

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

# A Bill

**HOUSE BILL 1170**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 8 TO CREATE A NEW  
9 SUBCHAPTER ON RECYCLING; TO CREATE THE STATE MARKETING  
10 BOARD FOR RECYCLABLES; TO AMEND VARIOUS SECTIONS OF  
11 ARKANSAS CODE TITLE 19, CHAPTER 11 RELATING TO THE  
12 PURCHASE OF RECYCLED PAPER PRODUCTS BY STATE AGENCIES; TO  
13 AMEND ARKANSAS CODE 8-6-609 AND 8-6-610 CONCERNING THE  
14 SOLID WASTE MANAGEMENT AND RECYCLING FUND; AND FOR OTHER  
15 PURPOSES."

16  
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18  
19 SECTION 1. Arkansas Code Title 8, is amended to add the following new  
20 chapter:

21 "CHAPTER 9. RECYCLING.

22  
23 SUBCHAPTER 1. GENERAL PROVISIONS.

24  
25 8-9-101. Policy. It is the policy of the State of Arkansas to encourage  
26 and promote recycling in order to conserve our natural resources, conserve  
27 energy and preserve landfill space. In furtherance of this policy the State  
28 of Arkansas adopts as a goal, the recycling of thirty percent (30%) of the  
29 1991 municipal solid waste stream by 1995, and forty percent (40%) by the year  
30 2000.

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32 8-9-102. Construction.

33 The terms and provisions of this chapter are to be liberally  
34 constructed, so as to best achieve and effectuate the policies and purposes  
35 hereof.

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8-9-103. Conflict With Federal Laws.

If any provision of this chapter is found to conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this chapter is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this chapter.

8-9-104. Definitions. As used in this chapter, unless the context otherwise requires:

- (1) 'Commission' means the Arkansas Pollution Control & Ecology Commission;
- (2) 'Department' means the Arkansas Department of Pollution Control and Ecology;
- (3) 'Recyclable materials' or 'recyclables' means those materials from the solid waste stream that can be recovered for reuse in present or reprocessed form;
- (4) 'Recyclable materials collection center' or 'collection center' means a facility which receives or stores recyclable materials prior to timely transportation to material recovery facilities, markets for recycling, or disposal.
- (5) 'Recycling' means the systematic collection, sorting, decontaminating and returning of waste materials to commerce as commodities for use or exchange;
- (6) 'Solid waste' shall have the same meaning as provided by §8-6-702;
- (7) 'Solid Waste Board' or 'board' means a regional solid waste planning board or a solid waste service area board, or its successor, created under Arkansas Code Title 8, Chapter 6, Subchapter 7;
- (8) 'Solid Waste District' or 'district' means a regional solid waste planning district or a solid waste service area, or its successor, created under Arkansas Code Title 8, Chapter 6, Subchapter 7;
- (9) 'Source separation' means the act or process of removing a particular type of recyclable material from the solid waste stream at the point of generation or at a point under control of the generator for the purpose of collection and recycling;

1 (10) 'Yard waste' means grass clippings, leaves, brush, and tree  
2 prunings.

3 (11) *'Materials in the recycling process' means ferrous and nonferrous*  
4 *metals diverted or removed from the solid waste stream so that they may be*  
5 *reused, as long as such materials are processed or handled using reasonably*  
6 *available processing equipment and control technology (as determined by the*  
7 *director) taking cost into account, and a substantial amount of the materials*  
8 *are consistently utilized to manufacture a product which otherwise would have*  
9 *been produced using virgin material.*

10 8-9-105. Penalties and Procedure.

11 (a) Any person who violates any provision of subchapter 3 or 4 herein,  
12 or of any rule, regulation or order issued pursuant to this chapter, shall be  
13 subject to the same penalty and enforcement provisions as are contained in the  
14 Arkansas Solid Waste Management Act at § 8-6-204, as amended.

15 (b) Except as otherwise provided in this chapter, the procedure of the  
16 commission for issuance of rules and regulations, conduct of hearings, notice,  
17 power of subpoena, review of action on permits, right of appeal, presumptions,  
18 finality of actions, and related matters shall be as provided in §§ 8-4-101 --  
19 8-4-106 and 8-4-201 -- 8-4-229 of the Arkansas Water and Air Pollution Control  
20 Act, as amended, including without limitation §§ 8-4-205, 8-4-210, 8-4-212 --  
21 8-4-214, and 8-4-218 -- 8-4-229.

22 (c) *All rules and regulations adopted under this chapter shall be*  
23 *reviewed on the Joint Interim Committee of Public Health, Welfare and Labor or*  
24 *an appropriate subcommittee of the committee.*

25

26 SUBCHAPTER 2. RECYCLING GENERALLY.

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28 8-9-201. For the purposes of this subchapter, 'Marketing Board' means  
29 the State Marketing Board for Recyclables.

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

33 (2) The Governor shall appoint one (1) member from each of the  
34 four United States congressional districts, as the districts appear on January  
35 1, 1991. The remaining member shall be appointed from the state at large and

1 shall be a person actively engaged in the business of processing recyclable  
2 materials.

3 (3) The director of the Arkansas Industrial Development Commission  
4 or the director's designee shall serve as an ex officio member.

5 (4) The director of the Department of Pollution Control and  
6 Ecology or the director's designee shall serve as an ex officio member.

7 (b) Members appointed by the Governor shall serve for four (4) year  
8 terms. The initial members appointed by the Governor shall determine their  
9 terms by lot so that: one (1) member shall serve a term of one (1) year; one  
10 (1) member shall serve a term of two (2) years; one member shall serve a term  
11 of three (3) years; and two (2) members shall serve for a term of four (4)  
12 years.

13 (c) Vacancies shall be filled by the Governor for the remainder of the  
14 term.

15 (d) Members shall serve without compensation but shall be entitled to  
16 per diem and mileage allowances for attendance at council meetings at the same  
17 rate authorized by law for legislators' attendance at meetings of joint  
18 interim committees of the General Assembly. Members shall be entitled to  
19 reimbursement for actual expenses incurred for lodging while attending council  
20 meetings which involve overnight stays.

21 (e) The marketing board shall annually select a member to serve as  
22 chairman.

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

25 (g) *The Department, after advice and counsel of the Marketing Board*  
26 *shall provide adequate staff to support the activities of the Marketing Board.*

27 (h) The duties of the marketing board shall include:

28 (1) developing a program for the coordination of all existing  
29 marketing programs for recyclables;

30 (2) developing an overall marketing plan for Arkansas  
31 recyclables;

32 (3) conducting an inventory of markets for recyclables in  
33 Arkansas and the surrounding states;

34 (4) working with existing industry to encourage the use of  
35 recyclables in their manufacturing processes;

1 (5) recruiting new industries that use recyclables in their  
2 manufacturing processes;

3 (6) maintaining current information on market prices and trends;  
4 and

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

7

8 8-9-202. Powers and Duties of the Department.

9 The department shall have the power and duty to:

10 (a) Adopt reasonable rules and regulations to effectuate the purposes  
11 of this subchapter;

12 (b) Promote public education and public awareness of the necessity of  
13 supporting waste reduction and recyclable material recovery as an integral  
14 part of all solid waste and recyclable materials programs in the state; and

15 (c) Provide to the extent practicable, upon request, to state agencies,  
16 planning and technical assistance in carrying out their responsibilities under  
17 this subchapter.

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19 8-9-203. Recycling by Governmental Entities.

20 (a) Beginning December 31, 1991, each state agency, state college or  
21 university, county, city and public school, in cooperation with the department  
22 and the marketing board shall:

23 (1) establish a source separation and recycling program for  
24 recyclables generated as a result of agency operations;

25 (2) adopt procedures for collection and storage of recyclables;  
26 and

27 (3) make contractual or other arrangements for transportation and  
28 sale of recyclables.

29 (b) Nothing in this section shall prohibit any state agency, state  
30 college or university, county, city or public school from engaging in,  
31 contracting for, or otherwise allowing or arranging for composting of yard  
32 waste on property owned or controlled by the governmental entity.

33

34 8-9-204. Purchasing of Recyclables by Governmental Entities.

35 State agencies, cities, counties and other governmental entities are

1 encouraged to provide for preferential purchasing of products made from  
2 recycled materials or products that may be recycled or reused.

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4 SUBCHAPTER 3. RECYCLABLE ITEMS.

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6 8-9-301. For the purposes of this subchapter:

7 (1) 'Label' means a molded, imprint or raised symbol on or near the  
8 bottom of a plastic product;

9 (2) 'Lead-acid battery' means a battery with a core of elemental lead  
10 and a capacity of six or more volts;

11 (3) 'Plastic' means any material made of polymeric organic compounds  
12 and additives that can be shaped by flow;

13 (4) 'Plastic bottle' means a plastic container that has a neck that is  
14 smaller than the body of the container, accepts a screw-type, snap cap, or  
15 other closure, and has a capacity of sixteen fluid ounces or more, but less  
16 than five gallons; and

17 (5) 'Rigid plastic container' means any formed or molded container,  
18 other than a bottle, intended for single use, composed predominantly of  
19 plastic resin, and having a relatively inflexible infinite shape or form with  
20 a capacity of eight (8) ounces or more, but less than five (5) gallons.

21

22 8-9-302. Plastic Container Labeling.

23 (a) Beginning July 1, 1992, a person shall not distribute, sell, or  
24 offer for sale in this state a plastic bottle or rigid plastic container  
25 unless the product is labeled with a code indicating the plastic resin used to  
26 produce the bottle or container. Rigid plastic bottles or rigid plastic  
27 containers with labels and basecups of a different material shall be coded by  
28 their basic material. The code shall consist of a number placed within a  
29 triangle of arrows and letters placed below the triangle of arrows. The  
30 triangle shall be equilateral, formed by three arrows with the apex of each  
31 point of the triangle at the midpoint of each arrow, rounded with a short  
32 radius. The arrowhead of each arrow shall be at the midpoint of each side of  
33 the triangle with a short gap separating the pointer from the base of the  
34 adjacent arrow. The triangle, formed by the three arrows curved at their  
35 midpoints, shall depict a clockwise path around the code number. The numbers

1 and letters used shall be as follows:

- 2 (1) 1. -PETE (polyethylene terephthalate)
- 3 (2) 2. -HDPE (high density polyethylene)
- 4 (3) 3. -V (vinyl)
- 5 (4) 4. -LDPE (low density polyethylene)
- 6 (5) 5. -PP (polypropylene)
- 7 (6) 6. -PS (polystyrene)
- 8 (7) 7. -OTHER

9 (b) The department shall maintain a list of the label codes provided  
10 pursuant to this section and shall provide a copy of that list to any person  
11 upon request.

12

13 8-9-303. Lead-acid Batteries.

14 (a) A person selling lead-acid batteries at retail or offering  
15 lead-acid batteries for retail sale in the state shall:

16 (i) accept, at the point of transfer, in a quantity at least  
17 equal to the number of new batteries purchased, used lead-acid batteries from  
18 customers, if offered by customers; and

19 (ii) post written notices which must be at least 8-1/2" by 11" in  
20 size and must contain the universal recycling symbol and the following  
21 language:

22 (A) 'It is illegal to discard a motor vehicle or marine  
23 battery.';

24 (B) 'Recycle your used batteries.';

25 (C) 'State law requires us to accept used lead-acid  
26 batteries for recycling, in exchange for new lead-acid batteries purchased.';  
27 and

28 (D) 'When you purchase any new lead-acid battery, you will  
29 be charged an additional ten dollars (\$10.00) unless you return a used  
30 lead-acid battery for refund within thirty (30) days.'

31 (b) Each person who purchases a lead-acid battery at retail shall be  
32 assessed a surcharge of ten dollars (\$10.00) per battery by the retailer  
33 unless that person returns a used lead-acid battery to the retailer within  
34 thirty (30) days of the date of his surcharged purchase. A retailer shall  
35 refund the ten dollar (\$10.00) surcharge to any purchaser of a new lead-acid

1 battery who presents a used lead-acid battery to the retailer with a receipt  
2 for the purchase of a new lead-acid battery from that retailer within that  
3 thirty (30) day period. A retailer may keep any lead acid battery surcharge  
4 monies which are not properly claimed within thirty (30) days after the date  
5 of sale.

6 (c) The department shall produce, print, and distribute the notices  
7 required by this section to all places where lead-acid batteries are offered  
8 for sale at retail. In performing its duties under this section the  
9 department may inspect any place, building, or premise governed by this  
10 section.

11 (d) Any person selling new lead-acid batteries at wholesale shall  
12 accept, at the point of transfer, in a quantity at least equal to the number  
13 of new lead-acid batteries purchased, used lead-acid batteries from customers,  
14 if offered by customers. A person accepting lead-acid batteries in transfer  
15 from a lead-acid battery retailer shall be allowed a period not to exceed  
16 ninety (90) days to remove lead-acid batteries from the retail point of  
17 collection.

18 (e) No person shall place a used lead-acid battery in municipal solid  
19 waste, discard or otherwise dispose of a lead-acid battery except by delivery  
20 to: (1) a lead-acid battery retailer or wholesaler, (2) a collection or  
21 recycling facility authorized under the law of the State of Arkansas, or (3) a  
22 secondary lead smelter permitted by the federal Environmental Protection  
23 Agency.

24 (f) No lead-acid battery retailer shall dispose of a used lead-acid  
25 battery except by delivery to the agent of a lead-acid battery wholesaler, to  
26 a battery manufacturer for delivery to a secondary lead smelter permitted by  
27 the Environmental Protection Agency, or to a collection or recycling facility  
28 authorized under the law of the State of Arkansas, or to a secondary lead  
29 smelter permitted by the Environmental Protection Agency.

30 (g) An owner or operator of a solid waste landfill shall not knowingly  
31 accept for disposal a lead acid battery.

32 (h) Each lead-acid battery improperly disposed or accepted for disposal  
33 shall constitute a separate violation.

34 (i) The requirements for retailers contained in § 8-9-303 (a) and (b)  
35 shall not apply to a person whose retail sales of lead-acid batteries are not

1 in the ordinary course of business.

2 (j) Nothing in this section shall be construed to prohibit the  
3 collection, transportation, or disposal of lead-acid batteries mixed or  
4 commingled with solid waste by any person engaged in the collection,  
5 transportation, or disposal of solid waste, unless it can be demonstrated that  
6 the person knew or should have known that such lead-acid batteries had been  
7 mixed or commingled with the solid waste collected, transported, or disposed  
8 and unless it can be demonstrated that it is economically and environmentally  
9 feasible to remove and recover the lead-acid batteries from the solid waste  
10 collected, transported, or disposed.

11 (k) The provisions of this section shall apply beginning July 1, 1992.

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13 8-9-304. Used Motor Oil.

14 *No later than December 31, 1992, the Commission shall adopt, after*  
15 *notice and public hearing, reasonable regulations which are protective of the*  
16 *public health and environment for the collection, storage and disposal, reuse*  
17 *or recycling of used motor oil.*

18

19 SUBCHAPTER 4. - WASTE TIRES.

20

21 8-9-401. The purpose of this subchapter is to protect the public health  
22 and the state's environmental quality by setting and implementing standards to  
23 be followed in the hauling, storage, recycling and disposal of waste tires.

24

25

26 8-9-402. As used in this subchapter, unless the context otherwise  
27 requires:

28 (1) 'Motor vehicle' means an automobile, motorcycle, truck, trailer,  
29 semitrailer, truck tractor and semitrailer combination, or any other vehicle  
30 operated on the roads of this state, used to transport persons or property,  
31 and propelled by power other than muscular power, but the term does not  
32 include traction engines, road rollers, such vehicles as run only upon a  
33 track, bicycles, mopeds, or farm tractors and trailers;

34 (2) 'Tire' means a continuous solid or pneumatic rubber covering which  
35 is used for encircling the wheel of a motor vehicle;

1 (3) 'Tire manufacturer' means a manufacturing operation engaged in the  
2 final assembly of the basic components of a tire;

3 (4) 'Waste tire' means a tire that is no longer repairable or  
4 retreadable or no longer suitable for its original intended purpose because of  
5 wear, damage, or defect;

6 (5) 'Waste tire collection center' means a site where used or waste  
7 tires are collected from the public prior to being offered for recycling and  
8 where fewer than one thousand (1000) tires are kept on the site on any given  
9 day;

10 (6) 'Waste tires originating from a tire manufacturer' means those new  
11 tires which originate from a tire assembly process and are determined by the  
12 tire manufacturer to be either defective or unfit for use on a motor vehicle.

13 (7) 'Waste tire processing facility' means a site where equipment is  
14 used to cut, chip, grind, or otherwise alter used or waste tires;

15 (8) 'Waste tire site' means a site at which one thousand (1000) or more  
16 used or waste tires are accumulated; and

17 (9) 'Used tire' means a tire that is repairable or retreadable for its  
18 original intended purpose but shall not include a tire being held for ninety  
19 (90) days or less for the purpose of retreading or repairing the tire.

20 8-9-403. (a) The owner or operator of any waste tire site shall, within  
21 six (6) months after the effective date of this subchapter, provide the  
22 department with information concerning the site's location, size, and the  
23 approximate number of waste tires that are accumulated at the site and shall  
24 provide a written plan specifying a method and time schedule, subject to  
25 approval by the department, for the removal, disposal, or recycling of the  
26 tires. The owner or operator shall implement the approved plan according to  
27 its schedule.

28 (b) No person shall cause or permit the open burning of tires in the  
29 state of Arkansas.

30 (c) On or after July 1, 1992:

31 (1) A person shall not maintain a waste tire site unless the site  
32 is an integral part of that person's or another person's permitted waste tire  
33 processing facility.

34 (2) It is unlawful for any person to dispose of used or waste  
35 tires or portions of used or waste tires in the state, unless such tires are

1 disposed of for processing, or collected for processing, at a permitted waste  
2 tire processing facility, at a waste tire site which is an integral part of a  
3 permitted waste tire processing facility, at a waste tire collection center,  
4 or at a permitted solid waste disposal facility.

5 (3) Tires shall not be deposited in a landfill as a method of  
6 ultimate disposal unless shredded or split into sufficiently small parts to  
7 assure their proper disposal. Tires shall not be disposed of in a landfill  
8 containing any other type of waste unless the tires are disposed of in a  
9 separate area of the landfill and the area has been prepared in such a manner  
10 that the tires can be recovered at a later date.

11 (4) A person who leases or owns real property may use waste tires  
12 for soil erosion abatement and drainage purposes in accordance with procedures  
13 approved by the Commission, or to secure covers over silage, hay, straw or  
14 agricultural products.

15 (d) By January 2, 1992, the Commission shall adopt regulations to carry  
16 out the provisions of this section. The regulations shall:

17 (1) Provide for the administration of a waste tire processing  
18 facility permits, and for a fee for each permit which shall not exceed two  
19 hundred fifty dollars (\$250) annually;

20 (2) Provide for the administration of waste tire collector  
21 permits, waste tire collection center permits, and combined collector and  
22 collection center permits, and for a fee for each permit which shall not  
23 exceed two hundred fifty dollars (\$250) annually;

24 (3) Set standards for waste tire processing facilities and  
25 associated waste tire sites, waste tire collection centers, and waste tire  
26 collectors;

27 (4) Establish procedures for administering the waste tire grant  
28 program and issuing grants; and

29 (5) Authorize the final disposal of waste tires at a permitted  
30 solid waste disposal facility, provided the tires have been cut into  
31 sufficiently small parts to assure their proper disposal.

32 (e) A permit is not required for:

33 (1) A tire retreading business where fewer than five hundred  
34 (500) waste tires are kept on the business premises;

35 (2) A business that, in the ordinary course of business, removes

1 tires from motor vehicles if fewer than five hundred (500) of these tires are  
 2 kept on the business premises.

3 (3) A retail tire-selling business which is serving as a waste  
 4 tire collection center if fewer than five hundred (500) waste tires are kept  
 5 on the business premises.

6 (f) The commission shall encourage the voluntary establishment of waste  
 7 tire collection centers at retail tire-selling businesses, waste tire  
 8 processing facilities, and solid waste disposal facilities, to be open to the  
 9 public, at no cost, for the deposit of used and waste tires generated in the  
 10 state of Arkansas, except those generated by a tire manufacturer.

11 (g) Waste tires originating from a tire manufacturer shall be disposed  
 12 of at either a permitted waste tire collection center or a permitted waste  
 13 tire processing facility for a fee to be established by either of those  
 14 facilities if disposed in the state of Arkansas. Records of the disposition of  
 15 the waste tires originating from a tire manufacturer shall be maintained by  
 16 that manufacturer for a period of at least three (3) years and shall be  
 17 available for review by the department.

18

19 8-9-404. Waste Tire Fees.

20 (a) (1) *From and after July 1, 1991, there shall be imposed a fee upon*  
 21 *the sale of each new motor vehicle tire sold at retail. The fee shall be*  
 22 *charged by the tire retailer to the person who purchases a motor vehicle tire*  
 23 *for use on a motor vehicle and not for resale. Beginning July 1, 1991, such*  
 24 *fee shall be imposed at the rate of one dollar and fifty cents (\$1.50) for*  
 25 *each new tire sold. Such fee shall be added to the total cost to the*  
 26 *purchaser at retail after all applicable sales taxes on the tires have been*  
 27 *computed and shall be separately stated on the invoice or bill of sale. The*  
 28 *fee imposed, less ten percent (10%) of fees collected, which shall be retained*  
 29 *by the tire retailer as administration cost, shall be paid monthly to the*  
 30 *Director of the Department of Finance and Administration.*

31 (2) The terms 'sold at retail' and 'retail sales' do not  
 32 include the sale of new tires to a person solely for the purpose of resale,  
 33 provided the subsequent retail sale in this state is subject to the fee.

34 (3) The fee imposed by this section does not apply to recapped  
 35 tires or tires included as part of the equipment of a new motor vehicle.

1           (b) (1) *The fee shall be collected by the Director of the Department of*  
 2 *Finance and Administration and shall be subject to the Arkansas Tax Procedure*  
 3 *Act, §26-18-101 et seq. Each tire retailer shall file a return with the*  
 4 *Director on or before the twentieth of each month showing the total fees*  
 5 *collected during the preceding calendar month and shall remit the fees with*  
 6 *the return. The Director shall prescribe the form and contents of the return.*

7           (2) *The Department of Finance and Administration shall deposit*  
 8 *the proceeds of the waste tire fee in the State Treasury as special revenues*  
 9 *and shall credit the proceeds to a special fund created on the books of the*  
 10 *State Treasurer, the State Auditor, and the Chief Fiscal Officer of the State*  
 11 *to be known as the 'Waste Tire Grant Fund.' In addition to all monies*  
 12 *appropriated by the General Assembly to the fund, there shall be deposited in*  
 13 *the fund any federal government monies designated to enter the fund, any*  
 14 *monies received by the State as a gift or donation to the fund, and all*  
 15 *interest upon money deposited in the fund. The Waste Tire Grant Fund shall be*  
 16 *administered by the department, which shall authorize grants and*  
 17 *administrative expenditures from the fund according to the provisions of this*  
 18 *subchapter. No more than ten percent (10%) of the monies received annually*  
 19 *into the fund shall be used by the department for the administration of grants*  
 20 *pursuant to this subchapter.*

21           (3) *For the purposes of this section, 'proceeds' of the fee*  
 22 *shall mean all funds collected and received by the Department of Finance and*  
 23 *Administration under this section, and interest and penalties on delinquent*  
 24 *waste tire fees.*

25           (c) *In addition to the fee imposed on new tires, beginning July 1,*  
 26 *1991, a fee shall be imposed at the rate of one dollar (\$1.00) on all waste*  
 27 *tires that are imported into Arkansas. The fee imposed shall be paid by the*  
 28 *importer to the Department of Finance and Administration in accordance with*  
 29 *§26-18-101 et seq. and any regulations promulgated by the Department of*  
 30 *Finance and Administration. The Department of Finance and Administration*  
 31 *shall deposit the proceeds of this fee in the State Treasury as special*  
 32 *revenues and shall credit the proceeds to the special fund created on the*  
 33 *books of the State Treasurer, the State Auditor, and the Chief Fiscal Officer*  
 34 *of the State to be known as the 'Waste Tire Grand Fund', as described in*  
 35 *subsection (b) of this section.*

1 8-9-405. Waste Tire Grants.

2 (1) The Department shall, by July 1, 1992, establish a program to make  
3 grants to solid waste boards which desire, individually or collectively, to:

4 (a) Construct or operate, or contract for the construction or  
5 operation of, a waste tire processing facility and equipment purchases  
6 therefor;

7 (b) Contract for a waste tire processing facility service within  
8 or outside the solid waste district;

9 (c) Remove or contract for the removal of waste tires from the  
10 solid waste district;

11 (d) Perform or contract for the performance of research designed  
12 to facilitate waste tire recycling;

13 (e) Establish waste tire collection centers at solid waste  
14 disposal facilities or waste tire processing facilities; or

15 (f) Provide incentives for establishing privately operated waste  
16 tire collection centers for the public.

17 (2) Solid waste boards may join together, pooling their financial  
18 resources, when utilizing their grants for the purposes described in this  
19 section.

20 (3) The Department shall provide technical assistance, upon request, to  
21 a solid waste board desiring assistance in applying for waste tire grants or  
22 choosing a method of waste tire management which would be an eligible use of  
23 the grant funds.

24 8-9-406. *Statewide Disposal Facility.*

25 (a) *The commission shall have the authority to license statewide  
26 disposal facilities for waste tires. The commission shall establish the  
27 criteria for applications for statewide disposal facilities and shall regulate  
28 the operation of the facilities.*

29 (b) *No disposal facility for waste tires, other than licensed statewide  
30 disposal facilities, shall accept waste tires from another solid waste  
31 district."*

32

33 SECTION 2. Arkansas Code 19-11-203 is amended to add the following new  
34 subdivisions:

35 "(30) 'Paper product means any item manufactured from paper or

1 paperboard.

2 (31) 'Recycled Paper' means paper which contains recycled fiber in a  
3 proportion specified by the State Purchasing Director."

4  
5 SECTION 3. Arkansas Code 19-11-222 is amended to read as follows:

6 "19-11-222. Exclusive jurisdiction over procurement.

7 The State Purchasing Director shall have exclusive jurisdiction over the  
8 procurement of the following commodities and services:

- 9 (1) Items subject to the Arkansas Constitution, Amendment 54;
- 10 (2) Wholesale gasoline, oil, antifreeze, and related products;
- 11 (3) Tires;
- 12 (4) Tubes;
- 13 (5) Passenger motor vehicles and trucks, except highway construction and  
14 highway maintenance equipment or any specialized type of equipment used in  
15 highway construction except as otherwise provided in this subchapter; and  
16 (6) Paper products."

17  
18 SECTION 4. Arkansas Code Title 19, Chapter 11, Subchapter 2 is amended  
19 by adding the following new sections:

20 "19-11-260. Recycled Paper Products - Preference.

21 (a) The State Purchasing Director shall issue a recycled paper content  
22 specification for each type of paper product.

23 (b) (1) The goal of state agencies for the percentage of paper products  
24 to be purchased that utilize recycled paper shall be:

- 25 (A) ten percent (10%) in fiscal year 1991;
- 26 (B) twenty-five percent (25%) in fiscal year 1992;
- 27 (C) forty-five percent (45%) in fiscal year 1993; and
- 28 (D) sixty percent (60%) by calendar year 2000.

29 (2) The Office of State Purchasing shall prepare a semi- annual  
30 report of the state's progress in meeting the goals for the purchase of paper  
31 products with recycled content. The report shall be made to the Governor.

32 (c) (1) Whenever a bid is required, a preference for recycled paper  
33 products shall be exercised if the use of the products is technically feasible  
34 and price is competitive.

35 (2) For the purpose of procurement of recycled paper products,

1 'competitive' means the bid price does not exceed the lowest qualified bid of  
2 a vendor offering paper products manufactured or produced from virgin material  
3 by ten percent (10%). An additional one percent (1%) preference shall be  
4 allowed for products containing the largest amount of post-consumer materials  
5 recovered within the state of Arkansas.

6 (3) A bidder receiving a preference under this section shall not  
7 be entitled to an additional preference under §19-11-259.

8  
9 19-11-261. Purchase Paper Products for Local Governments. (a)

10 All cities, counties, and school districts shall participate in a cooperative  
11 purchasing program for the purchase of paper products. The program shall be  
12 administered by the director of the Office of State Purchasing.

13 (b) The director shall promulgate regulations for administration of the  
14 program. *The regulations shall be reviewed by the Joint Interim Committee on*  
15 *Public Health, Welfare and Labor or an appropriate subcommittee of the*  
16 *committee. "*

17  
18 SECTION 5. Arkansas Code 8-6-609(c) is amended to read as follows:

19 "(c) Costs eligible for grant assistance include, but are not limited  
20 to costs for solid waste management planning that integrate recycling, costs  
21 for public information and education programs that encourage waste reduction  
22 and stimulate demand for products produced from recycled materials, costs of  
23 waste transfer facilities that integrate recycling in their operations, costs  
24 of recycling equipment, and recycling program and market development costs.  
25 Grant assistance shall not be provided for the purpose of purchasing  
26 mechanical processing equipment or facilities if existing mechanical  
27 processing equipment or facilities adequately serve the relevant area, unless  
28 the department determines that the equipment or facility is an indispensable  
29 component of an otherwise eligible grant project and would more efficiently  
30 serve the relevant area."

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32 SECTION 6. Arkansas Code 8-6-610(b) is amended to read as follows:

33 "(b) *The rules shall be reviewed by the Joint Interim Committee on*  
34 *Public Health, Welfare and Labor or an appropriate subcommittee of the*  
35 *committee. At a minimum, the rules shall require that applicants or their*

1 agents which receive a grant meet the following conditions of the grant  
2 program as set forward in the department's regulations. The applicants shall:

3 (1) Have a solid waste management plan on file with the  
4 department within the first year following the date of the grant awarded by  
5 the department;

6 (2) Actively develop a recycling program, as outlined in the  
7 grant application, in the three (3) years following the date of the grant  
8 award by the department;

9 (3) Actively seek to market or reuse the materials diverted under  
10 the recycling program from deposition in landfills or incinerators in the  
11 period of three (3) years following the date of the grant award by the  
12 department;

13 (4) In the case of mechanical processing equipment or facilities,  
14 provide information that reasonably demonstrates that existing mechanical  
15 processing equipment or facilities are not serving or could not serve the  
16 relevant area. An applicant wishing to obtain a grant to purchase mechanical  
17 processing equipment or facilities with grant funds must describe in detail  
18 the equipment to be purchased and explain why the applicant has concluded that  
19 such equipment is not available in the private sector; and

20 (5) Thirty (30) days prior to submitting a grant application to  
21 the department, the applicant shall be required to insert in a newspaper of  
22 general circulation in the area affected, a notice describing the applicant's  
23 grant request and soliciting written comments from the public. Copies of  
24 these comments shall accompany the grant application when submitted to the  
25 department."

26

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

30

31 SECTION 8. If any provision of this Act or the application thereof to  
32 any person or circumstance is held invalid, such invalidity shall not affect  
33 other provisions or applications of the Act which can be given effect without  
34 the invalid provision or application, and to this end the provisions of this  
35 Act are declared to be severable.

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SECTION 9. All laws or parts of laws in conflict with this Act are hereby repealed.

*/s/ B. Gibson*