

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

# A Bill

**SENATE BILL**

## **For An Act To Be Entitled**

8 "AN ACT AUTHORIZING THE DEPARTMENT OF POLLUTION CONTROL  
9 AND ECOLOGY TO EXERCISE CONCURRENT AUTHORITY WITH THE  
10 ATTORNEY GENERAL TO INITIATE LEGAL ACTIONS FOR RECOVERY OF  
11 COSTS EXPENDED BY THE STATE, FOR INJUNCTIVE RELIEF  
12 PURSUANT TO THE LITTER CONTROL ACT OF 1977, TO BRING SUIT  
13 ON BEHALF OF THE STATE TO ABATE PUBLIC NUISANCES; AND FOR  
14 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 Annotated §8-6-405 of the Litter Control Act  
19 of 1977 is hereby amended to read as follows:

20 "8-6-405. Injunction. In addition to all other remedies provided by  
21 this subchapter, the Department of Pollution Control and Ecology, the Attorney  
22 General of this state, the prosecuting attorney of a county where any  
23 violation of any provision of this subchapter occurs, or any citizen,  
24 resident, or taxpayer of the county where a violation of any provision of this  
25 subchapter occurs may apply to the chancery court or the judge in vacation of  
26 the county where the alleged violation occurred for an injunction to restrain,  
27 prevent, or abate the maintenance and storage of litter, junk motor vehicles,  
28 old vehicle tires, or inoperative or discarded household appliances in  
29 violation of any provision of this subchapter."

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31 SECTION 2. Arkansas Code §8-7-415(a) of the Emergency Response Fund Act  
32 of 1985 is hereby amended to read as follows:

33 "8-7-415. Recovery of expenditures generally.

34 (a) Making use of any and all appropriate existing state legal  
35 remedies, the Department or the Attorney General shall act to recover the

1 amount expended by the state for any and all response actions from any and all  
2 identified responsible parties for each facility or site."

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4 SECTION 3. Arkansas Code §8-7-514(b) of the Remedial Action Trust Fund  
5 Act of 1985 is hereby amended to read as follows:

6 "8-7-514. (b) Making use of any and all appropriate existing state  
7 legal remedies, the Department or the Attorney General shall act to recover  
8 the amount expended by the state for any and all response actions from any and  
9 all parties identified as responsible parties for each hazardous substance."

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11 SECTION 4. In any legal action arising from, relating to, or including  
12 violations of laws or regulations charged to the enforcement authority of the  
13 Department of Pollution Control and Ecology which also alleges the existence  
14 of a public nuisance at common law, the Attorney General or the Department of  
15 Pollution Control and Ecology may serve as the instrumentality of the state  
16 authorized to initiate and prosecute such action.

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18 SECTION 5. All provisions of this act of a general and permanent nature  
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 6. If any provision of this act or the application thereof to  
23 any person or circumstance is held invalid, such invalidity shall not affect  
24 other provisions or applications of the act which can be given effect without  
25 the invalid provision or application, and to this end the provisions of this  
26 act are declared to be severable.

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28 SECTION 7. All laws or parts of laws in conflict with this act are  
29 hereby repealed.

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