

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: H2/23/99*

# A Bill

Act 420 of 1999  
HOUSE BILL 1341

5 By: *Joint Budget Committee*  
6  
7

## For An Act To Be Entitled

9 "AN ACT TO MAKE AN APPROPRIATION FOR EXPENSES INCURRED  
10 IN PLANNING, IDENTIFICATION, REMOVAL AND DISPOSAL OF  
11 ABANDONED AGRICULTURAL CHEMICALS AND DEVELOPMENT OF A  
12 DISPOSAL PLAN FOR THE ARKANSAS DEPARTMENT OF  
13 ENVIRONMENTAL QUALITY FOR THE BIENNIAL PERIOD ENDING  
14 JUNE 30, 2001; AND FOR OTHER PURPOSES."

## Subtitle

16 "AN ACT FOR THE ARKANSAS DEPARTMENT OF  
17 ENVIRONMENTAL QUALITY - ABANDONED  
18 AGRICULTURAL PESTICIDE AND PLANT  
19 REGULATOR DISPOSAL APPROPRIATION FOR THE  
20 1999-2001 BIENNIUM."  
21  
22  
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
25

26 SECTION 1. APPROPRIATION - PESTICIDE AND PLANT REGULATOR DISPOSAL. There is  
27 hereby appropriated, to the Arkansas Department of Environmental Quality, to  
28 be payable from the Abandoned Agricultural Pesticide and Plant Regulator  
29 Disposal Trust Fund, for planning, identification, removal and disposal of  
30 abandoned agricultural chemicals and the development of a plan for removal and  
31 disposal of abandoned agricultural chemicals by the Arkansas Department of  
32 Environmental Quality - Abandoned Agricultural Chemicals Disposal for the  
33 biennial period ending June 30, 2001, the sum of .....\$200,000.  
34

35 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL OR TEMPORARY LAW. FUNDING

\*BWG039\*

1 TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal  
2 Officer of the State shall transfer on his books and those of the State  
3 Treasurer the sum of \$200,000 from the Remedial Action Trust Fund to the  
4 Abandoned Agricultural Pesticide and Plant Regulator Disposal Trust Fund to  
5 provide funds for the appropriation provided herein.

6  
7 SECTION 3. SPECIAL LANGUAGE. INTENT OF FUND. The General Assembly  
8 intends to provide a method for disposal of agricultural pesticides which have  
9 been abandoned due to a change of ownership of the real property or a change  
10 in agricultural practices in a region of the state.

11  
12 SECTION 4. SPECIAL LANGUAGE. Definitions. As used in this act:

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

15 (2) "Agricultural Pesticide" means any substance or mixture of substances  
16 intended for preventing, destroying, repelling or mitigating any pests; or any  
17 substance or mixture of substances intended for use as a plant regulator,  
18 defoliant or desiccant; and any substance or mixture of substances intended to  
19 be used as a spray adjuvant;

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

26  
27 SECTION 5. SPECIAL LANGUAGE. FUND CREATED. There is hereby created on  
28 the books of the State Treasurer, State Auditor and Chief Fiscal Officer of  
29 the State the "Abandoned Agricultural Pesticide and Plant Regulator Disposal  
30 Trust Fund" to consist of funds transferred therein from the Remedial Action  
31 Trust Fund and such other funds as are made available by law. The fund shall  
32 be used by the Department of Environmental Quality to defray the costs of  
33 developing and implementing a plan for the disposal of abandoned agricultural  
34 pesticides and plant regulators.

35  
36 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by

1 this act shall be limited to the appropriation for such agency and funds made  
 2 available by law for the support of such appropriations; and the restrictions  
 3 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
 4 Law, the Revenue Stabilization Law, the Regular Salary Procedures and  
 5 Restrictions Act, or their successors, and other fiscal control laws of this  
 6 State, where applicable, and regulations promulgated by the Department of  
 7 Finance and Administration, as authorized by law, shall be strictly complied  
 8 with in disbursement of said funds.

9  
 10 SECTION 7. CODE. All provisions of this Act of a general and permanent  
 11 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
 12 Code Revision Commission shall incorporate the same in the Code.

13  
 14 SECTION 8. SEVERABILITY. If any provision of this act or the application  
 15 thereof to any person or circumstance is held invalid, such invalidity shall  
 16 not affect other provisions or applications of the act which can be given  
 17 effect without the invalid provision or application, and to this end the  
 18 provisions of this act are declared to be severable.

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 20 SECTION 9. GENERAL REPEALER. All laws and parts of laws in conflict with  
 21 this act are hereby repealed.

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 23 SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by the  
 24 Eighty-second General Assembly, that the Constitution of the State of Arkansas  
 25 prohibits the appropriation of funds for more than a two (2) year period; that  
 26 the effectiveness of this Act on July 1, 1999 is essential to the operation of  
 27 the agency for which the appropriations in this Act are provided, and that in  
 28 the event of an extension of the Regular Session, the delay in the effective  
 29 date of this Act beyond July 1, 1999 could work irreparable harm upon the  
 30 proper administration and provision of essential governmental programs.  
 31 Therefore, an emergency is hereby declared to exist and this Act being  
 32 necessary for the immediate preservation of the public peace, health and  
 33 safety shall be in full force and effect from and after July 1, 1999.

34 /s/ Joint Budget Committee APPROVED: 3/4/1999e