

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 518

By: Senator B. Ballinger

For An Act To Be Entitled

AN ACT TO AMEND THE SOLID WASTE MANAGEMENT AND RECYCLING FUND ACT; TO TRANSFER ADMINISTRATION OF CERTAIN FUNDS AND DUTIES FROM THE DIVISION OF ENVIRONMENTAL QUALITY TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE SOLID WASTE MANAGEMENT AND RECYCLING FUND ACT; AND TO TRANSFER ADMINISTRATION OF CERTAIN FUNDS AND DUTIES FROM THE DIVISION OF ENVIRONMENTAL QUALITY TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION.

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

SECTION 1. Arkansas Code § 8-6-603 is amended to add an additional subdivision to read as follows:

(12) "Department" means the Department of Finance and Administration.

SECTION 2. Arkansas Code § 8-6-605(b), concerning the administration of the Solid Waste Management and Recycling Fund, is amended to read as follows:

(b) The fund shall be administered by the ~~Division of Environmental Quality~~ Department of Finance and Administration, which shall authorize distributions and administrative expenditures from the fund under this



subchapter for solid waste management and recycling programs.

SECTION 3. Arkansas Code, § 8-6-605(d), concerning the percentage of the Solid Waste Management and Recycling Fund available for use by the Division of Environmental Quality, is repealed.

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

~~(1) 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) Solid waste management compliance and enforcement activities at landfills and open dumps.~~

SECTION 4. Arkansas Code § 8-6-607(a)(1) and (2), concerning the quarterly reports of each landfill permittee and solid waste transporter, are amended to read as follows:

(a) On or before January 15, April 15, July 15, and October 15 of each year, each landfill permittee and each solid waste transporter shall:

(1) Submit to the Division of Environmental Quality Department of Finance and Administration 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; and

(2) Pay to the division department the full amount of disposal and transportation fees imposed and collected under this subchapter for the preceding quarter.

SECTION 5. Arkansas Code § 8-6-607(b)(3), concerning the disbursement of disposal and transportation fees into specific funds, is amended to read as follows:

(3) Except for the disposal fees deposited into the Marketing Recyclables Program Fund under subdivision (b)(2) of this section, before disbursing moneys to the regional solid waste management boards, the ~~division~~ department shall deposit the following moneys into the following funds each fiscal year:

(A) One hundred fifty thousand dollars (\$150,000) into the

Crime Information System Fund to be used exclusively for the scrap metal logbook program; and

(B) Three hundred thousand dollars (\$300,000) into the Arkansas Unpaved Roads Program Fund.

SECTION 6. Arkansas Code § 8-6-608 is amended to read as follows:

8-6-608. Penalties.

Failure of the permittee or solid waste transporter to pay the fees assessed by the ~~Division of Environmental Quality~~ Department of Finance and Administration provides grounds for administrative or civil enforcement action. Sanctions may include civil penalties as provided in the Arkansas Solid Waste Management Act, § 8-6-201 et seq., or the revocation of the solid waste disposal or solid waste transporter permit.

SECTION 7. Arkansas Code § 8-6-615(a)(1), concerning the allocation of funds deposited into the Solid Waste Management and Recycling Fund, is amended to read as follows:

(a)(1) Funds collected under 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 Division 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 8. Arkansas Code § 8-6-615(b)(1)(A) and (B), concerning the distribution of funds to the regional solid waste management districts, are amended to read as follows:

(b)(1)(A) The ~~division~~ Department of Finance and Administration 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 ~~division~~ 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.

SECTION 9. Arkansas Code § 8-6-615(d)(1), concerning the requirement for regional solid waste management district reporting on funds received, is amended to read as follows:

(d)(1) For each fiscal year, each regional solid waste management board that receives funds under this section shall provide a report by November 1 to the ~~division~~ department that explains how the board spent the funding received under this section in the previous fiscal year.

SECTION 10. Arkansas Code § 8-6-615(d)(3), concerning the form of the report required of the regional solid waste management districts on funds received, is amended to read as follows:

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

SECTION 11. Arkansas Code § 19-5-961(b), concerning the administration of the Solid Waste Management and Recycling Fund, is amended to read as follows:

(b) The fund shall consist of those special revenues specified in §§ 19-6-301(154) and 19-6-301(240), reimbursement of funds pursuant to § 8-6-610, federal funds which may become available, interest earnings, gifts, donations, and any other funds made available by the General Assembly, there to be administered by the ~~Division of Environmental Quality~~ Department of Finance and Administration as set out in the Solid Waste Management and Recycling Fund Act, § 8-6-601 et seq.