

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: S3/27/17
A Bill

SENATE BILL 633

By: Senator E. Williams

For An Act To Be Entitled

AN ACT TO AMEND THE LAW REGARDING THE STATE MARKETING BOARD FOR RECYCLABLES AND THE COMPLIANCE ADVISORY PANEL; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW REGARDING THE STATE MARKETING BOARD FOR RECYCLABLES AND THE COMPLIANCE ADVISORY PANEL.

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

SECTION 1. Arkansas Code § 8-4-314 is amended to read as follows:

8-4-314. Compliance Advisory Panel – Small Business Stationary Source Technical and Environmental Compliance Assistance Program – Marketing Recyclables Program.

(a) There ~~shall be~~ is created a Compliance Advisory Panel, ~~the “panel”~~, composed of ~~seven (7)~~ nine (9) individuals.

(b) The panel shall consist of:

(1) ~~Two (2)~~ members appointed by the Governor to represent the general public who are not:

(A) ~~owners~~ Owners or representatives of owners of small business stationary sources; or

(B) Owners or representatives of owners of a recycling company or the marketing and recyclable community;

(2) ~~Two (2)~~ Three (3) members selected by the Speaker of the House of Representatives:

(A) ~~who are owners or who represent owners~~ One (1) member



who is an owner or who represents an owner of small business stationary sources; and

(B) Two (2) members who are owners or representatives of a small business recycling company or the marketing and recyclable community;

(3) ~~Two (2)~~ Three (3) members selected by the President Pro Tempore of the Senate:

(A) who are owners or who represent owners One (1) member who is an owner or who represents an owner of small business stationary sources; and

(B) Two (2) members who are owners or representatives of a small business recycling company or the marketing and recyclable community; and

(4) One (1) member selected by the Director of the Arkansas Department of Environmental Quality who shall serve as a nonvoting member except when his or her vote is needed to break a tie vote.

(c)(1) Each panel member shall serve a term of four (4) years.

(2) In the event of a vacancy in the membership of the panel concerning a member selected by the General Assembly or the Governor, the Governor shall appoint a person meeting the applicable eligibility requirements of the vacated position to fill the vacancy for the remainder of the unexpired term.

(3) In the event of a vacancy in the membership of the panel concerning the member appointed by the director, the director shall appoint a person to fill the vacancy for the remainder of the unexpired term.

(d)(1)(A) The panel shall hold at least one (1) regular meeting in each calendar year quarter at a time and place determined by the panel.

(B) At least one (1) meeting each calendar year shall be dedicated to small business stationary sources, with an emphasis on air quality issues.

(2) Special meetings may be called at the discretion of the chair.

~~(e)(1) The panel shall select a chair and vice chair during the first annual meeting of each four-year term~~ by a majority vote of the membership.

(2) Each chair shall serve a term of one (1) year.

(f) ~~Four (4)~~ Five (5) members of the panel shall constitute a quorum to transact business.

(g) *The members of the panel may receive expense reimbursement in accordance with § 25-16-901 et seq.*

(h)(1) *If a vacancy occurs in an appointed position for any reason, the vacancy shall be filled by appointment by the official that made the appointment.*

(2) *The new appointee shall serve for the remainder of the unexpired term.*

~~(h)(i)~~ *The panel shall perform the following duties for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program:*

(1) *Render advisory opinions concerning the effectiveness of the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, the "program", difficulties encountered, and degree and severity of enforcement;*

(2) *Make periodic reports to the Administrator of the United States Environmental Protection Agency concerning the compliance of the program with the requirements of the Paperwork Reduction Act of 1980, the Regulatory Flexibility Act, and the Equal Access to Justice Act;*

(3) *Review information for small business stationary sources to assure such information is understandable by the layperson; and*

(4) *Have the program serve as the secretariat for the development and dissemination of such reports and advisory opinions.*

(j) *The panel shall perform the following duties for the Marketing Recyclables Program:*

(1) *Develop a program for the coordination of all existing marketing programs for recyclables;*

(2) *Work with existing industry to encourage the use of recyclables in their manufacturing processes;*

(3) *Recruit new industries that use recyclables in their manufacturing processes;*

(4) *Maintain current information on market prices and trends;*
and

(5) *Advise and assist state and local officials in all areas of recyclables marketing.*

SECTION 2. *Arkansas Code § 8-6-607 is amended to read as follows:*

8-6-607. Collection of fees.

Fees imposed under the separate provisions of this subchapter shall be collected as follows:

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

(2) On or before January 15, April 15, July 15, and October 15 of each year, each landfill permittee and solid waste transporter shall pay to the department the full amount of disposal fees due for the quarter just completed;

(3) Except as provided in subdivisions (4) and (5) of this section, the disposal and transportation fees collected under this section shall be special revenues and shall be deposited in the State Treasury to the credit of the Solid Waste Management and Recycling Fund for administrative support of the ~~State Marketing Board for Recyclables~~ Compliance Advisory Panel;

(4)(A) Twenty-five percent (25%) of the disposal fees collected from landfills where a private industry bears the expense of operating and maintaining the landfill solely for the disposal of wastes generated by the industry shall be deposited into a special fund to be created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State and to be known as the "Marketing ~~Board~~ Recyclables Program Fund".

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

(5) Beginning July 1, 2013, excluding the disposal fees that are to be deposited into the Marketing ~~Board~~ Recyclables Program Fund under subdivision (4) of this section, the first one hundred fifty thousand dollars (\$150,000) of the fees collected each fiscal year under this section shall be deposited into the State Treasury and credited to the Crime Information System Fund to be used exclusively for the scrap metal logbook program.

SECTION 3. Arkansas Code § 8-9-104(b), concerning definitions related to recycling, is repealed.

~~(b) For the purposes of this subchapter, "marketing board" means the State Marketing Board for Recyclables.~~

SECTION 4. Arkansas Code § 8-9-201 is repealed.

~~8-9-201. State Marketing Board for Recyclables.~~

~~(a)(1) There is established the State Marketing Board for Recyclables to be composed of five (5) members appointed by the Governor and two (2) nonvoting ex-officio members.~~

~~(2) The Governor shall appoint one (1) member from each of the four (4) United States congressional districts as the districts appear on January 1, 1991. The remaining member shall be appointed from the state at large and shall be a person actively engaged in the business of processing recyclable materials.~~

~~(3) The Director of the Arkansas Economic Development Commission or the director's designee shall serve as an ex-officio member.~~

~~(4) The Director of the Arkansas Department of Environmental Quality or the director's designee shall serve as an ex-officio member.~~

~~(b) Members appointed by the Governor shall serve for four-year terms.~~

~~(c) Vacancies shall be filled by the Governor for the remainder of the term.~~

~~(d) Members shall serve without compensation but may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.~~

~~(e) The board shall annually select a member to serve as chair.~~

~~(f) The board shall meet as necessary to carry out its duties under this subchapter and at the call of the chair.~~

~~(g) The Arkansas Department of Environmental Quality, after advice and counsel of the board, shall provide adequate staff to support the activities of the board.~~

~~(h) The duties of the board shall include:~~

~~(1) Developing a program for the coordination of all existing marketing programs for recyclables;~~

~~(2) Developing an overall marketing plan for Arkansas recyclables;~~

~~(3) Conducting an inventory of markets for recyclables in Arkansas and the surrounding states;~~

~~(4) Working with existing industry to encourage the use of~~

~~recyclables in their manufacturing processes;~~

~~(5) Recruiting new industries that use recyclables in their manufacturing processes;~~

~~(6) Maintaining current information on market prices and trends;~~
and

~~(7) Advising and assisting state and local officials in all areas of recyclables marketing.~~

SECTION 5. Arkansas Code § 8-9-203(a), concerning recycling by governmental entities, is amended to read as follows:

(a) ~~Beginning December 31, 1991, each~~ Each state agency, state college or university, county, city, and public school, in cooperation with the Arkansas Department of Environmental Quality and the ~~State Marketing Board for Recyclables~~ Compliance Advisory Panel shall:

(1) Establish a source separation and recycling program for recyclables generated as a result of agency operations;

(2) Adopt procedures for collection and storage of recyclables;

and

(3) Make contractual or other arrangements for transportation and sale of recyclables.

SECTION 6. Arkansas Code § 8-9-501 is amended to read as follows:

8-9-501. Creation.

Recognizing that the recycling of newsprint, the use of recycled content newsprint, and the use of soy-based ink is a mutual concern to the State of Arkansas and the Arkansas newspaper industry, there is hereby created the Arkansas Newspaper Recycling Advisory Committee, which shall act in an advisory capacity to the ~~State Marketing Board for Recyclables~~ Marketing Recyclables Program of the Compliance Advisory Panel.

SECTION 7. Arkansas Code § 8-9-506 is amended to read as follows:

8-9-506. Achievement of purpose.

In cooperation with the ~~State Marketing Board for Recyclables~~ Marketing and Recyclables Program of the Compliance Advisory Panel, the Arkansas Newspaper Recycling Advisory Committee shall develop and implement a plan to achieve the purposes of this subchapter.

SECTION 8. Arkansas Code § 19-5-1011(c) concerning the Crime Information System Fund, is amended to read as follows:

(c) Beginning July 1, 2013, excluding the disposal fees that are to be deposited into the Marketing ~~Board~~ Recyclables Program Fund under § 8-6-607(4), the first one hundred fifty thousand dollars (\$150,000) of fees collected each fiscal year under § 8-6-607 shall be deposited into the State Treasury and credited to the Crime Information System Fund to be used exclusively for the scrap metal logbook program.

*SECTION 9. Arkansas Code § 19-6-471 is amended to read as follows:
19-6-471. Marketing ~~Board~~ Recyclables Program Fund.*

The Marketing ~~Board~~ Recyclables Program Fund shall consist of those special revenues as specified in § 19-6-301(162), there to be used by the ~~State Marketing Board for Recyclables~~ Compliance Advisory Panel for the Marketing Recyclables Program for the administration and performance of its duties, as administered by the Arkansas Department of Environmental Quality ~~as set out in~~ under § 8-9-201 et seq.

SECTION 10. Arkansas Code § 25-16-903(43), concerning stipend authorizations, is amended to read as follows:

(43) ~~State Marketing Board for Recyclables~~ Compliance Advisory Panel;

SECTION 11. TEMPORARY LANGUAGE. DO NOT CODIFY.

(a)(1) If the members of the State Marketing Board for Recyclables serving on the board on the effective date of this act choose to serve on the Compliance Advisory Panel after the effective date of this act, each member who chooses to serve on the panel shall notify the Governor of the decision to continue within thirty (30) days after the effective date of this act.

(2) After the effective date of this act, if all five (5) of the members of the board choose to continue to serve the remainder of their terms, the panel shall determine by majority vote:

(A) Which four (4) of the five (5) former members of the board will serve as voting members on the panel:

(i) For the remainder of their terms as members of

the panel; and

(ii) As owners or representatives of a small business recycling company or the marketing and recyclable community; and

(B) Which former member of the board will serve as a nonvoting member of the panel until his or her term expires.

(b)(1) If the chair of the board chooses to serve on the panel, he or she shall serve as the chair of the panel until a new chair is selected.

(2) If the chair of the board chooses not to serve on the panel, the panel shall select an interim chair to serve until a new chair is selected.

(c) The panel shall select a new chair on or before January 31, 2018, by majority vote and within thirty (30) days after the effective date of this act.

/s/E. Williams