

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 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1387

4
5 By: Representatives Davenport, Norton, George, Key, Kidd, Overbey, Ragland
6 By: Senators Laverty, Altes, Womack

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.

Subtitle

16 AN ACT TO REMOVE PORTIONS OF THE UPPER
17 WHITE RIVER WATERSHED FROM NUTRIENT
18 SURPLUS AREA DESIGNATION.

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

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:

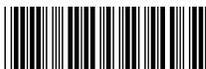
26 (1) "Commission" means the Arkansas Soil and Water Conservation
27 Commission;

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,
36 cattle, swine, and poultry;



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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (B) No additional areas may be added unless the areas are
36 added as nutrient surplus areas pursuant to the Arkansas Soil Nutrient

1 Application and Poultry Litter Utilization Act, § 15-20-1101 et seq.;

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

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

8

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

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

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

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

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

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

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

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

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

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

29

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

1 required to continue to prepare for nutrient management oversight. Therefore,
2 an emergency is declared to exist and this act being immediately necessary
3 for the preservation of the public peace, health, and safety shall become
4 effective on:

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

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

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

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