STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1435 BY: APPLE

AS INTRODUCED

AN ACT RELATING TO PUBLIC HEALTH AND SAFETY; AMENDING SECTION 10, CHAPTER 225, O.S.L. 1990 (63 O.S. SUPP. 1990, SECTION 1-2305), WHICH RELATES TO COLLECTION OF CERTAIN FEES FOR DISPOSAL OF SOLID WASTE; DELETING IMPOSITION OF CERTAIN FEES REQUIRED UPON CUSTOMERS OF CERTAIN POLITICAL SUBDIVISIONS OR PUBLIC TRUSTS; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 10, Chapter 225, O.S.L. 1990 (63 O.S. Supp. 1990, Section 1-2305), is amended to read as follows:

A. 1. On and after September 1, 1990, there is imposed a one-dollar-and-fifty-cent-per-ton fee for waste disposed of at disposal sites or facilities, or at sludge land application sites or at commercial biomedical waste processing facilities within Oklahoma when the waste is generated from outside of Oklahoma.

2. The fee assessed by this subsection is to be a charge to waste producers in addition to any charges specified in any contract

or elsewhere. The fee shall be imposed upon and passed through to disposers of waste using the facility.

3. The owner or operator of a solid waste disposal site shall collect the fee levied pursuant to this subsection as trustee for the state and shall prepare and file with the Department monthly returns indicating:

a. the total tonnage of solid wastes received for disposal at the gate of the site, and

b. the total amount of the fees collected pursuant to this section.

4. Not later than thirty (30) days after the end of the month to which such a return applies, the owner or operator shall mail to the Department the return for that month together with the fees collected during that month as indicated on the return.

5. The owner or operator may receive an extension of not more than thirty (30) days for filing the return and remitting the fees, provided that:

a. the owner or operator has submitted a request for an extension in writing to the Department together with a detailed description of why the extension is requested,

b. the Department has received the request not later than the day on which the return is required to be filed, and

c. the Department has approved the request.

6. If the fees are not remitted within sixty (60) days of the last day of the month during which they were collected, the owner or operator shall pay an additional fifty percent (50%) of the amount of the fees for each month that they are late.

~~B. 1. There is imposed upon each customer of a solid waste service operated by or on behalf of a political subdivision or public trust of which it is beneficiary a user fee of twenty-five~~

~~cents ($0.25) per month or Three Dollars ($3.00) per year. The fee shall be in addition to any periodic charges for solid waste services. The user fee shall be included in the billing cycle, stated separately from any other periodic charges, and shall be identified as a fee for purposes of administering the Oklahoma Solid Waste Management Act.~~

~~2. a. The monthly fee shall be collected insofar as practicable at the same time as, and in the same manner as, the periodic charges for solid waste service or other utility services in accordance with the regular billing practice of the political subdivision or public trust. Not later than thirty (30) days after the end of the month to which such a return applies, the political subdivision or public trust shall mail to the Department the return for that month together with the fees collected during that month as indicated on the return.~~

~~b. the fee levied on an annual basis shall be collected and remitted to the Department on or before October 31, 1990 and on or before each October 31 thereafter. The annual return shall be mailed to the Department together with the annual fees collected as indicated on the return.~~

~~3. For political subdivisions or public trusts which substantially reduce their wastestream through integrated waste management systems, the Board shall adopt rules requiring a lesser fee generally commensurate with the waste reduction impact of the program of the political subdivision. The Department shall review waste reduction and recycling programs throughout the state on an annual basis in developing a statewide fee rate structure for such programs. Such a fee shall not exceed the user fee of twenty-five~~

~~cents ($0.25) per month or an annual fee of Three Dollars ($3.00) per year levied upon each residential customer.~~

~~4. The political subdivision or public trust shall collect the fee levied pursuant to this subsection as trustee for the state and shall prepare and file with the Department the returns indicating the total amount of the fees collected pursuant to this section.~~

~~5. Each disposal site permittee or each political subdivision or public trust of which it is beneficiary which collects the user fee for the state shall be entitled to retain ten percent (10%) of collected revenue to defray the cost of collection and bookkeeping.~~

~~C.~~ B. The monies remitted to the Department pursuant to this section shall be credited to a separate account in the Public Health Special Fund.

~~D.~~ C. The State Commissioner of Health shall expend funds from the special account in the Public Health Special Fund for the purposes of administration and enforcement of the provisions of the Oklahoma Solid Waste Management Act and for the development of technical assistance programs, public environmental education programs and educational curricula, solid waste studies, development of a statewide solid waste plan, and recycling and litter prevention programs. Any litter prevention program shall be developed by the Department in conjunction with the State Department of Transportation.

~~E.~~ D. The provisions of this section shall not apply to landfill disposal sites that receive only ash generated by the burning of coal.

SECTION 2. This act shall become effective July 1, 1991.

SECTION 3. 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.