

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

SENATE BILL 377

4
5 By: Senator Irvin

For An Act To Be Entitled

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7
8 AN ACT TO AMEND THE LAW CONCERNING THE COLLECTION AND
9 DISTRIBUTION OF SOLID WASTE DISPOSAL AND
10 TRANSPORTATION FEES; TO PROVIDE FUNDING FOR UNPAVED
11 ROADS, HAZARDOUS WASTE DISPOSAL FOR PUBLIC SCHOOLS,
12 AND A STATEWIDE RECYCLING PROGRAM; TO CREATE THE
13 ENVIRONMENTAL ASSISTANCE TO PUBLIC SCHOOLS FUND AND
14 THE RECYCLING PROGRAM FUND; AND FOR OTHER PURPOSES.

Subtitle

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18 TO AMEND THE LAW CONCERNING THE
19 COLLECTION AND DISTRIBUTION OF SOLID
20 WASTE DISPOSAL AND TRANSPORTATION FEES.

21
22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24
25 SECTION 1. Arkansas Code § 8-6-607 is amended to read as follows:
26 8-6-607. Collection of fees.

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

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



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

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

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

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

22 ~~(5)(3)~~ Beginning July 1, 2013, ~~excluding~~ Except for the disposal
 23 fees that are to be deposited into the Marketing Recyclables Program Fund
 24 under subdivision ~~(4)(b)(2)~~ of this section, ~~the first one hundred fifty~~
 25 ~~thousand dollars (\$150,000) of the fees collected each fiscal year under this~~
 26 ~~section shall be deposited into the State Treasury and credited to the Crime~~
 27 ~~Information System Fund to be used exclusively for the scrap metal logbook~~
 28 ~~program, and before disbursing moneys to the regional solid waste management~~
 29 ~~boards, the department shall deposit the following moneys into the following~~
 30 funds each fiscal year:

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

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

36 (C) One hundred thousand dollars (\$100,000) credited to

1 the Environmental Assistance to Public Schools Fund; and
2 (D) One hundred thousand dollars (\$100,000) credited to
3 the Recycling Program Fund.
4

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

7 8-7-102. Public school assistance.

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

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

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

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

23 8-9-205. Statewide recycling program.

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

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

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

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

35 (4) Other components of the statewide recycling program that the
36 director determines necessary for program effectiveness.

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

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

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

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

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

15 19-5-1264. Environmental Assistance to Public Schools Fund.

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

19 (b) The fund shall consist of:

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

21 (2) Any other revenues authorized by law.

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

24
25 19-5-1265. Recycling Program Fund.

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

29 (b) The fund shall consist of:

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

31 (2) Any other revenues authorized by law.

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

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35 SECTION 6. TEMPORARY LANGUAGE. DO NOT CODIFY. This act applies to
36 annual disbursements under § 8-6-607 beginning in fiscal year 2020.