

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/4/03 H3/21/03

A Bill

HOUSE BILL 1800

5 By: Representatives Bradford, *J. Taylor*
6 By: Senator Critcher
7
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For An Act To Be Entitled

10 AN ACT TO AMEND THE SOLID WASTE MANAGEMENT AND
11 RECYCLING FUND ACT TO AFFECT THE DISPOSITION OF
12 FUNDS COLLECTED UNDER THE ACT; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15 AN ACT TO AMEND THE SOLID WASTE
16 MANAGEMENT AND RECYCLING FUND ACT TO
17 AFFECT THE DISPOSITION OF FUNDS
18 COLLECTED UNDER THE ACT; AND FOR OTHER
19 PURPOSES.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 8-6-609 is amended to read as follows:

26 8-6-609. Grant program.

27 (a) There is ~~hereby~~ created a grant program of assistance for
28 districts and local governments and their delegated authorities and agents to
29 develop solid waste management plans, programs, and facilities that integrate
30 recycling as a functional part of the solid waste management system, provided
31 that the legislative preference for regional or multicounty solid waste
32 management planning is implemented in the administration of this grant
33 program.

34 (b)(1)(A) Any county, city, multicounty, regional, or other solid
35 waste authority is eligible for a grant pursuant to rules and regulations
36 adopted by the Arkansas Pollution Control and Ecology Commission and



1 administered by the Arkansas Department of Environmental Quality.

2 (B) Funds collected under the provisions of § 8-6-607 and
3 deposited in the State Treasury to the credit of the Solid Waste Management
4 and Recycling Fund, less up to twenty-five percent (25%) for administrative
5 support for the department, shall be annually allocated to each of the
6 approved regional solid waste management districts for costs eligible for
7 grant assistance utilizing a combination of two (2) methods, hereafter
8 referred to as "method A" and "method B".

9 (C) Fifty percent (50%) of set-aside funds will be
10 determined using method A, and fifty percent (50%) will be determined using
11 method B.

12 (D) The total figures obtained from each method will be
13 combined to arrive at each regional solid waste management district's fund
14 distribution.

15 (2)(A) Method A:

16 (i) The department shall determine the amount of
17 funds within each planning and development district organized under § 14-166-
18 201 ~~et seq.~~ through § 14-166-205, and recognized by the Governor, based upon
19 the same distribution as general revenue support is distributed to the
20 planning and development districts in the current fiscal year.

21 (ii) The department shall adjust the distribution
22 within the planning and development districts to coincide with the boundaries
23 of the regional solid waste management districts by determining each county's
24 share of the funds available within each planning and development district.
25 Each county's share shall be based upon the proportion that each county's
26 population bears to the total population in the planning and development
27 district to which the county is assigned, multiplied by the amount of funds
28 determined to be available within the planning and development district. The
29 county's proportional share, as determined, shall be added to all other
30 counties' shares within the same regional solid waste management district.

31 (B) Formula for method A:

32 (i) Begin with fifty percent (50%) of the total
33 remaining grant funds;

34 (ii) Divide equally by the eight (8) regional
35 planning and development districts;

36 (iii) Multiply this result by the ~~1990 or current~~

1 most recent federal decennial census population of each county; and
2 (iv) Divide this result by the planning and
3 development district population in which the county is located. This
4 determines the portion per county.

5 (v) Individual county portions are grouped and
6 totaled by each new regional solid waste management district to give each
7 regional solid waste management district's allocation.

8 (3)(A) Method B: The remaining fifty percent (50%) of set-aside
9 funds in a grant round shall be based upon the ratio of the district's 1990
10 or current decennial census population divided by the ~~1990 or current~~ most
11 recent federal decennial census state population.

12 (B) Formula for method B:

13 (i) Begin with each solid waste management
14 district's total population;

15 (ii) Divide by the state's ~~1990 or current~~ most
16 recent federal decennial census population to get the ratio; and

17 (iii) Multiply by the total remaining grant funds.

18 (iv) This equals each regional solid waste
19 management district's allocation.

20 (4) Funds set aside for each district in a grant round that are
21 not awarded to the district will be rolled over to the next grant round.

22 (5) Funds set aside to two (2) or more districts in a grant
23 round may be combined to fund a joint application, provided the joint
24 application has been signed by the regional solid waste management board
25 chairman for each district.

26 (c)(1) Costs eligible for grant assistance include, but are not
27 limited to, costs for solid waste management planning that integrates
28 recycling, costs for public information and education programs that encourage
29 waste reduction and stimulate demand for products produced from recycled
30 materials, costs of waste transfer facilities that integrate recycling in
31 their operations, costs of recycling equipment, and recycling program and
32 market development costs.

33 (2) Grant assistance shall not be provided for the purpose of
34 purchasing mechanical processing equipment or facilities if existing
35 mechanical processing equipment or facilities adequately serve the relevant
36 area, unless the department determines that the equipment or facility is an

1 indispensable component of an otherwise eligible grant project and would more
2 efficiently serve the relevant area.

3 (3)(A) The total amount of grants for administrative costs set
4 out for all districts shall not exceed five hundred thousand dollars
5 (\$500,000) per annum.

6 (B) The department is hereby granted authority to develop
7 regulations in accordance herewith.

8 (4) Each regional solid waste management district may use up to
9 twenty-five percent (25%) of its annual allocation for the administration of
10 its regional solid waste management plan as approved by the department.

11 (5)(A) Each regional solid waste management district is
12 responsible for the grant application process and acceptance of grant
13 applications from its district members.

14 (B) The district shall prioritize and select grant
15 projects from its district members for submission to the department, such
16 selection being the sole discretion of the district.

17 (6) Once grant project applications are submitted to the
18 department, the department shall approve those projects which comply with the
19 requirements and intent of this subchapter.

20 (d)(1)(A) The department shall prepare an annual progress report on
21 grant assistance made under this section.

22 (B) The report shall include:

23 (i) The amount of each grant;

24 (ii) The purpose of the grant;

25 (iii) How grant funds were expended by the ~~applicant~~
26 grant recipient;

27 (iv) *The results produced or the progress made on*
28 ~~the project~~; and

29 (v) *The revenues produced and tonnages of materials*
30 ~~collected by the project~~.

31 (C) The report for each state fiscal year shall be filed
32 by November 1 of the following fiscal year with the office of the Governor
33 and the Legislative Council.

34 (D) The report shall include information on grant
35 recipients for a period of five (5) years from the date of disbursement of
36 funds by the department.

1 (2)(A) ~~Regional~~ Until all grant funds have been expended on a
2 project, regional solid waste management boards shall provide the department
3 with a an annual report summarizing:

4 (i) Progress in the project; and

5 (ii) Expenditures from the grant award~~+~~.

6 (B) For a period of five (5) years after a grant
7 recipient's receipt of grant funds, regional solid waste management boards
8 shall provide the department an annual report summarizing:

9 ~~(iii)~~(i) Tonnages of materials collected by the
10 project grant recipient; and

11 ~~(iv)~~(ii) Revenues produced by the sale of materials
12 collected.

13 ~~(B)~~(C) The ~~report~~ reports shall be filed annually on or
14 before September 1.

15 ~~(G)~~(D) Failure by a board to file the required reports
16 shall provide grounds for the department to withhold disbursement of grant
17 funds for subsequent grant rounds.

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19 /s/ Bradford, et al
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