

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Pagan**
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A BILL ACT 516 OF 1991
SENATE BILL 475

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8 **For An Act To Be Entitled**

9 "AN ACT AUTHORIZING THE DEPARTMENT OF POLLUTION CONTROL
10 AND ECOLOGY TO EXERCISE CONCURRENT AUTHORITY WITH THE
11 ATTORNEY GENERAL TO INITIATE LEGAL ACTIONS FOR RECOVERY OF
12 COSTS EXPENDED BY THE STATE, FOR INJUNCTIVE RELIEF
13 PURSUANT TO THE LITTER CONTROL ACT OF 1977, TO BRING SUIT
14 ON BEHALF OF THE STATE TO ABATE PUBLIC NUISANCES; AND FOR
15 OTHER PURPOSES."

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

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18 SECTION 1. Arkansas Code Annotated §8-6-405 of the Litter Control Act
19 of 1977 is hereby amended to read as follows:

20 "8-6-405. Injunction. In addition to all other remedies provided by
21 this subchapter, the Department of Pollution Control and Ecology, the Attorney
22 General of this state, the prosecuting attorney of a county where any
23 violation of any provision of this subchapter occurs, or any citizen,
24 resident, or taxpayer of the county where a violation of any provision of this
25 subchapter occurs may apply to the chancery court or the judge in vacation of
26 the county where the alleged violation occurred for an injunction to restrain,
27 prevent, or abate the maintenance and storage of litter, junk motor vehicles,
28 old vehicle tires, or inoperative or discarded household appliances in
29 violation of any provision of this subchapter."
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31 SECTION 2. Arkansas Code §8-7-415(a) of the Emergency Response Fund Act
32 of 1985 is hereby amended to read as follows:

33 "8-7-415. Recovery of expenditures generally.

34 (a) Making use of any and all appropriate existing state legal
35 remedies, the Department or the Attorney General shall act to recover the
36 amount expended by the state for any and all response actions from any and all

1 identified responsible parties for each facility or site."

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3 SECTION 3. Arkansas Code §8-7-514(b) of the Remedial Action Trust Fund
4 Act of 1985 is hereby amended to read as follows:

5 "8-7-514. (b) Making use of any and all appropriate existing state
6 legal remedies, the Department or the Attorney General shall act to recover
7 the amount expended by the state for any and all response actions from any and
8 all parties identified as responsible parties for each hazardous substance."

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10 SECTION 4. In any legal action arising from, relating to, or including
11 violations of laws or regulations charged to the enforcement authority of the
12 Department of Pollution Control and Ecology which also alleges the existence
13 of a public nuisance at common law, the Attorney General or the Department of
14 Pollution Control and Ecology may serve as the instrumentality of the state
15 authorized to initiate and prosecute such action.

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17 SECTION 5. All provisions of this act of a general and permanent nature
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
19 Revision Commission shall incorporate the same in the Code.

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21 SECTION 6. If any provision of this act or the application thereof to
22 any person or circumstance is held invalid, such invalidity shall not affect
23 other provisions or applications of the act which can be given effect without
24 the invalid provision or application, and to this end the provisions of this
25 act are declared to be severable.

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27 SECTION 7. All laws or parts of laws in conflict with this act are
28 hereby repealed.

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APPROVED: 3-13-91

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