

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1546

By: Representative O. Miller

"AN ACT TO AMEND SUBSECTION (a) OF SECTION 3 OF ACT 699 OF 1979 [ARK. STATS. 82-2733] TO PROVIDE THAT A SANITATION AUTHORITY SHALL NOT ACQUIRE LAND FOR OR ESTABLISH A SOLID WASTE DISPOSAL SITE OR FACILITY OUTSIDE THE BOUNDARIES OF THE MEMBER COUNTIES OR THE COUNTIES IN WHICH THE MEMBER MUNICIPALITIES ARE LOCATED; AND FOR OTHER PURPOSES."

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

SECTION 1. Subsection (a) of Section 3 of Act 699 of 1979, the same being Arkansas Statutes 82-2733(a), is hereby amended to read as follows:

"(a) Any two (2) or more municipalities, any two (2) or more counties, or any one (1) or more municipalities together with any one (1) or more counties, are hereby authorized to create and become members of a sanitation authority as prescribed herein. Each such authority may be empowered to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in or dispose of a project or projects. Unless limited by the members of the authority in the manner hereinafter provided, any project may be located at any place or places within the member counties or within the counties in which the member municipalities are located, as in the judgement of the board of directors of the authority best serves the needs of the member municipalities and counties, but no such sanitation authority shall acquire land for or establish a solid waste disposal site or facility outside the boundaries of the member counties or outside the counties in which the member municipalities are located without the prior approval of the county judge and the quorum court of the county in which such land is proposed to be acquired or such site or facility is proposed to be located."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. EMERGENCY. It is hereby found and determined by the General Assembly that due to the potential health hazards and offensive nature of solid waste disposal facilities, counties and cities within such counties should not be permitted to establish such disposal facilities in another county without the consent of the appropriate officials of the other county and that this Act is designed to require such consent and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

