

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

**A BILL ACT 1007 OF 1991**  
**HOUSE BILL 1724**

**For An Act To Be Entitled**

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8 "AN ACT TO AMEND ARKANSAS CODE SECTIONS 8-6-211, 8-6-212,  
9 AND 14-233-114 TO PERMIT MUNICIPALITIES, COUNTIES, AND  
10 SOLID WASTE AUTHORITIES TO COLLECT FEES AND CHARGES FOR  
11 SOLID WASTE MANAGEMENT SERVICES BY ALLOWING THE COUNTY  
12 COLLECTOR TO NOT ACCEPT PAYMENT OF COUNTY PROPERTY TAXES  
13 UNLESS THE SOLID WASTE FEE OR CHARGE IS ALSO COLLECTED AND  
14 BY MAKING THE FEE OR CHARGE A LIEN ON THE TAXPAYER'S REAL  
15 AND PERSONAL PROPERTY; TO DECLARE AN EMERGENCY; AND FOR  
16 OTHER PURPOSES."

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

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20 SECTION 1. Arkansas Code § 8-6-211 is hereby amended to read as  
21 follows:

22 "8-6-211. Municipal solid waste management systems.

23 (a) All municipalities shall develop a plan to provide a solid waste  
24 management system and shall adequately provide for the disposal of solid  
25 wastes generated or existing within the incorporated limits of the  
26 municipality or in the area to be served and in accordance with the rules,  
27 regulations, and orders of the Arkansas Pollution Control and Ecology  
28 Commission. The governing body of the municipality may enter into agreements  
29 with counties, with one (1) or more other municipalities, with private persons  
30 or trusts, or with any combination thereof, to provide a solid waste  
31 management system, or any part of a system, for the municipality, but the  
32 agreement shall not relieve the parties of their responsibilities under this  
33 subchapter.

34 (b) (1) The governing body of the municipality shall have the authority  
35 to levy and collect such fees and charges and require such licenses as may be  
36 appropriate to discharge its responsibility under this subchapter, and the

1 fees, charges, and licenses shall be based on a fee schedule as set forth in  
2 an ordinance.

3           (2) Without limitation on otherwise appropriate collection  
4 procedures, a municipality may collect their fees and service charges through  
5 either their own system of periodic billing or by entering the fees and  
6 service charges on the tax records of the county and then collecting the fees  
7 and service charges with the personal property taxes on an annual basis.  
8 Further, any fees and service charges billed periodically by the cities which  
9 are more than ninety (90) days delinquent on November 1 of each year may be  
10 entered on the tax records of the county as a delinquent periodic fee or  
11 service charge and may be collected by the county with personal property  
12 taxes.

13           (3) In counties where the fees are entered on the tax records for  
14 yearly collection or if the periodic fees and service charges are more than  
15 ninety (90) days delinquent as of November 1, the fees and service charges  
16 shall be entered on the tax records of the county by the county clerk and  
17 shall be collected by the county collector with the personal property taxes.  
18 The fees and service charges to be collected shall be certified to the county  
19 clerk by December 1 each year by an appropriate municipal official or the  
20 mayor. No county collector of taxes shall accept payment of any property  
21 taxes where annual fees and service charges or delinquent periodic fees and  
22 service charges appear on the county tax records of a taxpayer unless the fees  
23 and service charges due are also receipted. These funds shall be receipted  
24 and deposited into an official account of the county collector who shall  
25 settle the account at least quarterly. The amount of any fees and service  
26 charges collected shall then be paid to the municipality by the collector,  
27 less four percent (4%) to be retained by the collector. In addition, where  
28 the collector maintains a separate tax book for these fees and charges, the  
29 collector may charge an additional two dollars and fifty cents (\$2.50) for  
30 collection. Annual fees and service charges or the delinquent periodic fees  
31 and service charges which remain unpaid after the time other property taxes  
32 are due shall constitute a lien on the real and personal property of the  
33 taxpayer which may be enforced against such property by an action in chancery  
34 court.

35           (c) Municipalities may accept and disburse funds derived from grants

1 from the federal or state governments, from private sources, or from moneys  
2 that may be appropriated from any available funds for the installation and  
3 operation of a solid waste management system or any part of a system.

4 (d) Municipalities are authorized to contract for the purchase of land,  
5 facilities, vehicles, and machinery necessary to the installation and  
6 operation of a solid waste management system either individually or as a party  
7 to a regional or county solid wastes authority.

8 (e) The governing body of a municipality shall have the right to  
9 establish policies for and enact laws concerning all phases of the operation  
10 of a solid waste management system including hours of operation, character and  
11 kind of wastes accepted at the disposal site, the separation of waste  
12 according to type by those generating them prior to collection, type of  
13 container for storage of wastes, prohibition of burning of wastes,  
14 pretreatment of wastes, and such other rules as may be necessary or  
15 appropriate, so long as the laws, policies, and rules are not inconsistent  
16 with this subchapter or any rules, regulations, or orders of the commission."

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18 SECTION 2. Arkansas Code § 8-6-212 is hereby amended to read as  
19 follows:

20 "8-6-212. County solid waste management systems.

21 (a) (1) Each county of the state is authorized to provide, and shall  
22 provide, if required to meet the purposes of this subchapter, a solid waste  
23 management system adequate to handle solid wastes generated or existing within  
24 the boundaries of the county and outside the corporate limits of any  
25 municipality in the county.

26 (2) By agreement or contractual arrangement the county may assume  
27 responsibility for solid wastes generated within municipalities whether within  
28 their counties or other counties.

29 (3) A county may enter into agreements with other counties, one  
30 (1) or more municipalities, governmental agencies, with private persons,  
31 trusts, or with any combination thereof to provide a solid waste management  
32 system for the county or any portion thereof, but the agreement shall not  
33 relieve the parties to the agreement of their responsibilities under this  
34 subchapter.

35 (b) (1) A county government shall have the authority to levy and collect

1 such fees and charges and require such licenses as may be appropriate to  
2 discharge the county's responsibility for a solid waste management system or  
3 any portion thereof. The fees, charges, and licenses shall be based on a fee  
4 schedule contained in a duly adopted ordinance.

5           (2) A county government may collect their fees and service  
6 charges through either their own system of periodic billing or by entering the  
7 fees and service charges on the tax records of the county and then collecting  
8 the fees and service charges with the personal property taxes on an annual  
9 basis. Further, any fees and service charges billed periodically by the  
10 counties which are more than ninety (90) days delinquent on November 1 of each  
11 year may be entered on the tax records of the county as a delinquent periodic  
12 fee or service charge and may be collected by the county with personal  
13 property taxes.

14           (3) In counties where the fees are entered on the tax records for  
15 yearly collection or if the periodic fees and service charges are more than  
16 ninety (90) days delinquent as of November 1, the fees and service charges  
17 shall be entered on the tax records of the county by the county clerk and  
18 shall be collected by the county collector with the personal property taxes.  
19 The fees and service charges to be collected shall be certified to the *county*  
20 *clerk* by December 1 each year by an appropriate municipal official or the  
21 mayor. No county collector of taxes shall accept payment of any property  
22 taxes where annual fees and service charges or delinquent periodic fees and  
23 service charges appear on the county tax records of a taxpayer unless the fees  
24 and service charges due are also receipted. These funds shall be receipted  
25 and deposited into an official account of the county collector who shall  
26 settle the account at least quarterly. The amount of any fees and service  
27 charges collected shall then be paid to the county treasurer by the collector,  
28 less four percent (4%) to be retained by the collector. In addition, where  
29 the collector maintains a separate tax book for these fees and charges, the  
30 collector may charge an additional two dollars and fifty cents (\$2.50) for  
31 collection. Annual fees and service charges or the delinquent periodic fees  
32 and service charges which remain unpaid after the time other property taxes  
33 are due shall constitute a lien on the real and personal property of the  
34 taxpayer which may be enforced against such property by an action in chancery  
35 court.

1 (c) A county may accept and disburse funds derived from federal or  
2 state grants, from private sources, or from moneys that may be appropriated  
3 from any available funds for the installation and operation of a solid waste  
4 management system or any part thereof.

5 (d) A county is authorized to contract for the lease or purchase of  
6 land, facilities, and vehicles for the operation of a solid waste management  
7 system either for the county or as a party to regional solid wastes authority.

8 (e) A county shall have the right to issue orders, to establish  
9 policies for, and to enact ordinances concerning all phases of the operation  
10 of a solid waste management system including hours of operation, character and  
11 kind of wastes accepted at the disposal site, the separation of wastes  
12 according to type by those generating them prior to collection, type of  
13 container for storage of wastes, prohibition of burning of wastes,  
14 pretreatment of wastes, and such other rules as may be necessary or  
15 appropriate, so long as such orders, policies, and ordinances are not  
16 inconsistent with this subchapter or any rules, regulations, or orders of the  
17 commission."

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19 SECTION 3. Subsection (c) of Arkansas Code § 14-233-114 is hereby  
20 amended to read as follows:

21 "(c) A sanitation authority is authorized to fix, charge, and collect  
22 rates, fees, and charges for disposal, treatment, or other handling of solid  
23 waste at a project. If duly authorized by the municipal or county members of  
24 a sanitation authority, the sanitation authority may implement the collection  
25 procedures through the personal property tax system provided for by Arkansas  
26 Code §§ 8-6-211 or 8-6-212. For as long as any bonds are outstanding and  
27 unpaid, the rates, fees, and charges shall be so fixed by the authority as to  
28 provide revenues sufficient:

29 (1) To pay all costs of and charges and expenses in connection  
30 with the proper operation and maintenance of its projects, and all necessary  
31 repairs, replacements, or renewals thereof;

32 (2) To pay when due the principal of, premium, if any, and  
33 interest on all bonds including bonds subsequently issued for additional  
34 projects, payable from the revenues;

35 (3) To create and maintain reserves as may be required by any

1 resolution or trust indenture authorizing or securing bonds; and  
2 (4) To pay any and all amounts which the authority may be  
3 obligated to pay from project revenues by law or contract."  
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5 SECTION 4. All provisions of this act of a general and permanent nature  
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
7 Revision Commission shall incorporate the same in the Code.  
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9 SECTION 5. If any provisions of this act or the application thereof to  
10 any person or circumstance is held invalid, the invalidity shall not affect  
11 other provisions or applications of the act which can be given effect without  
12 the invalid provisions or application, and to this end the provisions of this  
13 act are declared to be severable.  
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15 SECTION 6. All laws and parts of laws in conflict with this act are  
16 hereby repealed.  
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18 SECTION 7. Emergency. It is hereby found and determined by the  
19 Seventy-Eighth General Assembly of the State of Arkansas that city and county  
20 governments and solid waste authorities are not permitted to collect  
21 delinquent solid waste management system fees and service charges under the  
22 county property tax collection system which county subordinate service  
23 districts are currently authorized to use; that the use of the county property  
24 tax collection system will improve fee collection and increase revenues for  
25 county solid waste management; and that, at this time, there is an  
26 increasingly critical need to collect all necessary revenues to support the  
27 operation of city and county solid waste management systems and solid waste  
28 authorities. Therefore, in order to promote the effective collection of  
29 delinquent solid waste fees or service charges at this critical time, an  
30 emergency is hereby declared to exist and this act being necessary for the  
31 immediate preservation of the public peace, health and safety, shall be in  
32 full force and effect from and after its passage and approval.  
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*/s/Jody Mahony*

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APPROVED: 4/8/91