

*As Engrossed: 2/14/91 3/21/91*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Gibson**

**A BILL ACT 755 OF 1991**  
**HOUSE BILL 1489**

**For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 8-6-603 TO REMOVE THE  
9 EXEMPTION FOR CERTAIN LANDFILLS UNDER THE SOLID WASTE  
10 MANAGEMENT RECYCLING FUND ACT; TO AMEND ARKANSAS CODE 8-6-  
11 607 TO DISTRIBUTE A PORTION OF THE DISPOSAL FEES TO THE  
12 STATE MARKETING BOARD FOR RECYCLABLES AND TO REMOVE THE  
13 REQUIREMENT THAT NOTICE OF ASSESSMENT BE MADE BY  
14 REGISTERED OR CERTIFIED MAIL; AND FOR OTHER PURPOSES."

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

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18 SECTION 1. Arkansas Code 8-6-603 is amended to read as follows:  
19 "8-6-603. Definitions.

20 As used in this subchapter, unless the context otherwise requires:

21 (1) 'Commission' means the Arkansas Pollution Control and Ecology  
22 Commission;

23 (2) 'Department' means the Arkansas Department of Pollution Control  
24 and Ecology;

25 (3) 'Landfill' means all landfills permitted under the Arkansas *Solid*  
26 *Waste Management Act, §8-6-201 et seq., except those permitted landfills*  
27 *operated by a regulated public utility for ash generated by the combustion of*  
28 *coal to produce electric energy;*

29 (4) 'Permittee' means any individual, corporation, company, firm,  
30 partnership, association, trust, local solid waste authority, institution,  
31 county, city, town, or municipal authority or trust, venture or other legal  
32 entity, holding a solid waste disposal permit as provided in the Arkansas  
33 Solid Waste Management Act, § 8-6-201 et seq.;

34 (5) 'Recycling' means the systematic collection, sorting,  
35 decontamination and return of waste materials to commerce as commodities for  
36 use or exchange;

1 (6) 'Solid Waste' means all putrescible and nonputrescible wastes in  
2 solid or semisolid form, including, but not limited to, yard or food waste,  
3 waste glass, waste metals, waste plastics, waste papers, waste paperboard, and  
4 all other solid and semisolid wastes, resulting from industrial, commercial,  
5 agricultural, community, and residential activities;

6 (7) 'Solid Waste Disposal Permit' means a permit issued by the State  
7 of Arkansas under provisions of § 8-6-201 et seq. for the construction and  
8 operation of a landfill waste disposal facility;

9 (8) 'Solid Waste Management' means the management of, but not limited  
10 to, the storage, collection, transfer, transportation, treatment, utilization,  
11 processing, and final disposal of solid waste including, but not limited to,  
12 the prevention, reduction, or recycling of wastes; and

13 (9) 'Solid Waste Management Plan' means a plan which is developed  
14 according to the provisions of the Arkansas Solid Waste Management Act, §  
15 8-6-201 et seq., and guidelines of the department, and which is subject to  
16 approval by the department."  
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18 SECTION 2. Arkansas Code 8-6-607 is amended to read as follows:

19 "8-6-607. Collection of fees.

20 Fees imposed pursuant to the separate provisions of this subchapter  
21 shall be collected as follows:

22 (a) On or before December 1, March 1, June 1, and September 1 of each  
23 year the department shall send each solid waste disposal permittee a notice of  
24 assessment by mail.

25 (b) On or before January 1, April 1, July 1, and October 1 of each year  
26 each landfill permittee shall pay to the department the amount of such  
27 assessment as stated in the notice.

28 (c) *Except as provided in subsection (d), the disposal fees collected*  
29 *pursuant to this section shall be special revenues and shall be deposited in*  
30 *the State Treasury to the credit of the Solid Waste Management and Recycling*  
31 *Fund for administrative support of the State Marketing Board for Recyclables.*

32 (d) *If a State Marketing Board for Recyclables is created by law, then*  
33 *twenty-five percent (25%) of the disposal fees collected from landfills where*  
34 *a private industry bears the expense of operating and maintaining the landfill*  
35 *solely for the disposal of wastes generated by the industry shall be deposited*

1 into a special fund to be created on the books of the State Treasurer, State  
2 Auditor, and Chief Fiscal Officer of the State and to be known as the  
3 'Marketing Board Fund'. The fund shall be administered by the Department and  
4 used by the State Marketing Board for Recyclables for the administration and  
5 performance of its duties."

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

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

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

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/s/ B. Gibson

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APPROVED: 3-26-91

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