

Environmental Insights

2021 Legislative Session: What's in?
What's out? What's all the fuss about?

June 30, 2021

MITCHELL | WILLIAMS

Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.

CLE Forms

To request a CLE attendance form for this event, please contact Jennifer Young at:

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Our Guests

Randy Thurman served in the Arkansas House of Representatives from 1989-1994 representing the residents of parts of Cleburne, White and Van Buren Counties in north central Arkansas. He subsequently was the Executive Director of the Arkansas Environmental Federation for 20 years, working with over 200 of the state's largest industrial, energy and utility companies on environmental advocacy and education. In 1998, he co-founded Government Solutions, LLC, with long-time lobbyist Bill Brady. Although Randy retired from the AEF in 2013, he continues as a partner in Government Solutions with Courtney Sheppard, a former House member from El Dorado. GS is a contract lobbying firm with a dozen clients that specializes in government procurement, healthcare issues, IT, industrial and utility concerns, transportation, timber, bromine, oil and gas production, several professional associations and of course, environmental issues. He has served as a member of the Board and President of the Arkansas Society of Association Executives (ASAE) and the Arkansas Society of Professional Lobbyists (ASPL). He has volunteered for over two decades with the Global Ties Arkansas initiative to welcome foreign leaders, business people and NGO directors to the U.S. and Arkansas, promoting "diplomacy one handshake at a time."

Our Guests

Morril Harriman focuses his practice on government relations. He advises clients in their dealings with the Arkansas Legislature, legislative committees, state regulatory agencies and other governmental bodies. Morrill has decades of experience in public service having served for 16 years in the Arkansas State Senate and eight years as Chief of Staff for Arkansas Governor Mike Beebe. He served for six years as president of The Poultry Federation, a multi-state trade association. In addition, Morrill has 25 years of experience in private law practice.

The Fighting 93rd

Arkansas State Senate

Party		As of January 2021
	Democratic Party	7
	Republican Party	28
Total		35

Arkansas House of Representatives

Party		As of January 2021
	Democratic Party	22
	Republican Party	78
Total		100

The Fighting 93rd



The Fighting 93rd

Some Facts:

- The Session lasted 107 days and is only in recess; it has not formally adjourned
- 1840 Bills Introduced; 1092 completed
- Top House Sponsor, Rep. Mary Bentley with 130 bills
- Top Senate Sponsor, Sen. Missy Irvin with 161 bills
- Top Committee (both chambers): State Agencies and Governmental Affairs

Wetlands

HB1261 – Act 285:

Allows Division of Environmental Quality to operate the dredge and fill permit program (Section 404 of Federal Clean Water Act), which is currently operated by U.S. Corps of Engineers. Requires that EPA approve the program before permits are issued. Agreed to by both Corps and DEQ . Hopefully will expedite permitting.

The Plant Board

HB1679 – Act 557:

Moves many pesticide control authorities from the Arkansas Plant Board to the Arkansas Department of Agriculture; repeals the vendor's license that is required to engage in the spreading of liming materials on properties belonging to others.

HB1210 – Act 361:

Amends the makeup of the State Plant Board and requires Governor appointment and Senate confirmation of members.

Solid Waste Management Districts

SB517 [DID NOT PASS]:

Transferred oversight of SW Districts from DEQ to PC&EC. Initiative by the SWMDs to get out from under DEQ oversight, SB518 and SB704 part of this plan as well. Interim Study.

SB 518 [DID NOT PASS]:

Transferred SW Management & Recycling Fund from DEQ to DFA.

SB704 [DID NOT PASS]:

Imposes a \$3.00 tire fee for each new tire sold on a new motor vehicle, to be applied to the same fund as rim removal fees under the Used Tire Recycling and Accountability Act.

HB1688 – Act 677:

Requires a solid waste disposal authority to prepare and submit an annual budget to the governing body of each municipality and county that are members of the authority for review and approval.

Corralling the Locals

SB 173 – Act 140:

Prohibits local governments from taking actions that discriminate against a utility service on the basis of energy source.

Positive News for Small Water Systems

SB 386 – Act 605:

Designed to bring small water systems into compliance. Requires implementation of rate studies,” required dedicated refurbishment and replacement account, authorizes specific powers to the ANRC including finding of “fiscal distress”, creates Advisory Training Board.

Energy War, *or* the War for Coal's Independence

HB1655 – Act 694:

Requires the Arkansas Public Service Commission to evaluate existing electric generating units and conduct prescribed analyses in determining whether life extensions of existing electric generating units are in the public interest. Legislative pushback to shift to alternatives.

SB65 – Act 639:

Amends regulatory processes for assessing state plans submitted by the Division of Environmental Quality regarding the emission of carbon dioxide from covered electric generating units and revisions of state plans. Requires the Division of Environmental Quality to prepare a report before preparing a petition regarding rulemaking for a state plan and file annual reports. Requires the Division to present the state plan to the cochairs of the Legislative Council no later than 15 days after adopting the plan.

Native Sentiments

SB312 – Act 1046:

Foreign persons that are required to file under the Agricultural Foreign Investment Disclosure Act must file a copy with the Ark. Sec. of Ag. Much watered down from original bill that capped foreign ownership of ag/forestry lands.

Close the Gate

SB385 [DID NOT PASS]:

Creates a gated residential community logging permit for cutting ten or more trees within 6 months in the vicinity of homes in a gated community. Requires water quality best management practices.

The End

Thank You!

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