

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1722

4
5 By: Representative Jackson
6 By: Senator Laverty

For An Act To Be Entitled

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9
10 AN ACT TO ALLOW SUBURBAN IMPROVEMENT DISTRICTS TO
11 BECOME ELIGIBLE FOR MEMBERSHIP WITH LOCAL SOLID
12 WASTE AUTHORITIES; AND FOR OTHER PURPOSES.

Subtitle

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14
15 AN ACT TO ALLOW SUBURBAN IMPROVEMENT
16 DISTRICTS TO BECOME ELIGIBLE FOR
17 MEMBERSHIP WITH LOCAL SOLID WASTE
18 AUTHORITIES.

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

22
23 SECTION 1. Arkansas Code § 14-92-219 is amended to read as follows:
24 14-92-219. Purposes for which district organized.

25 A suburban improvement district may be organized for any one (1) or
26 more of the following purposes:

27 (1) To purchase, accept as a gift, or construct a waterworks
28 system or betterments, improvements, and extensions to such waterworks
29 system, either within or without the boundaries of the district, if the
30 property of the district will be benefited thereby, and to operate and
31 maintain any such waterworks system it may purchase, construct, or own;

32 (2) To purchase, accept as a gift, or construct, either within
33 or without the boundaries of the district, if the property of the district
34 will be benefited thereby, a sewage collection system or a sewage treatment
35 plant, or intercepting sewers, outfall sewers, force mains, pumping stations,
36 ejector stations, and all other appurtenances necessary or useful and



1 convenient for the collection or treatment, purification, and disposal, in a
 2 sanitary manner, of the liquid and solid waste, sewage, night soil, and
 3 industrial waste of the area within the boundaries of the district, or
 4 adjacent thereto, and to operate and maintain any such sewage system and
 5 facilities;

6 (3) To open, grade, drain, pave, curb, gutter, or otherwise
 7 improve streets, roads, highways, and every other way for passage and use of
 8 vehicles, including viaducts and underpasses, either within or without the
 9 boundaries of the district, if the property of the district will be benefited
 10 thereby. Such purpose shall include the acquisition of rights-of-way by
 11 purchase or the exercise of the power of eminent domain, and to maintain such
 12 streets, roads, highways, and every other way for passage and use by
 13 vehicles, lying within the boundaries of the district or beyond the
 14 boundaries of the district, if the property of the district will be benefited
 15 thereby;

16 (4) To build, purchase, or accept as a gift recreational
 17 facilities such as, but not limited to, parks, lakes, golf courses,
 18 playgrounds, clubhouses, stadiums, auditoriums, arts and crafts centers,
 19 folklore centers, interpretative centers, camping areas, green belt areas,
 20 and any other facilities to provide for the recreation and cultural needs of
 21 the owners of the lands within the district and also to care for, maintain,
 22 and operate any such recreational facilities;

23 (5) To lay and maintain sidewalks;

24 (6) To lay, own, extend, operate and maintain gas pipelines
 25 connecting with gas systems; provided:

26 (A) Nothing in this subchapter shall be construed to allow
 27 the purchase of an existing natural gas system or any part thereof, and

28 (B) Any such gas system shall be subject to the
 29 jurisdiction of the Pipeline Safety Division of the Arkansas Public Service
 30 Commission and shall be subject to all provisions of the Arkansas Gas
 31 Pipeline Code;

32 (7) To build telephone lines to connect with the telephone
 33 systems operating in nearby or adjacent municipalities;

34 (8) To establish, equip, and maintain rural fire departments,
 35 including construction of fire department buildings, purchase of fire trucks,
 36 fire boats, and other firefighting equipment;

1 (9) To own, acquire, construct, reconstruct, extend, equip,
2 improve, maintain, and operate hospitals or to acquire appropriate vehicles
3 and equipment for, maintain, and operate ambulance services; ~~and~~

4 (10) To own, acquire, construct, reconstruct, extend, equip,
5 improve, maintain, and operate libraries-; and

6 (11)(A) To provide a solid waste management system to adequately
7 provide for the collection and disposal of all solid wastes generated or
8 existing within the boundaries of the district, and in accordance with the
9 rules, regulations, and orders of the Arkansas Pollution Control and Ecology
10 Commission.

11 (B)(i) The governing body of the district may enter into
12 an agreement with one (1) or more municipalities, counties, county solid
13 waste authorities, regional solid waste management districts, private
14 persons, private trusts, or any combination thereof, to provide a solid waste
15 management system or any part of a system for the district.

16 (ii)(a) The district may levy and collect fees and
17 require licenses as determined appropriate to discharge the responsibilities
18 of the district.

19 (b) Any fees, charges, and licenses shall be
20 based upon a schedule set forth by the district.

21
22 SECTION 2. Arkansas Code § 14-92-220, concerning powers of districts,
23 is amended to add the following additional subsections:

24 (d) A district may contract for services or purchase land, facilities,
25 vehicles, and machinery necessary for the installation and operation of a
26 solid waste management system, either individually or as a member of a
27 regional or county solid waste authority.

28 (e) A district may establish policies and regulations concerning all
29 phases of the operation of a solid waste management system, including, but
30 not limited to, the:

- 31 (1) Hours of operation;
- 32 (2) Character and kind of waste accepted at the disposal site;
- 33 (3) Separation of waste according to type by those generating
34 the waste prior to collection;
- 35 (4) Type of container for storage of waste;
- 36 (5) Prohibition of the diverting of recyclable materials by

1 persons other than the generator or collector of the recyclable material;

2 (6) Prohibition of the burning of waste; and

3 (7) Pretreatment of waste.

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5 SECTION 3. Arkansas Code § 14-233-104 is amended to read as follows:

6 14-233-104. Creation of authority - General powers and restrictions.

7 (a)(1) Any two (2) or more municipalities or suburban improvement
8 districts, any two (2) or more counties, or any one (1) or more
9 municipalities or suburban improvement districts together with any one (1) or
10 more counties are authorized to create and become members of a sanitation
11 authority as prescribed in this chapter.

12 (2) Any first class city, second class city, or incorporated
13 town may create a sanitation authority under this chapter, and such
14 sanitation authority shall have the same powers as other sanitation
15 authorities vested under this chapter.

16 (b)(1) Each authority may be empowered to own, acquire, construct,
17 reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract
18 concerning, or otherwise deal in or dispose of a project.

19 (2) Unless limited by the members of the authority in the manner
20 provided in this chapter, any project may be located at any place that in the
21 judgment of the board of directors of the authority best serves the needs of
22 the member ~~municipalities and counties~~ governments, whether within or without
23 the boundaries of the ~~municipalities and counties~~ member governments.

24 (c) All projects accomplished by sanitation authorities pursuant to
25 the provisions of this chapter shall be subject to all applicable federal and
26 state requirements for the disposal, treatment, or other handling of solid
27 waste.

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