

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

A BILL ACT 752 OF 1991
HOUSE BILL 1447

For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE
9 8, CHAPTER 6 TO RENAME REGIONAL SOLID WASTE PLANNING
10 BOARDS AND SOLID WASTE SERVICE AREA BOARDS AS REGIONAL
11 SOLID WASTE MANAGEMENT BOARDS AND TO PROVIDE THE BOARDS
12 ADDITIONAL POWERS AND DUTIES; AND FOR OTHER PURPOSES."

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

16 SECTION 1. FINDINGS OF THE GENERAL ASSEMBLY. The Arkansas General
17 Assembly makes the following findings:

- 18 (1) The present landfill capacity in the State of Arkansas is
19 inadequate and is at or near the critical point;
20 (2) As of July 30, 1990, the capacity in Arkansas was about 4.3 years
21 of landfill life for 63 municipal solid waste landfills;
22 (3) Adequate solid waste management planning is not possible at the
23 present time because of the lack of accurate statistics on industrial landfill
24 capacity and use; and
25 (4) The state has taken important steps to encourage recycling but a
26 much greater effort is necessary to assist in addressing our solid waste
27 management needs.

29 SECTION 2. Arkansas Code Title 8, Chapter 6, Subchapter 7 is amended to
30 read as follows:

32 "SUBCHAPTER 7 - REGIONAL SOLID WASTE MANAGEMENT DISTRICTS AND BOARDS.

34 8-6-701. Purpose - Legislative findings - Construction.

35 The purpose of this subchapter is to protect the public health and the
36 state's environmental quality by establishing regional solid waste management

1 and planning. The current system relying upon solid waste management by
2 individual counties and municipalities has fostered present conditions in
3 which certain areas of the state are facing capacity shortages of crisis
4 proportions, while others experience a surfeit of capacity with individual
5 disposal facilities which cannot muster the resources for environmentally
6 responsible operations. Given these disparate environmental and economic
7 concerns, the Arkansas General Assembly concludes that regional solid waste
8 management and planning, under the oversight of the Arkansas Department of
9 Pollution Control and Ecology and the Arkansas Pollution Control and Ecology
10 Commission or Pollution Control and Ecology, is essential to address the
11 imminent and future needs of the state. The terms and obligations of this
12 subchapter shall be liberally construed so as to achieve remedial intent.

13

14 8-6-702. Definitions. As used in this subchapter, unless the context
15 otherwise requires:

16 (1) "Board" or "regional board" means a regional solid waste management
17 board established pursuant to this subchapter;

18 (2) "Commission" means the Arkansas Pollution Control and Ecology
19 Commission;

20 (3) "Department" means the Arkansas Department of Pollution Control and
21 Ecology;

22 (4) "Director" means the director of the Arkansas Department of
23 Pollution Control and Ecology;

24 (5) "Disposal site" means any place at which solid waste is dumped,
25 accepted, or disposed of for final disposition by landfilling, incinerating,
26 composting, or any other method;

27 (6) "District" means a regional solid waste management district;

28 (7) "Interested party" means the director or his designee, the board,
29 the person making application to the board, or any person submitting written
30 comments on an application within the public comment period;

31 (8) "Landfill" means a permitted landfill under the Arkansas Solid
32 Waste Management Act, §8-6-201 et seq.;

33 (9) "Recyclable materials" or "recyclables" means those materials from
34 the solid waste stream that can be recovered for reuse in present or
35 reprocessed form;

1 (10) "Recyclable materials collection center" or "collection center"
2 means a facility which receives or stores recyclable materials prior to timely
3 transportation to material recovery facilities, markets for recycling, or
4 disposal;

5 (11) "Recycling" means the systematic collection, sorting,
6 decontaminating and returning of waste materials to commerce as commodities
7 for use or exchange;

8 (12) "Solid waste" means all putrescible and nonputrescible wastes in
9 solid, semisolid, or liquid form, including, but not limited to, yard or food
10 waste, waste glass, waste metals, waste plastics, wastepaper, waste
11 paperboard, and all other solid and semisolid wastes resulting from
12 industrial, commercial, agricultural, community, and residential activities,
13 but does not include "materials in the recycling process" as the same are
14 defined herein;

15 (13) "Solid waste management system" shall have the same meaning as
16 provided in §8-6-203;

17 (14) "Source separation" means the act or process of removing a
18 particular type of recyclable material from the solid waste stream at the
19 point of generation or at a point under control of the generator for the
20 purpose of collection and recycling;

21 (15) "Yard waste" means grass clippings, leaves, brush, and tree
22 prunings; and

23 (16) "Materials in the recycling process" means ferrous and nonferrous
24 metals diverted or removed from the solid waste stream so that they may be
25 reused, as long as such materials are processed or handled using reasonably
26 available processing equipment and control technology (as determined by the
27 director) taking cost into account, and a substantial amount of the materials
28 are consistently utilized to manufacture a product which otherwise would have
29 been produced using virgin material.

30

31 8-6-703. Creation of districts and boards - Members of boards.

32

33 (a)(1) The eight (8) regional solid waste planning districts created by
34 Act 870 of 1989 and each solid waste service area created pursuant to Act 870
35 of 1989 are renamed regional solid waste management districts. Each district

1 shall be governed by a regional solid waste management board.

2 (2) The boundaries of a regional solid waste management district
3 may be modified and new regional solid waste management districts may be
4 created pursuant to §8-6-707.

5 (b) Each regional solid waste management board shall be composed of
6 representatives of the counties within the district and representatives of all
7 first class cities, of all cities with a population over two thousand (2,000)
8 according to the latest federal decennial census, and of the largest city of
9 each county within the district. The county judge of each county within the
10 district and the mayor of each city entitled to a representative in the
11 district shall serve on the board unless such county judge or mayor elects
12 instead to appoint a member as follows:

13 (1) The county judge with confirmation by the quorum court of
14 each county within the district shall appoint one (1) member to the board.

15 (2) The mayor with confirmation by the governing body of each
16 city entitled to a representative in the district shall appoint one (1)
17 member.

18 (c) Each board shall have a minimum of five (5) members. If the number
19 of members serving under subsection (b) above is less than five (5),
20 additional members necessary to make the total number equal five (5) shall be
21 appointed by mutual agreement of the other board members and shall represent
22 the general public within the district.

23 (d) Appointed regional board members shall serve for staggered terms of
24 two (2) years, provided, however, that all members appointed pursuant to
25 subsection (b) above shall serve at the pleasure of the appointing body. Each
26 appointed board member shall be eligible for a maximum of two terms or four
27 years total. The initial appointed members of a board shall draw lots to
28 determine terms of appointment so that, as nearly as possible, the terms of an
29 equal number of members will expire each year.

30 (e) Vacancies shall be filled for any unexpired term of an appointed
31 member in the same manner as provided in subsections (b) and (c) above.

32 (f) A majority of the membership of the board shall constitute a
33 quorum. A majority vote of those members present shall be required for any
34 action of the board.

35 (g) Each board shall annually select a chairman.

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8-6-704. Boards - Powers and duties.

(a) The regional solid waste management boards shall have the following powers and duties:

(1) To collect data, study, and initially evaluate the solid waste management needs of all localities within their districts, as provided in §8-6-716 and to publish their findings as a regional needs assessment;

(2) To evaluate on a continuous basis the solid waste needs of their districts, and thereby update the regional needs assessments at least biennially;

(3) To formulate recommendations to all local governments within their districts on solid waste management issues, and to formulate plans for providing adequate solid waste management;

(4) To issue or deny certificates of need to any applicant for a solid waste disposal facility permit within their district *with the exception of permits for landfills when a private industry bears the expense of operating and maintaining the landfill solely for the disposal of waste generated by the industry or wastes of a similar kind or character;*

(5) To petition the commission or director to issue, continue in effect, revoke, modify, or deny any permit for any element of a solid waste management system located within the district based on compliance or noncompliance with the solid waste management plan of the district;

(6) To adopt such rules or regulations pursuant to the Administrative Procedure Act, §24-15-201 et seq., as are reasonably necessary to assure public notice and participation in any findings or rulings of the boards and to administer the duties of the board;

(7) To establish programs to encourage recycling;

(8) To adopt an official seal and alter it at pleasure;

(9) To maintain an office at such places as it may determine;

(10) To sue and be sued in its own name and to plead and be impleaded;

(11) To make and execute contracts and other instruments necessary or convenient in the exercise of the powers and functions of *the district, including but not limited to entering into contracts and agreements with private entities for provisions of services; and*

1 (12) To carry out all other powers and duties conferred by this
2 subchapter and subchapter 8.

3 (13) *To enter into an agreement with another solid waste
4 management district to allow one district to transfer solid waste to another
5 district. This will only be allowed if a solid waste district has no legally
6 permitted landfill which can accept its solid waste.*

7 (b) The regional solid waste management boards may:

8 (1) Apply for such permits, licenses, certificates, or approvals
9 as may be necessary to construct, maintain, and operate any portion of a solid
10 waste management system, and to obtain, hold and use licenses, permits,
11 certificates, or approvals in the same manner as any other person or operating
12 unit of any other person;

13 (2) Employ such engineers, architects, attorneys, real estate
14 counselors, appraisers, financial advisors, and other consultants and
15 employees as may be required in the judgment of the district and to fix and
16 pay their compensation from funds available to the district therefor; and

17 (3) Purchase all kinds of insurance including, but not limited
18 to, insurance against tort liability, business interruption, and risks of
19 damage to property.

20

21 8-6-705. Needs assessments.

22 (a) All needs assessments required by this subchapter are subject to
23 review and approval for completeness by the Arkansas Department of Pollution
24 Control and Ecology.

25 (b) Failure to provide complete assessments as required by this
26 subchapter may provide the department with grounds to initiate enforcement
27 actions against the regional boards or their component governmental entities.
28 Pursuant to established administrative procedures, sanctions may be imposed,
29 including but not limited to denial, discontinuation, or reimbursement of any
30 grant funding administered by the department to a district or any of their
31 component government entities.

32 (c) The department may award grants to the districts for the
33 development of the initial regional needs assessments, for the biennial
34 updates, and for any other update required by the law .

35

1 8-6-706. Solid waste landfill permits.

2 (a) Any applicant for a solid waste landfill permit, *with the exception*
3 *of permits for landfills when a private industry bears the expense of*
4 *operating and maintaining the landfill solely for the disposal of waste*
5 *generated by the industry or wastes of a similar kind or character*, under the
6 Arkansas Solid Waste Management Act, §8-6-201 et seq., *with the exception of*
7 *permits for landfills when a private industry bears the expense of operating*
8 *and maintaining the landfill solely for the disposal of waste generated by the*
9 *industry or wastes of a similar kind or character*, must obtain a certificate
10 of need from the board with jurisdiction over the proposed site prior to
11 submitting the application to the Arkansas Department of Pollution Control and
12 Ecology. The department may deny any permit based upon the denial of a
13 certificate of need by any regional board.

14 (b)(1) Applicants must petition the board with jurisdiction over a
15 proposed solid waste disposal site for a certificate of need in accordance
16 with procedures adopted by the board.

17 (2) The applicant's petition must establish, at a minimum, that
18 the proposed disposal facility:

19 (A) Is consistent with the regional planning strategy
20 adopted by the board in the regional needs assessment or the regional solid
21 waste management plan;

22 (B) Does not conflict with existing comprehensive land-use
23 plans of any local governmental entities;

24 (C) Does not disturb an archaeological site as recognized
25 by the Arkansas Archaeological Survey, or a rare and endangered species
26 habitat as recognized by the Arkansas Game and Fish Commission or the United
27 States Fish and Wildlife Service;

28 (D) Will not adversely affect the public use of any local,
29 state, or federal facility, including but not limited to, parks and wildlife
30 management areas;

31 (E) Does not conflict with the requirements of state or
32 federal laws and regulations on the location of disposal facilities; and

33 (F) If located in the 100-year floodplain, does not restrict
34 the flow of the 100-year flood, reduce the temporary water storage capacity of
35 the floodplain, or result in washout of solid waste so as to pose a hazard to

1 human health or the environment.

2 (c) Any interested party to a certificate of need determination by a
3 board may appeal the decision to the director of the department pursuant to
4 procedures adopted by the commission. The director may issue a permit despite
5 the denial of a certificate of need if the director *finds upon appeal that the*
6 *decision of the board was not supported by substantial evidence.*

7 (d) After notice and a public hearing to be held by the board in the
8 county where the proposed landfill is to be located, certificates of need
9 shall be issued or denied by the boards based upon an evaluation of:

10 (1) The information provided by the applicant in the petition for
11 a certificate of need;

12 (2) The requirements and considerations of any needs assessments
13 prepared pursuant to this section;

14 (3) The location of the applicant's proposed landfill based on
15 the district's needs and its highway and road system;

16 (4) The need for the landfill based upon the district's excess
17 projected capacity which is currently permitted for operation, but in no event
18 shall the district's excess permitted projected capacity exceed thirty (30)
19 years;

20 (5) Any solid waste management system plans, promulgated and
21 approved pursuant to §§8-6-211 and 8-6-212 to the extent these plans conform
22 to an overall regional planning strategy;

23 (6) A detailed history of the applicant's record and that of the
24 stockholders and officers with respect to violations of environmental laws and
25 regulations of the United States or any state or any political subdivision of
26 any state; and

27 (7) Any procedures adopted by the board for issuance of
28 certificates of need.

29

30 8-6-707. Creation of New Regional Districts.

31 (a) (1) After notification of the appropriate regional board or boards,
32 the commission may designate a county or counties within each district or
33 counties within two (2) or more districts as a new regional solid waste
34 management district pursuant to the limitations of this section.

35 (A) New regional solid waste management districts shall be

1 designated for purposes which address local exigencies, needs, and other
2 requirements of this subchapter.

3 (B) A regional solid waste management district shall only
4 be composed of whole county jurisdictions, and each district shall contain
5 more than one county unless that county has a population of at least fifty
6 thousand (50,000) according to the latest decennial census.

7 (2) Commission approval of regional solid waste management
8 district boundaries shall be sought and obtained pursuant to administrative
9 procedures promulgated by the commission.

10 (b) Counties and municipalities included in a new or *revised* district
11 shall cease to be members of any other district. The term of a regional board
12 member representing a county or municipality shall immediately expire upon the
13 inclusion of the county or municipality within a new regional solid waste
14 management district.

15 (c) *After notification of the appropriate regional boards, the*
16 *commission, upon the request of a county or district, may transfer a county*
17 *into an existing district.*

18
19 8-6-708. Procedures and regulations.

20 The Arkansas Pollution Control and Ecology Commission is authorized to
21 prescribe procedures and regulations:

22 (1) To guide the initial and continued organization and operation of
23 the respective boards in accordance with the purposes of this subchapter and
24 subchapter 8;

25 (2) To assure public notice and participation prior to adoption of
26 regional needs assessments, findings, or reports made by the boards;

27 (3) To defray some of the costs of the administration of this
28 subchapter including, but not limited to, inspections and technical review of
29 submissions required by this subchapter by setting graduated surcharges upon
30 any waste stream increase in excess of ten percent (10%) as a result of
31 receipt of solid waste from outside the district; and

32 (4) To require prompt compliance with the requirements of this
33 subchapter and subchapter 8.

34
35 8-6-709. Agreements implementing subchapter.

1 (a) (1) Any regional solid waste management board may enter into
2 agreements for the specific purpose of implementing this subchapter.

3 (2) Any such agreement shall specify the following:

4 (A) Its duration;

5 (B) The precise organization, composition, and nature of
6 any separate legal or administrative entity created thereby, together with the
7 powers delegated thereto, provided such entity may be legally created;

8 (C) Its purpose or purposes;

9 (D) The manner of financing the joint or cooperative
10 undertaking and of establishing and maintaining a budget therefor provided
11 that such legal entity may incur indebtedness for the lease or purchase of
12 land, equipment, and other expenses necessary to the operation of a solid
13 waste management system or any part thereof;

14 (E) The permissible method or methods to be employed in
15 accomplishing the partial or complete termination of the agreement and for
16 disposing of property upon such partial or complete termination;

17 (F) The degree to which the joint or individual plans are
18 drawn in accordance with the regional needs assessments required by this
19 subchapter; and

20 (G) Any other necessary and proper matters.

21

22 8-6-710. Solid Waste Management Responsibility.

23 (a) Each regional solid waste management board shall be the
24 governmental entity primarily responsible for providing a solid waste
25 management system for the district. The counties and municipalities shall
26 continue to be responsible for solid waste management services within their
27 corporate boundaries until the regional solid waste management board
28 determines in writing that the district is able to assume the solid waste
29 management responsibilities of the municipality or county.

30 (b) Counties and municipalities in a district may provide a portion of
31 the solid waste management services, such as solid waste pick-up, while the
32 board provides other services and has assumed responsibility therefor, such as
33 disposal facilities, in which event the counties and municipalities shall
34 retain only the responsibility for the system related to the services
35 provided. In performing those retained responsibilities, or assisting the

1 board in performing its responsibilities, counties and municipalities shall
2 retain all present legal powers and authority related to those
3 responsibilities, including but not limited to power and authority to levy and
4 collect fees and charges. *Counties and municipalities may provide additional*
5 *solid waste management services in excess of those provided by the District at*
6 *their own expense so long as such services conform to the District Solid Waste*
7 *Management Plan.*

8 8-6-711. District Solid Waste Management System.

9 (a) A district is authorized to own, acquire, construct, reconstruct,
10 extend, equip, improve, operate, maintain, sell, lease, contract concerning,
11 or otherwise deal in facilities of any nature necessary or desirable for the
12 control, collection, removal, reduction, disposal, treatment, or other
13 handling of solid waste.

14 (b) A district may elect to acquire the ownership or use of elements of
15 solid waste management systems owned or controlled by municipalities,
16 counties, improvement districts or sanitation authorities within the district
17 by contract on such terms as are mutually agreed to be necessary, convenient
18 or desirable. If the district has elected such acquisition of ownership or
19 use, it shall also have assumed the responsibility associated with that
20 project or element, as contemplated by §8-6-714. If the district and the
21 other entity or entities which are parties to the acquisition cannot mutually
22 agree on the fair value to be paid and the method of compensation for the
23 acquired asset, then either party may have that value and method adjudicated
24 as to fairness by the chancery court having jurisdiction of the district's
25 principal office, in the manner of a declaratory judgment and not in the
26 nature of eminent domain. The district shall have the discretion to proceed
27 or not to proceed with the acquisition after the declaration is obtained.
28 *Nothing in this section shall be construed to give a district the power to*
29 *make an acquisition described herein without the consent of the*
30 *municipalities, counties, improvement districts, or sanitation authorities*
31 *involved.*

32 (c) A district may elect to seek a permit for a Class I landfill to be
33 owned by the State of Arkansas, provided, however, that only one such landfill
34 shall be sited in each of the eight (8) planning and development districts
35 established pursuant to §14-166-202. Upon the district's obtaining a permit

1 to operate, ownership interest in said landfill shall be vested with the State
2 of Arkansas through deed or other conveyance.

3 (d) Existing and operating solid waste facilities within the district
4 shall be incorporated into the district Solid Waste Management Plan or the
5 district shall acquire ownership of that facility in the manner set forth in
6 subsection (b) of this section.

7

8 8-6-712. Regulation of Solid Waste.

9 (a) A district which has an approved solid waste management plan may:

10 (1) Require, by regulation or other legal means, that solid waste
11 generated or collected within the boundaries of the district be delivered to a
12 particular project for disposal, treatment, or other handling, provided
13 however that nothing in this section shall be construed as impairing legal and
14 proper contracts existing upon the effective date of this section under the
15 Arkansas Constitution, or the notes or other evidences of indebtedness
16 incurred pursuant to a revenue bond issued or reissued dependent upon a
17 project involving a stated waste stream which is a contractual condition of
18 said indebtedness;

19 (2) Prohibit, by regulation or other legal means, the collection,
20 disposal, treatment, or other handling of solid waste within the boundaries of
21 the district, by persons other than the district or any persons designated by
22 the district unless a district to district agreement is entered into when one
23 solid waste district has no legally permitted landfill which can accept its
24 solid waste;

25 (3) Provide, by regulation or other legal means, that no person,
26 other than as may be designated by the district, shall engage in the
27 collection or utilization of solid waste within the district which would be
28 competitive with the purposes or activities of the district; and

29 (4) Covenant in connection with the issuance of bonds, notes, or
30 other evidence of indebtedness to adopt any regulation described in
31 subdivisions (1)-(3) of this subsection and that any regulation so adopted
32 shall remain in full force and effect and shall be enforced so long as any
33 bonds, notes, or other evidences of indebtedness remain outstanding.

34 (b) The districts shall issue rules or regulations which are consistent
35 with and in accordance with, but no more restrictive than, all applicable

1 *environmental protection performance standards adopted by state law or*
2 *incorporated by reference from federal law.*

3 (c) *Nothing in this section shall prohibit the disposal of solid waste*
4 *generated by a private industry in a permitted landfill where the private*
5 *industry bears the expense of operating and maintaining the landfill solely*
6 *for the disposal of waste generated by the industry or wastes of a similar*
7 *kind or character. Furthermore, nothing in this act shall prohibit the*
8 *disposal of dead animal carcasses through means which are otherwise permitted*
9 *by state law or regulation.*

10 (d) *Nothing in this section shall prohibit the collection or disposal*
11 *of solid waste by a municipality with an existing permitted landfill with a*
12 *twenty-five year capacity as of January 1, 1991, where the city bears the*
13 *expense of operating and maintaining the landfill and the landfill complies*
14 *with EPA and Department of Pollution Control and Ecology regulations.*

15 (e) *Nothing in this section shall prohibit a municipality or county*
16 *from constructing or operating a facility or project to process and market*
17 *recyclable materials for use as fuel.*

18 8-6-713. *Restriction on Local Government Bonds and Pledges.*

19 (a) *Unless approved by the board, no municipality, county, improvement*
20 *district or sanitation authority within the regional solid waste management*
21 *district shall:*

- 22 (1) *Issue any bonds for solid waste management purposes; or*
23 (2) *Pledge any revenues derived from solid waste management*
24 *services for any bond issue.*

25 (b) *Notwithstanding the provisions of subsection (a), no board shall*
26 *prohibit a municipality or county from issuing revenue bonds or using general*
27 *obligation bonds when the purpose of such issuance or usage is the funding of*
28 *a facility or project to process and market recycled materials for use as*
29 *fuel.*

30 (c) *The board shall not impair any existing bond issue or other*
31 *financial obligation of a municipality, county, improvement district or*
32 *sanitation authority.*

33

34 8-6-714. *Rents, Fees and Charges - Collection by Utilities.*

35 (a) *A regional solid waste management board may fix, charge, and*

1 collect rents, fees, and charges for the disposal, treatment, or other
2 handling of solid waste by the district.

3 (b) The board may levy a service fee on each residence or business for
4 which the board makes solid waste collection or disposal services available.

5 (c) (1) The board may, by majority vote, require fees or delinquent fees
6 to be collected with the real and personal property taxes of any county within
7 the district. If the board elects to collect such fees in this manner, it
8 shall so notify the county tax collector, who shall enter such fees on tax
9 notices to be collected with the real and personal property taxes of the
10 county. No county tax collector shall accept payment of any property taxes
11 where the taxpayer has been billed for solid waste collection services unless
12 the service fee is also receipted. If a property owner fails to pay the
13 service fee, it shall become a lien on the property.

14

15 8-6-715. Eminent domain.

16 (a) In the event that necessary lands needed for the accomplishment of
17 the purposes authorized by this chapter cannot be acquired by negotiation, any
18 district is authorized to acquire the needed lands by condemnation proceedings
19 under the power of eminent domain.

20 (b) The proceedings may be exercised in the manner now provided for
21 taking private property for rights-of-way for railroads as set forth in
22 §§18-15-1202 - 18-15-1207. As a part of the proceedings, the district shall
23 file an environmental impact statement with the court.

24

25 (c) *Nothing herein shall allow a district to appropriate by eminent*
26 *domain any property upon which is located a permitted landfill, recycling*
27 *facility, or incinerator or for which a permit for a landfill, recycling*
28 *facility, or incinerator is pending.*

29

30 8-6-716. Regional Needs Assessment.

31 (a) Each board created pursuant to this subchapter shall prepare a
32 Regional Needs Assessment evaluating the solid waste management needs within
33 its district, *provided however that such assessments need not include an*
34 *evaluation of the need for landfills where a private industry bears the*
35 *expense of operating and maintaining the landfill solely for the disposal of*

1 *wastes generated by the industry or wastes of a similar kind or character.*
2 Such assessment shall be submitted for department review, and the director
3 shall approve or disapprove it within ninety (90) days after submission. The
4 assessments for boards created pursuant to §8-6-703 shall be due on January
5 31, 1993, with updated assessments due on January 31 of each odd-numbered year
6 thereafter. If a board is *created pursuant to §8-6-707 or §8-6-723, the*
7 *initial Regional Needs Assessment* shall be submitted on the next due date for
8 assessments unless the board obtains an extension of that deadline from the
9 commission, with updated assessments due on January 31 of each odd-numbered
10 year thereafter. The assessment shall include, at the minimum, the following:

11 (1) An evaluation of the amount of solid waste generated within
12 the district and the amount of remaining disposal capacity, expressed in
13 years, at the solid waste disposal facilities within the district that are
14 permitted under the Arkansas Solid Waste Management Act, §8-6-201 et seq.;

15 (2) An evaluation of the solid waste collection, transportation,
16 and disposal needs of all localities within the district; and

17 (3) An evaluation and balancing of the environmental, economic
18 and other relevant factors which would be implicated by acceptance of solid
19 waste from beyond the boundaries of the district.

20 (b) Each board shall update its Regional Needs Assessment, at the
21 minimum, on a biennial basis.

22 (c) At a time not later than five (5) years before the disposal
23 capacity in a region reaches its projected capacity, the board shall develop a
24 request for proposals to increase the district's projected capacity for solid
25 waste disposal within the district in accordance with its Regional Needs
26 Assessment.

27 (d) No district shall receive solid waste from beyond its boundaries
28 when projected capacity within the district is less than five (5) years.

29 (e) No owner or operator of a landfill serving a limited area of a
30 district shall be required to increase the landfill's service area to
31 accommodate the needs of the district.

32

33 8-6-717. Solid Waste Management Plan.

34 (a) Each board shall develop a plan to provide a solid waste management
35 system. The plan shall be submitted to the department for approval. The plan

1 shall include such information as the commission may require by regulation.

2 (b) The solid waste management plan of each board shall include a
3 regional plan for establishing a recycling program and an educational program
4 to provide the public information concerning solid waste and recycling.

5 (c) The solid waste management plan of each board shall include a plan
6 to dispose of or recycle waste tires within the district. The plan shall
7 provide a schedule for the identification and cleanup of illegal tire dump
8 sites.

9

10 8-6-718. Waste Tires.

11 Beginning July 1, 1993, each board shall establish a waste tire
12 collection center at which residents of the district may dispose of their
13 waste motor vehicle tires at no cost except as provided by regulation of the
14 commission or the board.

15

16 8-6-719. Regional Composting Program.

17 (a) Each board shall establish a program for the composting of yard
18 waste.

19 (b) Each board shall establish a pilot program for the composting of
20 yard waste collected in an area with a population of at least five thousand
21 (5,000) persons. The pilot program shall be established in each district by
22 July 1, 1992.

23

24 8-6-720. Opportunity to Recycle - Recyclable Materials Collection
25 Centers.

26 (a)(1) Beginning July 1, 1992, each board shall ensure that its
27 residents have an opportunity to recycle. Opportunity to recycle means
28 availability of curb side pick-up or collection centers for recyclable
29 materials at sites that are convenient for persons to use.

30 (2) Beginning July 1, 1993, at least one recyclable materials
31 collection center shall be available in each county of a district unless the
32 commission grants the district an exemption. An exemption may be granted if a
33 county is adequately served by a recyclable materials collection center in
34 another county.

35 (3) Boards shall assess the operation of existing and proposed

1 recycling centers and materials recovery facilities to determine the adequacy
2 of these facilities for the collection and recovery of recyclable materials.
3 Boards shall give due consideration to existing recycling facilities in
4 ensuring the opportunity to recycle and are encouraged to use, to the extent
5 practicable, persons engaged in the business of recycling on the effective
6 date of this section, whether or not the persons were operating for profit.

7 (b) The department shall determine by regulation the adequacy of the
8 facilities and the number and type of recyclable materials for which the
9 services in this section must be provided.

10 (c) Each board shall provide information on how, when, and where
11 materials may be recycled, including a promotional program that encourages
12 source separation of residential, commercial, industrial, and institutional
13 materials.

14 (d) Each board should ensure alone or in conjunction with other boards
15 that materials separated for recycling are taken to markets for sale or to
16 materials recovery facilities.

17 (e) A board shall not prevent a person generating or collecting
18 recyclable materials from delivering the recyclable materials to a recycling
19 facility of the generator's or collector's choice.

20 (f) Each board shall incorporate into its solid waste management plan
21 its proposal for fulfilling the obligations of this section.

22 (g) Nothing in this section shall be construed to prohibit the planning
23 or implementation of any regional recycling program prior to compliance with
24 the requirements of subsection (f) of this section.

25

26 8-6-721. Licensing Haulers of Solid Waste.

27 (a) A person who engages in the business of hauling solid waste must
28 obtain a license from the regional solid waste management board if:

29 (1) the person is engaged in the collection of solid waste within
30 the district; or

31 (2) is engaged in the transportation of solid waste for disposal
32 or storage in the district.

33 (b) *A license shall be issued only to a person, partnership,*
34 *corporation, association, the State of Arkansas, a political subdivision of*
35 *the state, an improvement district, a sanitation authority, or another*

1 regional solid waste management district. The district may engage in the
2 hauling of solid waste within its own district without licensure but shall
3 comply with all applicable standards required under this section.

4 (c) The commission shall establish classifications of haulers, which
5 shall be used by districts in licensing haulers. The classifications shall be
6 based on the nature and size of the loads transported.

7 (d) The commission shall promulgate minimum standards for a license to
8 haul solid waste. One of the criteria for obtaining such a license shall be
9 the financial responsibility of the hauler.

10 (e) The board may impose more stringent standards than the minimum
11 standards established by the commission.

12 (f) The board may set a reasonable licensing fee for each class of
13 haulers.

14

15 8-6-722. Penalties.

16 Any person who violates this subchapter or any regulation of the
17 commission or of a board shall be deemed guilty of a misdemeanor. Upon
18 conviction the person shall be subject to imprisonment for not more than
19 thirty (30) days or a fine of not more than one thousand dollars (\$1,000), or
20 both imprisonment and fine.

21 8-6-723. *Alternative formation of original districts.*

22 (a) *In lieu of forming a regional solid waste management district under*
23 *any other provision of this subchapter, a regional solid waste management*
24 *district may be created by interlocal agreement of the local governments in*
25 *any county with a population of at least ninety thousand (90,000) persons and*
26 *in which there is a permitted landfill on January 1, 1991. The regional solid*
27 *waste management board of the district shall be established by interlocal*
28 *agreement. The creation of the district shall be effective upon the*
29 *Director's receipt of written notice in the form of a joint resolution by the*
30 *local governments.*

31 (b) *In lieu of forming a regional solid waste management district under*
32 *any other provision of this subchapter, a regional solid waste management*
33 *district may be created by a resolution of the governing body of any authority*
34 *created under the Joint County and Municipal Solid Waste Disposal Act, §14-*
35 *233-101 et seq. which includes a county having a population of at least 60,000*

1 persons and which has made application to the Department for a solid waste
2 disposal permit on or before January 1, 1991. The creation of a district
3 shall be effective upon the governing body of the authority notifying the
4 Director in writing. The governing body of a district created under this
5 subsection shall be determined by the authority creating the district. The
6 provisions of § 8-6-703 or any other section of this subchapter which provides
7 for the method of selection of the governing body of a district shall not
8 apply to districts formed under this subsection.

9 (c) The commission shall have no authority to add to or otherwise
10 change the boundaries of a district created under this section."

11

12 SECTION 3. Special Provisions.

13 (a) A county shall not be included in the boundaries of more than one
14 regional solid waste management district formed from a regional solid waste
15 planning district created pursuant to this act.

16 (b) The members of regional solid waste planning boards and solid waste
17 service area boards shall serve as board members of their respective regional
18 solid waste management districts until sixty (60) days after the effective
19 date of this act.

20 (c) New members shall be appointed to the regional solid waste
21 management boards pursuant to this act. The terms of the new appointees to
22 the regional solid waste management boards shall begin sixty days (60) after
23 the effective date of this act.

24 (d) The first meeting of the new board members shall be held within
25 ninety (90) days after the effective date of this act. At the initial meeting
26 the members shall draw lots to determine their terms of appointment so that,
27 as nearly as possible, the terms of an equal number of members will expire
28 each year.

29

30 SECTION 4. Arkansas Code Title 8, Chapter 6 is amended to add a new
31 subchapter to read as follows:

32

33 "SUBCHAPTER 8 - BONDS BY REGIONAL SOLID WASTE MANAGEMENT DISTRICTS.

34

35 8-6-801. Definitions.

1 As used in this subchapter, unless the context otherwise requires:
2 (1) "Authority" means the Arkansas Development Finance Authority;
3 (2) "Board" means a regional solid waste management board created under
4 subchapter 7 of this chapter;
5 (3) "Bonds" means bonds and any series of bonds authorized by and
6 issued pursuant to the provisions of this subchapter and comprehends "revenue
7 bonds," as defined in Amendment 65, §3, of the Arkansas Constitution;
8 (4) "Costs" or "project costs" means, but shall not be limited to:
9 (A) All costs of acquisition, construction, reconstruction,
10 improvement, enlargement, betterment, or extension of any project, including
11 the cost of studies, plans, specifications, surveys, and estimates of costs
12 and revenues relating thereto;
13 (B) All costs of land, land rights, rights-of-way and easements,
14 water rights, fees, permits, approvals, licenses, certificates, franchises,
15 and the preparation of applications for and securing them;
16 (C) Administrative, organizational, legal, engineering, and
17 inspection expenses;
18 (D) Financing fees, expenses, and costs, including but not
19 limited to costs of credit enhancement or guaranties, trustees' fees, paying
20 agents' fees or similar fees, and fees to financial advisors and other
21 entities assisting in the issuance of bonds;
22 (E) Working capital;
23 (F) All machinery and equipment including construction equipment;
24 (G) Interest on the bonds during the period of construction and
25 for such reasonable period thereafter as may be determined by the issuing or
26 borrowing district;
27 (H) Establishment of reserves; and
28 (I) All other expenditures of the issuing or borrowing district
29 incidental, necessary, or convenient to the acquisition, construction,
30 reconstruction, improvement, enlargement, betterment, or extension of any
31 project and the placing of it in operation;
32 (5) "District" means a regional solid waste management district created
33 under subchapter 7 of this chapter.
34 (6) "Project" means any real property, personal property, or mixed
35 property of any and every kind that can be used or will be useful in

1 controlling, collecting, storing, removing, handling, reducing, disposing of,
2 treating, and otherwise dealing in and concerning solid waste, including,
3 without limitation, property that can be used or that will be useful in
4 extracting, converting to steam, including the acquisition, handling, storage,
5 and utilization of coal, lignite, or other fuel of any kind, or water that can
6 be used or that will be useful in converting solid waste to steam, and
7 distributing the steam to users thereof, or otherwise separating and preparing
8 solid waste for reuse, or that can be used or will be useful in generating
9 electric energy by the use of solid waste as a source of generating power and
10 distributing the electric energy to purchasers or users thereof in accordance
11 with the *general laws of the state*. *However, for the purposes of this chapter*
12 *not more than twenty-five percent (25%) of the fuel used to produce steam or*
13 *electricity from any project shall consist of materials other than solid*
14 *waste; and*

15 (7) "Solid waste" shall have the same meaning as provided in §8-6-702.

16

17 8-6-802. Construction.

18 (a) The powers provided by this subchapter shall be supplemental to all
19 other powers conferred on regional solid waste management boards.

20 (b) Except as expressly provided in this subchapter, the acquisition,
21 construction, reconstruction, enlargement, equipment, or operation and
22 maintenance of projects under the provisions of this subchapter need not
23 comply with the requirements of any other law applicable to the acquisition,
24 construction, reconstruction, enlargement, equipment, and operation and
25 maintenance of public works or facilities including, without limitation, laws
26 pertaining to public bidding, paying prevailing wages, transfer or exchange of
27 title to real or personal property, or any other aspect of the acquiring,
28 constructing, reconstructing, enlarging, equipping, or operation or
29 maintenance of public works or public projects, or transfer or exchange of
30 title to real or personal property, none of which laws shall be applicable to
31 projects under this subchapter.

32 (c) This subchapter, being necessary for the welfare of the state and
33 its inhabitants, shall be liberally construed to effect the purposes hereof.

34

35 8-6-803. Pledge of rents, fees and charges.

1 A regional solid waste management board may pledge any rents, fees and
2 charges imposed by the board to secure the repayment of bonds issued to
3 finance projects, as provided for in this subchapter.

4
5 8-6-804. Bonds - Issuance, execution, and sale.

6 (a) Regional solid waste management boards are authorized to use any
7 available funds and revenues for the accomplishment of projects and may issue
8 bonds, as authorized by this subchapter, for the purpose of paying project
9 costs and accomplishing projects, either alone or together with other
10 available funds and revenues.

11 (b)(1) The issuance of bonds shall be by resolution of the board.

12 (2) The bonds may be coupon bonds payable to bearer, subject to
13 registration as to principal or as to principal and interest, or fully
14 registered bonds without coupons, may contain exchange privileges, may be
15 issued in one (1) or more series, may bear such date or dates, may mature at
16 such time or times, not exceeding forty (40) years from their respective
17 dates, may bear interest at such rate or rates, may be in such form, may be
18 executed in such manner, may be payable in such medium of payment, at such
19 place or places, may be subject to such terms of redemption in advance of
20 maturity at such prices, and may contain such terms, covenants, and conditions
21 as the resolution may provide, including, without limitation, those pertaining
22 to the custody and application of the proceeds of the bonds, the collection
23 and disposition of revenues, the maintenance of various funds and reserves,
24 the investing and reinvesting of any moneys during periods not needed for
25 authorized purposes, the nature and extent of the security, the rights,
26 duties, and obligations of the district and the trustee for the holders or
27 registered owners of the bonds, and the rights of the holders or registered
28 owners of the bonds.

29 (c) There may be successive bond issues for the purpose of financing
30 the same project, and there may be successive bond issues for financing the
31 cost of reconstructing, replacing, constructing additions to, extending,
32 improving, and equipping projects already in existence, whether or not
33 originally financed by bonds issued under this subchapter, with each
34 successive issue to be authorized as provided by this subchapter. Priority
35 between and among issues and successive issues as to security of the pledge of

1 revenues and lien on the project involved may be controlled by the resolution
2 authorizing the issuance of the bonds.

3 (d) Subject to the provisions of this subchapter pertaining to
4 registration, the bonds shall have all the qualities of negotiable instruments
5 under the laws of the State of Arkansas.

6 (e) The bonds may be sold at public or private sale for such price,
7 including, without limitation, sale at a discount and in such manner the board
8 may determine by resolution.

9 (f) Bonds issued under this subchapter shall be executed by the manual
10 or facsimile signatures of the chairman and secretary of the board, but one of
11 such signatures must be manual. The coupons attached to the bonds may be
12 executed by the facsimile signature of the chairman of the board. In case any
13 of the officers whose signatures appear on the bonds or coupons shall cease to
14 be officers before the delivery of the bonds or coupons, their signatures
15 shall nevertheless be valid and sufficient for all purposes. The seal of the
16 board shall be placed or printed on each bond in such manner as the board
17 shall determine.

18 (g) (1) Prior to the issuance of any bonds pursuant to this subchapter,
19 the district shall seek the advice of the Arkansas Development Finance
20 Authority as to the financial feasibility of the project to be financed, and
21 shall provide the Authority with such information and documentation as it may
22 reasonably request in order to render that advice. No bonds shall be issued
23 without a determination by the Authority that the financing and project are
24 financially feasible and advisable, in view of capital financing alternatives,
25 utilization of available funds from grants, proposed marketing strategies,
26 cost of the financing, and proposed procedures and structures for issuance of
27 the bonds;

28 (2) The district may request the Authority to designate it as a
29 "developer," as contemplated by §15-5-403, and, hence, to guarantee the bonds,
30 on such terms and conditions as may be mutually agreed upon by the district
31 and the Authority, consistent with the program delineated in §15-5-401 et
32 seq.;

33 (3) The district may also request that the Authority be the
34 issuer of the bonds and loan the proceeds thereof to the district, secured by
35 a pledge of revenues from the project on such terms as may be necessary to

1 permit the sale of the bonds, consistent with the provisions hereof applicable
2 to the issuance of bonds directly by districts.

3 (h) Regional solid waste management boards are specifically authorized
4 to apply for and receive loans from the Arkansas Soil and Water Conservation
5 Commission to finance projects, from the proceeds of the commission's bonds
6 issued pursuant to Act 686 of 1987 (§15-22-701 et seq.), on terms mutually
7 acceptable to the borrowing board and the commission, including but not
8 limited to provisions for a pledge of revenues to secure such loans, as set
9 forth in §8-6-803. The Arkansas Soil and Water Conservation Commission is
10 authorized but not required to require, as prerequisite to approving any such
11 loan, that the borrowing board comply with some or all of the requirements of
12 §8-6-804(a), (b)(1), (f) and (g)(1) hereof. The Arkansas Soil and Water
13 Conservation Commission is further authorized to enter into agreements with
14 the Authority for such services to the commission or to the borrowing boards
15 as the commission deems necessary or desirable in furtherance of the
16 commission's powers and duties under §15-22-701 et seq., the authority granted
17 hereby being in addition to those powers and not in derogation or restriction
18 thereof.

19

20 8-6-805. Bonds - Trust indenture.

21 (a) The resolution authorizing the bonds may provide for the execution
22 by the district with a bank or trust company within or without this state of a
23 trust indenture which defines the rights of the holders and registered owners
24 of the bonds.

25 (b) The indenture may control the priority between and among successive
26 issues and may contain any other terms, covenants, and conditions that are
27 deemed desirable including, without limitation, those pertaining to the
28 custody and application of proceeds of the bonds, the maintaining of rates and
29 charges, the collection and disposition of revenues, the maintenance of
30 various funds and reserves, the nature and extent of the security and pledging
31 of revenues, the rights, duties, and obligations of the district and the
32 trustee for the holders or registered owners of the bonds, and the rights of
33 the holders and registered owners of the bonds.

34 (c) The resolution or trust indenture authorizing or securing any bonds
35 issued under this subchapter may, or may not, impose a foreclosable mortgage

1 lien upon, or security interest in, the project financed in whole or in part
2 with the proceeds of the bonds, and the nature and extent of the mortgage lien
3 or security interest may be controlled by the resolution or trust indenture
4 including without limitation, provisions pertaining to the release of all or
5 part of the project properties from the mortgage lien or security interest and
6 the priority of the mortgage lien or security interest in the event of the
7 issuance of additional bonds.

8 (d) Subject to the terms, conditions, and restrictions which may be
9 contained in the resolution or trust indenture, any holder or registered owner
10 of bonds issued under this subchapter, or of any coupon attached thereto, may,
11 either at law or in equity, enforce the mortgage lien or security interest and
12 may, by proper suit, compel the performance of the duties of the members and
13 employees of the board as set forth in the resolution or trust indenture
14 authorizing or securing the bonds.

15

16 8-6-806. Bonds - Default.

17 (a) (1) In the event of a default in the payment of the principal of,
18 premium on, if any, or interest on any bonds issued under this subchapter, any
19 court having jurisdiction may appoint a receiver to take charge of all or any
20 part of the project in which there is a mortgage lien or security interest
21 securing the bonds in default.

22 (2) The receiver shall have the power and authority to operate
23 and maintain the project, to charge and collect rates, payments, rents, and
24 charges sufficient to provide for the payment of the principal of, premium on,
25 if any, and interest on the bonds, after providing for the payment of any
26 costs of receivership and operating expenses of the project, and to apply the
27 revenues derived from the project in conformity with this subchapter and the
28 resolution or trust indenture authorizing or securing the bonds.

29 (3) When the default has been cured, the receivership shall be
30 ended and the project returned to the district.

31 (b) The relief afforded by this section shall be construed to be in
32 addition and supplemental to the remedies that may be afforded the trustee for
33 the bondholders and the bondholders in the resolution or trust indenture
34 authorizing or securing the bonds and shall be so granted and administered as
35 to accord full recognition to priority rights of bondholders as to the pledge

1 of revenues from, and the mortgage lien on and security interest in, the
2 project as specified in and fixed by the resolutions or trust indentures
3 authorizing or securing successive bond issues.

4

5 8-8-807. Bonds - Liability - Payment and security.

6 (a) It shall be plainly stated on the face of each bond that it has
7 been issued under the provisions of this subchapter, that the bonds are
8 obligations only of the district.

9 (b) No member of the board shall be personally liable on the bonds or
10 for any damages sustained by anyone in connection with any contracts entered
11 into in carrying out the purpose and intent of this subchapter unless he shall
12 have acted with corrupt intent.

13 (c) The principal of, and interest on, the bonds shall be payable from,
14 and may be secured by a pledge of, revenues derived from the project acquired,
15 constructed, reconstructed, equipped, extended, or improved, in whole or in
16 part, with the proceeds of the bonds or obligations of the owners of projects.
17

18 8-6-808. Refunding bonds - Issuance.

19 (a) Bonds may be issued for the purpose of refunding any bonds issued
20 under this subchapter. Refunding bonds may be combined with bonds issued
21 under the provisions of §14-233-109 into a single issue.

22 (b) When refunding bonds are issued, they may either be sold or
23 delivered in exchange for the bonds being refunded. If sold, the proceeds may
24 either be applied to the payment of the bonds being refunded or deposited in
25 escrow for the retirement thereof.

26 (c) All refunding bonds shall in all respects be issued and secured in
27 the manner provided for other bonds issued under this subchapter and shall
28 have all the attributes of those bonds.

29 (d) The resolution under which refunding bonds are issued may provide
30 that any of the refunding bonds shall have the same priority of lien on and
31 security interest in project revenues and the project as was enjoyed by the
32 bonds refunded by them.

33

34 8-6-809. Rates, fees, and charges - Pledges.

35 (a) If the board pledges rates, fees, and charges, then for as long as

1 any bonds are outstanding and unpaid, the rates, fees, and charges shall be so
2 fixed by the district as to provide revenues sufficient:

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

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

9 (3) To create and maintain reserves as may be required by any
10 resolution or trust indenture authorizing or securing bonds; and

11 (4) To pay any and all amounts which the district may be
12 obligated to pay from project revenues by law or contract.

13 (b) Any pledge made by a district pursuant to this subchapter shall be
14 valid and binding from the date the pledge is made. The revenues so pledged
15 and then held or thereafter received by the district or any fiduciary on its
16 behalf shall immediately be subject to the lien of the pledge without any
17 physical delivery thereof or further act. The lien of the pledge shall be
18 valid and binding as against all parties having claims of any kind in tort,
19 contract, or otherwise against the district without regard to whether such
20 parties have notice thereof.

21 (c) The resolution, trust indenture, or other instrument by which a
22 pledge is created need not be filed or recorded in any manner.

23

24 8-6-810. Rights of bondholders.

25 Any holder or registered owner of bonds or coupons pertaining to the
26 bonds, except to the extent the rights given in this subchapter may be
27 restricted by the resolution or trust indenture authorizing or securing the
28 bonds and coupons may, either at law or in equity, by suit, action, mandamus,
29 or other proceeding protect and enforce any and all rights under the laws of
30 the state or granted under this subchapter or, to the extent permitted by law,
31 under the resolution or trust indenture authorizing or securing the bonds or
32 under any agreement or other contract executed by a district pursuant to this
33 subchapter, and may enforce and compel the performance of all duties required
34 by this subchapter or by the resolution or trust indenture to be performed by
35 any district, or by any officer of the foregoing, including the fixing,

1 charging, and collecting of rates, fees, and charges.

2

3 8-6-811. Bonds - Tax exemption.

4 Bonds issued under the provisions of this subchapter, and the interest
5 thereon, shall be exempt from all state, county, and municipal taxes,
6 including property, income, inheritance, and estate taxes; provided, however,
7 that nothing herein shall preclude a district from requesting the Authority to
8 issue taxable bonds in furtherance of the purposes hereof, on such terms as
9 the district and Authority deem advisable and in conformity with the
10 Authority's statutory authority for issuance of such bonds.

11

12 8-6-812. Tax exempt status of property and income of district.

13 All properties at any time owned by the district and the income
14 therefrom shall be exempt from all taxation in the State of Arkansas.

15

16 8-6-813. Investment of public funds in bonds.

17 Any municipality, any board, commission, or other authority established
18 by ordinance of any municipality, or the boards of trustees, respectively, of
19 the firemen's relief and pension fund and the policemen's pension and relief
20 fund of any municipality, or the board of trustees of any retirement system
21 created by the General Assembly of the State of Arkansas, may in its
22 discretion, invest any of its funds not immediately needed for its purposes in
23 bonds issued under the provisions of this subchapter. Bonds issued under the
24 provisions of this subchapter shall be eligible to secure the deposit of
25 public funds.

26

27 8-6-814. Transfer of facilities to district by county or municipality.

28 Any municipality or county may acquire facilities for a project, or any
29 portion thereof, including a project site, by gift, purchase, lease, or
30 condemnation, and may transfer the facilities to the district by sale, lease,
31 or gift. The transfer may be authorized by ordinance of the governing body
32 without regard to the requirements, restrictions, limitations, or other
33 provisions contained in any other law."

34

35 *SECTION 5. Any solid waste management system operating under the*

1 authority of §14-233-101 et seq. with five (5) or more counties currently
2 being served by these authorities upon the passage of this act shall, upon
3 notification to the regional board and the Commission, shall be designated a
4 regional solid waste management district. The governing body of the district
5 shall be as determined by the authority by resolution.

6
7 SECTION 6. All provisions of this Act of a general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.

10
11 SECTION 7. If any provision of this Act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the Act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 Act are declared to be severable.

16
17 SECTION 8. All laws or parts of laws in conflict with this Act are
18 hereby repealed.

19
20 SECTION 9. EMERGENCY. It is hereby found and determined by the
21 Seventy-Eighth General Assembly of the State of Arkansas that some areas of
22 the state are facing critical shortages of solid waste disposal capacity due
23 to the difficulties in siting landfill facilities and the difficulties of
24 financing public waste recovery and disposal facilities at the local level. It
25 is found that regional solid waste authorities are needed to expedite the
26 financing, siting, and operation of new waste management facilities in order
27 that the health and welfare of the citizens of Arkansas be insured and that
28 the state's environment be protected. Therefore, an emergency is hereby
29 declared to exist, and this act being necessary for the immediate preservation
30 of the public peace, health and safety shall be in full force and effect from
31 and after its passage and approval.

32
33 /s/ B. Gibson

34
35 APPROVED: 3-26-91

3. 2/15/01 2/16/01 2/25/01

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