

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 1398

By: Walker of the House

and

Muegge of the Senate

An Act relating to environment and natural resources; amending 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 and Section 3, Chapter 170, O.S.L. 1996, as last amended by Section 2, Chapter 380, O.S.L. 1999 (27A O.S. Supp. 2000, Sections 2-11-405 and 2-11-407.1), which relate to the Oklahoma Waste Tire Recycling Act; authorizing use of certain remaining funds for certain purposes; modifying conditions for reimbursement for erosion control, bank stabilization, and other conservation projects; and providing an effective date.

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

"An Act relating to protection of the environment; amending 19 O.S. 1991, Section 339, as last amended by Section 1, Chapter 200, O.S.L. 2000 (19 O.S. Supp. 2000, Section 339), which relates to county commissioners; authorizing county commissioners to apply for a waste tire permit for certain purpose; authorizing Department of Environmental Quality to receive certain reimbursement; amending Section 3, Chapter 170, O.S.L. 1996, as last amended by Section 2, Chapter 380, O.S.L. 1999 (27A O.S. Supp. 2000, Section 2-11-407.1), which relates to the Waste Tire Recycling Indemnity Fund; modifying eligibility requirements for reimbursement from the fund; authorizing political subdivisions to obtain waste tire permits and receive compensation; providing restrictions on source of waste tires; requiring promulgation of rules; repealing Section 4, Chapter 191, O.S.L. 1995, as amended by Section 2, Chapter 159, O.S.L. 1997 (27A O.S. Supp. 2000, Section 2-11-403.1), which relates to Tire Recycling Fee Exemption Certificates; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 339, as last amended by Section 1, Chapter 200, O.S.L. 2000 (19 O.S. Supp. 2000, Section 339) is amended to read as follows:

Section 339. A. The county commissioners shall have power:

1. To make all orders respecting the real property of the county, to sell the public grounds of the county and to purchase other grounds in lieu thereof; and for the purpose of carrying out the provisions of this section it shall be sufficient to convey all the interests of the county in such grounds when an order made for the sale and a deed is executed in the name of the county by the chair of the board of county commissioners, reciting the order, and signed by the chair and acknowledged by the county clerk for and on behalf of the county;

2. To audit the accounts of all officers having the care, management, collection or disbursement of any money belonging to the county or appropriated for its benefit;

3. To construct and repair bridges and to open, lay out and vacate highways: Provided, however, that when any state institution, school or department shall own, lease or otherwise control land on both sides of any established highway, the governing board or body of the same shall have the power to vacate, alter or relocate the highway adjoining the property in the following manner:

If it should appear that it would be to the best use and interest of such institution, school or department to vacate, alter or relocate such highway, the governing board or body shall notify the board of county commissioners, in writing, of their intention to hold a public hearing and determine whether to vacate, alter or relocate such highway, setting forth the location and terminals of the road, and all data concerning the proposed right-of-way if changed or relocated, and shall give fifteen (15) days' notice of such hearing by publication in some newspaper in the county or counties in which the road is located, and such hearing shall be

held at the county seat of the county in which the road is located, and if a county line road, may be heard in either county. At such hearing testimony may be taken, and any protests or suggestions shall be received as to the proposed measure, and at the conclusion thereof if the governing board or body shall find that it would be to the best use and interest of such institution, school or department, and the public generally, they may make an appropriate order either vacating, altering or relocating the highway, which order shall be final if approved by the board of county commissioners. Such institution, school or department may by agreement share the cost of changing any such road. No property owner shall be denied access to a public highway by such order;

4. Until January 1, 1983, to furnish necessary blank books, plats, blanks and stationery for the clerk of the district court, county clerk, register of deeds, county treasurer and county judge, sheriff, county surveyor and county attorney, justices of the peace, and constables, to be paid for out of the county treasury; also a fireproof vault sufficient in which to keep all the books, records, vouchers and papers pertaining to the business of the county;

5. To set off, organize and change the boundaries of townships and to designate and give names therefor: Provided, that the boundaries of no township shall be changed within six (6) months next preceding a general election;

6. To lease tools, apparatus, machinery or equipment of the county to another political subdivision or a state agency. The Association of County Commissioners of Oklahoma, the Oklahoma State University Center for Local Government Technology and the Office of the State Auditor and Inspector, together, shall establish a system of uniform rates for the leasing of such tools, apparatus, machinery and equipment;

7. To jointly, with other counties, buy heavy equipment and to loan or lease such equipment across county lines;

8. To develop minimum personnel policies for the county with the approval of a majority of all county elected officers;

9. To purchase, rent, or lease-purchase uniforms, safety devices and equipment for the officers and employees of the county and, provide incentive awards for safety related job performance. However, no employee shall be recognized more than once per calendar year and the award shall not exceed the value of One Hundred Dollars (\$100.00). The county commissioners may pay for any safety training or safety devices and safety equipment out of the general county funds or any county highway funds available to the county commissioners;

10. To provide for payment of notary commissions, filing fees, and the cost of notary seals and bonds;

11. To do and perform such other duties and acts that the board of county commissioners may be required by law to do and perform;

12. To make purchases at a public auction pursuant to the county purchasing procedures in subsection D of Section 1505 of this title;

13. To deposit interest income from highway funds in the general fund of the county;

14. To submit sealed bids for the purchase of equipment from this state, or any agency or political subdivision of this state;

15. To utilize county owned equipment, labor and supplies at their disposal on property owned by the county, public schools, state and unincorporated towns and cities with populations less than two thousand five hundred (2,500), the county may be reimbursed expenses related to any particular project upon the development and agreement of the work order;

16. To enter into intergovernmental cooperative agreements with the federally recognized Indian tribes within this state to address issues of construction and maintenance of streets, roads, bridges

and highways exclusive of the provisions of Section 1221 of Title 74 of the Oklahoma Statutes; ~~and~~

17. To execute hold harmless agreements with the lessor in the manner provided by subsection B of Section 636.5 of Title 69 of the Oklahoma Statutes when leasing or lease-purchasing equipment; and

18. To apply to the Department of Environmental Quality for a waste tire permit to bale waste tires for use in approved engineering projects.

B. The county commissioners of a county or, in counties where there is a county budget board, the county budget board may designate money from general county funds for the designated purpose of drug enforcement and drug abuse prevention programs within the county.

C. When any lease or lease purchase is made on behalf of the county by the board pursuant to the provisions of this section, the county shall be allowed to have trade in values for transactions involving the Oklahoma Central Purchasing Act, Section 85.1 et seq. of Title 74 of the Oklahoma Statutes.

D. In order to timely comply with the Oklahoma Vehicle License and Registration Act with regard to county vehicles, the board of county commissioners may, by resolution, create a petty cash account. The board of county commissioners may request a purchase order for petty cash in an amount necessary to pay the expense of license and registration fees for county motor vehicles. Any balance in the petty cash account after the license and registration fees have been paid shall be returned to the account or fund from which the funds originated. The county purchasing agent shall be the custodian of the petty cash account, and the petty cash account shall be subject to audit.

SECTION 2. 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 previously specified in this section, 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 Tax Commission shall reimburse the Department for its documented expenditures.

SECTION 3. AMENDATORY Section 3, Chapter 170, O.S.L. 1996, as last amended by Section 2, Chapter 380, O.S.L. 1999 (27A O.S. Supp. 2000, Section 2-11-407.1), is amended to read as follows:

Section 2-11-407.1 A. Any person, corporation or other legal entity who has obtained a permit or other authorization from the United States Army Corps of Engineers or a local Conservation District as the landowner or on behalf of the landowner to provide services for erosion control, bank stabilization or other conservation projects, on the property of the landowner, shall be eligible for reimbursement from the Waste Tire Recycling Indemnity Fund if:

1. The legal entity collects or provides for the collection, processing and utilization of waste tires pursuant to the provisions of the Oklahoma Waste Tire Recycling Act in an erosion control, bank stabilization or other conservation project in accordance with a written plan approved by the United States Army Corps of Engineers or by a local Conservation District;

2. The tires are processed on the site of the erosion control, bank stabilization or other conservation project;

3. The ~~project includes the planting of~~ landowner agrees to plant trees or other suitable vegetation ~~in accordance with a planting plan developed in conjunction with the Division of Forestry~~

~~of the State Department of Agriculture~~ bordering the uppermost row of tires installed on the river bank; and

4. The legal entity completes and maintains the proper information and records as required by the Oklahoma Tax Commission and the Department of Environmental Quality pursuant to the Oklahoma Waste Tire Recycling Act and in all other manner complies with any storage, transportation and disposal requirements promulgated by the Department of Environmental Quality pursuant to the Oklahoma Environmental Quality Code.

B. 1. Any person, corporation or other legal entity meeting the requirements specified by this section shall be eligible for compensation from the Waste Tire Recycling Indemnity Fund, to the extent that funds are therein contained for processing of waste tires discarded in this state having a tire rim diameter of greater than seventeen and one-half (17 1/2) inches at a rate not to exceed Two Dollars and twenty-five cents (\$2.25) per tire and for tires having a rim diameter less than or equal to seventeen and one-half (17 1/2) inches at a rate not to exceed forty-five cents (\$0.45) per tire processed in any calendar year by the legal entity as demonstrated through the proper application and submission of proper documentation to the Oklahoma Tax Commission.

2. In addition to other requirements of the Oklahoma Waste Tire Recycling Act, in order to qualify for such compensation, the applicant shall demonstrate that all of the tires processed by the legal entity for which compensation is requested were collected from tire dumps or landfills as identified through placement on the priority cleanup list or community-wide cleanup events approved by the Department.

C. 1. Compensation pursuant to this section shall be payable only for the tires collected and processed in accordance with the purposes of the Oklahoma Waste Tire Recycling Act and as authorized by the Department pursuant thereto.

2. The Department may determine the amount of and authorize partial compensation, during the course of the project, as tires are processed in accordance with the written plan.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-11-407.2 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. Any unit of local or county government may apply to the Department of Environmental Quality for a waste tire permit to bale waste tires for use in approved engineering projects.

B. Any unit of local or county government that obtains a permit shall be eligible for, and the Tax Commission shall provide, compensation from the Waste Tire Recycling Indemnity Fund at the rate of fifty cents (\$0.50) per tire, subject to the same application, documentation and fund availability conditions specified in subsections B and C of Section 2-11-407.1 and subsection B of Section 2-11-408 of Title 27A of the Oklahoma Statutes.

C. Waste tires baled pursuant to this section cannot be obtained from tire manufacturers, retailers, wholesalers, retreaders, or parts dismantlers.

D. The Board of Environmental Quality shall promulgate rules necessary to implement the use of baled tires in accordance with the provisions of this section.

SECTION 5. REPEALER Section 4, Chapter 191, O.S.L. 1995, as amended by Section 2, Chapter 159, O.S.L. 1997 (27A O.S. Supp. 2000, Section 2-11-403.1), is hereby repealed.

SECTION 6. This act shall become effective November 1, 2001."

Passed the Senate the 10th day of April, 2001.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2001.

Presiding Officer of the House
of Representatives