

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

SENATE BILL 723

4
5 By: Senator Everett

For An Act To Be Entitled

9 "AN ACT TO ESTABLISH A FEE FOR THE USE OF BALED WASTE
10 TIRES IN RECLAMATION PROJECTS; TO DIRECT USE OF THE
11 COLLECTED FEES; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT PERTAINING TO BALED WASTE
15 TIRES."

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. Intent.

20 The remediation of waste tires is an important consideration to the
21 State of Arkansas. As new methods arise for processing waste tires and the
22 end use of those tires, consideration must be given to the value of those
23 projects to the state in keeping with Act 749 of 1991, as amended, and the
24 Department of Pollution Control and Ecology's policy on baled tires. The use
25 of baled tires in land reclamation projects is rising. Therefore, it is the
26 intent of the General Assembly to establish a fee for the use of baled tires
27 in reclamation projects.

29 SECTION 2. Arkansas Code 8-9-402, which provides definitions for the
30 waste tire law, is amended to add the following subdivision:

31 "(13) Reclamation project means a project which is intended to re-
32 establish, or reclaim an area to its original state, or to stabilize an area,
33 through the use of baled or loose tires and natural materials."

35 SECTION 3. Arkansas Code Title 8, Chapter 9, Subchapter 4 is amended to
36 add the following new section:

1 "8-9-406(a) There shall be imposed a fee on any baled or loose tires
2 used in any new or proposed reclamation project as defined herein. The fee
3 shall be set at the rate of one dollar (\$1.00) per tire used in a bale, and
4 said fee shall be imposed regardless of the source of the tire. The fee shall
5 apply to any proposed project submitted for approval but not yet approved
6 prior to the date of the enactment of this section and any new projects
7 submitted thereafter.

8 (b) The fees collected under the provisions of this section shall be
9 deposited in the Waste Tire Grant Fund and administered as set out in this
10 subchapter.

11 (c) The fees set out herein shall not be collected on any tires used in
12 recycling projects as defined in this chapter."

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14 SECTION 4. All provisions of this act of a general and permanent nature
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 5. If any provision of this act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 act are declared to be severable.

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24 SECTION 6. All laws and parts of laws in conflict with this act are
25 hereby repealed.

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27 SECTION 7. EMERGENCY. It is found and determined by the General
28 Assembly of the State of Arkansas that it is necessary to impose the fee set
29 out herein on all new reclamation projects to provide for the protection of
30 public health, welfare and the environment. Therefore, an emergency is
31 declared to exist and this act being immediately necessary for the
32 preservation of the public peace, health and safety shall become effective on
33 the date of its approval by the Governor. If the bill is neither approved nor
34 vetoed by the Governor, it shall become effective on the expiration of the
35 period of time during which the Governor may veto the bill. If the bill is
36 vetoed by the Governor and the veto is overridden, it shall become effective

1 on the date the last house overrides the veto.

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