

ENROLLED HOUSE

CONCURRENT

RESOLUTION NO. 1001

BY: PELTIER, KEY, PAULK,
ISAAC, MONSON, BASTIN,
SULLIVAN, ISTOOK, WEBB,
SEIKEL, HUTCHCROFT, COX,
HAMILTON (Jeff), FALLIN,
LARASON, WORTHEN,
HEATON, VAUGHN (Ray),
GRAVES, POPE, ADAIR,
CAMPBELL, JOHNSON (Rob),
MAXEY, APPLE, COLEMAN,
DAVIS, GREENWOOD,
HENSHAW, KOUBA, LUCAS,
MADDUX (Elmer), MONKS,
SMITH (Bill) and WEESE
of the HOUSE

and

LEFTWICH, CAIN, FAIR,
CAPPS, LONG (Lewis),
LONG (Ed) and HERBERT of
the SENATE

A CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO ENACT
LEGISLATION WHICH WOULD ALLOW STATES VARIOUS AUTHORITY OVER
OUT-OF-STATE WASTE; AND DIRECTING DISTRIBUTION.

WHEREAS, Oklahoma is currently an "importer" of garbage from
out-of-state sources; and

WHEREAS, in past court cases, private companies and garbage
"exporting" states have argued that waste delivery and disposal is
an interstate commerce issue which only Congress, and not state
government can limit; and

WHEREAS, the United States Supreme Court has supported this
argument and has ruled that solid waste is a protected commodity of
interstate commerce; and

WHEREAS, as a result of such ruling, a state is prohibited from
detering shipments of solid waste at its border; and

WHEREAS, Section 8 of Article I of the United States
Constitution gives the Congress the power to regulate interstate
commerce; and

WHEREAS, there has been a number of measures introduced into
Congress to provide greater flexibility to states to limit out-of-
state trash dumping; and

WHEREAS, it is only right and fitting that each state has the
right to protect its environment and the health, safety and welfare
of its citizens and preserve its existing solid waste management
capacity.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 43RD OKLAHOMA LEGISLATURE, THE SENATE CONCURRING THEREIN:

THAT the Oklahoma Legislature memorializes the Congress of the United States to enact legislation which would at a minimum:

1. allow states to set up differing rate structures for in-state versus out-of-state private waste disposal;

2. allow states to enter into interstate compacts for cooperative efforts for waste management; and

3. enable a state to completely ban out-of-state waste if it has shown responsibility for its own waste disposal by having a long-term solid waste management plan and existing capacity to meet its citizen's long-term disposal needs.

THAT copies of this resolution shall be dispatched to all members of the Oklahoma Congressional Delegation, the President of the United States, and the Attorney General of Oklahoma.

Adopted by the House of Representatives the 20th day of February, 1991.

of Speaker of the House
Representative
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Adopted by the Senate the 19th day of March, 1991.

Senate President of the