

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 1654

"ARKANSAS SOIL NUTRIENT APPLICATION AND POULTRY LITTER UTILIZATION
ACT."

Amendment No. 1 to House Bill No. 1654.

Amend House Bill No. 1654 as originally introduced:

Page 2, line 35, delete "or designated"

AND

Page 2, line 36, delete "or § 15-20-1105"

AND

Page 3, line 15, replace "15-20-1109" and substitute "15-20-1108"

AND

Page 4, delete lines 13 through 19 and substitute the following:

"15-20-1105. Regulatory considerations.

In developing regulations to implement this subchapter the Arkansas
Soil and Water Conservation Commission shall consider:"

AND

Page 4, line 21, delete "proposed"

AND

Page 4, line 23, delete "proposed"

AND

Page 4, line 24, delete "proposed"

AND

Page 4, line 26, delete "proposed"



AND

Page 4, line 27, delete "proposed"

AND

Page 4, line 31, delete "proposed"

AND

Page 4, line 33, delete "proposed"

AND

Page 5, delete lines 1 through 22

AND

Page 5, line 24, delete "15-20-1107" and substitute "15-20-1106"

AND

Page 5, delete lines 34 through 36 and substitute the following:

"(c)(1) Except as provided in subsection (e) of this section, only a certified nutrient applicator may apply a nutrient application within a nutrient surplus area.

(2) In areas outside nutrient surplus areas, nutrient applicators may not be required to be certified."

AND

Page 6, Line 1 delete "subsection (e)" and substitute "subsection (e) of this section"

AND

Page 6, line 16, delete "15-20-1108" and substitute "15-20-1107"

AND

Page 6, line 18, delete "shall" and substitute "may"

AND

Page 6, delete lines 26 through 28, and insert

"(5) The manner and timing of nutrient application;
(6) The method for keeping application records contained in the plan; and

(7) The qualifications of the person developing the plan."

AND

Page 6, line 36, delete "15-20-1109" and substitute "15-20-1108"

AND

Page 7, delete lines 3 through 23 and substitute the following:

"Arkansas Soil and Water Conservation Commission.

(2) The person who develops the poultry litter management plan shall have obtained certification from the commission in planning.

(3) If the commission determines it to be beneficial, the poultry litter management plan may be a part of a nutrient management plan.

(b) At a minimum, the poultry litter management plan shall contain a:

(1) Periodic poultry litter nutrient content analysis component;

(2) Poultry litter utilization component providing for the proper utilization of the litter produced, including provisions ensuring that:

(A) Land application within a nutrient surplus area is in accordance with a nutrient management plan or at a rate not to exceed the protective rate;

(B) Land application outside a nutrient surplus area is in a method and at a rate acceptable to the commission; and

(C) Litter not land applied is converted to a nonnutrient use or other use acceptable to the commission; and

(3) Records component that requires the owner of the poultry feeding operation to maintain sufficient records at the site of the poultry feeding operation to determine poultry litter utilization and compliance with the other portions of the poultry litter management plan.

(c) The commission may accept a plan or permit prepared to comply with federal law as a poultry litter management plan, if the plan or permit substantially meets the requirements of this section."

AND

Page 7, line 25, delete "15-20-1110" and substitute "15-20-1109"

AND

Page 7, delete line 26 and substitute the following:

"(a) Upon sale or transfer of poultry litter from a poultry feeding operation within a nutrient surplus area to a certified nutrient"

AND

Page 7, delete lines 31 through 34 and substitute the following:

"(b) Any person receiving poultry litter from a poultry feeding operation within a nutrient surplus area shall utilize the poultry litter in compliance with the poultry litter management plan or other method of utilization that complies with the requirements of this subchapter."

AND

Page 7, line 36, delete "15-20-1111" and substitute "15-20-1110"

AND

Page 8, line 1, delete "designated"

AND

Page 8, line 12, delete "15-20-1112" and substitute "15-20-1111"

AND

Page 8, lines 19 and 20, delete "15-20-1107 – 15-20-1109" and substitute "15-20-1106 through 15-20-1108"

AND

Page 8, line 20, delete "or designation"

AND

Page 8, line 29, delete "15-20-1113" and substitute "15-20-1112"

AND

Page 9, line 6, delete "15-20-1114" and substitute "15-20-1113"

AND

Page 9, line 25, delete "15-20-1115" and substitute "15-20-1114"

AND

Page 9, delete lines 26 through 34 and substitute the following:

"(a)(1) In addition to administrative penalties, a person who violates this subchapter may be punished by a fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500).

(2) Any person who pleads guilty or nolo contendere or is found guilty of a violation of any provision of this subchapter, who continues to engage in the behavior or activity giving rise to the violation shall be guilty of a Class A misdemeanor for the second offense."

AND

Page 9, line 36, delete "15-20-1116" and substitute "15-20-1115"

The Amendment was read _____
By: Representative Scroggin
MGF/CDW - 030420030819
CDW159 _____ Chief Clerk