

INTERIM STUDY PROPOSAL 2021-078

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

A Bill

SENATE BILL 518

4 By: Senator B. Ballinger

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6
7 Filed with: Arkansas Legislative Council
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO AMEND THE SOLID WASTE MANAGEMENT AND
11 RECYCLING FUND ACT; TO TRANSFER ADMINISTRATION OF
12 CERTAIN FUNDS AND DUTIES FROM THE DIVISION OF
13 ENVIRONMENTAL QUALITY TO THE DEPARTMENT OF FINANCE
14 AND ADMINISTRATION; AND FOR OTHER PURPOSES.

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17 **Subtitle**

18 TO AMEND THE SOLID WASTE MANAGEMENT AND
19 RECYCLING FUND ACT; AND TO TRANSFER
20 ADMINISTRATION OF CERTAIN FUNDS AND
21 DUTIES FROM THE DIVISION OF ENVIRONMENTAL
22 QUALITY TO THE DEPARTMENT OF FINANCE AND
23 ADMINISTRATION.

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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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28 SECTION 1. Arkansas Code § 8-6-603 is amended to add an additional
29 subdivision to read as follows:

30 (12) "Department" means the Department of Finance and
31 Administration.

32
33 SECTION 2. Arkansas Code § 8-6-605(b), concerning the administration
34 of the Solid Waste Management and Recycling Fund, is amended to read as
35 follows:

1 (b) The fund shall be administered by the ~~Division of Environmental~~
2 Quality Department of Finance and Administration, which shall authorize
3 distributions and administrative expenditures from the fund under this
4 subchapter for solid waste management and recycling programs.
5

6 SECTION 3. Arkansas Code, § 8-6-605(d), concerning the percentage of
7 the Solid Waste Management and Recycling Fund available for use by the
8 Division of Environmental Quality, is repealed.

9 ~~(d) No more than twenty percent (20%) of the moneys received annually~~
10 ~~into the fund shall be used by the division for:~~

11 ~~(1) The administration of a solid waste management and recycling~~
12 ~~program;~~

13 ~~(2) The administration of a computer and electronic equipment~~
14 ~~recycling program under § 8-6-613; and~~

15 ~~(3) Solid waste management compliance and enforcement activities~~
16 ~~at landfills and open dumps.~~
17

18 SECTION 4. Arkansas Code § 8-6-607(a)(1) and (2), concerning the
19 quarterly reports of each landfill permittee and solid waste transporter, are
20 amended to read as follows:

21 (a) On or before January 15, April 15, July 15, and October 15 of each
22 year, each landfill permittee and each solid waste transporter shall:

23 (1) Submit to the ~~Division of Environmental Quality~~ Department
24 of Finance and Administration a quarterly report that accurately states the
25 total weight or volume of solid waste received at the landfill or transported
26 out of state during the quarter just completed; and

27 (2) Pay to the ~~division~~ department the full amount of disposal
28 and transportation fees imposed and collected under this subchapter for the
29 preceding quarter.
30

31 SECTION 5. Arkansas Code § 8-6-607(b)(3), concerning the disbursement
32 of disposal and transportation fees into specific funds, is amended to read
33 as follows:

34 (3) Except for the disposal fees deposited into the Marketing
35 Recyclables Program Fund under subdivision (b)(2) of this section, before
36 disbursing moneys to the regional solid waste management boards, the ~~division~~

1 department shall deposit the following moneys into the following funds each
2 fiscal year:

3 (A) One hundred fifty thousand dollars (\$150,000) into the
4 Crime Information System Fund to be used exclusively for the scrap metal
5 logbook program; and

6 (B) Three hundred thousand dollars (\$300,000) into the
7 Arkansas Unpaved Roads Program Fund.

8

9 SECTION 6. Arkansas Code § 8-6-608 is amended to read as follows:
10 8-6-608. Penalties.

11 Failure of the permittee or solid waste transporter to pay the fees
12 assessed by the ~~Division of Environmental Quality~~ Department of Finance and
13 Administration provides grounds for administrative or civil enforcement
14 action. Sanctions may include civil penalties as provided in the Arkansas
15 Solid Waste Management Act, § 8-6-201 et seq., or the revocation of the solid
16 waste disposal or solid waste transporter permit.

17

18 SECTION 7. Arkansas Code § 8-6-615(a)(1), concerning the allocation of
19 funds deposited into the Solid Waste Management and Recycling Fund, is
20 amended to read as follows:

21 (a)(1) Funds collected under this subchapter and deposited into the
22 State Treasury to the credit of the Solid Waste Management and Recycling
23 Fund, ~~less up to twenty percent (20%) for administrative support for the~~
24 ~~Division of Environmental Quality~~, shall be allocated annually to each of the
25 approved regional solid waste management districts utilizing a combination of
26 the two (2) methods stated in subsections (b) and (c) of this section.

27

28 SECTION 8. Arkansas Code § 8-6-615(b)(1)(A) and (B), concerning the
29 distribution of funds to the regional solid waste management districts, are
30 amended to read as follows:

31 (b)(1)(A) The ~~division~~ Department of Finance and Administration shall
32 determine the amount of funds within each planning and development district
33 organized under § 14-166-201 et seq., and recognized by the Governor, based
34 on the same distribution as general revenue support is distributed to the
35 planning and development districts in the current fiscal year.

1 (B) The ~~division~~ department shall adjust the distribution
2 described in subdivision (b)(1)(A) of this section within the planning and
3 development districts to coincide with the boundaries of the regional solid
4 waste management districts by determining each county's share of the funds
5 available within each planning and development district.
6

7 SECTION 9. Arkansas Code § 8-6-615(d)(1), concerning the requirement
8 for regional solid waste management district reporting on funds received, is
9 amended to read as follows:

10 (d)(1) For each fiscal year, each regional solid waste management
11 board that receives funds under this section shall provide a report by
12 November 1 to the ~~division~~ department that explains how the board spent the
13 funding received under this section in the previous fiscal year.
14

15 SECTION 10. Arkansas Code § 8-6-615(d)(3), concerning the form of the
16 report required of the regional solid waste management districts on funds
17 received, is amended to read as follows:

18 (3) The report shall be in a spreadsheet form as prescribed by
19 the ~~division~~ department.
20

21 SECTION 11. Arkansas Code § 19-5-961(b), concerning the administration
22 of the Solid Waste Management and Recycling Fund, is amended to read as
23 follows:

24 (b) The fund shall consist of those special revenues specified in §§
25 19-6-301(154) and 19-6-301(240), reimbursement of funds pursuant to § 8-6-
26 610, federal funds which may become available, interest earnings, gifts,
27 donations, and any other funds made available by the General Assembly, there
28 to be administered by the ~~Division of Environmental Quality~~ Department of
29 Finance and Administration as set out in the Solid Waste Management and
30 Recycling Fund Act, § 8-6-601 et seq.
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33 Referred requested by the Arkansas Senate
34 Prepared by: MBM/KFW
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