

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/22/99

A Bill

HOUSE BILL 1913

5 By: Representatives Simmons, Shoffner
6
7

For An Act To Be Entitled

9 "AN ACT TO THE AMEND ARKANSAS CODE OF 1987 ANNOTATED
10 TO ADD A NEW SUBCHAPTER RELATING TO THE DISPOSAL OF
11 *ABANDONED AGRICULTURAL PESTICIDE; TO PROVIDE FOR THE*
12 *DISPOSAL OF ABANDONED AGRICULTURAL PESTICIDES; AND FOR*
13 *OTHER PURPOSES. "*
14

Subtitle

15 "THE ABANDONED AGRICULTURAL PESTICIDE
16 DISPOSAL ACT. "
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 8, Chapter 7 is amended to add a new
23 subchapter to read as follows:
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25 "8-7-1201. Title.

26 This subchapter may be known and may be cited as the 'Abandoned
27 Agricultural Pesticide Disposal Act.'
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29 8-7-1202. Purpose.

30 It is the purpose of this Act to protect the citizens of the State and
31 the environment by providing for the safe and proper disposal of abandoned
32 agricultural pesticides. Furthermore, it is the purpose of this Act to create
33 an Agricultural Pesticide Disposal Advisory Board to review and approve
34 proposed agricultural pesticide disposal projects, select contractors to
35 dispose of abandoned agricultural pesticides, and approve payments from the
36 Abandoned Agricultural Pesticide and Plant Regulator Disposal Trust Fund.

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8-7-1203. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Abandoned" means chemicals which are no longer used and for which there is not planned use.

(2) "Agricultural pesticide" means any substance or mixture of substances intended for prevention, destroying, repelling or mitigating any pests; or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; and any substance or mixture of substances intended to be used as a spray adjuvant;

(3) "Advisory Board" means the Abandoned Agricultural Pesticide Disposal Advisory Board;

(4) "Contractor" means a person who provides services for a fee involving the disposal of abandoned agricultural pesticides;

(5) "Fund" means the Abandoned Agricultural Pesticide and Plant Regulator Disposal Trust Fund; and

(6) "Plant regulator" means any substance or mixture of substances intended through physiological action for accelerating or retarding the rate of growth of maturation or for otherwise altering the behavior of plants or the produce thereof. The term shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculates or soil amendments.

8-7-1204. Abandoned Agricultural Pesticide Advisory Board.

(a) There is hereby created and established an Abandoned Agricultural Pesticide Advisory Board.

(b) The Advisory Board shall be composed of up to five (5) members:

(1) One (1) member shall be a representative from the Arkansas Farm Bureau;

(2) One (1) member shall be a representative from the Soil and Water Conservation Commission;

(3) One (1) member shall be a representative from the State Cooperative Extension Service;

(4) One (1) member shall be a representative from the Arkansas Department of Environmental Quality; and

(5) One (1) member may be a representative from the Natural Resources

1 Conservation Service.

2 (c) Members of the Advisory Board shall serve without compensation.

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4 8-7-1205. Powers and Duties of the Advisory Board.

5 The Advisory Board shall have the following powers and duties:

6 (a) To identify any abandoned agricultural pesticides which shall be
7 excluded from the collection and disposal program;

8 (b) To advise and make recommendations to the State Plant Board
9 regarding projects for collecting and disposing of abandoned agricultural
10 pesticides;

11 (c) To advise and make recommendations to the State Plant Board on the
12 issuance of requests for proposals from contractors;

13 (d) To review and evaluate proposals for the collection and disposal of
14 abandoned agricultural pesticides;

15 (e) To select proposals for the collection and disposal of abandoned
16 agricultural pesticides to be implemented; and

17 (f) To approve payments from the Abandoned Agricultural Pesticide and
18 Plant Regulator Disposal Trust Fund for collection and disposal projects.

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20 8-7-1206. Abandoned Agricultural Pesticide Disposal.

21 (a) Moneys received into the Fund shall be utilized by the State Plant
22 Board, as authorized by the Advisory Board, to pay for projects and other
23 activities relating to the collection and disposal of abandoned agricultural
24 pesticides and for administrative support. The total allocation of funds for
25 administrative support shall not exceed two hundred fifty thousand dollars
26 (\$250,000).

27 (b) The State Plant Board shall administer the program relating to the
28 collection and disposal of abandoned agricultural pesticides, as authorized by
29 the Advisory Board. The duties of the State Plant Board shall include:

30 (1) Developing and issuing requests for proposals from contractors to
31 collect and dispose of abandoned agricultural pesticides;

32 (2) Contracting for the collection and disposal of abandoned
33 agricultural pesticides; and

34 (3) Paying contractors for services relating to the collection and
35 disposal of abandoned agricultural pesticides."

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1 SECTION 2. If another act of the 1999 Regular Session of the General
2 Assembly adds a new Subchapter 12 to Arkansas Code Title 8, Chapter 7, the
3 Arkansas Code Revision Commission shall appropriately renumber the subchapter
4 added by this act.

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6 SECTION 3. All provisions of this act of a general and permanent nature
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
8 Revision Commission shall incorporate the same in the Code.

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10 SECTION 4. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.

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16 SECTION 5. All laws and parts of laws in conflict with this act are
17 hereby repealed.

18 */s/ Simmons*