

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1540

BY: ADAIR

AS INTRODUCED

AN ACT RELATING TO REVENUE AND TAXATION; AMENDING

SECTION 2, CHAPTER 176, O.S.L. 1989, SECTION 6,
CHAPTER 176, O.S.L. 1989, SECTION 7, CHAPTER 176,
O.S.L. 1989 AND SECTION 8, CHAPTER 176, O.S.L. 1989
(68 O.S. SUPP. 1990, SECTIONS 53002, 53006, 53007
AND 53008), WHICH RELATE TO THE OKLAHOMA WASTE TIRE
RECYCLING ACT; CLARIFYING LANGUAGE; PROVIDING FOR
COLLECTION AND TRANSPORTATION OF CERTAIN TIRES;
PROVIDING FOR FUNDING; SPECIFYING REQUIREMENTS FOR
ELIGIBILITY; REQUIRING CERTAIN INFORMATION;
SPECIFYING PROCEDURES; SPECIFYING RATES; AND
DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 2, Chapter 176, O.S.L.
1989 (68 O.S. Supp. 1990, Section 53002), is amended to read as
follows:

Section 53002. As used in ~~this act~~ the Oklahoma Waste Tire
Recycling Act:

1. "Tires" means any solid or air-filled coverings for motor
vehicle wheels; and

2. "Waste tire facility" means any place which is permitted as a solid waste disposal site, in accordance with the Oklahoma Solid Waste Management Act, Section 2251 et seq. of Title 63 of the Oklahoma Statutes, at which discarded tires are collected or deposited for processing, by shredding or other technology which alters the form of the tires, for the purpose of facilitating the future extraction of useful materials for recycling, reuse or energy recovery.

SECTION 2. AMENDATORY Section 6, Chapter 176, O.S.L. 1989 (68 O.S. Supp. 1990, Section 53006), is amended to read as follows:

Section 53006. A. 1. Waste tire facilities shall be compensated from the Waste Tire Recycling Indemnity Fund, for processing tires discarded in the State of Oklahoma to the extent that funds are therein contained, at a rate not to exceed one-half dollar (\$0.50) for each such tire processed in any calendar year by the facility as demonstrated through the application and submission of documentation to the State Department of Health.

2. In order to qualify for such compensation, the applicant shall demonstrate that over the life of the facility prior to each request for compensation, at least twenty-five percent (25%) of the tires processed by the waste tire facility were collected from tire dumps as identified through placement on a priority enforcement list by the State Department of Health.

B. 1. In addition to the compensation authorized by subsection A of this section, any waste tire facility that is in good standing with the Department of Health shall be eligible for additional compensation at the rate of thirty-five cents (\$0.35) per processed tire for the collection and transportation of discarded vehicle tires obtained from dealers, solid waste landfill sites, dumps certified by the Oklahoma State Department of Health enforcement priority list, municipalities and county designated collection sites

and delivering such tires to the waste tire facility. The collection and transportation of discarded vehicle tires must be on a statewide basis and shall be provided by the waste tire facility at no additional cost to a participating dealer. The State Department of Health shall not require a waste tire facility to collect less than one thousand (1,000) discarded vehicle tires at any one location.

2. To be eligible for compensation pursuant to this subsection, the waste tire facility shall demonstrate to the satisfaction of the Oklahoma Department of Health, that such facility is regularly engaged in the collection, transportation and delivery of discarded vehicle tires, on a statewide basis, and from each county of the state.

SECTION 3. AMENDATORY Section 7, Chapter 176, O.S.L. 1989 (68 O.S. Supp. 1990, Section 53007), is amended to read as follows:

Section 53007. A. 1. A waste tire facility desiring to be compensated from the Waste Tire Recycling Indemnity Fund for the purposes ~~of this act~~ authorized by Section 53006 of this title, shall first make application to the State Department of Health on forms prescribed by that Department and ~~through reports~~ containing such information as that Department determines is needed ~~in order to verify that the disposal site has processed vehicle tires into particles not larger than four square inches and otherwise in accordance with the purposes of the Oklahoma Waste Tire Recycling Act~~ to comply with the Oklahoma Waste Tire Recycling Act.

2. On at least a quarterly basis, the State Department of Health shall evaluate applications and certify them to the Oklahoma Tax Commission.

B. Applicants for compensation for tire processing are encouraged to report tire processing activity in terms of weight, and the. The State Department of Health shall certify the numbers

of tires processed based on eighteen and seven-tenths (18.7) pounds per tire. The waste tire facility shall, in addition to any other information required by the Department, provide sufficient information to verify that the disposal site has processed vehicle tires into particles not larger than four square inches and otherwise in accordance with the purposes of the Oklahoma Waste Tire Recycling Act.

C. Applicants desiring compensation for the collection, transportation and delivery of discarded vehicle tires shall, in addition to any other information required by the Department of Health, submit a plan designating statewide collection routes, receipts specifying the name of the entity from whom collection of the tires was made, and the number of discarded vehicle tires collected at each collection point.

SECTION 4. AMENDATORY Section 8, Chapter 176, O.S.L. 1989 (68 O.S. Supp. 1990, Section 53008), is amended to read as follows:

Section 53008. A. Upon receiving applications properly certified by the State Department of Health and upon determining that there are sufficient monies in the Waste Tire Recycling Indemnity Fund, the Oklahoma Tax Commission shall compensate waste tire facilities as applicable for:

1. processing the number of tires documented in the application at the rate of one-half dollar (\$0.50) per tire; ~~provided that, if~~ and

2. the collection, transportation and delivery of discarded vehicle tires documented in the application at the rate of thirty-five cents (\$0.35) per tire.

B. If the Indemnity Fund contains less than this amount of funds in any quarter, then the Oklahoma Tax Commission shall apportion the payments among all the qualifying applicants according

to the percentage of tires ~~processed~~ collected, transported,
delivered or processed.

~~B. After the effective date of this act, the~~ C. The State Department of Health shall evaluate each waste tire facility every three (3) years. Upon completion of the evaluation, the Department shall recertify for compensation only those waste tire facilities which have acted to provide for recycling, reuse or energy recovery from discarded vehicle tires.

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.

43-1-6030

KSM