

State of Arkansas

77th General Assembly

A Bill

HOUSE BILL

Third Extraordinary Session, 1989

CALL ITEM 591027

By: Representative Mahony

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 8-6-212 TO PERMIT COUNTY GOVERNMENTS TO COLLECT FEES AND CHARGES FOR COUNTY SOLID WASTE MANAGEMENT SYSTEMS BY ALLOWING THE COUNTY COLLECTOR TO NOT ACCEPT PAYMENT OF COUNTY PROPERTY TAXES UNLESS THE SOLID WASTE FEE OR CHARGE IS ALSO COLLECTED AND BY MAKING THE FEE OR CHARGE A LIEN ON THE TAXPAYER'S REAL AND PERSONAL PROPERTY; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 8-6-212 is hereby amended to read as follows:

"8-6-212. County solid waste management systems.

(a) (1) Each county of the state is authorized to provide, and shall provide, if required to meet the purposes of this subchapter, a solid waste management system adequate to handle solid wastes generated or existing within the boundaries of the county and outside the corporate limits of any municipality in the county.

(2) By agreement or contractual arrangement the county may assume responsibility for solid wastes generated within municipalities whether within their counties or other counties.

(3) A county may enter into agreements with other counties, one or more municipalities, governmental agencies, with private persons, trusts, or with any combination thereof to provide a solid waste management system for the county or any portion thereof, but the agreement shall not relieve the parties to the agreement of their responsibilities under this subchapter.

(b) (1) A county government shall have the authority to levy and collect such fees and charges and require such licenses as may be appropriate to discharge the county's responsibility for a solid waste management system or any portion thereof. The fees, charges, and licenses shall be based on a fee

schedule contained in a duly adopted ordinance.

(2) A county government may collect all fees and service charges through periodic billings or through entering the fees and service charges on the tax records of the county and then collecting the fees and service charges with the real and personal property taxes. Any fees and service charges billed periodically which are more than ninety (90) days delinquent may be entered on the tax records of the county as a delinquent periodic fee or service charge and may be collected by the county with real and personal property taxes.

(3) No county collector of taxes shall accept payment of any property taxes where fees and service charges or delinquent periodic fees and service charges appear on the county tax records of a taxpayer unless the fees and service charges or the delinquent periodic fees and service charges are also receipted. From the date of entry on the tax records of the county, the fees and service charges or the delinquent periodic fees and service charges shall constitute a lien on the personal and real property of the taxpayer.

(c) A county may accept and disburse funds derived from federal or state grants, from private sources, or from moneys that may be appropriated from any available funds for the installation and operation of a solid waste management system or any part thereof.

(d) A county is authorized to contract for the lease or purchase of land, facilities, and vehicles for the operation of a solid waste management system either for the county or as a party to regional solid wastes authority.

(e) A county shall have the right to issue orders, to establish policies for, and to enact ordinances concerning all phases of the operation of a solid waste management system including hours of operation, character and kind of wastes accepted at the disposal site, the separation of wastes according to type by those generating them prior to collection, type of container for storage of wastes, prohibition of burning of wastes, pretreatment of wastes, and such other rules as may be necessary or appropriate, so long as such orders, policies, and ordinances are not inconsistent with this subchapter or any rules, regulations, or orders of the commission."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 4. EMERGENCY. It is hereby found and determined by the Seventy-Seventh General Assembly of the State of Arkansas meeting in the Third Extraordinary Session of 1989 that county governments are not permitted to collect delinquent solid waste management system fees and service charges under the county property tax collection system which county subordinate service districts are currently authorized to use; that the use of the county property tax collection system will improve fee collection and increase revenues for county solid waste management; and that at this time there is an increasing critical need for all solid waste disposal facilities and for county solid waste management systems. Therefore, in order to promote the effective collection of delinquent county solid waste fees or service charges at this critical time, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.