

ENGROSSED HOUSE
BILL NO. 2345

BY: BENSON, HUDSON and
VAUGHN (George) of the
HOUSE

and

HOOPER of the SENATE

(PUBLIC HEALTH AND SAFETY - SOLID WASTE
MANAGEMENT ACT - AMENDING 19 O.S. 1991, SECTION 1 -
COUNTY POWERS -
EMERGENCY)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-2305.1 of Title 63, unless
there is created a duplication in numbering, reads as follows:

A. The Oklahoma State Department of Health shall assess
inspection and analysis fees on any solid waste disposal site in
this state which accepts both in-state and out-of-state nonhazardous
industrial solid waste. Such fees shall be not more than Fifty
Dollars (\$50.00) per ton of waste accepted at the site for disposal.
Such fees shall be remitted by the owner or operator of the solid
waste disposal site with the information required to be submitted
pursuant to subsection A of Section 1-2305 of Title 63 of the
Oklahoma Statutes.

B. For purposes of this section, "nonhazardous industrial
waste" means:

1. Any unusable industrial or chemical product;

2. Any solid waste generated by the release of an industrial product to the environment; or

3. Any solid waste generated by a manufacturing or industrial process;

provided that the waste is not regulated as controlled industrial waste.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2305.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma State Department of Health shall not accept an application for a solid waste permit for a new solid waste disposal site unless the applicant can demonstrate that there has been a countywide vote in the county of the proposed site and that a majority of the voters supported the proposed project. The provisions of this subsection shall also apply to any such applications pending before the Department on the effective date of this act.

B. The board of county commissioners shall schedule the election requested by a potential applicant at its next countywide general election or vote unless the potential applicant requests a special election on the matter. Potential applicants requesting a special election on the matter shall bear the costs associated with such special election.

SECTION 3. AMENDATORY 19 O.S. 1991, Section 1, is amended to read as follows:

Section 1. Each organized county within the state shall be a body corporate and politic and as such shall be empowered for the following purposes:

1. To sue and be sued;

2. To purchase and hold real and personal estate for the use of the county, and lands sold for taxes as provided by law;

3. To sell and convey any real or personal estate owned by the county, and make such order respecting the same as may be deemed conducive to the interests of the inhabitants;

4. To execute leases of real property owned by the county to nonprofit corporations organized for the general purpose of historical preservation;

5. To make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of corporate or administrative power; ~~and~~

6. To charge and collect service and disposal fees as necessary for the operation and maintenance of a solid waste collection and disposal system; and

7. To exercise such other and further powers as may be especially provided for by law.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1A of Title 19, unless there is created a duplication in numbering, reads as follows:

In determining fees for solid waste disposal, the county may take into account the damage and repair of access roads, litter control, surveillance, civil defense, and such other costs and expenditures deemed necessary by the county to provide such disposal and collection system.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 25th day of February, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate