

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/13/07
A Bill

HOUSE BILL 2298

5 By: Representatives King, Ragland, Abernathy, Harris, House, Norton, L. Smith, Stewart, Wells
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8 **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.
14

15 **Subtitle**

16 AN ACT TO AUTHORIZE APPLICATION OF
17 POULTRY LITTER IN ACCORDANCE WITH
18 ESTABLISHED STANDARDS WHILE A MANAGEMENT
19 PLAN IS PENDING.
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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 the Upper White River Basin within the nutrient surplus area shall*
28 *be done in accordance with a nutrient management plan or poultry litter*
29 *management plan after January 1, 2007.*

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

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

36 (B) The owner or operator has received a waiver from the



1 Executive Director of the Arkansas Natural Resources Commission to apply
2 poultry litter at the protective rate until a plan is obtained or the waiver
3 expires.

4 (3) No waiver may be granted after December 31, 2007.

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6 SECTION 2. Arkansas Code Title 15, Chapter 20, Subchapter 11 is
7 amended to add an additional section to read as follows:

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

10 The Executive Director of the Arkansas Natural Resources Commission
11 shall meet with the Nutrient Management Advisory Board at least one (1) time
12 each year concerning soil nutrient management and application programs.

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

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

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

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

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35 */s/ King, et al*
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