

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

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H4/2/25

A Bill

SENATE BILL 460

By: Senator Irvin

By: Representative Gramlich

For An Act To Be Entitled

AN ACT TO MODIFY THE COMPLIANCE ADVISORY PANEL; TO REPEAL THE MARKETING RECYCLABLES PROGRAM OF THE COMPLIANCE ADVISORY PANEL; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO MODIFY THE COMPLIANCE ADVISORY PANEL;
TO REPEAL THE MARKETING RECYCLABLES
PROGRAM OF THE COMPLIANCE ADVISORY
PANEL; AND TO DECLARE AN EMERGENCY.

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 is created a Compliance Advisory Panel composed of ~~nine (9)~~ seven (7) 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) ~~Three (3)~~ Two (2) members selected by the Speaker of the



House of Representatives+

~~(A) One (1) member who is an owner who are owners or who represents an owner represent owners~~ 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) ~~Three (3)~~ Two (2) members selected by the President Pro Tempore of the Senate+

~~(A) One (1) member who is an owner who are owners or who represents an owner represent owners~~ 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 Division 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 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)~~(2) 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 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 by a majority vote of the membership.

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

(f) ~~Five (5)~~ Four (4) 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 who made the appointment.

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

(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~~ 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 ~~Small Business Stationary Source Technical and Environmental Compliance Assistance Program~~ program with the requirements of the Paperwork Reduction Act of 1980, the Regulatory Flexibility Act, 5 U.S.C. § 601 et seq., and the Equal Access to Justice Act, 5 U.S.C. § 504, 28 U.S.C. § 2412, and 42 U.S.C. § 1988;

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

(4) Have the ~~Small Business Stationary Source Technical and Environmental Compliance Assistance Program~~ 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, including without limitation the implementation, administration, and funding of the collection and recycling or collection and disposal of extra large tires as defined in § 8-9-402.~~

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

8-6-607. Collection of fees.

(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 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 the full amount of disposal and transportation fees imposed and collected under this subchapter for the preceding quarter.

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

(2) Twenty-five percent (25%) of the disposal fees collected under subsection (a) of this section from landfills in which a private industry bears the expense of operating and maintaining the landfill solely for the disposal of wastes generated by the private industry shall be deposited quarterly into the ~~Marketing Recyclables Program Fund~~ Division of Environmental Quality Fee Trust Fund ~~for administrative support of the Compliance Advisory Panel.~~

(3) Except for the disposal fees deposited into the ~~Marketing Recyclables Program Fund~~ Division of Environmental Quality Fee Trust Fund under subdivision (b)(2) of this section, before disbursing moneys to the regional solid waste management boards, the division 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 3. 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 Recyclables Program Fund~~ Division of Environmental Quality Fee Trust Fund under § 8-6-607(b)(2), 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 4. Arkansas Code § 19-5-1137 is amended to read as follows:
19-5-1137. Division of Environmental Quality Fee Trust Fund.

(a) There is created 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 "Division of Environmental Quality Fee Trust Fund".

(b) The ~~Division of Environmental Quality Fee Trust Fund~~ fund shall consist of those special revenues as specified in:

(1) Section § 19-6-301(104), there to be used to defray the costs of operating the Division of Environmental Quality as set out in §§ 8-1-101 – 8-1-107; and

(2) Section 8-6-607(b), there to be used for the administrative support of the Compliance Advisory Panel.

SECTION 5. Arkansas Code § 19-6-301, concerning the enumeration of special revenues, is amended to add an additional subdivision to read as follows:

(277) Disposal and transportation fees as specified in § 8-6-607(b)(1) for administrative support of the Compliance Advisory Panel.

SECTION 6. Arkansas Code § 19-6-471 is repealed.

~~19-6-471. Marketing Recyclables Program Fund.~~

~~The Marketing Recyclables Program Fund shall consist of those special~~

~~revenues as specified in § 19-6-301(162), there to be used by the Compliance Advisory Panel for the Marketing Recyclables Program for the administration and performance of its duties, as administered by the Division of Environmental Quality under § 8-9-201 et seq.~~

SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the effectiveness of this act is essential to prudent operation of the Division of Environmental Quality; that delay in the effective date could work irreparable harm on the proper administration of government programs; and that this act is immediately necessary to ensure that the appropriate funds are available to administer the government programs of the Division of Environmental Quality. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Irvin