

Stricken language would be deleted from and underlined language would be added to present law.
Act 624 of the Regular Session

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/6/17
A Bill

HOUSE BILL 1669

By: Representative Bragg

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS CONCERNING THE COLLECTION, DEPOSIT, AND USE OF AND ACCOUNTABILITY FOR LANDFILL DISPOSAL FEES; TO AMEND THE SOLID WASTE MANAGEMENT AND RECYCLING FUND; TO AMEND THE LANDFILL POST-CLOSURE TRUST FUND; TO PROVIDE FUNDING FOR COMPUTER AND ELECTRONIC EQUIPMENT RECYCLING PROGRAMS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS CONCERNING THE COLLECTION, DEPOSIT, AND USE OF AND ACCOUNTABILITY FOR LANDFILL DISPOSAL FEES.

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

SECTION 1. Arkansas Code § 8-6-605 is amended to read as follows:

8-6-605. Solid Waste Management and Recycling Fund.

~~(a)(1) The Solid Waste Management and Recycling Fund~~ There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Solid Waste Management and Recycling Fund".

~~(2)(b)~~ The fund shall be administered by the Arkansas Department of Environmental Quality, which shall authorize distributions and administrative expenditures from the fund under this subchapter for solid waste management and recycling programs.

~~(3)(c)~~ In addition to all moneys appropriated by the General Assembly



to the fund, there shall be deposited into the fund all landfill disposal fees collected pursuant to §§ 8-6-606 and 8-6-607, ~~all moneys reimbursed to the department pursuant to § 8-6-610,~~ federal government moneys designated to enter the fund, any moneys received by the state as a gift or donation to the fund, and all interest earned upon money deposited into the fund.

~~(4)(d)~~ (d) No more than twenty percent (20%) of the moneys received annually into the fund shall be used by the department for:

(1) the ~~the~~ The administration of a solid waste management and recycling program;

(2) The administration of a computer and electronic equipment recycling program under § 8-6-613; and

(3) for ~~For~~ solid waste management compliance and enforcement activities at landfills and open dumps.

~~(b) There shall also be deposited into the fund all landfill disposal fees collected under § 8-6-612 to be used exclusively for computer and electronic equipment recycling activities as authorized in § 8-6-613.~~

SECTION 2. Arkansas Code § 8-6-612 is repealed.

~~8-6-612. Landfill disposal fees to support a computer and electronic equipment recycling program.~~

~~(a)(1) Except as provided in subsection (b) or (d) of this section, there is imposed on each landfill permittee a landfill disposal fee of:~~

~~(A) Fifteen cents (15¢) for each uncompacted cubic yard of solid waste; and~~

~~(B) Thirty cents (30¢) for each compacted cubic yard of solid waste received at the landfill.~~

~~(2) If a landfill permittee is required or chooses to operate on a weight basis, the landfill disposal fee shall be one dollar (\$1.00) for each one (1) ton of solid waste received at the landfill.~~

~~(b) The following are exempt from payment of fees under subsection (a) of this section:~~

~~(1) A solid waste transporter as defined in § 8-6-603; and~~

~~(2) A landfill permittee that is a private industry that bears the expense of operating and maintaining the landfill solely for the disposal of wastes generated by the industry.~~

~~(c) Fees imposed under this section shall be collected in the same~~

~~manner as in § 8-6-607(1) and (2) and shall be special revenues deposited into the State Treasury to the credit of the Solid Waste Management and Recycling Fund for support of the computer and electronic equipment recycling program.~~

~~(d) Solid waste collected during the annual Keep Arkansas Beautiful and Keep America Beautiful campaigns that are sponsored by the Keep Arkansas Beautiful Commission is exempt from the landfill disposal fee under this section.~~

SECTION 3. Arkansas Code § 8-6-613 is amended to read as follows:

8-6-613. Computer and electronic equipment recycling program.

(a) A program for the recycling of computer and electronic equipment is created.

(b) The General Assembly finds that:

(1) Computer and electronic equipment solid waste are among the fastest growing and most toxic segments of Arkansas's solid waste stream; and

(2) There are recycling options to address this problem, and Arkansas solid waste districts and local governments and their delegated authorities and agents should develop solid waste management plans, programs, and facilities that integrate computer and electronic equipment recycling as a functional part of the solid waste management system.

(c) Each regional solid waste management board that is required to submit or has submitted a regional solid waste management plan under § 8-6-1904 or a solid waste management plan developed under the Arkansas Solid Waste Management Act, § 8-6-201 et seq., and receives funding under this subchapter shall operate a solid waste management system that includes a computer and electronic equipment recycling program.

~~(e)~~(d) The Arkansas Pollution Control and Ecology Commission may adopt ~~reasonable rules~~ regulations necessary to implement an effective computer and electronic equipment recycling program.

SECTION 4. Arkansas Code § 8-6-615(a)(1)(A), concerning the distribution of funds to regional solid waste management districts, is amended to read as follows:

(a)(1)(A) Funds collected under ~~§ 8-6-607~~ this subchapter and deposited into the State Treasury to the credit of the Solid Waste Management

and Recycling Fund, less up to twenty percent (20%) for administrative support for the Arkansas Department of Environmental Quality, shall be allocated annually to each of the approved regional solid waste management districts utilizing a combination of the two (2) methods stated in subsections (b) and (c) of this section.

SECTION 5. Arkansas Code § 8-6-615, concerning the distribution of funds to regional solid waste management districts, is amended to add an additional subsection to read as follows:

(d)(1) After the effective date of this act and for each subsequent fiscal year, each regional solid waste management board that receives funds under this section shall provide a report by November 1 to the department that explains how the regional solid waste management board spent the funding received under this section in the previous fiscal year.

(2) The report under this subsection shall include the following information concerning the amount of expenditures in the previous fiscal year from the funds received under this section for:

- (A) Equipment and material purchases; and
- (B) Operation costs.

(3) The report shall be in a spreadsheet form as prescribed by the Department.

(4) The Arkansas Pollution Control and Ecology Commission may promulgate regulations necessary for funding and program reporting, accountability, and oversight under this subsection.

SECTION 6. Arkansas Code § 8-6-616 is repealed.

~~8-6-616. Distribution of funds to regional solid waste management districts for computer and electronic equipment recycling programs.~~

~~(a)(1) Funds collected under § 8-6-612 and deposited as special revenues into the State Treasury to the credit of the Solid Waste Management and Recycling Fund for support of an approved computer and electronic equipment recycling program shall be allocated annually to each regional solid waste management district using a combination of the two (2) methods stated in subsections (b) and (c) of this section.~~

~~(2) Fifty percent (50%) of the funds shall be determined using the method provided in subsection (b) of this section, and fifty percent~~

~~(50%) shall be determined using the method provided in subsection (c) of this section.~~

~~(3) The total figures obtained from each method shall be combined to arrive at each regional solid waste management district's fund distribution.~~

~~(b)(1)(A) The Arkansas Department of Environmental Quality shall determine the amount of funds within each planning and development district organized under § 14-166-201 et seq. and recognized by the Governor based on the same distribution as general revenue support is distributed to the planning and development districts in the current fiscal year.~~

~~(B) The department shall adjust the distribution described in subdivision (b)(1)(A) of this section within the planning and development districts to coincide with the boundaries of the regional solid waste management districts by determining each county's share of the funds available within each planning and development district.~~

~~(C) Each county's share shall be based on the proportion that each county's population bears to the total population in the planning and development district to which the county is assigned, multiplied by the amount of funds determined to be available within the planning and development district.~~

~~(D) The county's proportional share as determined under this subdivision (b)(1) shall be added to all other counties' shares within the same regional solid waste management district.~~

~~(2) The formula to be used under this subsection is as follows:~~

~~(A) Divide fifty percent (50%) of the total remaining funds equally by the eight (8) regional planning and development districts;~~

~~(B) Multiply the quotient obtained under subdivision (b)(2)(A) of this section by the most recent federal decennial census population of each county; and~~

~~(C)(i) Divide the product obtained under subdivision (b)(2)(B) of this section by the planning and development district population in which the county is located to determine the portion per county.~~

~~(ii) Individual county portions are grouped and totaled by each new regional solid waste management district to determine each regional solid waste management district's allocation.~~

~~(c)(1) The remaining fifty percent (50%) of the funds shall be based~~

~~on the ratio of the district's 2010 or current decennial census population divided by the most recent federal decennial census state population.~~

~~(2) The formula to be used under this subsection is as follows:~~

~~(A) Divide each regional solid waste management district's total population by the state's most recent federal decennial census population; and~~

~~(B) Multiply the quotient obtained under subdivision (c)(2)(A) of this section by the total remaining funds to determine each regional solid waste management district's allocation.~~

~~(d) A regional solid waste management district shall receive for an approved computer and electronic equipment recycling program from the regional solid waste management district's allocation:~~

~~(1) After July 22, 2015, ten percent (10%) of the funds for that year as calculated by the department using a combination of the two (2) methods stated in subsections (b) and (c) of this section; and~~

~~(2) For a year in which the regional solid waste management district did not receive funds to cover administrative costs of an approved computer and electronic equipment recycling program, ten percent (10%) of the funds currently on hand for that year.~~

~~(c)(1) Funds received under this section by a regional solid waste management district but not needed for computer and electronic equipment recycling may be used for another recycling project operated by the regional solid waste management district.~~

~~(2) Funds may be redirected under subdivision (d)(1) of this section only if the regional solid waste management board that governs a regional solid waste management district certifies that the funds are not needed for the approved computer and electronic equipment recycling program.~~

SECTION 7. Arkansas Code § 8-6-1002(a)(3), concerning the Landfill Post-Closure Trust Fund, is amended to read as follows:

(3)(A) Moneys received into the fund may also be used by the Arkansas Department of Environmental Quality for administrative purposes at a level not to exceed three hundred thousand dollars (\$300,000) annually with an annual escalator not to exceed three percent (3%).

~~(B) In the event the total amount in the fund equals or exceeds twenty five million dollars (\$25,000,000), no additional moneys shall~~

~~be collected pursuant to this subchapter until the total amount in the fund equals or is less than fifteen million dollars (\$15,000,000) at which time the collection of moneys shall resume.~~

SECTION 8. Arkansas Code § 19-5-961(a), concerning the Solid Waste Management and Recycling Fund, is amended to read as follows:

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Solid Waste Management and Recycling Fund".

SECTION 9. DO NOT CODIFY. Distribution of funds from landfill disposal fees.

(a)(1) The Chief Fiscal Officer of the State shall determine the total moneys available on the day before the effective date of this act at 11:59 p.m. that were collected under § 8-6-612 for computer and electronic equipment recycling programs.

(2) The moneys available under subdivision (a)(1) of this section shall be used to fund computer and electronic equipment recycling programs under Arkansas Code § 8-6-613(c) until all moneys are distributed as provided under this subsection.

(3)(A) The use of any interest earnings or investment earnings on the moneys available under subdivision (a)(1) of this section shall not be restricted to computer and electronic equipment recycling programs after the effective date of this act.

(B) The interest earnings and investment earnings on the moneys available under this subsection shall be used as provided under § 8-6-605.

(4)(A) For each fiscal year, two million five hundred thousand dollars (\$2,500,000) of the moneys available under subdivision (a)(1) of this section shall be added to the distribution of funding to regional solid waste management districts under Arkansas Code § 8-6-615.

(B) When the balance of the moneys allocated under subdivision (a)(1) of this section is less than two million five hundred thousand dollars (\$2,500,000) for a fiscal year, all of the available moneys remaining in the fund shall be the last moneys used to supplement the distribution to the regional solid waste management districts under § 8-6-615

for that fiscal year.

(5) For each fiscal year, the Arkansas Department of Environmental Quality shall determine the amount of the moneys allocated under subdivision (a)(4) of this section that are included in each regional solid waste management district's fund distribution under § 8-6-615 and provide that information to the regional solid waste management districts.

(6)(A) Except as otherwise provided under subdivision (a)(6)(B) of this section, each regional solid waste management district shall use the moneys received under subdivision (a)(5) of this section for computer and electronic equipment recycling programs.

(B) Moneys received under this section by a regional solid waste management district but not needed for computer and electronic equipment recycling may be used for another recycling project operated by the regional solid waste management district only if the regional solid waste management board that governs a regional solid waste management district certifies that the funds are not needed for the approved computer and electronic equipment recycling program.

(b) This section expires after the final distribution of the moneys allocated under subdivision (a)(4)(B) of this section to the regional solid waste management districts.

/s/Bragg

APPROVED: 03/24/2017