

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 86th General Assembly  
3 Regular Session, 2007  
4

As Engrossed: H3/21/07

# A Bill

HOUSE BILL 2770

5 *By: Representatives Stewart, Cook, J. Roebuck*  
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## For An Act To Be Entitled

9 AN ACT TO CONTROL LITTER IN ARKANSAS; TO CREATE  
10 THE ARKANSAS JAIL INMATE ANTILITTER PROGRAM; TO  
11 CREATE THE ARKANSAS ANTILITTER FUND TO FUND THE  
12 ARKANSAS JAIL INMATE ANTILITTER PROGRAM BY  
13 IMPOSING AN ENVIRONMENTAL FEE ON FAST-FOOD RETAIL  
14 ESTABLISHMENTS, AND FOR OTHER PURPOSES.

## Subtitle

16 AN ACT TO CONTROL LITTER IN ARKANSAS; TO  
17 CREATE THE ARKANSAS JAIL INMATE  
18 ANTILITTER PROGRAM AND TO CREATE THE  
19 ARKANSAS ANTILITTER FUND TO FUND THE  
20 ARKANSAS JAIL INMATE ANTILITTER PROGRAM  
21 BY IMPOSING AN ENVIRONMENTAL FEE.  
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24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. Arkansas Code Title 8, Chapter 6, Subchapter 4 is amended  
28 to add four additional sections to read as follows:

29 8-6-419. Findings and purpose.

30 (a) The General Assembly finds that each year in the State of Arkansas  
31 excessive amounts of litter are discarded along highways and roads and much  
32 of the litter collected includes packaging from food items consumed in  
33 automobiles and other motor vehicles and that the result of the littering  
34 increases the costs of collection and disposal, along with the degradation of  
35 the state's scenic beauty and may cause numerous environmental problems that  
36 would directly affect the lives of many Arkansans.



1           (b) The General Assembly finds that it is imperative that new  
2 opportunities be created to address the litter problem through statewide  
3 programs and funding sources to support the new opportunities.

4           (c) The General Assembly further finds that it is in the public  
5 interest to establish a program that will utilize the current jail inmate  
6 population to provide litter pick-up services on highways and roads in the  
7 State of Arkansas.

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9           8-6-420. Definition.

10          As used in this subchapter, "fast-food retail establishment" means:

11           (1) A restaurant that :

12                   (A) Sells food or beverages through drive-through window;

13 or

14                   (B) That provides carry out or to go food or beverage

15 service; or

16           (2) Any convenience store that sells prepared food or beverages  
17 for on-premises or off-premises consumption.

18  
19          8-6-421. Arkansas jail inmate antilitter program.

20          (a) There is created the Arkansas jail inmate antilitter program.

21          (b) The primary purpose of this program is to coordinate with the  
22 Department of Correction, county jails, and municipal jails for the services  
23 of jail inmates to pick up litter on highways and roads throughout the state.

24          (c)(1) The program shall be administered by the Arkansas Department of  
25 Environmental Quality.

26           (2) The Arkansas Department of Environmental Quality shall  
27 promulgate reasonable rules and regulations and shall prescribe forms as  
28 necessary for effectively and efficiently carrying out the intent and  
29 purposes of the program.

30          (d) The cost of the program shall be paid out of funds in the Arkansas  
31 Antilitter Fund that are designated for that specific purpose.

32          (e) The Department of Correction, the sheriff of each county in this  
33 state and the city council of each city that maintains a municipal jail shall  
34 cooperate with the Arkansas Department of Environmental Quality in operating  
35 the Arkansas jail inmate antilitter program.

36

1 8-6-422. Fast-food retail establishments.

2 (a) Each fast-food retail establishment shall pay an annual  
3 environmental impact fee for each retail location based upon the annual gross  
4 receipts of each location that is subject to gross receipts tax for sales in  
5 the state.

6 (b) The amount of the fee required under subsection (a) of this  
7 section shall be as follows:

8 (1) For gross receipts, excluding gas and diesel sales receipts,  
9 in excess of ten million dollars (\$10,000,000), the fee shall be three  
10 thousand dollars (\$3,000);

11 (2) For gross receipts, excluding gas and diesel sales receipts,  
12 of at least one million dollars (\$1,000,000), but no more than ten million  
13 dollars (\$10,000,000), the fee shall be two thousand dollars (\$2,000);

14 (3) For gross receipts, excluding gas and diesel sales receipts,  
15 of at least five hundred thousand dollars (\$500,000), but less than one  
16 million dollars (\$1,000,000), the fee shall be one thousand dollars (\$1,000);  
17 and

18 (4) For gross receipts, excluding gas and diesel sales receipts,  
19 of less than five hundred thousand dollars (\$500,000), there shall be no fee.

20 (c) The fee shall be accompanied by a report or return in a form  
21 prescribed by the Director of the Department of Finance and Administration.

22 (d)(1) If a fast-food retail establishment fails to make a payment and  
23 file a report or return required by this section on or before the first day  
24 of April each year, the Director of the Department of Finance and  
25 Administration shall assess a penalty of ten percent (10%) of the amount due.

26 (2) A penalty assessed under subdivision (d)(1) of this section  
27 shall be increased by an additional penalty of five percent (5%) of the  
28 amount due under subdivision (d)(1) of this section for each additional month  
29 payment is late.

30  
31 8-6-423. Collection of environmental impact fee.

32 (a) The Director of the Department of Finance and Administration shall  
33 promulgate reasonable rules and prescribe forms necessary for effectively and  
34 efficiently carrying out the intent and purposes of this act.

35 (b) All environmental impact fees, along with any penalties, imposed  
36 by this act shall be collected by the Department of Finance and

1 Administration and shall be remitted to the State Treasury, there to be  
2 deposited as special revenues to the credit of the Arkansas Antilitter Fund.

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4 SECTION 2. Arkansas Code Title 19, Chapter 6 is amended to add an  
5 additional section to read as follows:

6 19-6-500. Arkansas Antilitter Fund.

7 (a) There is established on the books of the Treasurer of State, the  
8 Auditor of State, and the Chief Fiscal Officer of the State a fund to be  
9 known as the "Arkansas Antilitter Fund."

10 (b) The fund shall consist of those special revenues as generated from  
11 this act, along with other revenues generated by appropriations or other laws  
12 or acts.

13 (c) The fund shall be used for the purpose of statewide and regional  
14 prevention and collection of litter programs and related matters in Arkansas.

15 (d) The fund shall be administered by the Arkansas Department of  
16 Environmental Quality.

17 (e) All revenues deposited in the Arkansas Antilitter fund shall be  
18 distributed as follows:

19 (1) One and a half percent (1.5%) of the moneys received shall  
20 be transmitted to the Department of Finance and Administration;

21 (2) After the disbursement to the Department of Finance and  
22 Administration, three percent (3%) of the monies deposited in the fund shall  
23 be distributed to the Arkansas Department of Environmental Quality to support  
24 the costs associated with the administration of the fund; and

25 (3) All remaining funds will be distributed by the Arkansas  
26 Department of Environmental Quality for the costs associated in the statewide  
27 and regional prevention and collection of litter programs and related  
28 matters.

29  
30 */s/ Stewart, et al*