

**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 253 of the Regular Session**

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 1387

5 By: Representatives Davenport, Norton, George, Key, Kidd, Overbey, Ragland
6 By: Senators Laverty, Altes, Womack
7

For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE §§ 15-20-1003 AND
11 15-20-1104 TO REMOVE PORTIONS OF THE UPPER WHITE
12 RIVER WATERSHED FROM NUTRIENT SURPLUS AREA
13 DESIGNATION; AND FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO REMOVE PORTIONS OF THE UPPER
16 WHITE RIVER WATERSHED FROM NUTRIENT
17 SURPLUS AREA DESIGNATION.
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20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 15-20-1003 is amended to read as follows:
24 15-20-1003. Definitions. [Effective January 1, 2004.]

25 As used in this subchapter:

26 (1) "Commission" means the Arkansas Soil and Water Conservation
27 Commission;

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

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

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

34 (5) "Livestock" means animals kept or raised for use or
35 pleasure, especially farm animals kept for use and profit, including horses,



1 cattle, swine, and poultry;

2 (6)(A) "Nutrient" means a substance or recognized plant
 3 nutrient, element, or compound that is used or sold for its plant-nutritive
 4 content or its claimed nutritive value.

5 (B) "Nutrient" includes litter, compost as fertilizer,
 6 commercially manufactured chemical or organic fertilizers, sewage sludge, or
 7 combinations thereof;

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

10 (8) "Nutrient applicator" means any person who applies nutrients
 11 to soil or associated crops;

12 (9) "Nutrient management plan" means any plan prepared to assist
 13 landowners and operators in the proper management and utilization of nutrient
 14 sources for maximum soil fertility and protection of the waters within the
 15 state;

16 (10)(A) "Nutrient surplus area" means the:

17 (i) Illinois River watershed, included within
 18 Benton, Crawford, and Washington counties;

19 (ii) Spavinaw Creek watershed, included within
 20 Benton County;

21 (iii) Honey Creek watershed, included within Benton
 22 County;

23 (iv) Little Sugar Creek watershed, included within
 24 Benton County;

25 (v) Upper Arkansas River watershed, which includes
 26 Lee Creek within Crawford and Washington counties and Massard Creek within
 27 Sebastian County;

28 (vi) Poteau River watershed, included within Polk,
 29 Scott, and Sebastian counties;

30 (vii) Mountain Fork of the Little River watershed,
 31 included within Polk County; and

32 (viii) Upper White River watershed above its
 33 confluence with ~~the Buffalo River, included within Benton, Boone, Carroll,~~
 34 ~~Franklin, Madison, Marion, Newton, Searcy, and Washington counties~~ Crooked
 35 Creek.

36 (B) No additional areas may be added unless the areas are

1 added as nutrient surplus areas pursuant to the Arkansas Soil Nutrient
2 Application and Poultry Litter Utilization Act, § 15-20-1101 et seq.;

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

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

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10 SECTION 2. Arkansas Code § 15-20-1104(a) is amended to read as
11 follows:

12 (a) The General Assembly declares the following areas to be nutrient
13 surplus areas for phosphorus and nitrogen:

14 (1) The Illinois River watershed, included within Benton,
15 Crawford, and Washington counties;

16 (2) The Spavinaw Creek watershed, included within Benton County;

17 (3) The Honey Creek watershed, included within Benton County;

18 (4) The Little Sugar Creek watershed, included within Benton
19 County;

20 (5) The upper Arkansas River watershed, which includes Lee Creek
21 within Crawford and Washington counties and Massard Creek within Sebastian
22 County;

23 (6) The Poteau River watershed, included within Polk, Scott, and
24 Sebastian counties;

25 (7) The Mountain Fork of the Little River watershed, included
26 within Polk County; and

27 (8) The upper White River watershed above its confluence with
28 ~~the Buffalo River, included within Benton, Boone, Carroll, Franklin, Madison,~~
29 ~~Marion, Newton, Searcy, and Washington counties~~ Crooked Creek.

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31 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
32 General Assembly of the State of Arkansas that applications of soil nutrients
33 have not resulted in excessive nutrient concentrations within the area now
34 excluded from the nutrient surplus area; therefore, persons applying
35 nutrients within that area are no longer required to prepare for pending
36 nutrient management regulation; and that this act is immediately necessary

1 because citizens will suffer unnecessary economic impacts if they are
2 required to continue to prepare for nutrient management oversight. Therefore,
3 an emergency is declared to exist and this act being immediately necessary
4 for the preservation of the public peace, health, and safety shall become
5 effective on:

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

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

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

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14 APPROVED: 2/22/2005
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