

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

A Bill

HOUSE BILL 1447

For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE
9 8, CHAPTER 6 TO RENAME REGIONAL SOLID WASTE PLANNING
10 BOARDS AND SOLID WASTE SERVICE AREA BOARDS AS REGIONAL
11 SOLID WASTE MANAGEMENT BOARDS AND TO PROVIDE THE BOARDS
12 ADDITIONAL POWERS AND DUTIES; AND FOR OTHER PURPOSES."

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

16 SECTION 1. FINDINGS OF THE GENERAL ASSEMBLY. The Arkansas General
17 Assembly makes the following findings:

18 (1) The present landfill capacity in the State of Arkansas is
19 inadequate and is at or near the critical point;

20 (2) As of July 30, 1990, the capacity in Arkansas was about 4.3 years
21 of landfill life for 63 municipal solid waste landfills;

22 (3) Adequate solid waste management planning is not possible at the
23 present time because of the lack of accurate statistics on industrial landfill
24 capacity and use; and

25 (4) The state has taken important steps to encourage recycling but a
26 much greater effort is necessary to assist in addressing our solid waste
27 management needs.

29 SECTION 2. Arkansas Code Title 8, Chapter 6, Subchapter 7 is amended to
30 read as follows:

32 "SUBCHAPTER 7 - REGIONAL SOLID WASTE MANAGEMENT DISTRICTS AND BOARDS.

34 8-6-701. Purpose - Legislative findings - Construction.

35 The purpose of this subchapter is to protect the public health and the

1 state's environmental quality by establishing regional solid waste management
2 and planning. The current system relying upon solid waste management by
3 individual counties and municipalities has fostered present conditions in
4 which certain areas of the state are facing capacity shortages of crisis
5 proportions, while others experience a surfeit of capacity with individual
6 disposal facilities which cannot muster the resources for environmentally
7 responsible operations. Given these disparate environmental and economic
8 concerns, the Arkansas General Assembly concludes that regional solid waste
9 management and planning, under the oversight of the Arkansas Department of
10 Pollution Control and Ecology and the Arkansas Pollution Control and Ecology
11 Commission or Pollution Control and Ecology, is essential to address the
12 imminent and future needs of the state. The terms and obligations of this
13 subchapter shall be liberally construed so as to achieve remedial intent.

14

15 8-6-702. Definitions. As used in this subchapter, unless the context
16 otherwise requires:

17 (1) "Board" or "regional board" means a regional solid waste management
18 board established pursuant to this subchapter;

19 (2) "Commission" means the Arkansas Pollution Control and Ecology
20 Commission;

21 (3) "Department" means the Arkansas Department of Pollution Control and
22 Ecology;

23 (4) "Director" means the director of the Arkansas Department of
24 Pollution Control and Ecology;

25 (5) "Disposal site" means any place at which solid waste is dumped,
26 accepted, or disposed of for final disposition by landfilling, incinerating,
27 composting, or any other method;

28 (6) "District" means a regional solid waste management district;

29 (7) "Interested party" means the director or his designee, the board,
30 the person making application to the board, or any person submitting written
31 comments on an application within the public comment period;

32 (8) "Landfill" means a permitted landfill under the Arkansas Solid
33 Waste Management Act, §8-6-201 et seq.;

34 (9) "Recyclable materials" or "recyclables" means those materials from
35 the solid waste stream that can be recovered for reuse in present or

1 reprocessed form;

2 (10) "Recyclable materials collection center" or "collection center"
3 means a facility which receives or stores recyclable materials prior to timely
4 transportation to material recovery facilities, markets for recycling, or
5 disposal;

6 (11) "Recycling" means the systematic collection, sorting,
7 decontaminating and returning of waste materials to commerce as commodities
8 for use or exchange;

9 (12) "Solid waste" means all putrescible and nonputrescible wastes in
10 solid, semisolid, or liquid form, including, but not limited to, yard or food
11 waste, waste glass, waste metals, waste plastics, wastepaper, waste
12 paperboard, and all other solid and semisolid wastes resulting from
13 industrial, commercial, agricultural, community, and residential activities,
14 but does not include "materials in the recycling process" as the same are
15 defined herein;

16 (13) "Solid waste management system" shall have the same meaning as
17 provided in §8-6-203;

18 (14) "Source separation" means the act or process of removing a
19 particular type of recyclable material from the solid waste stream at the
20 point of generation or at a point under control of the generator for the
21 purpose of collection and recycling;

22 (15) "Yard waste" means grass clippings, leaves, brush, and tree
23 prunings; and

24 (16) "Materials in the recycling process" means ferrous and nonferrous
25 metals diverted or removed from the solid waste stream so that they may be
26 reused, as long as such materials are processed or handled using reasonably
27 available processing equipment and control technology (as determined by the
28 director) taking cost into account, and a substantial amount of the materials
29 are consistently utilized to manufacture a product which otherwise would have
30 been produced using virgin material.

31

32 8-6-703. Creation of districts and boards - Members of boards.

33

34 (a)(1) The eight (8) regional solid waste planning districts created by
35 Act 870 of 1989 and each solid waste service area created pursuant to Act 870

1 of 1989 are renamed regional solid waste management districts. Each district
2 shall be governed by a regional solid waste management board.

3 (2) The boundaries of a regional solid waste management district
4 may be modified and new regional solid waste management districts may be
5 created pursuant to §8-6-707.

6 (b) Each regional solid waste management board shall be composed of
7 representatives of the counties within the district and representatives of all
8 first class cities, of all cities with a population over two thousand (2,000)
9 according to the latest federal decennial census, and of the largest city of
10 each county within the district. The county judge of each county within the
11 district and the mayor of each city entitled to a representative in the
12 district shall serve on the board unless such county judge or mayor elects
13 instead to appoint a member as follows:

14 (1) The county judge with confirmation by the quorum court of
15 each county within the district shall appoint one (1) member to the board.

16 (2) The mayor with confirmation by the governing body of each
17 city entitled to a representative in the district shall appoint one (1)
18 member.

19 (c) Each board shall have a minimum of five (5) members. If the number
20 of members serving under subsection (b) above is less than five (5),
21 additional members necessary to make the total number equal five (5) shall be
22 appointed by mutual agreement of the other board members and shall represent
23 the general public within the district.

24 (d) Appointed regional board members shall serve for staggered terms of
25 two (2) years, provided, however, that all members appointed pursuant to
26 subsection (b) above shall serve at the pleasure of the appointing body. Each
27 appointed board member shall be eligible for a maximum of two terms or four
28 years total. The initial appointed members of a board shall draw lots to
29 determine terms of appointment so that, as nearly as possible, the terms of an
30 equal number of members will expire each year.

31 (e) Vacancies shall be filled for any unexpired term of an appointed
32 member in the same manner as provided in subsections (b) and (c) above.

33 (f) A majority of the membership of the board shall constitute a
34 quorum. A majority vote of those members present shall be required for any
35 action of the board.

1 (g) *Each board shall annually select a chairman.*

2

3 8-6-704. Boards - Powers and duties.

4 (a) The regional solid waste management boards shall have the following
5 powers and duties:

6 (1) To collect data, study, and initially evaluate the solid
7 waste management needs of all localities within their districts, as provided
8 in §8-6-716 and to publish their findings as a regional needs assessment;

9 (2) To evaluate on a continuous basis the solid waste needs of
10 their districts, and thereby update the regional needs assessments at least
11 biennially;

12 (3) To formulate recommendations to all local governments within
13 their districts on solid waste management issues, and to formulate plans for
14 providing adequate solid waste management;

15 (4) To issue or deny certificates of need to any applicant for a
16 solid waste disposal facility permit within their district *with the exception*
17 *of permits for landfills when a private industry bears the expense of*
18 *operating and maintaining the landfill solely for the disposal of waste*
19 *generated by the industry or wastes of a similar kind or character;*

20 (5) To petition the commission or director to issue, continue in
21 effect, revoke, modify, or deny any permit for any element of a solid waste
22 management system located within the district based on compliance or
23 noncompliance with the solid waste management plan of the district;

24 (6) To adopt such rules or regulations pursuant to the
25 Administrative Procedure Act, §24-15-201 et seq., as are reasonably necessary
26 to assure public notice and participation in any findings or rulings of the
27 boards and to administer the duties of the board;

28 (7) To establish programs to encourage recycling;

29 (8) To adopt an official seal and alter it at pleasure;

30 (9) To maintain an office at such places as it may determine;

31 (10) To sue and be sued in its own name and to plead and be
32 impleaded;

33 (11) To make and execute contracts and other instruments
34 necessary or convenient in the exercise of the powers and functions of *the*
35 *district, including but not limited to entering into contracts and agreements*

1 with private entities for provisions of services; and

2 (12) To carry out all other powers and duties conferred by this
3 subchapter and subchapter 8.

4 (13) To enter into an agreement with another solid waste
5 management district to allow one district to transfer solid waste to another
6 district. This will only be allowed if a solid waste district has no legally
7 permitted landfill which can accept its solid waste.

8 (b) The regional solid waste management boards may:

9 (1) Apply for such permits, licenses, certificates, or approvals
10 as may be necessary to construct, maintain, and operate any portion of a solid
11 waste management system, and to obtain, hold and use licenses, permits,
12 certificates, or approvals in the same manner as any other person or operating
13 unit of any other person;

14 (2) Employ such engineers, architects, attorneys, real estate
15 counselors, appraisers, financial advisors, and other consultants and
16 employees as may be required in the judgment of the district and to fix and
17 pay their compensation from funds available to the district therefor; and

18 (3) Purchase all kinds of insurance including, but not limited
19 to, insurance against tort liability, business interruption, and risks of
20 damage to property.

21

22 8-6-705. Needs assessments.

23 (a) All needs assessments required by this subchapter are subject to
24 review and approval for completeness by the Arkansas Department of Pollution
25 Control and Ecology.

26 (b) Failure to provide complete assessments as required by this
27 subchapter may provide the department with grounds to initiate enforcement
28 actions against the regional boards or their component governmental entities.
29 Pursuant to established administrative procedures, sanctions may be imposed,
30 including but not limited to denial, discontinuation, or reimbursement of any
31 grant funding administered by the department to a district or any of their
32 component government entities.

33 (c) The department may award grants to the districts for the
34 development of the initial regional needs assessments, for the biennial
35 updates, and for any other update required by the law .

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8-6-706. Solid waste landfill permits.

(a) Any applicant for a solid waste landfill permit, *with the exception of permits for landfills when a private industry bears the expense of operating and maintaining the landfill solely for the disposal of waste generated by the industry or wastes of a similar kind or character*, under the Arkansas Solid Waste Management Act, §8-6-201 et seq., *with the exception of permits for landfills when a private industry bears the expense of operating and maintaining the landfill solely for the disposal of waste generated by the industry or wastes of a similar kind or character*, must obtain a certificate of need from the board with jurisdiction over the proposed site prior to submitting the application to the Arkansas Department of Pollution Control and Ecology. The department may deny any permit based upon the denial of a certificate of need by any regional board.

(b)(1) Applicants must petition the board with jurisdiction over a proposed solid waste disposal site for a certificate of need in accordance with procedures adopted by the board.

(2) The applicant's petition must establish, at a minimum, that the proposed disposal facility:

(A) Is consistent with the regional planning strategy adopted by the board in the regional needs assessment or the regional solid waste management plan;

(B) Does not conflict with existing comprehensive land-use plans of any local governmental entities;

(C) Does not disturb an archaeological site as recognized by the Arkansas Archaeological Survey, or a rare and endangered species habitat as recognized by the Arkansas Game and Fish Commission or the United States Fish and Wildlife Service;

(D) Will not adversely affect the public use of any local, state, or federal facility, including but not limited to, parks and wildlife management areas;

(E) Does not conflict with the requirements of state or federal laws and regulations on the location of disposal facilities; and

(F) If located in the 100-year floodplain, does not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of

1 the floodplain, or result in washout of solid waste so as to pose a hazard to
2 human health or the environment.

3 (c) Any interested party to a certificate of need determination by a
4 board may appeal the decision to the director of the department pursuant to
5 procedures adopted by the commission. The director may issue a permit despite
6 the denial of a certificate of need if the director *finds upon appeal that the*
7 *decision of the board was not supported by substantial evidence.*

8 (d) After notice and a public hearing to be held by the board in the
9 county where the proposed landfill is to be located, certificates of need
10 shall be issued or denied by the boards based upon an evaluation of:

11 (1) The information provided by the applicant in the petition for
12 a certificate of need;

13 (2) The requirements and considerations of any needs assessments
14 prepared pursuant to this section;

15 (3) The location of the applicant's proposed landfill based on
16 the district's needs and its highway and road system;

17 (4) The need for the landfill based upon the district's excess
18 projected capacity which is currently permitted for operation, but in no event
19 shall the district's excess permitted projected capacity exceed thirty (30)
20 years;

21 (5) Any solid waste management system plans, promulgated and
22 approved pursuant to §§8-6-211 and 8-6-212 to the extent these plans conform
23 to an overall regional planning strategy;

24 (6) A detailed history of the applicant's record and that of the
25 stockholders and officers with respect to violations of environmental laws and
26 regulations of the United States or any state or any political subdivision of
27 any state; and

28 (7) Any procedures adopted by the board for issuance of
29 certificates of need.

30

31 8-6-707. Creation of New Regional Districts.

32 (a) (1) After notification of the appropriate regional board or boards,
33 the commission may designate a county or counties within each district or
34 counties within two (2) or more districts as a new regional solid waste
35 management district pursuant to the limitations of this section.

1 (A) New regional solid waste management districts shall be
2 designated for purposes which address local exigencies, needs, and other
3 requirements of this subchapter.

4 (B) A regional solid waste management district shall only
5 be composed of whole county jurisdictions, and each district shall contain
6 more than one county unless that county has a population of at least fifty
7 thousand (50,000) according to the latest decennial census.

8 (2) Commission approval of regional solid waste management
9 district boundaries shall be sought and obtained pursuant to administrative
10 procedures promulgated by the commission.

11 (b) Counties and municipalities included in a new or *revised* district
12 shall cease to be members of any other district. The term of a regional board
13 member representing a county or municipality shall immediately expire upon the
14 inclusion of the county or municipality within a new regional solid waste
15 management district.

16 (c) *After notification of the appropriate regional boards, the*
17 *commission, upon the request of a county or district, may transfer a county*
18 *into an existing district.*

19

20 8-6-708. Procedures and regulations.

21 The Arkansas Pollution Control and Ecology Commission is authorized to
22 prescribe procedures and regulations:

23 (1) To guide the initial and continued organization and operation of
24 the respective boards in accordance with the purposes of this subchapter and
25 subchapter 8;

26 (2) To assure public notice and participation prior to adoption of
27 regional needs assessments, findings, or reports made by the boards;

28 (3) To defray some of the costs of the administration of this
29 subchapter including, but not limited to, inspections and technical review of
30 submissions required by this subchapter by setting graduated surcharges upon
31 any waste stream increase in excess of ten percent (10%) as a result of
32 receipt of solid waste from outside the district; and

33 (4) To require prompt compliance with the requirements of this
34 subchapter and subchapter 8.

35

1 8-6-709. Agreements implementing subchapter.

2 (a) (1) Any regional solid waste management board may enter into
3 agreements for the specific purpose of implementing this subchapter.

4 (2) Any such agreement shall specify the following:

5 (A) Its duration;

6 (B) The precise organization, composition, and nature of
7 any separate legal or administrative entity created thereby, together with the
8 powers delegated thereto, provided such entity may be legally created;

9 (C) Its purpose or purposes;

10 (D) The manner of financing the joint or cooperative
11 undertaking and of establishing and maintaining a budget therefor provided
12 that such legal entity may incur indebtedness for the lease or purchase of
13 land, equipment, and other expenses necessary to the operation of a solid
14 waste management system or any part thereof;

15 (E) The permissible method or methods to be employed in
16 accomplishing the partial or complete termination of the agreement and for
17 disposing of property upon such partial or complete termination;

18 (F) The degree to which the joint or individual plans are
19 drawn in accordance with the regional needs assessments required by this
20 subchapter; and

21 (G) Any other necessary and proper matters.

22

23 8-6-710. Solid Waste Management Responsibility.

24 (a) Each regional solid waste management board shall be the
25 governmental entity primarily responsible for providing a solid waste
26 management system for the district. The counties and municipalities shall
27 continue to be responsible for solid waste management services within their
28 corporate boundaries until the regional solid waste management board
29 determines in writing that the district is able to assume the solid waste
30 management responsibilities of the municipality or county.

31 (b) Counties and municipalities in a district may provide a portion of
32 the solid waste management services, such as solid waste pick-up, while the
33 board provides other services and has assumed responsibility therefor, such as
34 disposal facilities, in which event the counties and municipalities shall
35 retain only the responsibility for the system related to the services

1 provided. In performing those retained responsibilities, or assisting the
2 board in performing its responsibilities, counties and municipalities shall
3 retain all present legal powers and authority related to those
4 responsibilities, including but not limited to power and authority to levy and
5 collect fees and charges. *Counties and municipalities may provide additional*
6 *solid waste management services in excess of those provided by the District at*
7 *their own expense so long as such services conform to the District Solid Waste*
8 *Management Plan.*

9 8-6-711. District Solid Waste Management System.

10 (a) A district is authorized to own, acquire, construct, reconstruct,
11 extend, equip, improve, operate, maintain, sell, lease, contract concerning,
12 or otherwise deal in facilities of any nature necessary or desirable for the
13 control, collection, removal, reduction, disposal, treatment, or other
14 handling of solid waste.

15 (b) A district may elect to acquire the ownership or use of elements of
16 solid waste management systems owned or controlled by municipalities,
17 counties, improvement districts or sanitation authorities within the district
18 by contract on such terms as are mutually agreed to be necessary, convenient
19 or desirable. If the district has elected such acquisition of ownership or
20 use, it shall also have assumed the responsibility associated with that
21 project or element, as contemplated by §8-6-714. If the district and the
22 other entity or entities which are parties to the acquisition cannot mutually
23 agree on the fair value to be paid and the method of compensation for the
24 acquired asset, then either party may have that value and method adjudicated
25 as to fairness by the chancery court having jurisdiction of the district's
26 principal office, in the manner of a declaratory judgment and not in the
27 nature of eminent domain. The district shall have the discretion to proceed
28 or not to proceed with the acquisition after the declaration is obtained.
29 *Nothing in this section shall be construed to give a district the power to*
30 *make an acquisition described herein without the consent of the*
31 *municipalities, counties, improvement districts, or sanitation authorities*
32 *involved.*

33 (c) A district may elect to seek a permit for a Class I landfill to be
34 owned by the State of Arkansas, provided, however, that only one such landfill
35 shall be sited in each of the eight (8) planning and development districts

1 established pursuant to §14-166-202. Upon the district's obtaining a permit
2 to operate, ownership interest in said landfill shall be vested with the State
3 of Arkansas through deed or other conveyance.

4 (d) Existing and operating solid waste facilities within the district
5 shall be incorporated into the district Solid Waste Management Plan or the
6 district shall acquire ownership of that facility in the manner set forth in
7 subsection (b) of this section.

8

9 8-6-712. Regulation of Solid Waste.

10 (a) A district which has an approved solid waste management plan may:

11 (1) Require, by regulation or other legal means, that solid waste
12 generated or collected within the boundaries of the district be delivered to a
13 particular project for disposal, treatment, or other handling, provided
14 however that nothing in this section shall be construed as impairing legal and
15 proper contracts existing upon the effective date of this section under the
16 Arkansas Constitution, or the notes or other evidences of indebtedness
17 incurred pursuant to a revenue bond issued or reissued dependent upon a
18 project involving a stated waste stream which is a contractual condition of
19 said indebtedness;

20 (2) Prohibit, by regulation or other legal means, the collection,
21 disposal, treatment, or other handling of solid waste within the boundaries of
22 the district, by persons other than the district or any persons designated by
23 the district unless a district to district agreement is entered into when one
24 solid waste district has no legally permitted landfill which can accept its
25 solid waste;

26 (3) Provide, by regulation or other legal means, that no person,
27 other than as may be designated by the district, shall engage in the
28 collection or utilization of solid waste within the district which would be
29 competitive with the purposes or activities of the district; and

30 (4) Covenant in connection with the issuance of bonds, notes, or
31 other evidence of indebtedness to adopt any regulation described in
32 subdivisions (1)-(3) of this subsection and that any regulation so adopted
33 shall remain in full force and effect and shall be enforced so long as any
34 bonds, notes, or other evidences of indebtedness remain outstanding.

35 (b) The districts shall issue rules or regulations which are consistent

1 with and in accordance with, but no more restrictive than, all applicable
2 environmental protection performance standards adopted by state law or
3 incorporated by reference from federal law.

4 (c) Nothing in this section shall prohibit the disposal of solid waste
5 generated by a private industry in a permitted landfill where the private
6 industry bears the expense of operating and maintaining the landfill solely
7 for the disposal of waste generated by the industry or wastes of a similar
8 kind or character. Furthermore, nothing in this act shall prohibit the
9 disposal of dead animal carcasses through means which are otherwise permitted
10 by state law or regulation.

11 (d) Nothing in this section shall prohibit the collection or disposal
12 of solid waste by a municipality with an existing permitted landfill with a
13 twenty-five year capacity as of January 1, 1991, where the city bears the
14 expense of operating and maintaining the landfill and the landfill complies
15 with EPA and Department of Pollution Control and Ecology regulations.

16 (e) Nothing in this section shall prohibit a municipality or county
17 from constructing or operating a facility or project to process and market
18 recyclable materials for use as fuel.

19 8-6-713. Restriction on Local Government Bonds and Pledges.

20 (a) Unless approved by the board, no municipality, county, improvement
21 district or sanitation authority within the regional solid waste management
22 district shall:

- 23 (1) Issue any bonds for solid waste management purposes; or
- 24 (2) Pledge any revenues derived from solid waste management
25 services for any bond issue.

26 (b) Notwithstanding the provisions of subsection (a), no board shall
27 prohibit a municipality or county from issuing revenue bonds or using general
28 obligation bonds when the purpose of such issuance or usage is the funding of
29 a facility or project to process and market recycled materials for use as
30 fuel.

31 (c) The board shall not impair any existing bond issue or other
32 financial obligation of a municipality, county, improvement district or
33 sanitation authority.

34

35 8-6-714. Rents, Fees and Charges - Collection by Utilities.

1 (a) A regional solid waste management board may fix, charge, and
2 collect rents, fees, and charges for the disposal, treatment, or other
3 handling of solid waste by the district.

4 (b) The board may levy a service fee on each residence or business for
5 which the board makes solid waste collection or disposal services available.

6 (c) (1) The board may, by majority vote, require fees or delinquent fees
7 to be collected with the real and personal property taxes of any county within
8 the district. If the board elects to collect such fees in this manner, it
9 shall so notify the county tax collector, who shall enter such fees on tax
10 notices to be collected with the real and personal property taxes of the
11 county. No county tax collector shall accept payment of any property taxes
12 where the taxpayer has been billed for solid waste collection services unless
13 the service fee is also receipted. If a property owner fails to pay the
14 service fee, it shall become a lien on the property.

15

16 8-6-715. Eminent domain.

17 (a) In the event that necessary lands needed for the accomplishment of
18 the purposes authorized by this chapter cannot be acquired by negotiation, any
19 district is authorized to acquire the needed lands by condemnation proceedings
20 under the power of eminent domain.

21 (b) The proceedings may be exercised in the manner now provided for
22 taking private property for rights-of-way for railroads as set forth in
23 §§18-15-1202 - 18-15-1207. As a part of the proceedings, the district shall
24 file an environmental impact statement with the court.

25

26 (c) *Nothing herein shall allow a district to appropriate by eminent*
27 *domain any property upon which is located a permitted landfill, recycling*
28 *facility, or incinerator or for which a permit for a landfill, recycling*
29 *facility, or incinerator is pending.*

30

31 8-6-716. Regional Needs Assessment.

32 (a) Each board created pursuant to this subchapter shall prepare a
33 Regional Needs Assessment evaluating the solid waste management needs within
34 its district, *provided however that such assessments need not include an*
35 *evaluation of the need for landfills where a private industry bears the*

1 *expense of operating and maintaining the landfill solely for the disposal of*
2 *wastes generated by the industry or wastes of a similar kind or character.*
3 Such assessment shall be submitted for department review, and the director
4 shall approve or disapprove it within ninety (90) days after submission. The
5 assessments for boards created pursuant to §8-6-703 shall be due on January
6 31, 1993, with updated assessments due on January 31 of each odd-numbered year
7 thereafter. If a board is *created pursuant to §8-6-707 or §8-6-723, the*
8 *initial Regional Needs Assessment* shall be submitted on the next due date for
9 assessments unless the board obtains an extension of that deadline from the
10 commission, with updated assessments due on January 31 of each odd-numbered
11 year thereafter. The assessment shall include, at the minimum, the following:

12 (1) An evaluation of the amount of solid waste generated within
13 the district and the amount of remaining disposal capacity, expressed in
14 years, at the solid waste disposal facilities within the district that are
15 permitted under the Arkansas Solid Waste Management Act, §8-6-201 et seq.;

16 (2) An evaluation of the solid waste collection, transportation,
17 and disposal needs of all localities within the district; and

18 (3) An evaluation and balancing of the environmental, economic
19 and other relevant factors which would be implicated by acceptance of solid
20 waste from beyond the boundaries of the district.

21 (b) Each board shall update its Regional Needs Assessment, at the
22 minimum, on a biennial basis.

23 (c) At a time not later than five (5) years before the disposal
24 capacity in a region reaches its projected capacity, the board shall develop a
25 request for proposals to increase the district's projected capacity for solid
26 waste disposal within the district in accordance with its Regional Needs
27 Assessment.

28 (d) No district shall receive solid waste from beyond its boundaries
29 when projected capacity within the district is less than five (5) years.

30 (e) No owner or operator of a landfill serving a limited area of a
31 district shall be required to increase the landfill's service area to
32 accommodate the needs of the district.

33

34 8-6-717. Solid Waste Management Plan.

35 (a) Each board shall develop a plan to provide a solid waste management

1 system. The plan shall be submitted to the department for approval. The plan
2 shall include such information as the commission may require by regulation.

3 (b) The solid waste management plan of each board shall include a
4 regional plan for establishing a recycling program and an educational program
5 to provide the public information concerning solid waste and recycling.

6 (c) The solid waste management plan of each board shall include a plan
7 to dispose of or recycle waste tires within the district. The plan shall
8 provide a schedule for the identification and cleanup of illegal tire dump
9 sites.

10

11 8-6-718. Waste Tires.

12 Beginning July 1, 1993, each board shall establish a waste tire
13 collection center at which residents of the district may dispose of their
14 waste motor vehicle tires at no cost except as provided by regulation of the
15 commission or the board.

16

17 8-6-719. Regional Composting Program.

18 (a) Each board shall establish a program for the composting of yard
19 waste.

20 (b) Each board shall establish a pilot program for the composting of
21 yard waste collected in an area with a population of at least five thousand
22 (5,000) persons. The pilot program shall be established in each district by
23 July 1, 1992.

24

25 8-6-720. Opportunity to Recycle - Recyclable Materials Collection
26 Centers.

27 (a) (1) Beginning July 1, 1992, each board shall ensure that its
28 residents have an opportunity to recycle. Opportunity to recycle means
29 availability of curb side pick-up or collection centers for recyclable
30 materials at sites that are convenient for persons to use.

31 (2) Beginning July 1, 1993, at least one recyclable materials
32 collection center shall be available in each county of a district unless the
33 commission grants the district an exemption. An exemption may be granted if a
34 county is adequately served by a recyclable materials collection center in
35 another county.

1 (3) Boards shall assess the operation of existing and proposed
2 recycling centers and materials recovery facilities to determine the adequacy
3 of these facilities for the collection and recovery of recyclable materials.
4 Boards shall give due consideration to existing recycling facilities in
5 ensuring the opportunity to recycle and are encouraged to use, to the extent
6 practicable, persons engaged in the business of recycling on the effective
7 date of this section, whether or not the persons were operating for profit.

8 (b) The department shall determine by regulation the adequacy of the
9 facilities and the number and type of recyclable materials for which the
10 services in this section must be provided.

11 (c) Each board shall provide information on how, when, and where
12 materials may be recycled, including a promotional program that encourages
13 source separation of residential, commercial, industrial, and institutional
14 materials.

15 (d) Each board should ensure alone or in conjunction with other boards
16 that materials separated for recycling are taken to markets for sale or to
17 materials recovery facilities.

18 (e) A board shall not prevent a person generating or collecting
19 recyclable materials from delivering the recyclable materials to a recycling
20 facility of the generator's or collector's choice.

21 (f) Each board shall incorporate into its solid waste management plan
22 its proposal for fulfilling the obligations of this section.

23 (g) Nothing in this section shall be construed to prohibit the planning
24 or implementation of any regional recycling program prior to compliance with
25 the requirements of subsection (f) of this section.

26

27 8-6-721. Licensing Haulers of Solid Waste.

28 (a) A person who engages in the business of hauling solid waste must
29 obtain a license from the regional solid waste management board if:

30 (1) the person is engaged in the collection of solid waste within
31 the district; or

32 (2) is engaged in the transportation of solid waste for disposal
33 or storage in the district.

34 (b) *A license shall be issued only to a person, partnership,*
35 *corporation, association, the State of Arkansas, a political subdivision of*

1 the state, an improvement district, a sanitation authority, or another
2 regional solid waste management district. The district may engage in the
3 hauling of solid waste within its own district without licensure but shall
4 comply with all applicable standards required under this section.

5 (c) The commission shall establish classifications of haulers, which
6 shall be used by districts in licensing haulers. The classifications shall be
7 based on the nature and size of the loads transported.

8 (d) The commission shall promulgate minimum standards for a license to
9 haul solid waste. One of the criteria for obtaining such a license shall be
10 the financial responsibility of the hauler.

11 (e) The board may impose more stringent standards than the minimum
12 standards established by the commission.

13 (f) The board may set a reasonable licensing fee for each class of
14 haulers.

15

16 8-6-722. Penalties.

17 Any person who violates this subchapter or any regulation of the
18 commission or of a board shall be deemed guilty of a misdemeanor. Upon
19 conviction the person shall be subject to imprisonment for not more than
20 thirty (30) days or a fine of not more than one thousand dollars (\$1,000), or
21 both imprisonment and fine.

22 8-6-723. *Alternative formation of original districts.*

23 (a) *In lieu of forming a regional solid waste management district under*
24 *any other provision of this subchapter, a regional solid waste management*
25 *district may be created by interlocal agreement of the local governments in*
26 *any county with a population of at least ninety thousand (90,000) persons and*
27 *in which there is a permitted landfill on January 1, 1991. The regional solid*
28 *waste management board of the district shall be established by interlocal*
29 *agreement. The creation of the district shall be effective upon the*
30 *Director's receipt of written notice in the form of a joint resolution by the*
31 *local governments.*

32 (b) *In lieu of forming a regional solid waste management district under*
33 *any other provision of this subchapter, a regional solid waste management*
34 *district may be created by a resolution of the governing body of any authority*
35 *created under the Joint County and Municipal Solid Waste Disposal Act, §14-*

1 233-101 et seq. which includes a county having a population of at least 60,000
2 persons and which has made application to the Department for a solid waste
3 disposal permit on or before January 1, 1991. The creation of a district
4 shall be effective upon the governing body of the authority notifying the
5 Director in writing. The governing body of a district created under this
6 subsection shall be determined by the authority creating the district. The
7 provisions of § 8-6-703 or any other section of this subchapter which provides
8 for the method of selection of the governing body of a district shall not
9 apply to districts formed under this subsection.

10 (c) The commission shall have no authority to add to or otherwise
11 change the boundaries of a district created under this section."

12

13 SECTION 3. Special Provisions.

14 (a) A county shall not be included in the boundaries of more than one
15 regional solid waste management district formed from a regional solid waste
16 planning district created pursuant to this act.

17 (b) The members of regional solid waste planning boards and solid waste
18 service area boards shall serve as board members of their respective regional
19 solid waste management districts until sixty (60) days after the effective
20 date of this act.

21 (c) New members shall be appointed to the regional solid waste
22 management boards pursuant to this act. The terms of the new appointees to
23 the regional solid waste management boards shall begin sixty days (60) after
24 the effective date of this act.

25 (d) The first meeting of the new board members shall be held within
26 ninety (90) days after the effective date of this act. At the initial meeting
27 the members shall draw lots to determine their terms of appointment so that,
28 as nearly as possible, the terms of an equal number of members will expire
29 each year.

30

31 SECTION 4. Arkansas Code Title 8, Chapter 6 is amended to add a new
32 subchapter to read as follows:

33

34 "SUBCHAPTER 8 - BONDS BY REGIONAL SOLID WASTE MANAGEMENT DISTRICTS.

35

1 8-6-801. Definitions.

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

3 (1) "Authority" means the Arkansas Development Finance Authority;

4 (2) "Board" means a regional solid waste management board created under
5 subchapter 7 of this chapter;

6 (3) "Bonds" means bonds and any series of bonds authorized by and
7 issued pursuant to the provisions of this subchapter and comprehends "revenue
8 bonds," as defined in Amendment 65, §3, of the Arkansas Constitution;

9 (4) "Costs" or "project costs" means, but shall not be limited to:

10 (A) All costs of acquisition, construction, reconstruction,
11 improvement, enlargement, betterment, or extension of any project, including
12 the cost of studies, plans, specifications, surveys, and estimates of costs
13 and revenues relating thereto;

14 (B) All costs of land, land rights, rights-of-way and easements,
15 water rights, fees, permits, approvals, licenses, certificates, franchises,
16 and the preparation of applications for and securing them;

17 (C) Administrative, organizational, legal, engineering, and
18 inspection expenses;

19 (D) Financing fees, expenses, and costs, including but not
20 limited to costs of credit enhancement or guaranties, trustees' fees, paying
21 agents' fees or similar fees, and fees to financial advisors and other
22 entities assisting in the issuance of bonds;

23 (E) Working capital;

24 (F) All machinery and equipment including construction equipment;

25 (G) Interest on the bonds during the period of construction and
26 for such reasonable period thereafter as may be determined by the issuing or
27 borrowing district;

28 (H) Establishment of reserves; and

29 (I) All other expenditures of the issuing or borrowing district
30 incidental, necessary, or convenient to the acquisition, construction,
31 reconstruction, improvement, enlargement, betterment, or extension of any
32 project and the placing of it in operation;

33 (5) "District" means a regional solid waste management district created
34 under subchapter 7 of this chapter.

35 (6) "Project" means any real property, personal property, or mixed

1 property of any and every kind that can be used or will be useful in
2 controlling, collecting, storing, removing, handling, reducing, disposing of,
3 treating, and otherwise dealing in and concerning solid waste, including,
4 without limitation, property that can be used or that will be useful in
5 extracting, converting to steam, including the acquisition, handling, storage,
6 and utilization of coal, lignite, or other fuel of any kind, or water that can
7 be used or that will be useful in converting solid waste to steam, and
8 distributing the steam to users thereof, or otherwise separating and preparing
9 solid waste for reuse, or that can be used or will be useful in generating
10 electric energy by the use of solid waste as a source of generating power and
11 distributing the electric energy to purchasers or users thereof in accordance
12 with the *general laws of the state*. *However, for the purposes of this chapter*
13 *not more than twenty-five percent (25%) of the fuel used to produce steam or*
14 *electricity from any project shall consist of materials other than solid*
15 *waste; and*

16 (7) "Solid waste" shall have the same meaning as provided in §8-6-702.
17

18 8-6-802. Construction.

19 (a) The powers provided by this subchapter shall be supplemental to all
20 other powers conferred on regional solid waste management boards.

21 (b) Except as expressly provided in this subchapter, the acquisition,
22 construction, reconstruction, enlargement, equipment, or operation and
23 maintenance of projects under the provisions of this subchapter need not
24 comply with the requirements of any other law applicable to the acquisition,
25 construction, reconstruction, enlargement, equipment, and operation and
26 maintenance of public works or facilities including, without limitation, laws
27 pertaining to public bidding, paying prevailing wages, transfer or exchange of
28 title to real or personal property, or any other aspect of the acquiring,
29 constructing, reconstructing, enlarging, equipping, or operation or
30 maintenance of public works or public projects, or transfer or exchange of
31 title to real or personal property, none of which laws shall be applicable to
32 projects under this subchapter.

33 (c) This subchapter, being necessary for the welfare of the state and
34 its inhabitants, shall be liberally construed to effect the purposes hereof.

35

1 8-6-803. Pledge of rents, fees and charges.

2 A regional solid waste management board may pledge any rents, fees and
3 charges imposed by the board to secure the repayment of bonds issued to
4 finance projects, as provided for in this subchapter.

5

6 8-6-804. Bonds - Issuance, execution, and sale.

7 (a) Regional solid waste management boards are authorized to use any
8 available funds and revenues for the accomplishment of projects and may issue
9 bonds, as authorized by this subchapter, for the purpose of paying project
10 costs and accomplishing projects, either alone or together with other
11 available funds and revenues.

12 (b)(1) The issuance of bonds shall be by resolution of the board.

13 (2) The bonds may be coupon bonds payable to bearer, subject to
14 registration as to principal or as to principal and interest, or fully
15 registered bonds without coupons, may contain exchange privileges, may be
16 issued in one (1) or more series, may bear such date or dates, may mature at
17 such time or times, not exceeding forty (40) years from their respective
18 dates, may bear interest at such rate or rates, may be in such form, may be
19 executed in such manner, may be payable in such medium of payment, at such
20 place or places, may be subject to such terms of redemption in advance of
21 maturity at such prices, and may contain such terms, covenants, and conditions
22 as the resolution may provide, including, without limitation, those pertaining
23 to the custody and application of the proceeds of the bonds, the collection
24 and disposition of revenues, the maintenance of various funds and reserves,
25 the investing and reinvesting of any moneys during periods not needed for
26 authorized purposes, the nature and extent of the security, the rights,
27 duties, and obligations of the district and the trustee for the holders or
28 registered owners of the bonds, and the rights of the holders or registered
29 owners of the bonds.

30 (c) There may be successive bond issues for the purpose of financing
31 the same project, and there may be successive bond issues for financing the
32 cost of reconstructing, replacing, constructing additions to, extending,
33 improving, and equipping projects already in existence, whether or not
34 originally financed by bonds issued under this subchapter, with each
35 successive issue to be authorized as provided by this subchapter. Priority

1 between and among issues and successive issues as to security of the pledge of
2 revenues and lien on the project involved may be controlled by the resolution
3 authorizing the issuance of the bonds.

4 (d) Subject to the provisions of this subchapter pertaining to
5 registration, the bonds shall have all the qualities of negotiable instruments
6 under the laws of the State of Arkansas.

7 (e) The bonds may be sold at public or private sale for such price,
8 including, without limitation, sale at a discount and in such manner the board
9 may determine by resolution.

10 (f) Bonds issued under this subchapter shall be executed by the manual
11 or facsimile signatures of the chairman and secretary of the board, but one of
12 such signatures must be manual. The coupons attached to the bonds may be
13 executed by the facsimile signature of the chairman of the board. In case any
14 of the officers whose signatures appear on the bonds or coupons shall cease to
15 be officers before the delivery of the bonds or coupons, their signatures
16 shall nevertheless be valid and sufficient for all purposes. The seal of the
17 board shall be placed or printed on each bond in such manner as the board
18 shall determine.

19 (g) (1) Prior to the issuance of any bonds pursuant to this subchapter,
20 the district shall seek the advice of the Arkansas Development Finance
21 Authority as to the financial feasibility of the project to be financed, and
22 shall provide the Authority with such information and documentation as it may
23 reasonably request in order to render that advice. No bonds shall be issued
24 without a determination by the Authority that the financing and project are
25 financially feasible and advisable, in view of capital financing alternatives,
26 utilization of available funds from grants, proposed marketing strategies,
27 cost of the financing, and proposed procedures and structures for issuance of
28 the bonds;

29 (2) The district may request the Authority to designate it as a
30 "developer," as contemplated by §15-5-403, and, hence, to guarantee the bonds,
31 on such terms and conditions as may be mutually agreed upon by the district
32 and the Authority, consistent with the program delineated in §15-5-401 et
33 seq.;

34 (3) The district may also request that the Authority be the
35 issuer of the bonds and loan the proceeds thereof to the district, secured by

1 a pledge of revenues from the project on such terms as may be necessary to
2 permit the sale of the bonds, consistent with the provisions hereof applicable
3 to the issuance of bonds directly by districts.

4 (h) Regional solid waste management boards are specifically authorized
5 to apply for and receive loans from the Arkansas Soil and Water Conservation
6 Commission to finance projects, from the proceeds of the commission's bonds
7 issued pursuant to Act 686 of 1987 (§15-22-701 et seq.), on terms mutually
8 acceptable to the borrowing board and the commission, including but not
9 limited to provisions for a pledge of revenues to secure such loans, as set
10 forth in §8-6-803. The Arkansas Soil and Water Conservation Commission is
11 authorized but not required to require, as prerequisite to approving any such
12 loan, that the borrowing board comply with some or all of the requirements of
13 §8-6-804(a), (b)(1), (f) and (g)(1) hereof. The Arkansas Soil and Water
14 Conservation Commission is further authorized to enter into agreements with
15 the Authority for such services to the commission or to the borrowing boards
16 as the commission deems necessary or desirable in furtherance of the
17 commission's powers and duties under §15-22-701 et seq., the authority granted
18 hereby being in addition to those powers and not in derogation or restriction
19 thereof.

20

21 8-6-805. Bonds - Trust indenture.

22 (a) The resolution authorizing the bonds may provide for the execution
23 by the district with a bank or trust company within or without this state of a
24 trust indenture which defines the rights of the holders and registered owners
25 of the bonds.

26 (b) The indenture may control the priority between and among successive
27 issues and may contain any other terms, covenants, and conditions that are
28 deemed desirable including, without limitation, those pertaining to the
29 custody and application of proceeds of the bonds, the maintaining of rates and
30 charges, the collection and disposition of revenues, the maintenance of
31 various funds and reserves, the nature and extent of the security and pledging
32 of revenues, the rights, duties, and obligations of the district and the
33 trustee for the holders or registered owners of the bonds, and the rights of
34 the holders and registered owners of the bonds.

35 (c) The resolution or trust indenture authorizing or securing any bonds

1 issued under this subchapter may, or may not, impose a foreclosable mortgage
2 lien upon, or security interest in, the project financed in whole or in part
3 with the proceeds of the bonds, and the nature and extent of the mortgage lien
4 or security interest may be controlled by the resolution or trust indenture
5 including without limitation, provisions pertaining to the release of all or
6 part of the project properties from the mortgage lien or security interest and
7 the priority of the mortgage lien or security interest in the event of the
8 issuance of additional bonds.

9 (d) Subject to the terms, conditions, and restrictions which may be
10 contained in the resolution or trust indenture, any holder or registered owner
11 of bonds issued under this subchapter, or of any coupon attached thereto, may,
12 either at law or in equity, enforce the mortgage lien or security interest and
13 may, by proper suit, compel the performance of the duties of the members and
14 employees of the board as set forth in the resolution or trust indenture
15 authorizing or securing the bonds.

16

17 8-6-806. Bonds - Default.

18 (a) (1) In the event of a default in the payment of the principal of,
19 premium on, if any, or interest on any bonds issued under this subchapter, any
20 court having jurisdiction may appoint a receiver to take charge of all or any
21 part of the project in which there is a mortgage lien or security interest
22 securing the bonds in default.

23 (2) The receiver shall have the power and authority to operate
24 and maintain the project, to charge and collect rates, payments, rents, and
25 charges sufficient to provide for the payment of the principal of, premium on,
26 if any, and interest on the bonds, after providing for the payment of any
27 costs of receivership and operating expenses of the project, and to apply the
28 revenues derived from the project in conformity with this subchapter and the
29 resolution or trust indenture authorizing or securing the bonds.

30 (3) When the default has been cured, the receivership shall be
31 ended and the project returned to the district.

32 (b) The relief afforded by this section shall be construed to be in
33 addition and supplemental to the remedies that may be afforded the trustee for
34 the bondholders and the bondholders in the resolution or trust indenture
35 authorizing or securing the bonds and shall be so granted and administered as

1 to accord full recognition to priority rights of bondholders as to the pledge
2 of revenues from, and the mortgage lien on and security interest in, the
3 project as specified in and fixed by the resolutions or trust indentures
4 authorizing or securing successive bond issues.

5

6 8-8-807. Bonds - Liability - Payment and security.

7 (a) It shall be plainly stated on the face of each bond that it has
8 been issued under the provisions of this subchapter, that the bonds are
9 obligations only of the district.

10 (b) No member of the board shall be personally liable on the bonds or
11 for any damages sustained by anyone in connection with any contracts entered
12 into in carrying out the purpose and intent of this subchapter unless he shall
13 have acted with corrupt intent.

14 (c) The principal of, and interest on, the bonds shall be payable from,
15 and may be secured by a pledge of, revenues derived from the project acquired,
16 constructed, reconstructed, equipped, extended, or improved, in whole or in
17 part, with the proceeds of the bonds or obligations of the owners of projects.

18

19 8-6-808. Refunding bonds - Issuance.

20 (a) Bonds may be issued for the purpose of refunding any bonds issued
21 under this subchapter. Refunding bonds may be combined with bonds issued
22 under the provisions of §14-233-109 into a single issue.

23 (b) When refunding bonds are issued, they may either be sold or
24 delivered in exchange for the bonds being refunded. If sold, the proceeds may
25 either be applied to the payment of the bonds being refunded or deposited in
26 escrow for the retirement thereof.

27 (c) All refunding bonds shall in all respects be issued and secured in
28 the manner provided for other bonds issued under this subchapter and shall
29 have all the attributes of those bonds.

30 (d) The resolution under which refunding bonds are issued may provide
31 that any of the refunding bonds shall have the same priority of lien on and
32 security interest in project revenues and the project as was enjoyed by the
33 bonds refunded by them.

34

35 8-6-809. Rates, fees, and charges - Pledges.

1 (a) If the board pledges rates, fees, and charges, then for as long as
2 any bonds are outstanding and unpaid, the rates, fees, and charges shall be so
3 fixed by the district as to provide revenues sufficient:

4 (1) To pay all costs of and charges and expenses in connection
5 with the proper operation and maintenance of its projects, and all necessary
6 repairs, replacements, or renewals thereof;

7 (2) To pay when due the principal of, premium, if any, and
8 interest on all bonds including bonds subsequently issued for additional
9 projects, payable from the revenues;

10 (3) To create and maintain reserves as may be required by any
11 resolution or trust indenture authorizing or securing bonds; and

12 (4) To pay any and all amounts which the district may be
13 obligated to pay from project revenues by law or contract.

14 (b) Any pledge made by a district pursuant to this subchapter shall be
15 valid and binding from the date the pledge is made. The revenues so pledged
16 and then held or thereafter received by the district or any fiduciary on its
17 behalf shall immediately be subject to the lien of the pledge without any
18 physical delivery thereof or further act. The lien of the pledge shall be
19 valid and binding as against all parties having claims of any kind in tort,
20 contract, or otherwise against the district without regard to whether such
21 parties have notice thereof.

22 (c) The resolution, trust indenture, or other instrument by which a
23 pledge is created need not be filed or recorded in any manner.

24

25 8-6-810. Rights of bondholders.

26 Any holder or registered owner of bonds or coupons pertaining to the
27 bonds, except to the extent the rights given in this subchapter may be
28 restricted by the resolution or trust indenture authorizing or securing the
29 bonds and coupons may, either at law or in equity, by suit, action, mandamus,
30 or other proceeding protect and enforce any and all rights under the laws of
31 the state or granted under this subchapter or, to the extent permitted by law,
32 under the resolution or trust indenture authorizing or securing the bonds or
33 under any agreement or other contract executed by a district pursuant to this
34 subchapter, and may enforce and compel the performance of all duties required
35 by this subchapter or by the resolution or trust indenture to be performed by

1 any district, or by any officer of the foregoing, including the fixing,
2 charging, and collecting of rates, fees, and charges.

3

4 8-6-811. Bonds - Tax exemption.

5 Bonds issued under the provisions of this subchapter, and the interest
6 thereon, shall be exempt from all state, county, and municipal taxes,
7 including property, income, inheritance, and estate taxes; provided, however,
8 that nothing herein shall preclude a district from requesting the Authority to
9 issue taxable bonds in furtherance of the purposes hereof, on such terms as
10 the district and Authority deem advisable and in conformity with the
11 Authority's statutory authority for issuance of such bonds.

12

13 8-6-812. Tax exempt status of property and income of district.

14 All properties at any time owned by the district and the income
15 therefrom shall be exempt from all taxation in the State of Arkansas.

16

17 8-6-813. Investment of public funds in bonds.

18 Any municipality, any board, commission, or other authority established
19 by ordinance of any municipality, or the boards of trustees, respectively, of
20 the firemen's relief and pension fund and the policemen's pension and relief
21 fund of any municipality, or the board of trustees of any retirement system
22 created by the General Assembly of the State of Arkansas, may in its
23 discretion, invest any of its funds not immediately needed for its purposes in
24 bonds issued under the provisions of this subchapter. Bonds issued under the
25 provisions of this subchapter shall be eligible to secure the deposit of
26 public funds.

27

28 8-6-814. Transfer of facilities to district by county or municipality.

29 Any municipality or county may acquire facilities for a project, or any
30 portion thereof, including a project site, by gift, purchase, lease, or
31 condemnation, and may transfer the facilities to the district by sale, lease,
32 or gift. The transfer may be authorized by ordinance of the governing body
33 without regard to the requirements, restrictions, limitations, or other
34 provisions contained in any other law."

35

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