

1 State of Arkansas

2 86th General Assembly

3 Regular Session, 2007

A Bill

HOUSE BILL 2298

4
5 By: Representatives King, Ragland, Abernathy, Harris, House, Norton, L. Smith, Stewart, Wells

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE APPLICATION OF POULTRY LITTER
10 IN ACCORDANCE WITH ESTABLISHED STANDARDS WHILE A
11 POULTRY LITTER MANAGEMENT PLAN OR NUTRIENT
12 MANAGEMENT PLAN IS PENDING; AND FOR OTHER
13 PURPOSES.

Subtitle

16 AN ACT TO AUTHORIZE APPLICATION OF
17 POULTRY LITTER IN ACCORDANCE WITH
18 ESTABLISHED STANDARDS WHILE A MANAGEMENT
19 PLAN IS PENDING.

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

24 SECTION 1. Arkansas Code § 15-20-1106(f), concerning poultry litter
25 application after January 1, 2007, is amended to read as follows:

26 (f)(1) Application of poultry litter to soils or associated crops
27 within a nutrient surplus area shall be done in accordance with a nutrient
28 management plan or poultry litter management plan after January 1, 2007.

29 (2) An owner or operator of property within a nutrient surplus
30 area without a management plan may only apply poultry litter if:

31 (A) The owner or operator has registered with the
32 conservation district to obtain a nutrient management plan or poultry litter
33 management plan including the majority of the land that would fall under the
34 plan; and

35 (B) The owner or operator has received a waiver from the
36 Executive Director of the Arkansas Natural Resources Commission to apply



1 poultry litter at the protective rate until a plan is obtained or the waiver
2 expires.

3 (3) No waiver may be granted after December 31, 2008.
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5 SECTION 2. Arkansas Code Title 15, Chapter 20, Subchapter 11 is
6 amended to add an additional section to read as follows:

7 15-20-1115. Annual meeting – Executive Director of the Arkansas
8 Natural Resources Commission – Nutrient Management Advisory Board.

9 The Executive Director of the Arkansas Natural Resources Commission
10 shall meet with the Nutrient Management Advisory Board at least one (1) time
11 each year concerning soil nutrient management and application programs.
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13 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
14 General Assembly of the State of Arkansas that the registration process for
15 nutrient management plans and poultry litter management plans has developed a
16 large backlog of applications; that agriculture producers are waiting for
17 plans that have not yet been finalized; that persons seeking in good faith to
18 comply with the Arkansas Soil Nutrient Application and Poultry Litter
19 Utilization Act may incur irreparable harm that could be avoided by temporary
20 waiver of certain requirements of the act if the waiver does not cause harm
21 to waters of the state; and that this act is necessary because agricultural
22 producers face immediate and irreparable harm to their agricultural
23 operations now that the date for cessation of unregistered application of
24 nutrients has passed. Therefore, an emergency is declared to exist and this
25 act being immediately necessary for the preservation of the public peace,
26 health, and safety shall become effective on:

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

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

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