

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 197

By: Easley, Wilkerson and
Campbell of the Senate

and

Erwin of the House

(waste tires - Oklahoma Waste Tire Recycling Act -
prohibiting use of certain tires - codification -
effective date)

AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

"(waste tires - Oklahoma Waste Tire Recycling Act -
prohibiting use of certain tires - codification -
effective date)

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

SECTION 1. AMENDATORY 68 O.S. 1991, Section 53002, as
renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last
amended by Section 11, Chapter 1, O.S.L. 1999 (27A O.S. Supp. 2000,
Section 2-11-402), is amended to read as follows:

Section 2-11-402. As used in the Oklahoma Waste Tire Recycling
Act:

1. "Department" means the Department of Environmental Quality;
2. "Priority cleanup list" means a list of unpermitted waste
dumps which:

- a. did not exist when the owner took possession of the
property where the tires are located, and were created

without the consent of or benefit to the owner of the property, and

b. such other tire dumps designated by the Department pursuant to Section 2-11-406 of this title;

3. "Tire" means any solid or air-filled covering for motor vehicle wheels;

4. "Tire dealer" means any person engaged in the business of selling new and used tires to final consumers, not for resale;

5. "Waste tire facility" means any place which is permitted as a solid waste disposal site, in accordance with the Oklahoma Solid Waste Management Act, at which waste tires are collected or deposited for processing by shredding or other technology, except baling, which alters the form of at least ~~one-half~~ one-third (1/3) of the tires collected by weight, for the purpose of facilitating the future extraction of useful materials for recycling, reuse or energy recovery; and

6. "Waste tire processing" means the preparation of waste tires to facilitate use for recycling, reuse or energy recovery, including, but not limited to, the cleaning, sorting and delivery of whole tires, in a ready-to-use condition, to businesses that utilize whole tires for energy recovery.

SECTION 2. AMENDATORY 68 O.S. 1991, Section 53005, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 12, Chapter 314, O.S.L. 1998 (27A O.S. Supp. 2000, Section 2-11-405), is amended to read as follows:

Section 2-11-405. A. Of the monies accruing annually to the Waste Tire Recycling Indemnity Fund, four percent (4%) thereof shall be available to the Oklahoma Tax Commission and four percent (4%) thereof shall be available to the Department of Environmental Quality for the purpose of administering the requirements of the Oklahoma Waste Tire Recycling Act. In addition, an amount not to exceed Fifty Thousand Dollars (\$50,000.00) per required audit shall

be available to the State Auditor and Inspector for the purpose of conducting audits of the Oklahoma Waste Tire Recycling Program pursuant to Section 2-11-411 of this title.

B. Of the ninety-two percent (92%) of the remaining monies in the Waste Tire Recycling Indemnity Fund, ten percent (10%) shall be allocated to businesses located in Oklahoma who manufacture new products or derive energy benefits from waste tires which have been processed according to the requirements of the Oklahoma Waste Tire Recycling Act. Such businesses shall be eligible for compensation in a total amount not to exceed one hundred percent (100%) of their capital investment in equipment necessary to utilize processed waste tires purchased on or after January 1, 1995, at a rate of Twenty Dollars (\$20.00) per ton of processed waste tires consumed in the manufacturing or energy recovery process. Funds shall be awarded based on a proportionate share of the funds available and based on the relative amount of each capital investment. Such businesses may apply for compensation monthly to the Oklahoma Tax Commission, and shall supply any information required by the Commission to document compliance with the provisions of the Oklahoma Waste Tire Recycling ~~Indemnity~~ Act.

C. The balance of the monies remaining in the Waste Tire Recycling Indemnity Fund shall be allocated pursuant to the provisions of the Oklahoma Waste Tire Recycling Act to waste tire facilities or persons, corporations or other legal entities authorized by the provisions of the Oklahoma Waste Tire Recycling Act to receive reimbursement which, through the filing of appropriate applications, reports, and other documentation that may be required by the Department of Environmental Quality pursuant to the Oklahoma Waste Tire Recycling Act, demonstrate that such facilities or legal entities have successfully processed discarded vehicle tires pursuant to the Oklahoma Waste Tire Recycling Act.

D. To the extent that monies accruing to the Waste Tire Recycling Indemnity Fund exceed the monies needed to fully fund the purposes previously specified in this section, businesses located in Oklahoma that use processed tires for energy recovery shall be eligible for compensation from the Fund at a rate not to exceed Twenty-nine Dollars (\$29.00) per ton of processed tires to be used for energy recovery. The business shall demonstrate the utilization through the application and submission of required documentation to the Oklahoma Tax Commission.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-11-405.1 of Title 27A, unless there is created a duplication in numbering, reads as follows:

To the extent that monies accruing to the Waste Tire Recycling Indemnity Fund exceed the monies needed for the purposes specified in Section 2-11-405 of Title 27A of the Oklahoma Statutes, the Department of Environmental Quality may be reimbursed from the remaining funds for necessary costs associated with remediation of sites at which waste tires or other wastes incidental to the waste tires present a threat to human health or the environment. Upon its receipt of documentation from the Department showing expenditures relating to the remediation of such sites, the Oklahoma Tax Commission shall reimburse the Department for its documented expenditures.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-11-414 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. This section shall be known and may be cited as the "Oklahoma Safe Playground Surfaces Act".

B. The Oklahoma Tax Commission is authorized to award matching grants, pursuant to the provisions of this section, to public schools or institutions, state parks and recreation areas for the purpose of reimbursing such entities for purchasing and installing

playground surfacing material made from crumb rubber or other waste tire material processed by a facility located in this state.

C. Beginning July 1, 2001, when the total amount of funds accruing to the Oklahoma Waste Tire Recycling Indemnity Fund, created pursuant to the provisions of Section 2-11-404 of Title 27A of the Oklahoma Statutes, reaches Three Million Dollars (\$3,000,000.00), up to One Million Dollars (\$1,000,000.00) may be deducted within that state fiscal year for the reimbursement through matching grants of playground resurfacing material purchased pursuant to this section.

D. As used in this section:

1. "Public school or institution" means any public educational institution or other public institution located in this state and accredited for the purpose of educating or caring for children; and

2. "State park or recreation area" means any public recreation area owned and operated by the State of Oklahoma that contains a playground area for public use.

E. Any public school or institution, state park or recreation area shall be eligible to receive a matching grant of up to Twenty Thousand Dollars (\$20,000.00) as reimbursement for purchasing and installing eligible playground surfacing material. A public school or institution may apply for any number of matching grants from the fund, but the total amount awarded shall not exceed Twenty Thousand Dollars (\$20,000.00) per school or institution.

F. Grants from the fund for public schools or institutions and state parks or recreation areas shall be awarded on a first-come, first-serve basis but shall not exceed One Million Dollars (\$1,000,000.00), including administrative costs as provided by subsection G of this section, in any fiscal year. Any entity applying for a matching grant that is rejected due to limited funds shall remain eligible until funds become available.

G. The Tax Commission may retain one percent (1%) of the grant monies awarded from the fund for administrative costs to implement the provisions of this section.

H. The Tax Commission is directed to promulgate rules to implement the provisions of this act.

SECTION 5. This act shall become effective November 1, 2001."

Passed the House of Representatives the 4th day of April, 2001.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2001.

Presiding Officer of the Senate