

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

A Bill

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

1 use or exchange;

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

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

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

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

20 "8-6-607. Collection of fees.

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

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

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

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

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

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

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

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

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

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/s/ B. Gibson

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