

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1055

By: Representatives Gibson and Schexnayder

For An Act To Be Entitled

"AN ACT TO REQUIRE A PUBLIC REFERENDUM ON ANY QUORUM COURT ACTION APPROVING OR TAKING FAVORABLE ACTION ON ANY CONTRACT OR LEGAL ARRANGEMENT WITH A PRIVATE FIRM, CORPORATION OR PERSON FOR THE ESTABLISHMENT OF A SOLID WASTE DISPOSAL FACILITY WITHIN THE COUNTY FOR THE PURPOSE OF DISPOSING OF GARBAGE OR TRASH ORIGINATING FROM OUT OF THIS STATE; TO PRESCRIBE THE PROCEDURE FOR CONDUCTING SUCH REFERENDUM; AND FOR OTHER PURPOSES."

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

SECTION 1. Any ordinance or other action of the quorum court of a county approving or expressing favorable action by the county quorum court on any contract with a private firm, corporation or person for the establishment of a solid waste disposal facility for the receipt of out-of-state garbage or trash in the county shall be effective only if approved by a majority of the qualified electors of the county at a special election called in the manner hereinafter prescribed. Provided, if the site of any such proposed solid waste disposal facility is within twenty-five (25) miles of the border of any adjacent county, the proposed contract or arrangement for such facility shall also be subject to the approval of the qualified electors of such adjoining county at an election to be held at the same time the referendum election is held in the county in which the facility is located.

SECTION 2. When any quorum court approves or otherwise takes any favorable action on any proposed contract with any firm, corporation or person for the establishment of a solid waste disposal facility within the county, a special election shall be called within sixty (60) days after the action of the quorum court in the county for the purpose of submitting the question of the

establishment of such facility pursuant to said contract or legal arrangement to the qualified electors of the county in which the facility is proposed to be located. In addition, if the proposed site of the facility is within twenty-five (25) miles of the boundaries of an adjacent county, an election shall be called in that county at the same time of the election in the county in which the facility is proposed to be located at which the question of the establishment, pursuant to said contract or legal arrangement, of such facility shall be submitted to the qualified electors of the adjacent county.

SECTION 3. The action of the quorum court approving or otherwise taking favorable action concerning the contract for the establishment of a solid waste disposal facility or any legal incidence thereof shall be effective only if a majority of the qualified electors in the county approve the same at such election, and if in the event an adjoining county is involved, only if a majority of the qualified electors voting on the issue in the adjoining county additionally and separately approve such action.

SECTION 4. The provisions of this Act shall not be construed to prohibit any governmental entity from contracting with another governmental entity for the establishment of a joint solid waste disposal facility or the transportation of solid waste within the contracting counties or governmental entities.

SECTION 5. The provisions of this act requiring approval of the qualified electors of any action of the quorum court approving or otherwise taking favorable action concerning a contract with a private firm, corporation or person for the establishment of a solid waste disposal facility or exacting any fees therefrom shall be applicable with respect to any such action taken by any quorum court on and after January 1, 1989. Provided, that if any quorum court of any county takes favorable action on any said contract or legal arrangement for the establishment of the type of solid waste disposal facility prescribed in this act before the effective date of this act, the public election required by the provisions of this act shall be conducted within sixty (60) days from the effective date of this act.

SECTION 6. All provisions of this Act of a general and permanent nature

are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 7. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 8. EMERGENCY. It is hereby found and determined by the General Assembly that the disposal of out-of-state garbage within the boundaries of this state and its counties has a possible effect upon the health, welfare and good image of its citizens and that it is essential that the public be given a direct voice or vote on the establishment of such a solid waste disposal facility. 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.