

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

Call Item 6

A Bill

HOUSE BILL 1152

5 By: Representative Stovall
6
7

For An Act To Be Entitled

9 AN ACT TO TRANSFER FUNDS FROM THE LANDFILL POST-
10 CLOSURE TRUST FUND AND THE ARKANSAS DEPARTMENT OF
11 ENVIRONMENTAL QUALITY FEE FUND TO BE USED BY THE
12 DEPARTMENT OF EDUCATION FOR DISTANCE LEARNING; TO
13 REDUCE THE MAXIMUM AMOUNT OF FUNDS WHICH MAY BE
14 HELD IN THE LANDFILL POST-CLOSURE TRUST FUND; AND
15 FOR OTHER PURPOSES.

Subtitle

16
17 TO TRANSFER FUNDS TO BE USED FOR
18 DISTANCE LEARNING AND REDUCE THE MAXIMUM
19 AMOUNT OF FUNDS WHICH MAY BE HELD IN THE
20 LANDFILL POST-CLOSURE TRUST FUND.
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 8-6-1002(a), concerning the Landfill Post-
27 Closure Trust Fund, is amended to read as follows:

28 (a)(1) There is established on the books of the Treasurer of State,
29 the Auditor of State, and the Chief Fiscal Officer of the State a trust fund
30 to be known as the "Landfill Post-Closure Trust Fund".

31 (2) In addition to all moneys appropriated by the General
32 Assembly to the fund, there shall be deposited in the fund all landfill
33 disposal fees collected pursuant to this subchapter and any moneys received
34 by the state as a gift or donation to the fund or any federal moneys
35 designated to enter the fund and all interest earned upon moneys deposited in
36 the fund.



1 (3) ~~Moneys received into the fund may also be used by the~~
 2 ~~Arkansas Department of Environmental Quality for administrative purposes at a~~
 3 ~~level not to exceed three hundred thousand dollars (\$300,000) annually with~~
 4 ~~an annual escalator not to exceed three percent (3%).~~ In the event the total
 5 amount in the fund equals or exceeds ~~twenty five million dollars~~
 6 ~~(\$25,000,000)~~ fifteen million dollars (\$15,000,000), no additional moneys
 7 shall be collected pursuant to this subchapter until the total amount in the
 8 fund equals or is less than ~~fifteen million dollars (\$15,000,000)~~ six million
 9 dollars (\$6,000,000), at which time the collection of moneys shall resume.

10 (4)(A)(i) Effective July 1, 1997, and annually thereafter, an
 11 apportionment of the moneys in the fund, not to exceed one million dollars
 12 (\$1,000,000) per fiscal year, shall be allocated from the moneys deposited
 13 into the fund to be utilized by the department to administer and enforce the
 14 Illegal Dump Eradication and Corrective Action Program in accordance with
 15 conditions set forth in § 8-6-501 et seq.

16 (ii) No more than fifteen percent (15%) of this
 17 allocation may be used for administrative purposes by the department pursuant
 18 to the activities related to the program for the first fiscal year of the
 19 program and ten percent (10%) annually thereafter.

20 (iii) Further, the program shall also include any
 21 moneys received by the state as a gift or donation to the program and any
 22 federal government moneys designated to enter the program.

23 (B) The apportionment authorized by this subsection shall
 24 terminate five (5) years from March 31, 1997, and the program shall receive
 25 no funds from the fund beyond that date.

26 (5)(A) Effective July 1, 1999, and annually thereafter, an
 27 apportionment of the interest earned on moneys in the fund, not to exceed
 28 five hundred thousand dollars (\$500,000) per fiscal year, shall be allocated
 29 from the moneys deposited into the fund to be utilized by the department for
 30 instituting a management organization utilizing the principles of the
 31 National Environmental Performance Partnership System advocated by the
 32 Environmental Protection Agency which integrates environmental indicators,
 33 management information, and performance-based budgeting and accounting to
 34 measure agency performance.

35 (B) The apportionment authorized by this subsection shall
 36 terminate five (5) years from July 1, 1999, and the agency shall use no funds

1 from the Landfill Post-Closure Trust Fund for the purpose of instituting a
 2 performance partnership management organization beyond that date.

3
 4 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. FUNDING
 6 TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal
 7 Officer of the State shall transfer on his or her books and those of the
 8 Treasurer of State and the Auditor of the State the sum of five million
 9 dollars (\$5,000,000) from the Landfill Post-Closure Trust Fund to the
 10 Department of Education Public School Fund Account, there to be used to
 11 provide funding for appropriations enacted by the Eighty-Fourth General
 12 Assembly, meeting in Second Extraordinary Session, for distance learning two-
 13 way interactive television grants.

14
 15 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. FUNDING
 17 TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal
 18 Officer of the State shall transfer on his or her books and those of the
 19 Treasurer of State and the Auditor of the State the sum of five million
 20 dollars (\$5,000,000) from the Arkansas Department of Environmental Quality
 21 Fee Fund to the Department of Education Public School Fund Account, there to
 22 be used to provide funding for appropriations enacted by the Eighty-Fourth
 23 General Assembly, meeting in Second Extraordinary Session, for distance
 24 learning two-way interactive television grants.

25
 26 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
 27 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
 28 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the
 29 current system of education to be unconstitutional because it is both
 30 inequitable and inadequate; that the Arkansas Supreme Court determined that
 31 the state has an absolute duty to provide an equal opportunity to an adequate
 32 education; and that additional funds are necessary in order to provide
 33 educational opportunities, including distance learning; and that this act
 34 will fund and enhance learning opportunities for students. Therefore, an
 35 emergency is declared to exist and this act being immediately necessary for
 36 the preservation of the public peace, health, and safety shall become

1 effective on:

2 (1) The date of its approval by the Governor;

3 (2) If the bill is neither approved nor vetoed by the Governor,
4 the expiration of the period of time during which the Governor may veto the
5 bill; or

6 (3) If the bill is vetoed by the Governor and the veto is
7 overridden, the date the last house overrides the veto.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36