

ARKANSAS SENATE

88th General Assembly - Regular Session, 2011

Amendment Form

Subtitle of House Bill No. 1060

AN ACT TO CLARIFY THE POWER OF REGIONAL SOLID WASTE MANAGEMENT
BOARDS TO CHARGE AND COLLECT A FEE FOR MANAGEMENT OF SOLID WASTE
AND TO DECLARE AN EMERGENCY.

Amendment No. 1 to House Bill No. 1060

Amend House Bill No. 1060 as engrossed, H1/24/11 (version: 01/24/2011 09:32:08 AM)

Delete section 2 in its entirety and substitute the following:

"SECTION 2. Arkansas Code § 8-6-714 is amended to read as follows:

8-6-714. Rents, fees, and charges.

(a)(1)(A) A regional solid waste management board may fix, charge, and collect rents, fees, and charges for the disposal, treatment, or other handling of solid waste by the district of no more than two dollars (\$2.00) per ton of solid waste related to the movement or disposal of solid waste within the district, including without limitation fees and charges:

(i) Related to the district's direct involvement with the district's disposal or treatment; or

(ii) That support the district's management of the solid waste needs of the district.

(B) The board may fix, charge, and collect fees or charges under subdivision (a)(1)(A)(ii) of this section only if the board:

(i) Employs or otherwise makes available from another agency an enforcement officer to:

(a) Enforce all statutes and rules regarding solid waste including without limitation the Illegal Dump Eradication and Corrective Action Program Act, § 8-6-501 et seq.; and

(b) Seek to prevent and to identify and eliminate illegal dump sites;

(ii) Has a program for household hazardous waste collection and disposal; and

(iii) Has a program for recycling that includes rural areas of the district and the recycling of bulky waste.

(2) The board may fix, charge, and collect fees or charges for solid waste generated:

(A) Within or without the district delivered to a landfill or transfer station within the district, regardless of whether the disposal facilities are owned or operated by the district; or

(B) Within the district but delivered to a location outside the district.



(3) The board may fix, charge, and collect penalties from entities that fail to timely remit rents, fees, and charges under this section.

(4) Solid waste generated within one district and delivered to another district for disposal may be assessed a fee as follows:

(A) Either the district in which the solid waste was generated or a district in which the same solid waste is transported, stored, managed, or disposed may assess the fee;

(B) The fee may be assessed against the generator, transporter, or disposal facility; and

(C) Each ton or cubic yard of waste may be assessed only one (1) fee.

(b) The fees created in this section do not apply to:

(1)(A) Solid waste generated by private industry if the private industry bears the expense of operating and maintaining the disposal facility for the waste; or

(B) Non-municipal solid waste generated by private industry and shipped to another state for recycling, treatment, or disposal;

(2) Solid waste recycled, used, or generated by steel mills or related facilities classified within Subsector 331 of the 2007 North American Industrial Classification System, as it existed on January 1, 2011;

(3) Recyclable materials that are transported, processed, or marketed for recycling;

(4) Organic materials that are delivered to a permitted composting facility;

(5) Materials that are removed from solid waste and processed for recycling;

(6) Waste tires processed through a district's waste tire program; or

(7) Household hazardous waste collected through a district's household hazardous waste program.

(c)(1) The fee created in subsection (b) of this section shall not exceed two dollars (\$2.00) per ton of solid waste.

(2) However, if weight tickets are not available, the fee shall be calculated on a volume basis at twenty-five cents (25¢) per uncompacted cubic yard or forty-five cents (45¢) per compacted cubic yard.

(3) Districts shall determine by interlocal agreement how the districts shall:

(A) Assess and administer the fee; and

(B) Divide the fees.

~~(b)(d)~~ The board may levy a service fee on each residence or business for which the board makes solid waste collection or disposal services available.

~~(c)(1)(A)~~~~(e)(1)(A)~~ The board may, by majority vote, require fees or delinquent fees to be collected with the real and personal property taxes of any county within the district.

(B) If the board elects to collect such fees in this manner, it shall so notify the county tax collector, who shall enter such fees on tax notices to be collected with the real and personal property taxes of the county.

(C) No county tax collector shall accept payment of any property taxes where the taxpayer has been billed for solid waste collection services unless the service fee is also receipted.

(2) If a property owner fails to pay the service fee, it shall become a lien on the property.

(f) If the district that generates the solid waste cannot agree with the district where disposal is to take place on an equitable splitting of the waste assessment fee, either district may initiate binding arbitration of the dispute under § 16-7-203 before:

(1) A person certified by the Arkansas Alternative Dispute Resolution Commission; or

(2) Another recognized voluntary or nonprofit program of dispute resolution, including without limitation, the American Arbitration Association."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Burnett

MGF/CDS - 02/11/11 09:04

MGF187

Secretary