STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

2ND CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1090 By: Leist of the House

and

Easley of the Senate

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to environment; amending 63 O.S. 1991, Sections 1-2014 and 1-2005.3A, as last amended by Sections 94 and 104, respectively, and as renumbered by Section 359 of Enrolled House Bill No. 1002 of the 1st Session of the 44th Oklahoma Legislature; requiring certain emergency and release response plans; providing for procedures; prohibiting certain approval; specifying certain time restraints; providing for opportunity for review and comment; providing for certain fees; increasing certain fees; removing method of determining certain fees and certain filing requirements; modifying certain collection; modifying methods of expenditure and collection; modifying certain uses of certain monies; requiring certain certificates of need; providing for application; providing for contents; requiring investigations; providing procedures and for rules; providing for determinations and orders; requiring exercise of certain authority; clarifying language; providing for certain fees in event of certain determinations; specifying fees; modifying certain expenditures; requiring certain priority; providing certain expenditures; amending 17 O.S. 1991, Section 354, which relates to the Petroleum Storage Tank Release Environmental Cleanup Indemnity Fund; creating Environmental Trust Revolving Fund; providing for collection and expenditures; modifying collection and uses of certain assessment; specifying collection procedures and amounts; providing for legal counsel; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-2014, as last amended by Section 94 and as renumbered by Section 359 of Enrolled House Bill No. 1002 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 2-7-111. A. The practice of plowing hazardous waste into the soil surface for the purpose of disposal is hereby prohibited except pursuant to a plan approved by the Department for biodegradable or inert material. In addition, the site used for such disposal shall not be subject to flooding or extensive erosion. The administrative permit hearing provisions of Section ~~96~~ 2-7-113 of this ~~act~~ title shall not apply to soil farming operations conducted on the generator's plant site or nearby property under the control of the generator.

B. A hazardous waste facility for on-site treatment or storage shall not be sited in or over a principal groundwater resource or recharge area as determined in writing by the Oklahoma Geological Survey, except pursuant to a plan approved by the Department. The plan shall contain such design criteria and groundwater monitoring provisions as deemed necessary by the Department to protect the quality of said principal groundwater resource or recharge area. The plan shall also provide for the establishment and maintenance of a bond or other financial assurance in a form and amount acceptable to the Department, specifically for the purpose of assuring both immediate response and containment and comprehensive remediation as directed by the Department in the event of a release to soil or water of any hazardous waste or hazardous waste constituent.

C. 1. Except as provided in paragraph 3 of this subsection, a hazardous waste facility for off-site treatment or storage or for on-site or off-site disposal shall not be sited in or over a principal groundwater resource or recharge area as determined in writing by the Oklahoma Geological Survey.

2. ~~A hazardous waste~~

a. Except as otherwise provided in subparagraph b of this paragraph, a facility for off-site treatment, storage, recycling or disposal of hazardous waste shall not be sited in any other area of the state without the prior written approval of ~~a~~ an emergency and release response plan by the affected property owners. Such plan shall provide for the

minimization of hazards to the health and property of such affected property owners from emergency situations or from sudden or nonsudden releases of hazardous waste or constituents thereof. ~~If, after~~ After the applicant has made a reasonable effort to negotiate said plan with the affected property owners and has acquired the written approval of a majority of the affected property owners, the applicant may certify to the Department that such reasonable effort ~~had~~ has been made and that a minority of the affected property owners would not consent. The Department may then issue a permit if it meets all other requirements.

The Department is expressly authorized to review the reasons of the affected property owners for nonapproval of the plan. If nonapproval is not based solely upon minimization of environmental hazards to the health and property of the affected property owners, the Department shall exclude those affected property owners from a calculation of a majority of affected property owners. The Department shall have the final authority to issue or not to issue any permit to any treatment, storage, or disposal facility.

b. Existing industrial facilities not currently receiving hazardous waste which propose to begin receiving hazardous waste from off-site, including facilities at which the hazardous waste is to be utilized as fuel in a recycling unit and all other existing industrial facilities, shall submit an emergency and release response plan as part of the permit application. The plan shall be subject to public review and comment pursuant to Section 2-7-113 of this title prior to final approval or disapproval by the Department. Upon submittal of the proposed plan to the Department, the applicant

shall be required to mail a copy of said plan to the affected property owners and shall promptly thereafter certify to the Department that such mailing has been made. If a permit is issued, the permittee shall send the final plan by first-class mail to the last-known address of all affected property owners.

c. An emergency and release response plan for a new or existing facility, located or to be located within the city limits or within the emergency response area of any incorporated city or town, which proposes to begin receiving hazardous waste from off-site shall not be approved by the Department until at least sixty (60) days after the city or town has been served with a copy of the plan by the applicant. During said sixty-day period the city or town shall have the opportunity to review the plan and comment to the Department upon the ability of the city to comply with any item in the plan requiring the participation of or assistance by the city or town or any departments or agencies thereof.

3. The Department may grant a variance to an off-site hazardous waste treatment or storage facility to allow the siting of such facility over a principal groundwater resource or recharge area as determined in paragraph 1 of this subsection, upon the following conditions:

a. the request for variance, and a detailed rationale, shall be included in the permit application,

b. the Department shall receive and consider comments on the appropriateness of the proposed variance at any formal public meeting or administrative permit hearing conducted pursuant to the provisions of Section ~~96~~ 2-7-113 of this ~~act~~ title,

c. the applicant shall bear the burden of establishing clearly and convincingly to the Department that the design, construction and operation of the proposed

facility will be such that the risk of a release of hazardous waste or hazardous waste constituents directly or indirectly to groundwater is minimal, and

d. the permit application shall provide for the establishment and maintenance of a bond or other financial assurance as described and for the purposes specified in subsection B of this section.

D. The provisions of this section shall apply to:

1. Applications for future proposed sites;

2. Pending applications for construction permits; and

3. Applications for construction permits to modify existing storage or treatment facilities which have either a permit or interim status.

E. The provisions of paragraphs 1 and 2 of subsection C of this section shall not apply to applications to increase existing storage, treatment or disposal capacity or to modify existing disposal sites for treatment or disposal. Such modification of existing disposal sites shall include upgrading said facilities to use the best available waste destruction technology such as incineration, detoxification, recycling or neutralization technology.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-2005.3A, as last amended by Section 104 and as renumbered by Section 359 of Enrolled House Bill No. 1002 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 2-7-121. A. Every hazardous waste treatment facility, storage facility, underground injection facility~~,~~ or other disposal facility, or off-site facility that recycles hazardous waste subject to the provisions of the Oklahoma Hazardous Waste Management Act shall pay an annual fee on the amount of hazardous waste managed by such facility to the Department.

1. Such fees shall be, subject to the qualifications provided in ~~paragraph~~ paragraphs 2 through 6 of this subsection:

a. For hazardous waste generated within or without the State of Oklahoma, ~~Nine Dollars ($9.00)~~ Eleven Dollars ($11.00) per ton for on-site or off-site storage, treatment or land disposal.

b. For hazardous waste generated within or without the State of Oklahoma, or elsewhere in the case of regeneration, Four Dollars ($4.00) per ton for off-site recycling.

c. For hazardous waste generated within or without the State of Oklahoma, three cents ($0.03) per gallon for on-site or off-site underground injection.

d. Until May 1, 1993, the fee applicable to waste generated outside the State of Oklahoma shall be Nine Dollars ($9.00) per ton for on-site or off-site storage, treatment or land disposal.

~~d. (1) Effective May 1, 1993, the fee applicable to waste generated outside the State of Oklahoma except as provided in subparagraph b of this paragraph shall be based on the primary purpose for which the waste is imported into the State of Oklahoma, and shall be a reciprocal fee at the rate of and in accordance with the method of imposition of the tax or fee imposed on the storage, treatment, disposal or recycling of such waste in the state, country or territory where the waste was generated, as determined by the Department. In no case, however, shall the fee levied on hazardous waste generated outside the State of Oklahoma be less than the rate charged at the time of its storage, treatment, disposal or recycling for hazardous waste generated and stored, treated, disposed or recycled in the State of Oklahoma.~~

~~(2) Any person storing, treating, disposing, or recycling such hazardous waste in the State of Oklahoma shall file with the Department an~~

~~affidavit showing the applicable tax or fee for any hazardous waste received from another state, country or territory had it been stored, treated, or disposed of in a like manner in that state, country or territory. In preparing the required affidavit, the recipient of the waste is legally entitled to rely upon all information contained in the manifest document accompanying the shipment of waste.~~

2. There shall be a minimum fee per facility as follows:

a. Except as provided in subparagraph d of this paragraph, any person owning or operating an off-site hazardous waste treatment facility, storage facility, or disposal facility shall pay a total fee of not less than Fifty Thousand Dollars ($50,000.00) each state fiscal year.

b. Any person owning or operating an on-site hazardous waste treatment facility, storage facility, or disposal facility shall pay a total fee of not less than Twenty Thousand Dollars ($20,000.00) each state fiscal year; provided, the annual fee for the on-site disposal of hazardous waste by underground injection shall not exceed Fifty Thousand Dollars ($50,000.00).

c. Any person owning or operating an off-site facility for the recycling of hazardous waste shall pay a total fee of not less than Fifty Thousand Dollars ($50,000.00) each state fiscal year.

d. Any person owning or operating an off-site facility which accepts hazardous waste exclusively for the purpose of conducting research and design tests shall pay a total fee of not less than Ten Thousand Dollars ($10,000.00) each state fiscal year.

3. Off-site facilities may charge persons contracting for the services of the facility their proportional share of the fees required by the provisions of this section.

4. The facility shall become liable for payment of the fee on each ton or gallon of hazardous waste at the time it is received. The fee shall be payable by the facility to the Department only as provided for in subsection C of this section.

5. The fee imposed by the provisions of this section shall be payable by the facility only once without regard to any subsequent handling of the hazardous waste. The fee shall be based on the purpose for which the waste was generated by or brought to the facility. In no event shall a facility be required to pay a fee on each step or process involved in the storage, treatment, recycling or disposal of the waste at the facility or a related facility under common control.

6. In computing the amount of the fee specified in subparagraph b of paragraph 1 of subsection A of this section for the off-site recycling or regeneration of hazardous waste, the assessment for regeneration shall be made on a dry weight basis.

B. The following facilities shall not be required to pay the fee required by the provisions of this section:

1. Facilities engaged only in the on-site recycling of hazardous waste; and

2. Facilities which have not generated or received new hazardous waste within the preceding state fiscal year.

C. Payment of the fees required by this section shall be due quarterly for hazardous waste received by the facility during the prior quarter. Such quarterly payments shall be due on the first day ~~of the month of the~~ following the quarter ~~during the state fiscal year~~ in which the hazardous waste is received. ~~All payments~~ Each payment shall be made within thirty (30) days from the date it becomes due.

D. ~~The~~ For facilities required to pay fees pursuant to this section, the fees required by this section shall be paid in lieu of the monitoring fees imposed in subsection B of Section ~~102~~ 2-7-119 of this ~~act~~ title. All facilities subject to the provisions of this section shall not be required to pay or collect any additional fees for waste disposal unless specifically required by the Oklahoma Hazardous Waste Management Act.

E. All fees and other monies received by the Department pursuant to the provisions of this section shall be expended solely for the purposes specified in this section.

1. Ten percent (10%) of the fees collected from an off-site hazardous waste facility pursuant to the provisions of this section shall be deposited to the credit of the Special Economic Development Trust Funds. The funds for the Trusts accruing pursuant to the provisions of this section shall be distributed to each Trust established in proportion to the fees generated by the off-site hazardous waste facilities within the Trust area.

2. From the monies remaining after deposits to the credit of any development trust funds required by paragraph 1 of this subsection, not less than ten percent (10%) of the fees collected pursuant to the provisions of this section shall be expended for one or more of the following purposes:

a. contributions required from the state pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act for remediation or related action upon a site within the state,

b. response, including but not limited to containment and removal, to emergency situations involving spillage, leakage, emissions or other discharge of hazardous waste or hazardous waste constituents to the environment where a responsible party cannot be timely identified or found or compelled to take appropriate emergency action to adequately protect human health and the environment,

c. state-funded remediation of sites contaminated by hazardous waste or hazardous waste constituents so as to present a threat to human health or the environment, to the extent that a responsible party cannot be timely identified or found or compelled to take such action, or is unable to take such action, or

d. costs incurred in pursuing an enforcement action to compel a responsible party to undertake appropriate

response or remedial actions, or to recover from a responsible party monies expended by the state, as described in subparagraphs a through c of this paragraph.

3. The Department shall expend remaining monies received pursuant to the provisions of this section for one or more of the following purposes:

a. The administration of the provisions of the Oklahoma Hazardous Waste Management Act,

b. The development of an inventory of hazardous wastes currently produced in Oklahoma and management needs for the identified wastes,

c. The implementation of information exchange, technical assistance, public information, and educational programs,

d. The development and encouragement of waste reduction plans for Oklahoma waste generators, or

e. Increased inspection of hazardous waste facilities which may include full time inspectors at off-site hazardous waste facilities.

F. To the extent that fees received pursuant to this section shall exceed the purposes specified in subsection E of this section, the Department ~~shall only~~ may expend such funds for ~~one or more of the following purposes:~~

~~1. Contributions required from the state pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act for remediation or related action upon a site within the state;~~

~~2. Response, including but not limited to containment and removal, to emergency situations involving spillage, leakage, emissions or other discharge of hazardous waste or hazardous waste constituents to the environment where a responsible party cannot be timely identified or found or compelled to take appropriate emergency action to adequately protect human health and the environment;~~

~~3. State-funded remediation of sites contaminated by hazardous waste or hazardous waste constituents so as to present a threat to human health or the environment, to the extent that a responsible party cannot be timely identified or found or compelled to take such action, or is unable to take such action;~~

~~4. Costs incurred in pursuing an enforcement action to compel a responsible party to undertake appropriate response or remedial actions, or to recover from a responsible party monies expended by the state, as described in paragraphs 1 through 3 of this subsection; or~~

~~5. Financial~~ financial assistance to municipalities or counties for the purposes and under the conditions specified in Section ~~122~~ 2-7-305 of this ~~act~~ title.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-2-102 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. No person, firm, association, corporation or cooperative shall construct, build or equip any waste processing or disposal facility which primarily disposes of or processes biomedical waste unless a certificate of need therefor has been issued pursuant to this section. No governmental entity shall issue a license for the operation of such a facility unless the certificate of need required by this section has been obtained.

B. Every entity desiring to construct, build or equip any waste processing or disposal facility which primarily disposes of or processes biomedical waste shall make application to the Environmental Quality Board for a certificate of need in such form and accompanied by such information as the Board shall prescribe, including but not limited to:

1. The name and location of the entity;

2. The name and address of each person having an ownership interest in the entity;

3. The nature of the construction, building or equipment;

4. The size of the construction, building or equipment;

5. The approximate cost of the construction, building or equipment;

6. The projected date of completion;

7. That the action proposed in the application for such certificate of need is necessary and desirable in order to provide the services required in the locality to be served;

8. That the proposed action can be economically accomplished and maintained;

9. That the proposed action will contribute to the orderly development of services in the locality;

10. Any documentation supporting the applicant's request for a determination of need. Such documentation shall include:

a. the availability of disposal processing or disposal facilities in the designated area including but not limited to the location, area of service, and number of clients served,

b. the adequacy of financial resources for the new facility and for the continued operation thereof, and

c. any other matter which the Board deems appropriate; and

11. Any other information as the Board shall prescribe.

C. Promptly upon receipt of any such application, the Board shall examine the application and cause a thorough investigation to be made of the proposed action based upon the application to determine whether a certificate of need should be issued.

D. No certificate of need shall be issued by the Board unless, after investigation, the Board determines that:

1. The action proposed in the application for such certificate of need is necessary and desirable in order to provide the services required in the locality to be served;

2. The proposed action can be economically accomplished and maintained; and

3. The proposed action will contribute to the orderly development of services in the locality.

E. When the Board completes its investigation and makes a determination to issue or deny a certificate of need, it shall provide written findings to the applicant, other reviewers and to

other persons upon their request. The Board shall promulgate rules concerning the time in which a decision must be made by the Board on an application.

F. Any final determination by the Board under this section may be appealed by the applicant or any other aggrieved party under the Administrative Procedures Act. The decision of the Board shall be upheld by the court unless it is arbitrary or capricious or is not in accordance with applicable law.

G. Any person obtaining a certificate hereunder for any facility shall exercise said authority within a reasonable time. If such person fails or refuses to provide adequate service after notice and a reasonable opportunity to do so, the Board, in addition to other powers provided by law, shall have the power to vacate the certificate.

SECTION 4. AMENDATORY 17 O.S. 1991, Section 354, is amended to read as follows:

Section 354. A. Except as otherwise provided by this section, there shall be an assessment of one cent ($0.01) per gallon upon the sale of each gallon of motor fuel, diesel fuel and blending materials sold to a person in this state by a distributor. The assessment imposed pursuant to the provisions of this section shall be for the purposes of providing revenue to:

1. The Petroleum Storage Tank Release Environmental Cleanup Indemnity Fund pursuant to paragraph 1 of subsection C of this section; ~~and~~

2. <u>The Environmental Trust Revolving Fund pursuant to paragraph 2 of subsection C of this section; and</u>

<u>3.</u> The ~~State Transportation Fund and the~~ State Highway Construction and Maintenance Fund pursuant to paragraph 2 of subsection C of this section.

The assessment shall be imposed at the time of the sale of the motor fuel, diesel fuel and blending materials and shall be collected and remitted to the Oklahoma Tax Commission by such distributor as provided by Section 355 of this title.

B. 1. Exempt from the assessment imposed pursuant to subsection A of this section are:

a. the state government,

b. the federal government,

c. class I railroads, and

d. sales between distributors, except for distributors required to operate on a tax-paid basis, and sales for exportation outside of this state specified by Section 507 of Title 68 of the Oklahoma Statutes~~;~~.

2. Exempt from the assessment imposed for purposes specified in ~~paragraph~~ paragraphs 2 and 3 of subsection A of this section are sales of:

a. motor fuel, diesel fuel and blending materials used solely and exclusively in district-owned or leased public school buses, FFA and 4-H club trucks for the purposes of legally transporting public school children, or in the operation of vehicles used in driver training,

b. motor fuels, diesel fuels and blending materials used solely and exclusively to propel motor vehicles on the public roads and highways of this state when leased or owned and being operated for the sole benefit of a county, city, town or volunteer fire department specified by Section 527 of Title 68 of the Oklahoma Statutes,

c. motor fuel, diesel fuel and blending materials to counties and cities and towns,

d. diesel fuel for off-road purposes specified by Section 509 of Title 68 of the Oklahoma Statutes,

e. motor fuel, diesel fuel and blending materials used for agricultural purposes specified by Section 509 of Title 68 of the Oklahoma Statutes, and

f. motor fuel, diesel fuel and blending materials used in aircraft or in aircraft engines pursuant to Section 508 of Title 68 of the Oklahoma Statutes.

C. The assessment imposed by subsection A of this section shall be distributed in the following manner:

1. Revenue from the assessment ~~for the first year from July 1, 1989, until December 31, 1989,~~ shall be deposited in the Petroleum Storage Tank Release Environmental Cleanup Indemnity Fund created in Section 353 of this title. At least Five Million Dollars ($5,000,000.00) shall be maintained in the Indemnity Fund pursuant to subsection D of this section;

2. ~~a. Revenue from the assessment from January 23, 1990, until June 30, 1990, shall be deposited in the Highway Construction and Maintenance Fund except as otherwise provided in subsection D of this section;~~

~~b.~~ Revenue from the assessment ~~from July 1, 1990,~~ shall be deposited ~~in the State Transportation Fund~~, except as otherwise provided in subsection D of this section~~; and~~, as follows:

a. the first One Million Dollars ($1,000,000.00) collected during each fiscal year shall be deposited in the Environmental Trust Revolving Fund created in Section 6 of this act,

b. the balance of the monies collected during each fiscal year shall be deposited in the State Transportation Fund.

~~c.~~ Revenue from the assessment ~~imposed by subsection A of this section~~ which is deposited in the ~~State Highway Construction and Maintenance Fund or the~~ State Transportation Fund shall be used solely for the purpose of matching Federal-Aid funds for the construction of highways and roads in this state.

D. 1. If at any time the Petroleum Storage Tank Release Environmental Cleanup Indemnity Fund falls below the Five Million Dollars ($5,000,000.00) maintenance level on or before December 31, 1999, the ~~Corporation Commission~~ Administrator shall notify the Tax Commission that the Indemnity Fund has fallen below the required maintenance level and that the assessment is to be deposited into the Indemnity Fund for ~~ninety (90) days~~ at least three (3) calendar months pursuant to the provisions of paragraph 2 of this subsection.

2. At least fifteen (15) days prior to the calendar month in which the assessment is to be collected for credit to the Indemnity Fund, the Tax Commission, upon notification by the ~~Corporation Commission~~ Administrator that the Indemnity Fund has fallen below the required maintenance level, shall notify the distributors that the assessment is being imposed for purposes of maintaining the Indemnity Fund. The notice shall include a date certain upon which to begin collecting the assessment for credit to the Indemnity Fund and a date certain for ending the assessment for credit to the Indemnity Fund. Upon notice by the Tax Commission that the assessment imposed is for credit to the Indemnity Fund, the distributor shall also assess, for the specified period required by the Tax Commission, the sales of:

a. motor fuel, diesel fuel and blending materials used solely and exclusively in district-owned or leased public school buses, FFA and 4-H Club trucks for the purposes of legally transporting public school children or in the operation of vehicles used in driver's training,

b. motor fuels, diesel fuels and blending materials used solely and exclusively to propel motor vehicles on the public roads and highways of the state when leased or owned and being operated for the sole benefit of a county, city or town or volunteer fire department specified by Section 527 of Title 68 of the Oklahoma Statutes,

c. motor fuel, diesel fuel and blending materials to counties and cities and towns,

d. diesel fuel for off-road purposes specified by Section 509 of Title 68 of the Oklahoma Statutes,

e. motor fuel, diesel fuel and blending materials used for agricultural purposes specified by Section 509 of Title 68 of the Oklahoma Statutes, and

f. motor fuel, diesel fuel and blending materials used in aircraft and aircraft engines pursuant to Section 508 of Title 68 of the Oklahoma Statutes.

3. After the collection period required by this subsection has expired, the revenue collected from the assessment shall be again deposited in the Environmental Trust Revolving Fund and the State Transportation Fund as provided in subsection C of this section.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-3-403 of Title 27A, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Department of Environmental Quality to be designated the "Environmental Trust Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies collected pursuant to the provisions of Section 354 of Title 17 of the Oklahoma Statutes for deposit in the Environmental Trust Revolving Fund and monies received in the form of gifts, grants, reimbursements, and from any other source specified for the purposes specified by this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department of Environmental Quality for matching federal funds available for environmental remediation and cleanup. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-2-103 of Title 27A, unless there is created a duplication in numbering, reads as follows:

The Office of the Attorney General of this state shall serve as legal counsel for the Environmental Quality Board and shall assist the Board and advisory councils of the Board in the performance of their duties pursuant to the Environmental Quality Code.

SECTION 7. This act shall become effective July 1, 1993.

SECTION 8. 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.

44-1-7317 KSM