

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/27/17

A Bill

SENATE BILL 633

5 By: Senator E. Williams
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW REGARDING THE STATE MARKETING
9 BOARD FOR RECYCLABLES AND THE COMPLIANCE ADVISORY
10 PANEL; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO AMEND THE LAW REGARDING THE STATE
14 MARKETING BOARD FOR RECYCLABLES AND THE
15 COMPLIANCE ADVISORY PANEL.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 *SECTION 1. Arkansas Code § 8-4-314 is amended to read as follows:*

22 *8-4-314. Compliance Advisory Panel – Small Business Stationary Source*
23 *Technical and Environmental Compliance Assistance Program – Marketing*
24 *Recyclables Program.*

25 *(a) There ~~shall be~~ is created a Compliance Advisory Panel, ~~the~~*
26 *~~“panel”,~~ composed of ~~seven (7)~~ nine (9) individuals.*

27 *(b) The panel shall consist of:*

28 *(1) ~~Two (2)~~ members appointed by the Governor to represent the*
29 *general public who are not:*

30 *(A) ~~owners~~ Owners or representatives of owners of small*
31 *business stationary sources; or*

32 *(B) Owners or representatives of owners of a recycling*
33 *company or the marketing and recyclable community;*

34 *(2) ~~Two (2)~~ Three (3) members selected by the Speaker of the*
35 *House of Representatives:*

36 *(A) ~~who are owners or who represent owners~~ One (1) member*



1 who is an owner or who represents an owner of small business stationary
2 sources; and

3 (B) Two (2) members who are owners or representatives of a
4 small business recycling company or the marketing and recyclable community;

5 (3) ~~Two (2)~~ Three (3) members selected by the President Pro
6 Tempore of the Senate:

7 (A) ~~who are owners or who represent owners~~ One (1) member
8 who is an owner or who represents an owner of small business stationary
9 sources; and

10 (B) Two (2) members who are owners or representatives of a
11 small business recycling company or the marketing and recyclable community;
12 and

13 (4) One (1) member selected by the Director of the Arkansas
14 Department of Environmental Quality who shall serve as a nonvoting member
15 except when his or her vote is needed to break a tie vote.

16 (c)(1) Each panel member shall serve a term of four (4) years.

17 (2) In the event of a vacancy in the membership of the panel
18 concerning a member selected by the General Assembly or the Governor, the
19 Governor shall appoint a person meeting the applicable eligibility
20 requirements of the vacated position to fill the vacancy for the remainder of
21 the unexpired term.

22 (3) In the event of a vacancy in the membership of the panel
23 concerning the member appointed by the director, the director shall appoint a
24 person to fill the vacancy for the remainder of the unexpired term.

25 (d)(1)(A) The panel shall hold at least one (1) regular meeting ~~in~~
26 each calendar year quarter at a time and place determined by the panel.

27 (B) At least one (1) meeting each calendar year shall be
28 dedicated to small business stationary sources, with an emphasis on air
29 quality issues.

30 (2) Special meetings may be called at the discretion of the
31 chair.

32 (e)(1) The panel shall select a chair ~~and vice chair during the first~~
33 ~~annual meeting of each four-year term~~ by a majority vote of the membership.

34 (2) Each chair shall serve a term of one (1) year.

35 (f) ~~Four (4)~~ Five (5) members of the panel shall constitute a quorum
36 to transact business.

1 (g) The members of the panel may receive expense reimbursement in
2 accordance with § 25-16-901 et seq.

3 (h)(1) If a vacancy occurs in an appointed position for any reason,
4 the vacancy shall be filled by appointment by the official that made the
5 appointment.

6 (2) The new appointee shall serve for the remainder of the
7 unexpired term.

8 ~~(h)(i)~~ The panel shall perform the following duties for the Small
9 Business Stationary Source Technical and Environmental Compliance Assistance
10 Program:

11 (1) Render advisory opinions concerning the effectiveness of the
12 Small Business Stationary Source Technical and Environmental Compliance
13 Assistance Program, ~~the "program",~~ difficulties encountered, and degree and
14 severity of enforcement;

15 (2) Make periodic reports to the Administrator of the United
16 States Environmental Protection Agency concerning the compliance of the
17 program with the requirements of the Paperwork Reduction Act of 1980, the
18 Regulatory Flexibility Act, and the Equal Access to Justice Act;

19 (3) Review information for small business stationary sources to
20 assure such information is understandable by the layperson; and

21 (4) Have the program serve as the secretariat for the
22 development and dissemination of such reports and advisory opinions.

23 (j) The panel shall perform the following duties for the Marketing
24 Recyclables Program:

25 (1) Develop a program for the coordination of all existing
26 marketing programs for recyclables;

27 (2) Work with existing industry to encourage the use of
28 recyclables in their manufacturing processes;

29 (3) Recruit new industries that use recyclables in their
30 manufacturing processes;

31 (4) Maintain current information on market prices and trends;
32 and

33 (5) Advise and assist state and local officials in all areas of
34 recyclables marketing.

35
36 SECTION 2. Arkansas Code § 8-6-607 is amended to read as follows:

1 8-6-607. Collection of fees.

2 Fees imposed under the separate provisions of this subchapter shall be
3 collected as follows:

4 (1) Each landfill permittee and each transporter shall submit to
5 the Arkansas Department of Environmental Quality on or before January 15,
6 April 15, July 15, and October 15 of each year a quarterly report that
7 accurately states the total weight or volume of solid waste received at the
8 landfill or transported out of state during the quarter just completed;

9 (2) On or before January 15, April 15, July 15, and October 15
10 of each year, each landfill permittee and solid waste transporter shall pay
11 to the department the full amount of disposal fees due for the quarter just
12 completed;

13 (3) Except as provided in subdivisions (4) and (5) of this
14 section, the disposal and transportation fees collected under this section
15 shall be special revenues and shall be deposited in the State Treasury to the
16 credit of the Solid Waste Management and Recycling Fund for administrative
17 support of the ~~State Marketing Board for Recyclables~~ Compliance Advisory
18 Panel;

19 (4)(A) Twenty-five percent (25%) of the disposal fees collected
20 from landfills where a private industry bears the expense of operating and
21 maintaining the landfill solely for the disposal of wastes generated by the
22 industry shall be deposited into a special fund to be created on the books of
23 the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of
24 the State and to be known as the "Marketing ~~Board~~ Recyclables Program Fund".

25 (B) The Marketing ~~Board~~ Recyclables Program Fund shall be
26 administered by the department and used by the ~~board~~ panel for the
27 administration and performance of the ~~board's~~ panel's duties; and

28 (5) Beginning July 1, 2013, excluding the disposal fees that are
29 to be deposited into the Marketing ~~Board~~ Recyclables Program Fund under
30 subdivision (4) of this section, the first one hundred fifty thousand dollars
31 (\$150,000) of the fees collected each fiscal year under this section shall be
32 deposited into the State Treasury and credited to the Crime Information
33 System Fund to be used exclusively for the scrap metal logbook program.

34
35 SECTION 3. Arkansas Code § 8-9-104(b), concerning definitions related
36 to recycling, is repealed.

1 ~~(b) For the purposes of this subchapter, "marketing board" means the~~
2 ~~State Marketing Board for Recyclables.~~

3
4 SECTION 4. Arkansas Code § 8-9-201 is repealed.

5 ~~8-9-201. State Marketing Board for Recyclables.~~

6 ~~(a)(1) There is established the State Marketing Board for Recyclables~~
7 ~~to be composed of five (5) members appointed by the Governor and two (2)~~
8 ~~nonvoting ex officio members.~~

9 ~~(2) The Governor shall appoint one (1) member from each of the~~
10 ~~four (4) United States congressional districts as the districts appear on~~
11 ~~January 1, 1991. The remaining member shall be appointed from the state at~~
12 ~~large and shall be a person actively engaged in the business of processing~~
13 ~~recyclable materials.~~

14 ~~(3) The Director of the Arkansas Economic Development Commission~~
15 ~~or the director's designee shall serve as an ex officio member.~~

16 ~~(4) The Director of the Arkansas Department of Environmental~~
17 ~~Quality or the director's designee shall serve as an ex officio member.~~

18 ~~(b) Members appointed by the Governor shall serve for four-year terms.~~

19 ~~(c) Vacancies shall be filled by the Governor for the remainder of the~~
20 ~~term.~~

21 ~~(d) Members shall serve without compensation but may receive expense~~
22 ~~reimbursement and stipends in accordance with § 25-16-901 et seq.~~

23 ~~(e) The board shall annually select a member to serve as chair.~~

24 ~~(f) The board shall meet as necessary to carry out its duties under~~
25 ~~this subchapter and at the call of the chair.~~

26 ~~(g) The Arkansas Department of Environmental Quality, after advice and~~
27 ~~counsel of the board, shall provide adequate staff to support the activities~~
28 ~~of the board.~~

29 ~~(h) The duties of the board shall include:~~

30 ~~(1) Developing a program for the coordination of all existing~~
31 ~~marketing programs for recyclables;~~

32 ~~(2) Developing an overall marketing plan for Arkansas~~
33 ~~recyclables;~~

34 ~~(3) Conducting an inventory of markets for recyclables in~~
35 ~~Arkansas and the surrounding states;~~

36 ~~(4) Working with existing industry to encourage the use of~~

1 ~~recyclables in their manufacturing processes;~~

2 ~~(5) Recruiting new industries that use recyclables in their~~
3 ~~manufacturing processes;~~

4 ~~(6) Maintaining current information on market prices and trends;~~
5 ~~and~~

6 ~~(7) Advising and assisting state and local officials in all~~
7 ~~areas of recyclables marketing.~~

8
9 SECTION 5. Arkansas Code § 8-9-203(a), concerning recycling by
10 governmental entities, is amended to read as follows:

11 (a) ~~Beginning December 31, 1991, each~~ Each state agency, state college
12 or university, county, city, and public school, in cooperation with the
13 Arkansas Department of Environmental Quality and the ~~State Marketing Board~~
14 ~~for Recyclables~~ Compliance Advisory Panel shall:

15 (1) Establish a source separation and recycling program for
16 recyclables generated as a result of agency operations;

17 (2) Adopt procedures for collection and storage of recyclables;
18 and

19 (3) Make contractual or other arrangements for transportation
20 and sale of recyclables.

21
22 SECTION 6. Arkansas Code § 8-9-501 is amended to read as follows:

23 8-9-501. Creation.

24 Recognizing that the recycling of newsprint, the use of recycled
25 content newsprint, and the use of soy-based ink is a mutual concern to the
26 State of Arkansas and the Arkansas newspaper industry, there is hereby
27 created the Arkansas Newspaper Recycling Advisory Committee, which shall act
28 in an advisory capacity to the ~~State Marketing Board for Recyclables~~
29 Marketing Recyclables Program of the Compliance Advisory Panel.

30
31 SECTION 7. Arkansas Code § 8-9-506 is amended to read as follows:

32 8-9-506. Achievement of purpose.

33 In cooperation with the ~~State Marketing Board for Recyclables~~ Marketing
34 and Recyclables Program of the Compliance Advisory Panel, the Arkansas
35 Newspaper Recycling Advisory Committee shall develop and implement a plan to
36 achieve the purposes of this subchapter.

1
2 SECTION 8. Arkansas Code § 19-5-1011(c) concerning the Crime
3 Information System Fund, is amended to read as follows:

4 (c) Beginning July 1, 2013, excluding the disposal fees that are to be
5 deposited into the Marketing ~~Board~~ Recyclables Program Fund under § 8-6-
6 607(4), the first one hundred fifty thousand dollars (\$150,000) of fees
7 collected each fiscal year under § 8-6-607 shall be deposited into the State
8 Treasury and credited to the Crime Information System Fund to be used
9 exclusively for the scrap metal logbook program.

10
11 SECTION 9. Arkansas Code § 19-6-471 is amended to read as follows:
12 19-6-471. Marketing ~~Board~~ Recyclables Program Fund.

13 The Marketing ~~Board~~ Recyclables Program Fund shall consist of those
14 special revenues as specified in § 19-6-301(162), there to be used by the
15 ~~State Marketing Board for Recyclables~~ Compliance Advisory Panel for the
16 Marketing Recyclables Program for the administration and performance of its
17 duties, as administered by the Arkansas Department of Environmental Quality
18 ~~as set out in~~ under § 8-9-201 et seq.

19
20 SECTION 10. Arkansas Code § 25-16-903(43), concerning stipend
21 authorizations, is amended to read as follows:

22 (43) ~~State Marketing Board for Recyclables~~ Compliance Advisory
23 Panel;

24
25 SECTION 11. TEMPORARY LANGUAGE. DO NOT CODIFY.

26 (a)(1) If the members of the State Marketing Board for Recyclables
27 serving on the board on the effective date of this act choose to serve on the
28 Compliance Advisory Panel after the effective date of this act, each member
29 who chooses to serve on the panel shall notify the Governor of the decision
30 to continue within thirty (30) days after the effective date of this act.

31 (2) After the effective date of this act, if all five (5) of the
32 members of the board choose to continue to serve the remainder of their
33 terms, the panel shall determine by majority vote:

34 (A) Which four (4) of the five (5) former members of the
35 board will serve as voting members on the panel:

36 (i) For the remainder of their terms as members of

1 the panel; and

2 (ii) As owners or representatives of a small
3 business recycling company or the marketing and recyclable community; and

4 (B) Which former member of the board will serve as a
5 nonvoting member of the panel until his or her term expires.

6 (b)(1) If the chair of the board chooses to serve on the panel, he or
7 she shall serve as the chair of the panel until a new chair is selected.

8 (2) If the chair of the board chooses not to serve on the panel,
9 the panel shall select an interim chair to serve until a new chair is
10 selected.

11 (c) The panel shall select a new chair on or before January 31, 2018,
12 by majority vote and within thirty (30) days after the effective date of this
13 act.

14
15 /s/E. Williams

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18 **APPROVED: 04/06/2017**