

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 408

BY: SMITH of the SENATE

and

LEIST of the HOUSE

AS INTRODUCED

AN ACT RELATING TO REVENUE AND TAXATION AND PUBLIC HEALTH AND SAFETY; AMENDING SECTIONS 6, 7, 8 AND 10, CHAPTER 176, O.S.L. 1989 (68 O.S. SUPP. 1990, SECTIONS 53006, 53007, 53008 AND 53010) AND SECTION 11, CHAPTER 176, O.S.L. 1989 (63 O.S. SUPP. 1990, SECTION 1-2324), WHICH RELATE TO THE WASTE TIRE RECYCLING ACT AND DISCARDED VEHICLE TIRES; MODIFYING AMOUNT OF COMPENSATION FOR CERTAIN TIRE PROCESSING; SPECIFYING TIRES TO WHICH SUCH COMPENSATION APPLIES; MODIFYING PROCEDURES FOR QUALIFICATION AND VERIFICATION TO RECEIVE SUCH COMPENSATION; MODIFYING DATE BY WHICH REPORT MUST BE FILED BY STATE DEPARTMENT OF HEALTH; PROVIDING THAT OWNERSHIP OR OPERATION OF CERTAIN TIRE SITES BE UNLAWFUL; PROVIDING EXCEPTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 6, Chapter 176, O.S.L. 1989 (68 O.S. Supp. 1990, Section 53006), is amended to read as follows:

Section 53006. 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)~~ seventy-five cents (\$0.75) 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 that:~~

1. Comes from a wholesaler, retail dealer or any other such entity that collects and remits the one-dollar waste tire recycling fee required by Section 53003 of this title to the Oklahoma Tax Commission for deposit to the Waste Tire Recycling Indemnity Fund;
or

2. Comes from a tire dump as identified through placement on a priority enforcement list by the State Department of Health.

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~~ not more than 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.

SECTION 2. 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 waste tire facility desiring to be compensated from the Waste Tire Recycling Indemnity Fund for the purposes of this act, Section 53001 et seq. 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~~ reduced vehicle tires into ~~particles not larger than four square inches~~ space not exceeding twenty percent

(20%) of the tire's original size and otherwise in accordance with the purposes of the Oklahoma Waste Tire Recycling Act, Section 53001 et seq. of this title. On at least a ~~quarterly~~ monthly basis, the State Department of Health shall evaluate applications and certify them to the Oklahoma Tax Commission. Applicants are encouraged to report tire processing activity in terms of weight, and the State Department of Health shall certify the numbers of tires processed based on eighteen and seven-tenths (18.7) pounds per tire.

SECTION 3. 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 for processing the number of tires documented in the application at the rate of ~~one-half dollar (\$0.50)~~ seventy-five cents (\$0.75) per tire; provided that, 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.

B. After ~~the effective date of this act~~ July 1, 1989, 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 4. AMENDATORY Section 10, Chapter 176, O.S.L. 1989 (68 O.S. Supp. 1990, Section 53010), is amended to read as follows:

Section 53010. The State Department of Health shall file a report with the Legislature and Governor detailing the administration of this act, Section 53001 et seq. of this title, and its effectiveness in bringing about the clean-up of existing waste tire dumps and in preventing the development of new dumps. The first report shall be filed by no later than ~~December 31, 1992~~ July 31, 1992. Subsequent reports shall be filed every three (3) years thereafter. A final report shall be filed no later than March 31, 2000, unless the provisions of Section 3 of this act are extended by law beyond December 31, 1999.

SECTION 5. AMENDATORY Section 11, Chapter 176, O.S.L. 1989 (63 O.S. Supp. 1990, Section 1-2324), is amended to read as follows:

Section 1-2324. A. It shall be unlawful for any person to own or operate a site used for the storage, collection or disposal of more than fifty ~~discarded~~ waste vehicle tires under ten thousand (10,000) pounds except at a site or facility permitted to accept discarded vehicle tires by the State Department of Health.

B. The provisions of subsection A of this section shall not apply to:

1. The use of used tires for agricultural purposes as recognized by the State Department of Agriculture;

2. The use of used tires for erosion control, bank stabilization and other conservation projects if practiced in accordance with a written conservation plan approved by an Oklahoma Conservation District; or

3. Tire manufacturers, retailers, wholesalers and retreaders who store ~~2,500~~ five hundred (500) or fewer used tires at their place of business or designated off premise storage site.

SECTION 6. 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.

43-1-612

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