

1 State of Arkansas
2 92nd General Assembly
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4

As Engrossed: S2/21/19
A Bill

SENATE BILL 377

5 By: Senators Irvin, *Flippo*
6 By: Representatives *M. Gray, McNair*
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE COLLECTION AND
10 DISTRIBUTION OF SOLID WASTE DISPOSAL AND
11 TRANSPORTATION FEES; TO PROVIDE FUNDING FOR UNPAVED
12 ROADS, HAZARDOUS WASTE DISPOSAL FOR PUBLIC SCHOOLS,
13 AND A STATEWIDE RECYCLING PROGRAM; TO CREATE THE
14 ENVIRONMENTAL ASSISTANCE TO PUBLIC SCHOOLS FUND AND
15 THE RECYCLING PROGRAM FUND; AND FOR OTHER PURPOSES.
16
17

Subtitle

18 TO AMEND THE LAW CONCERNING THE
19 COLLECTION AND DISTRIBUTION OF SOLID
20 WASTE DISPOSAL AND TRANSPORTATION FEES.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 8-6-607 is amended to read as follows:

27 8-6-607. Collection of fees.

28 ~~Fees imposed under the separate provisions of this subchapter shall be~~
29 ~~collected as follows~~ (a) On or before January 15, April 15, July 15, and
30 October 15 of each year, each landfill permittee and each solid waste
31 transporter shall:

32 (1) ~~Each landfill permittee and each solid waste transporter~~
33 ~~shall submit~~ Submit to the Arkansas Department of Environmental Quality ~~on or~~
34 ~~before January 15, April 15, July 15, and October 15 of each year~~ a quarterly
35 report that accurately states the total weight or volume of solid waste
36 received at the landfill or transported out of state during the quarter just



1 completed; and

2 (2) ~~On or before January 15, April 15, July 15, and October 15~~
3 ~~of each year, each landfill permittee and solid waste transporter shall pay~~
4 Pay to the department the full amount of disposal and transportation fees
5 imposed and collected under this subchapter due for the preceding quarter
6 just completed.

7 ~~(3)~~ (b)(1) Except as provided in subdivisions ~~(4)~~(b)(2) and
8 ~~(5)~~(3) of this section, the disposal and transportation fees collected under
9 this section shall be special revenues and ~~shall be~~ deposited into the State
10 Treasury to the credit of the Solid Waste Management and Recycling Fund for
11 administrative support of the Compliance Advisory Panel.

12 ~~(4)(A)~~(2) Twenty-five percent (25%) of the disposal fees
13 collected under subsection (a) of this section from landfills where in which
14 a private industry bears the expense of operating and maintaining the
15 landfill solely for the disposal of wastes generated by the private industry
16 shall be deposited quarterly into a ~~special revenue fund to be created on the~~
17 ~~books of the Treasurer of State, the Auditor of State, and the Chief Fiscal~~
18 ~~Officer of the State and to be known as the "Marketing Recyclables Program~~
19 ~~Fund"~~ the Marketing Recyclables Program Fund.

20 ~~(B)~~ The Marketing Recyclables Program Fund shall be
21 administered by the department and used by the panel for the administration
22 and performance of the panel's duties; and

23 ~~(5)~~(3) ~~Beginning July 1, 2013, excluding~~ Except for the disposal
24 fees ~~that are to be~~ deposited into the Marketing Recyclables Program Fund
25 under subdivision ~~(4)~~(b)(2) of this section, ~~the first one hundred fifty~~
26 ~~thousand dollars (\$150,000) of the fees collected each fiscal year under this~~
27 ~~section shall be deposited into the State Treasury and credited to the Crime~~
28 ~~Information System Fund to be used exclusively for the scrap metal logbook~~
29 ~~program, and before disbursing moneys to the regional solid waste management~~
30 boards, the department shall deposit the following moneys into the following
31 funds each fiscal year:

32 (A) One hundred fifty thousand dollars (\$150,000) credited
33 to the Crime Information System Fund to be used exclusively for the scrap
34 metal logbook program;

35 (B) Three hundred thousand dollars (\$300,000) credited to
36 the Arkansas Unpaved Roads Program Fund;

1 (C) One hundred thousand dollars (\$100,000) credited to
2 the Environmental Assistance to Public Schools Fund; and

3 (D) One hundred thousand dollars (\$100,000) credited to
4 the Recycling Program Fund.

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6 SECTION 2. Arkansas Code Title 8, Chapter 7, Subchapter 1, is amended
7 to add an additional section to read as follows:

8 8-7-102. Public school assistance.

9 Subject to the availability and appropriation of funding, the Director
10 of the Arkansas Department of Environmental Quality may implement and
11 administer a grant program to assist public schools as defined in § 6-15-2903
12 with the disposal or recycling of hazardous waste as defined in the Arkansas
13 Hazardous Waste Management Act of 1979, § 8-7-201 et seq., and applicable
14 rules of the Arkansas Pollution Control and Ecology Commission.

15
16 SECTION 3. Arkansas Code § 8-9-104, concerning the definitions related
17 to recycling, is amended to add an additional subdivision to read as follows:

18 (13) "Person" means an individual, municipality, other
19 governmental entity, or another entity recognized by law with rights and
20 duties.

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22 SECTION 4. Arkansas Code Title 8, Chapter 9, Subchapter 2, is amended
23 to add an additional section to read as follows:

24 8-9-205. Statewide recycling program.

25 (a) Subject to the availability and appropriation of funding, the
26 Director of the Arkansas Department of Environmental Quality may implement
27 and administer a grant program for recycling assistance under this chapter
28 for the administration of one (1) statewide recycling program for one (1) or
29 more of the following:

30 (1) Management of recycling programs under the direction of the
31 Arkansas Department of Environmental Quality;

32 (2) Administration of recycling programs for business and
33 industry;

34 (3) Performance of public outreach services, including without
35 limitation surveys and public service announcements; and

36 (4) Other components of the statewide recycling program that the

1 director determines necessary for program effectiveness.

2 (b) A person is eligible to apply for a grant under this section if
3 the person demonstrates:

4 (1) At least twenty-five (25) years of experience in the
5 recycling industry; and

6 (2) The current capacity to fulfill all of the duties under
7 subsection (a) of this section determined necessary for the statewide
8 recycling program as determined by the director.

9 (c) The director shall determine whether a person eligible under
10 subsection (b) of this section is qualified to administer the statewide
11 recycling program and shall select a person eligible under subsection (b) of
12 this section to administer the statewide recycling program.

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14 SECTION 5. Arkansas Code Title 19, Chapter 5, Subchapter 12, is
15 amended to add additional sections to read as follows:

16 19-5-1264. Environmental Assistance to Public Schools Fund.

17 (a) There is created on the books of the Treasurer of State, the
18 Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous
19 fund to be known as the "Environmental Assistance to Public Schools Fund".

20 (b) The fund shall consist of:

21 (1) That portion of moneys under § 8-6-607(b)(3)(C); and

22 (2) Any other revenues authorized by law.

23 (c) The fund shall be used by the Arkansas Department of Environmental
24 Quality to provide assistance under § 8-7-102.

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26 19-5-1265. Recycling Program Fund.

27 (a) There is created on the books of the Treasurer of State, the
28 Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous
29 fund to be known as the "Recycling Program Fund".

30 (b) The fund shall consist of:

31 (1) That portion of moneys under § 8-6-607(b)(3)(D); and

32 (2) Any other revenues authorized by law.

33 (c) The fund shall be used by the Arkansas Department of Environmental
34 Quality for the statewide recycling program under § 8-9-205.

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36 SECTION 6. TEMPORARY LANGUAGE. DO NOT CODIFY. This act applies to

1 annual disbursements under § 8-6-607 beginning in fiscal year 2020.

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/s/ Irvin