

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

4 **By: Senators Malone and Holiman**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 8-6-703 RELATING TO THE
9 MEMBERSHIP AND REPRESENTATION ON THE REGIONAL SOLID WASTE
10 MANAGEMENT DISTRICTS AND BOARDS; AND FOR OTHER PURPOSES."

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Subtitle

13 "TO AMEND ARKANSAS CODE 8-6-703 RELATING TO THE MEMBERSHIP
14 AND REPRESENTATION ON THE REGIONAL SOLID WASTE MANAGEMENT
15 DISTRICTS AND BOARDS."

16

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

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19 SECTION 1. Findings of the General Assembly. The Arkansas General
20 Assembly makes the following findings:

21 (1) By the enactment of Arkansas Act 752 of 1991, the Arkansas General
22 Assembly established Regional Solid Waste Management Districts and Boards.

23 (2) Under Section 2 of said act and specifically at Arkansas Code §8-
24 6-702(b), the representation on the Regional Solid Waste Management Districts
25 and Boards was established to be as follows:

26 (b) Each regional solid waste management board shall be composed of
27 representatives of the counties within the district and representatives of all
28 first-class cities, of all cities with a population over two thousand (2,000)
29 according to the latest federal decennial census, and of the largest city of
30 each county within the district. The county judge of each county within the
31 district and the mayor of each city entitled to a representative in the
32 district shall serve on the board, unless such county judge or mayor elects
33 instead to appoint a member as follows:

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

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

4 (3) Due to varying populations of municipalities and counties, the
5 Arkansas General Assembly has determined and learned that this manner of
6 *determining the representation on the Regional Solid Waste Management*
7 *Districts and Boards* often does not result in fair and proportionate
8 representation of the populations of the municipalities and counties on the
9 respective districts and boards. Under the current method *of establishing the*
10 *representation on the Regional Solid Waste Management Districts and Boards,*
11 *the representation is often unreflective of and disproportionate with the*
12 *population, with municipalities and counties with large populations being*
13 *underrepresented, municipalities with populations under two thousand (2,000)*
14 *not represented and some counties with lower populations having more*
15 *representatives (including those from the municipalities within the county)*
16 *than other counties with higher populations. Accordingly, the current method*
17 *of determining the representation on the respective Regional Solid Waste*
18 *Management Districts and Boards has in many instances produced representation*
19 *that is not representative.*

20 (4) The Arkansas General Assembly finds that an alternative method of
21 *determining the representation on the respective Regional Solid Waste*
22 *Management Districts and Boards should be allowed and Act 752 of 1991 amended*
23 *to insure that such representation is more reflective of and proportionate*
24 *with the population served, each member and representative serve on behalf of*
25 *approximately the same number of citizens and that all citizens have a more*
26 *equal vote and say as to the representation on the respective Regional Solid*
27 *Waste Management Districts and Boards.*

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29 SECTION 2. Subdivision (c) (4) of Arkansas Code Annotated §§ 8-6-703 is
30 amended to read as follows:

31 "(4) (A) A majority of the membership of the board shall constitute a
32 quorum.

33 (B) Each member shall have one vote.

34 (C) As an alternative to subdivision (B), any board may, by a
35 majority vote of its members, elect to vote as described by the following

1 formula:

2	Population Represented	Number
3	Per Latest Federal	of Votes Per
4	Decennial Census	Representative
5	2,001 - 5,000	1
6	5,000 - 15,000	2
7	15,001 - 25,000	3
8	25,001 - 40,000	4
9	40,001 - 55,000	5
10	over 55,000	6

11 (D) Notwithstanding the provisions of subdivision (c) (4) (C), each
12 entitled to a representative shall have at least one vote.

13 (E) A majority vote of those members present shall be required
14 for any action of the board."

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17 SECTION 3. Arkansas Code 8-6-1001(4) is amended to read as follows:

18 "(4) Landfill means all landfills permitted under the Arkansas Solid
19 Waste Management Act, § 8-6-201 et seq., except those landfills where a
20 private industry bears the expense of operating and maintaining the landfill
21 solely for the disposal of wastes generated by the industry or wastes of a
22 similar kind or character;"

23

24 SECTION 4. Arkansas Code 8-6-1002(a) (3) is amended to read as follows:

25 "(3) No more than four percent (4%) of the moneys received annually
26 into the fund shall be used by the department for the administration of
27 landfill post-closure corrective action pursuant to this subchapter. However,
28 in the event the total amount in the Landfill Post-Closure Trust Fund equals
29 or exceeds twenty-five million dollars (\$25,000,000), no additional moneys
30 shall be collected pursuant to this subchapter until the total amount in the
31 fund equals or is less than fifteen million dollars (\$15,000,000), at which
32 time such collection of moneys shall resume."

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34 SECTION 5. Arkansas Code 8-6-1002(b) is amended to read as follows:

35 "(b) The fund shall be administered by the department and shall be used

1 by the department for landfill post-closure corrective action and, subject to
2 the limitation in (a)(3), for the administrative expenses of the department
3 relating to the responsibilities and requirements of this subchapter.

4 Expenditures for post-closure corrective action shall be made only if the
5 director determines that:

6 (1) A landfill which is no longer receiving waste, regardless of
7 when it ceased operating, is causing ground water contamination or is causing
8 other contamination that is a hazard to public health or endangers the
9 environment; and

10 (2) Unless the owner and operator of the landfill site cannot be
11 located or the director determines an emergency exists necessitating immediate
12 corrective action, or when the hazard was discovered after an approved
13 closure, the owner or operator has expended toward corrective action:

14 (A) at least twenty-five thousand dollars (\$25,000) if the
15 landfill receives no waste, regardless when the landfill ceased operating, on
16 or after October 9, 1993, and

17 (B) otherwise, at least one hundred thousand dollars
18 (\$100,000)."

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20 SECTION 6. Arkansas Code 8-6-1002 is amended by adding the following
21 subsection (e):

22 "(e) Interest and other moneys received from the investment of moneys
23 in the fund shall be deposited in the fund and shall be held and applied by
24 the department solely for the uses set forth in this subchapter."

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

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

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1 SECTION 9. All laws and parts of laws in conflict with this act are
2 hereby repealed.

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4 SECTION 10. EMERGENCY. It is hereby found and determined by the
5 Seventy-Ninth General Assembly that some areas of the State of Arkansas are
6 facing critical shortages of solid waste disposal capacity due to the
7 difficulties in siting landfill facilities at the local level. It is found
8 that the authority granted to municipalities and counties to adopt more
9 restrictive standards for the location, design, construction, and maintenance
10 of solid waste disposal sites and facilities than those adopted by the
11 federal, state and regional laws, rules, regulations and orders has
12 exacerbated and attenuated this crises and could thwart or jeopardize the
13 purposes of Arkansas Act 752 of 1991 and its efforts to protect the public
14 health and the state_s environmental quality by establishing regional solid
15 waste management and planning. Therefore, an emergency is hereby declared to
16 exist, and this act being immediately necessary for the preservation of the
17 public peace, health, and safety shall be in full force and effect from and
18 after its passage and approval.

/s/Senator Malone

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