

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

HOUSE BILL

4 **By: Representative Fairchild**

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For An Act To Be Entitled

8 "AN ACT TO PROVIDE PRIVATE SECTOR REPRESENTATION ON
9 REGIONAL SOLID WASTE MANAGEMENT BOARDS AND ALTERNATIVE
10 BOARD FORMATION; AND FOR OTHER PURPOSES."

11

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Subtitle

13 "PROVIDE PRIVATE SECTOR REPRESENTATION ON REGIONAL SOLID
14 WASTE MANAGEMENT BOARDS AND ALTERNATIVE BOARD FORMATION."

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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 8-6-703 is hereby amended to read as
19 follows:

20 "§8-6-703. Creation of districts and boards - Members of boards.

21 (a) (1) (A) The eight (8) regional solid waste planning districts created
22 by §8-6-701 et seq. and each solid waste service area created pursuant to
23 §8-6-701 et seq. are renamed regional solid waste management districts.

24 (B) Each district shall be governed by a regional solid
25 waste management board.

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

29 (3) A county shall not be included in the boundaries of more than
30 one (1) regional solid waste management district formed from a regional solid
31 waste planning district created pursuant to this act.

32 (b) Each regional solid waste management board shall be composed of
33 representatives of the counties within the district and representatives of all
34 first-class cities, of all cities with a population over two thousand (2,000)
35 according to the latest federal decennial census, and of the largest city of

1 each county within the district. Additionally, each private-sector owner of a
2 landfill located within a district that is receiving waste at the time of the
3 enactment of this amendment, or the designee of the owner upon written
4 notification by the owner to the director, shall be a member of the board for
5 that district, except that no owner or designee of the following landfills
6 shall be a board member: (1) a landfill for which a private industry bears
7 the expense of operating and maintaining the landfill solely for the disposal
8 of wastes generated by the industry or those of a similar kind or character,
9 or (2) a landfill that is a Class IV or waste tire landfill. A private-sector
10 landfill owner or designee serving as a board member pursuant to this section
11 shall serve on the board as long as the owner has a landfill permitted within
12 the district, except that an owner may change a designee upon written
13 notification to the director. A board that has been properly formed pursuant
14 to this section may agree to an alternative composition of the board
15 membership by interlocal agreement if seventy-five percent (75%) of the then
16 current board members approve the interlocal agreement provided, however, that
17 all rights given to private-sector owners pursuant to this section are not
18 affected and are contained in the interlocal agreement. The county judge of
19 each county within the district and the mayor of each city entitled to a
20 representative in the district shall serve on the board, unless such county
21 judge or mayor elects instead to appoint a member as follows:

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

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

27 (c) Each board shall have a minimum of five (5) members.

28 (1) If the number of members serving under subsection (b) above
29 is less than five (5), additional members necessary to make the total number
30 equal five (5) shall be appointed by mutual agreement of the other board
31 members and shall represent the general public within the district.

32 (2) Appointed regional board members shall serve for staggered
33 terms of two (2) years; provided, however, that all members appointed pursuant
34 to subsection (b) above shall serve at the pleasure of the appointing body.
35 Each appointed board member shall be eligible for a maximum of two (2) terms

1 or four (4) years, total.

2 (3) Vacancies shall be filled for any unexpired term of an
3 appointed member in the same manner as provided in subsections (b) and (c) (1)
4 above.

5 (4)(A) A majority of the membership of the board shall constitute
6 a quorum.

7 (B) A majority vote of those members present shall be
8 required for any action of the board.

9 (5) Each board shall annually select a chairman."
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11 SECTION 2. All provisions of this act of a general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall incorporate the same in the Code.
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15 SECTION 3. If any provision of this act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 act are declared to be severable.
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21 SECTION 4. All laws and parts of laws in conflict with this act are
22 hereby repealed.
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24 SECTION 5. EMERGENCY. It is hereby found and determined by the General
25 Assembly that the present law relating to regional solid waste management
26 districts and boards does not provide adequate protection or any
27 representation to privately owned or operated landfills; that this act will
28 avoid the unnecessary proliferation of landfills and conserve public
29 resources; and that it should go into effect immediately to avoid irreparable
30 damage to the operators of existing landfills and to public resources.
31 Therefore, an emergency is hereby declared to exist and this act being
32 necessary for the immediate preservation of the public peace, health and
33 safety shall be in full force and effect from and after its passage and
34 approval.
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