas Water Development Fund may be used to finance cost share  
33 under this subchapter.

34  
35 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
36 General Assembly of the State of Arkansas that lawsuits concerning poultry

1 litter have created a crisis in poultry litter distribution in Arkansas; that  
2 incentives for transportation of poultry litter will provide immediate relief  
3 to both Arkansas poultry producers and Arkansas poultry litter applicators;  
4 and that this act is immediately necessary because many poultry litter  
5 applications are made once a year and any delay in transportation will  
6 further exacerbate the already serious crisis. Therefore, an emergency is  
7 declared to exist and this act being immediately necessary for the  
8 preservation of the public peace, health, and safety shall become effective  
9 on:

10 (1) The date of its approval by the Governor;

11 (2) If the bill is neither approved nor vetoed by the Governor,  
12 the expiration of the period of time during which the Governor may veto the  
13 bill; or

14 (3) If the bill is vetoed by the Governor and the veto is  
15 overridden, the date the last house overrides the veto.

16  
17 /s/ Sullivan

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19 APPROVED: 3/28/2007