

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 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 1653

4
5 By: Representatives Scroggin, Agee, Berry, Gillespie, Borhauer, Edwards, Judy
6 By: Senators Baker, Horn, Whitaker

For An Act To Be Entitled

10 AN ACT TO REGISTER POULTRY FEEDING OPERATIONS;
11 AND FOR OTHER PURPOSES.

Subtitle

14 ARKANSAS POULTRY REGISTRATION ACT.

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

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

21 15-20-901. Title.

22 This subchapter shall be known and may be cited as the "Arkansas
23 Poultry Feeding Operations Registration Act".

25 15-20-902. Legislative intent.

26 (a) It is found by the Arkansas General Assembly that:

27 (1) Litter provides nutrients that are beneficial to plant
28 growth;

29 (2) The proper utilization of litter allows the addition of
30 nutrients to the soil at a low cost;

31 (3) Improper utilization may result in a build-up of nutrients
32 in the soil and result in the nutrients leaving the soil and entering the
33 waters of the state;

34 (4) In order to encourage the proper utilization of litter,
35 litter sources must be located and the amount of litter produced in Arkansas
36 quantified; and



1 (5) It is necessary for poultry feeding operations to register
2 annually with the commission.

3
4 15-20-903. Definitions.

5 As used in this subchapter:

6 (1) "Commission" means the Arkansas Soil and Water Conservation
7 Commission;

8 (2) "Conservation district" means a conservation district created under
9 the Conservation Districts Law, §§14-125-101 – 14-125-907;

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

12 (4) "Land application" means the application of litter, in whole or in
13 part, to land;

14 (5) "Litter" means byproducts associated with the confinement of
15 poultry, including excrement, feed wastes, bedding materials, composted
16 carcasses, and any combinations thereof;

17 (6) "Litter management system" means any method used to dispose or
18 utilize litter;

19 (7) "Person" means any individual, partnership, company, association,
20 fiduciary, corporation, or any organized group of persons whether
21 incorporated or not;

22 (8) "Poultry" means chickens, turkeys, ducks, geese, and any other
23 domesticated birds;

24 (9) "Poultry processor" means an entity that processes poultry for
25 commercial sale;

26 (10)(A) "Poultry feeding operation" means any lot or facility where
27 two thousand five hundred (2,500) poultry are housed or confined and fed or
28 maintained on any one (1) day in the preceding twelve-month period.

29 (B) Multiple poultry houses within a reasonable proximity under
30 the control of one (1) owner shall be considered one (1) facility; and

31 (11) "Waters of the state" means all streams, lakes, marshes, ponds,
32 watercourses, waterways, wells, springs, irrigation systems, drainage
33 systems, and all other bodies or accumulations of water, surface and
34 underground, natural or artificial, public or private, that are contained
35 within, flow through, or border upon this state or any portion of the state.

36

1 15-20-904. Registration.

2 (a) The Arkansas Soil and Water Conservation Commission shall operate
3 an annual registration program for the purpose of assembling and maintaining
4 information on the number, composition, and practices of poultry feeding
5 operations in the state.

6 (b) All poultry feeding operations shall register annually with the
7 commission.

8 (c) The commission shall promulgate regulations that require a poultry
9 feeding operation to submit, at a time and in a manner determined by the
10 commission, information regarding:

11 (1) The number and kind of poultry housed or maintained in the
12 poultry feeding operation;

13 (2) The location of the poultry feeding operation;

14 (3) The litter management system used;

15 (4) The litter storage system used and the amount of litter
16 stored;

17 (5) The acreage owned or controlled by the poultry feeding
18 operation and used for land application of litter;

19 (6) The land application practices used by the poultry feeding
20 operation and the amount of litter applied;

21 (7) The amount of litter transferred or otherwise utilized by
22 the poultry feeding operation and the type of transfer or utilization;

23 (8) The poultry processor or processors with which the poultry
24 feeding operation has contracted to provide poultry; and

25 (9) Any other relevant information necessary to effect the
26 purposes of this subchapter.

27 (d) Each poultry feeding operation required to register under this
28 subchapter shall pay an annual fee of ten dollars (\$10.00) to the
29 commission.

30 (e) All regulations shall be promulgated pursuant to the Arkansas
31 Administrative Procedure Act, § 25-15-201, et seq.

32 (f)(1) Information collected about an individual poultry feeding
33 operation shall not be public record.

34 (2) Compilation or summary information that prevents
35 identification of individual poultry feeding operations shall be a public
36 record.

1 (g) The commission may delegate portions of the program for
2 implementation to the director, conservation districts, or both.

3
4 15-20-905. Enforcement.

5 (a)(1) Agents of the Arkansas Soil and Water Conservation Commission
6 shall have the power to enter on private property to determine compliance
7 with this subchapter.

8 (2) If the entry is to a facility where poultry is regularly
9 kept, the agent shall:

10 (A) Follow normal bio-security measures to minimize the
11 possible spread of disease; and

12 (B) Notify the landowner before entry.

13 (b)(1) The commission may impose administrative penalties not to
14 exceed five hundred dollars (\$500) per violation against the owner of a
15 poultry feeding operation that fails to comply with the requirements of this
16 subchapter.

17 (2) The imposition of administrative penalties shall be conducted
18 pursuant to the Arkansas Administrative Procedure Act, § 25-15-201, et seq.

19 (3) The commission or the director may issue subpoenas as provided in
20 § 15-22-208.

21 (4) If the person against whom an administrative penalty has been
22 imposed by the commission under this section fails to pay the penalty to the
23 commission, the commission may file an action to collect the administrative
24 penalty in the circuit court of the county in which the poultry feeding
25 operation is located.

26
27 15-20-906. Disposition of fees and penalties.

28 (a) Fees paid and penalties collected shall be deposited in the
29 Arkansas Water Development Fund and used in furtherance of the nutrient
30 management program, including this subchapter, except that a portion of the
31 fee may be retained by the conservation districts if a portion of the program
32 has been delegated to conservation districts.

33 (b) Fees or penalties collected shall be cash funds, when received by
34 the Treasurer of the State and, shall not be deposited or deemed to be a part
35 of the State Treasury for the purposes of Arkansas Constitution, Article 5, §
36 29; Arkansas Constitution, Article 16, §12; Arkansas Constitution, Amendment

1 20; or any other constitutional or statutory provision.

2
3 SECTION 2. Arkansas Code § 14-125-105 is amended to read as follows:

4 It is declared to be the policy of the General Assembly to provide for
5 the control and prevention of soil erosion, for the prevention of floodwater
6 and sediment damages, and for furthering the conservation, development, and
7 utilization of soil and water resources and the disposal of water, and
8 thereby to preserve natural resources, control floods, prevent impairment of
9 dams and reservoirs, assist in maintaining the navigability of rivers and
10 harbors, preserve wildlife, assist in the control of non-point source
11 pollution, protect the tax base, protect public lands, and protect and
12 promote the health, safety, and general welfare of the people of this state.