

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

HOUSE BILL 1060

4
5 By: Representatives Lindsey, D. Altes, Carnine, Fielding, Leding, B. Overbey, Summers, Woods
6 By: Senators M. Lamoureux, Madison

For An Act To Be Entitled

9 AN ACT TO CLARIFY THE POWER OF REGIONAL SOLID WASTE
10 MANAGEMENT BOARDS TO CHARGE AND COLLECT A FEE FOR
11 MANAGEMENT OF SOLID WASTE; AND FOR OTHER PURPOSES.

Subtitle

15 AN ACT TO CLARIFY THE POWER OF REGIONAL
16 SOLID WASTE MANAGEMENT BOARDS TO CHARGE
17 AND COLLECT A FEE FOR MANAGEMENT OF
18 SOLID WASTE.

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

23 SECTION 1. The General Assembly finds that:

24 (1) In 1989, the General Assembly recognized the need to create
25 regional boards to address the disposal of solid waste and encourage programs
26 to conserve landfill capacity in the State of Arkansas that was deemed
27 inadequate and at or near the critical point;

28 (2) In 1991, as an effort to aid in the establishment of
29 regional boards and to provide economic viability, the General Assembly
30 granted to regional solid waste management boards certain powers to collect
31 fees and charges and to allow the boards to carry out the mandate of the
32 enabling legislation;

33 (3) There now appears to be an economic crisis affecting a
34 number of the regional solid waste management boards in the state because a
35 legal challenge has been made regarding the authority of regional solid waste
36 management boards to charge certain fees and charges;



1 (4) Adequate solid waste management planning that affects the
 2 ability to charge fees and charges on solid waste generated within a district
 3 is in question because of the lack of clear direction within the existing
 4 statutes; and

5 (5) The important steps the state has taken to encourage
 6 recycling and to address the state's solid waste management needs will be
 7 greatly hampered unless clear authority is given to regional solid waste
 8 management boards to charge fees and charges that will support the programs
 9 mandated by statute, but for which no other means of funding exists.

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 11 SECTION 2. Arkansas Code § 8-6-714(a), regarding rents, fees, and
 12 charges authorized for regional solid waste management boards, is amended to
 13 read as follows:

14 8-6-714. Rents, fees, and charges.

15 (a)(1)(A) A regional solid waste management board may fix, charge, and
 16 collect rents, fees, and charges ~~for the disposal, treatment, or other~~
 17 handling of solid waste by the district related to the movement or disposal
 18 of solid waste within the district, including without limitation fees and
 19 charges:

20 (i) Related to the district's direct involvement
 21 with the district's disposal or treatment; or

22 (ii) That support the district's management of the
 23 solid waste needs of the district.

24 (B) The board may fix, charge, and collect fees or charges
 25 under subdivision (a)(1)(A)(ii) of this section only if the board:

26 (i) Employs or otherwise makes available from
 27 another agency an enforcement officer to:

28 (a) Enforce all statutes and rules regarding
 29 solid waste; and

30 (b) Seek to prevent or to identify and
 31 eliminate illegal dump sites;

32 (ii) Has a program for household hazardous waste
 33 collection and disposal; and

34 (iii) Has a program for recycling that includes
 35 rural areas of the district and the recycling of bulky waste.

36 (2) The board may fix, charge, and collect fees or charges for

1 solid waste generated:

2 (A) Within or without the district delivered to a landfill
 3 or transfer station within the district, regardless of whether the disposal
 4 facilities are owned or operated by the district; or

5 (B) Within the district but delivered to a location
 6 outside the district.

7 (3) The board may fix, charge, and collect penalties from
 8 entities that fail to timely remit rents, fees, and charges under this
 9 section.

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 11 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
 12 General Assembly of the State of Arkansas that unintended consequences of
 13 court action regarding the wording of Arkansas Code § 8-6-714, have been
 14 curtailed or discontinued a main source of funding for many of the programs
 15 of the solid waste management districts; that reinstatement of these funding
 16 sources and the immediate collection of these fees will put the Solid Waste
 17 Management District's budgets back on track; and that this act is immediately
 18 necessary because no other funding source in state government currently
 19 exists to continue these programs of the Solid Waste Management Districts to
 20 provide services necessary to the health and welfare of Arkansas citizens and
 21 to safeguard the state's fragile ecological health and well being.
 22 Therefore, an emergency is declared to exist and this act being immediately
 23 necessary for the preservation of the public peace, health, and safety shall
 24 become effective on:

25 (1) The date of its approval by the Governor;

26 (2) If the bill is neither approved nor vetoed by the Governor,
 27 the expiration of the period of time during which the Governor may veto the
 28 bill; or

29 (3) If the bill is vetoed by the Governor and the veto is
 30 overridden, the date the last house overrides the veto.

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