

1 State of Arkansas  
2 94th General Assembly  
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4

As Engrossed: S3/29/23 H4/5/23

# A Bill

SENATE BILL 508

5 By: Senator J. Payton  
6 *By: Representative Gonzales*  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE USED TIRE RECYCLING AND  
10 ACCOUNTABILITY ACT; TO REPEAL RIM REMOVAL FEES; TO  
11 IMPOSE A TIRE RECYCLING FEE; TO ESTABLISH TIRE  
12 ACCOUNTABILITY ZONES; TO TRANSFER REIMBURSEMENT  
13 AUTHORITY TO THE DEPARTMENT OF FINANCE AND  
14 ADMINISTRATION; TO DECLARE AN EMERGENCY; AND FOR  
15 OTHER PURPOSES.  
16  
17

## Subtitle

19 TO AMEND THE USED TIRE RECYCLING AND  
20 ACCOUNTABILITY ACT; TO REPEAL RIM REMOVAL  
21 FEES AND IMPOSE A TIRE RECYCLING FEE; TO  
22 ESTABLISH TIRE ACCOUNTABILITY ZONES; TO  
23 TRANSFER REIMBURSEMENT AUTHORITY; AND TO  
24 DECLARE AN EMERGENCY.  
25  
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
28

29 SECTION 1. DO NOT CODIFY. Transfer of certain duties from the  
30 Division of Environmental Quality to the Department of Finance and  
31 Administration.

32 (a)(1) The administration of the Used Tire Recycling Fund is  
33 transferred from the Division of Environmental Quality to the Department of  
34 Finance and Administration.

35 (2) All budget-related functions, records, contracts, property,  
36 and unexpended balances of appropriations, allocations, and other funds,



1 including the functions of budgeting or purchasing of the Division of  
2 Environmental Quality related to the Used Tire Recycling Fund, are  
3 transferred to the Department of Finance and Administration.

4 (b) The Division of Environmental Quality's budget-related statutory  
5 powers, duties, and functions under administration of the Used Tire Recycling  
6 Fund, including the functions of budgeting or purchasing, records, contracts,  
7 property, and unexpended balances of appropriations, allocations, and other  
8 funds are transferred to the Department of Finance and Administration.

9 (c) Upon the effective date of this act, reimbursements from the Used  
10 Tire Recycling Fund shall be made by the Department of Finance and  
11 Administration in accordance with a business plan previously approved by the  
12 Division of Environmental Quality until a new business plan is approved.

13  
14 SECTION 2. Arkansas Code § 8-6-206(b)(1)(D), concerning the  
15 authorization for filing a verified complaint in circuit court under the  
16 Arkansas Solid Waste Management Act, is amended to read as follows:

17 (D) Any other environmental violation concerning the  
18 illegal dumping of solid waste in violation of this chapter or the ~~Used Waste~~  
19 Tire Recycling and Accountability Act, § 8-9-401 et seq.

20  
21 SECTION 3. Arkansas Code § 8-6-207(a)(11), concerning the powers and  
22 duties of the Division of Environmental Quality and the Arkansas Pollution  
23 Control and Ecology Commission under the Arkansas Solid Waste Management Act,  
24 is amended to read as follows:

25 (11) To make periodic inspections of all solid waste facilities  
26 or locations permitted under this subchapter or the ~~Used Waste~~  
27 Tire Recycling and Accountability Act, § 8-9-401 et seq., to ensure compliance with all  
28 requirements of this subchapter and the rules promulgated under this  
29 subchapter and to make a final inspection of closed or abandoned solid waste  
30 disposal sites to determine compliance with rules for proper closure and  
31 proper filling and drainage of the site;

32  
33 SECTION 4. Arkansas Code § 8-6-2004 is amended to read as follows:  
34 8-6-2004. Applicability.

35 This subchapter applies to violations of this chapter, violations of  
36 Chapter 6 of Arkansas Pollution Control and Ecology Commission Rule 18, and

1 violations of the ~~Used~~ Waste Tire Recycling and Accountability Act, § 8-9-401  
2 et seq.

3

4 SECTION 5. Arkansas Code § 8-9-105(a), concerning penalties and  
5 enforcement provisions, is amended to read as follows:

6 (a) Any person who violates any provision of § 8-9-301 et seq. or the  
7 ~~Used~~ Waste Tire Recycling and Accountability Act, § 8-9-401 et seq., or of  
8 any rule or order issued pursuant to this chapter, shall be subject to the  
9 same penalty and enforcement provisions as are contained in § 8-6-204.

10

11 SECTION 6. Arkansas Code § 8-9-401 is amended to read as follows:  
12 8-9-401. Title – Legislative intent – Findings.

13 (a) This subchapter shall be known and may be cited as the “~~Used~~ Waste  
14 Tire Recycling and Accountability Act”.

15 (b) The purpose of this subchapter is to:

16 (1) Protect the public health and the state’s environmental  
17 quality by setting and implementing standards to be followed in the hauling,  
18 collection, storage, and recycling or disposal of recyclable tires, waste  
19 tires, and used tires culled for resale;

20 (2) Provide accountability and sustainability for ~~used~~ waste  
21 tire programs by requiring use of the ~~electronic~~ uniform ~~used~~ tire manifest  
22 system developed by the Division of Environmental Quality and business plans  
23 for ~~used~~ waste tire programs;

24 (3) ~~Equalize the application of fees for all tires removed from~~  
25 ~~rims~~ Apply tire recycling fees to tires based on size, configuration, and  
26 weight; and

27 (4) Ensure that reimbursements for ~~used~~ waste tire programs are  
28 related to the overall ~~used~~ waste tire program goals.

29 (c) The General Assembly finds that:

30 (1) If not properly managed, ~~used~~ waste tires pose a potential  
31 threat to human health and safety and the environment because ~~used~~ waste  
32 tires:

33 (A) Are a known breeding habitat for mosquitoes and other  
34 disease-transmitting vectors; and

35 (B) Pose substantial fire hazards;

36 (2) The state must have a ~~used~~ tire recycling accountability

1 program for recyclable tires, waste tires, and used tires culled for resale  
2 that is accountable, effective, and efficient; and

3 (3) The primary goal of the ~~used~~ tire recycling accountability  
4 program is to recycle or put to beneficial use as many ~~used~~ waste tires as  
5 possible.

6

7 SECTION 7. Arkansas Code § 8-9-402(3), concerning the definition of  
8 "electronic uniform used tire manifest system", is amended to read as  
9 follows:

10 (3) "~~Electronic uniform~~ Uniform ~~used~~ tire manifest system" means  
11 an administrative method developed by the Division of Environmental Quality  
12 under § 8-9-407 that:

13 (A) Primarily uses an electronic application for the  
14 submission and management of information related to the generation,  
15 collection, transportation, distribution, and recycling, disposal, or resale  
16 of each recyclable tire, waste tire, and used tire culled for resale  
17 regulated under this subchapter;

18 (B) Secondarily may allow submission of ~~used~~ waste tire  
19 data that is manifested using an equivalent paper documentation; and

20 (C) Records the origin, date of collection, date of  
21 transfer, quantity, type, transporter, and destination for each recyclable  
22 tire, waste tire, and used tire culled for resale regulated under this  
23 subchapter;

24

25 SECTION 8. Arkansas Code § 8-9-402(5), concerning the definition of  
26 "inter-district used tire program", is amended to read as follows:

27 (5) "Inter-district ~~used~~ waste tire program" means a program  
28 formed by agreement of two (2) or more regional solid waste management boards  
29 to pool resources of all regional solid waste management boards that are  
30 parties to the agreement for the administration of one (1) consolidated ~~used~~  
31 waste tire program;

32

33 SECTION 9. Arkansas Code § 8-9-402(11), concerning the definition of  
34 "qualified entity", is amended to read as follows:

35 (11) "Qualified entity" means an entity that demonstrates to the  
36 division that the entity has the capability, experience, and resources to

1 operate and administer a ~~used~~ waste tire program in compliance with this  
2 subchapter;

3

4 SECTION 10. Arkansas Code § 8-9-402(14)(B), concerning the definition  
5 of "small tire", is amended to read as follows:

6 (B) "Small tire" includes a tire from any of the following  
7 vehicles:

- 8 (i) An automobile;
- 9 (ii) A motorcycle; ~~or~~
- 10 (iii) An all-terrain vehicle;
- 11 (iv) A low-profile vehicle;
- 12 (v) A standard pick-up truck;
- 13 (vi) A light-duty truck;
- 14 (vii) A lawn mower;
- 15 (viii) A golf cart; or
- 16 (ix) A trailer;
- 17

18 SECTION 11. Arkansas Code § 8-9-402(16), concerning the definition of  
19 "tire collection center", is amended to read as follows:

20 (16) "Tire collection center" means a site where tires are  
21 collected from tire generators, ~~tire transporters~~, or the public before being  
22 recycled or disposed of by a ~~used~~ waste tire program;

23

24 SECTION 12. Arkansas Code § 8-9-402(17)(B)(iii), concerning the  
25 definition of "tire generator", is repealed.

26 ~~(iii) A tire transporter;~~

27

28 SECTION 13. Arkansas Code § 8-9-402(21), concerning the definition of  
29 "tire transporter", is repealed.

30 ~~(21) "Tire transporter" means a person who is in the business of~~  
31 ~~or receives compensation for transferring used tires from one (1) location to~~  
32 ~~another location for collection, storage, processing, recycling, disposal,~~  
33 ~~reuse, or resale;~~

34

35 SECTION 14. Arkansas Code § 8-9-402(22)(B), concerning the definition  
36 of "used tire", is amended to read as follows:

1 (B) "Used tire" includes without limitation a recyclable  
2 ~~tire, waste tire,~~ and used tire culled for resale.

3  
4 SECTION 15. Arkansas Code § 8-9-402(23) and (24), concerning the  
5 definitions of "used tire culled for resale" and of "used tire program", are  
6 amended to read as follows:

7 (23) "Used tire culled for resale" means a tire that is removed  
8 from the rim but is diverted from a tire collection center, or tire  
9 processing facility, ~~or tire transporter~~ with the intention of selling for  
10 reuse;

11 (24) "~~Used~~ Waste tire program" means a program that receives  
12 funding under this subchapter and is operated by:

13 (A) A regional solid waste management board; or

14 (B) An inter-district ~~used~~ waste tire program;

15  
16 SECTION 16. Arkansas Code § 8-9-402(27)(A), concerning the definition  
17 of "waste tire site", is amended to read as follows:

18 (27)(A) "Waste tire site" means a location where unpermitted  
19 ~~used~~ waste tires are accumulated, whether loosely stored, compacted and  
20 baled, or a combination of both loosely stored and compacted and baled.

21  
22 SECTION 17. Arkansas Code § 8-9-404 is amended to read as follows:

23 8-9-404. ~~Rim removal~~ Tire recycling fees - ~~Import fees~~ - ~~Commercial~~  
24 ~~generator fees~~ - Definitions.

25 (a)(1) ~~There is imposed a rim removal fee upon the transaction of~~  
26 ~~removing a tire from a rim that is related to the sale of a replacement tire~~  
27 ~~by a tire retailer.~~

28 (2) ~~The rim removal fee shall be charged by the tire retailer to~~  
29 ~~a person who:~~

30 (A) ~~Purchases a replacement tire for a rim that~~  
31 ~~necessitates the removal of a different tire from the same rim; or~~

32 (B) ~~Purchases the service of removal of a tire from a rim~~  
33 ~~and replacement with a tire that was not purchased from the tire retailer if~~  
34 ~~the person requesting the rim removal cannot show proof of payment of the rim~~  
35 ~~removal fee under this section for the replacement tire.~~

36 (3)(A) ~~The rim removal fee shall be imposed at the rate of three~~

1 ~~dollars (\$3.00) for each new tire that replaces a tire removed from a rim and~~  
2 ~~one dollar (\$1.00) for each used tire that replaces the tire removed from the~~  
3 ~~rim.~~

4 ~~(B) Except for the rim removal fees imposed under this~~  
5 ~~section, a tire retailer shall not charge any other fee to a person who~~  
6 ~~purchases the service of removal of a tire from a rim.~~

7 ~~(C) For any tires collected by a tire retailer, the tire~~  
8 ~~retailer shall ensure that the tires are transported by a licensed tire~~  
9 ~~transporter to a permitted tire collection center, a solid waste management~~  
10 ~~facility, a tire processing facility, or another tire retailer.~~

11 ~~(D) The tire retailer shall account for each tire removed~~  
12 ~~from a rim in the manner prescribed by the Department of Finance and~~  
13 ~~Administration.~~

14 ~~(E) Each tire retailer shall register with the department~~  
15 ~~and comply with all requirements related to collecting and reporting rim~~  
16 ~~removal fees.~~

17 ~~(4) The rim removal fees imposed under this section shall be~~  
18 ~~added to the total cost charged by the tire retailer to the purchaser after~~  
19 ~~all applicable gross receipts or compensating use taxes on the tires have~~  
20 ~~been computed and shall be separately stated on the invoice or bill of sale.~~

21 ~~(5)(A) The rim removal fees imposed under this section shall be~~  
22 ~~paid monthly to the Secretary of the Department of Finance and~~  
23 ~~Administration.~~

24 ~~(B) However, the tire retailer may retain five percent~~  
25 ~~(5%) of the rim removal fee imposed under subdivision (a)(3)(A) of this~~  
26 ~~section for administrative costs.~~

27 ~~(6)(A) The rim removal fees remitted under subdivision (a)(5)(A)~~  
28 ~~of this section shall be collected by the secretary and shall be subject to~~  
29 ~~the Arkansas Tax Procedure Act, § 26-18-101 et seq.~~

30 ~~(B)(i) Each tire retailer shall file a return with the~~  
31 ~~secretary on or before the twentieth of each month.~~

32 ~~(ii) The return shall show the total rim removal fees~~  
33 ~~collected for each tire removed from the rim during the preceding calendar~~  
34 ~~month.~~

35 ~~(iii) The tire retailer shall remit the rim removal~~  
36 ~~fees with the return.~~

1 ~~(iv) The secretary shall prescribe the form and~~  
2 ~~contents of the return~~ (A)(i) A tire recycling fee of three dollars (\$3.00)  
3 is imposed for each new small tire sold by a tire retailer in Arkansas,  
4 including without limitation new small tires sold as part of fleet services.

5 (ii) A tire retailer may retain a fee of up to five  
6 percent (5%) of the tire recycling fee for each new small tire sold by the  
7 tire retailer to cover administrative costs of the tire retailer.

8 (B) A tire retailer shall obtain a tire recycling account  
9 number from the Department of Finance and Administration and remit the tire  
10 recycling fees collected by the tire retailer to the department on a monthly  
11 basis.

12 (C) A tire retailer shall:

13 (i) Track all new small tires sold by the tire  
14 wholesaler; and

15 (ii) Provide an accounting to the department that  
16 includes the number and category of new small tires sold in Arkansas.

17 (D) A tire retailer is subject to field audits by the  
18 department.

19 (E)(i) If a person or entity brings a new small tire  
20 purchased from an entity other than the tire retailer to the tire retailer to  
21 be placed on a motor vehicle, the tire retailer shall require the person or  
22 entity to pay the tire recycling fee under subdivision (a)(1)(A) of this  
23 section unless the person or entity can show that the tire recycling fee was  
24 already paid.

25 (ii) The tire retailer shall not collect the tire  
26 recycling fee or require proof of payment of the tire recycling fee unless  
27 the small tire has eighty percent (80%) or more of the small tire's vent  
28 spews remaining.

29 (F) No later than the tenth business day of each month, a  
30 tire retailer shall submit a report to the department that reflects all new  
31 small tires sold by the tire retailer for the previous month and the  
32 corresponding tire recycling fees remitted to the department.

33 (2)(A) A tire recycling fee is imposed for each new small tire  
34 equipped in or on a new motor vehicle or trailer sold to a purchaser.

35 (B) The tire recycling fee under subdivision (a)(2)(A) of  
36 this section shall be three dollars (\$3.00) for each new small tire equipped



1 in or on the new motor vehicle or trailer, including a new small tire used as  
2 a spare on the new motor vehicle or trailer.

3 (C) Tire recycling fees under subdivision (a)(2)(B) of  
4 this section shall be collected by the department at the same time as the new  
5 motor vehicle or trailer is registered by the purchaser with the department.

6 (b)(1) The department shall deposit the proceeds from ~~rim removal tire~~  
7 recycling fees collected under subsection (a) of this section into the State  
8 Treasury as special revenues to the credit of the following funds in the  
9 following percentages:

10 (A) Ninety-three percent (93%) to be deposited into the  
11 Used Tire Recycling Fund; and

12 (B) Seven percent (7%), not to exceed the amount deposited  
13 in fiscal year 2023, to be deposited into the Division of Environmental  
14 Quality Fee Trust Fund.

15 (2) As used in this section, “proceeds from ~~rim removal tire~~  
16 recycling fees” means all moneys collected and received by the department  
17 under this section for ~~rim removal tire recycling~~ fees imposed under  
18 subsection (a) of this section and interest and penalties on delinquent ~~rim~~  
19 ~~removal tire recycling~~ fees.

20 (c)(1)~~(A) There is imposed an import fee of one dollar (\$1.00) on each~~  
21 ~~used tire that is imported into Arkansas~~ A tire recycling fee may be imposed  
22 by a tire retailer on a large tire or an extra-large tire.

23 (2)(A) The amount of the tire recycling fee on a large tire or  
24 extra-large tire may not exceed per tire:

25 (1) For a large tire, seven dollars and fifty cents  
26 (\$7.50); and

27 (ii) For an extra-large tire, thirty dollars  
28 (\$30.00).

29 (B) A tire retailer may charge a fee of up to ten percent  
30 (10%) over the tire recycling fee for new large tire or new extra-large tire  
31 sold by the tire retailer and retain the excess over the tire recycling fee  
32 to cover administrative costs of the tire retailer.

33 (3) The tire recycling fee for a large tire or an extra-large  
34 tire may be changed by a tire accountability board only one (1) time per year  
35 at the time the business plan for the tire accountability zone is submitted  
36 for the fiscal year.

1           (4)(A) The tire accountability board shall report the proposed  
2 tire recycling fee for a large tire or extra-large tire authorized under this  
3 subsection to the department by September 30.

4           (B) The department shall:

5                   (i) Average the tire recycling fees proposed by the  
6 four (4) tire accountability boards; and

7                   (ii) Set a statewide tire recycling fee for a large  
8 tire or an extra-large tire that may be charged by the tire retailer under  
9 this subsection.

10           ~~(B) A person who imports a used tire shall be registered~~  
11 ~~with the department and comply with all requirements related to collecting~~  
12 ~~and reporting import fees.~~

13           ~~(2) The import fee imposed under this subsection shall be paid~~  
14 ~~by the person who imports the used tire to the department in accordance with~~  
15 ~~the Arkansas Tax Procedure Act, § 26-18-101 et seq., and any rules~~  
16 ~~promulgated by the department.~~

17           ~~(3)(A) The department shall deposit the proceeds from import~~  
18 ~~fees imposed under this subsection into the State Treasury as special~~  
19 ~~revenues to the credit of the following funds in the following percentages:~~

20                   ~~(i) Ninety-three percent (93%) to be deposited into~~  
21 ~~the Used Tire Recycling Fund; and~~

22                   ~~(ii) Seven percent (7%) to be deposited into the~~  
23 ~~Division of Environmental Quality Fee Trust Fund.~~

24           ~~(B) As used in this section, "proceeds from import fees"~~  
25 ~~means all moneys collected and received by the department under this~~  
26 ~~subsection and interest and penalties on delinquent import fees.~~

27           ~~(d)(1) There is imposed a commercial generator fee upon the~~  
28 ~~transaction of a commercial generator selling or delivering a new tire as~~  
29 ~~part of fleet services The department has authority and responsibility to~~  
30 audit tire retailers for compliance with this subchapter.

31           ~~(2) The commercial generator fee shall be charged by the~~  
32 ~~commercial generator to a person who in the ordinary course of business is an~~  
33 ~~end user that removes used tires from the rim and replaces them with a new~~  
34 ~~tire.~~

35           ~~(3)(A) The commercial generator fee shall be imposed at the rate~~  
36 ~~of three dollars (\$3.00) for each new tire that is sold or delivered to an~~

1 ~~end user that removes used tires from the rim and replaces them with a new~~  
2 ~~tire.~~

3 ~~(B) Except for the commercial generator fees imposed under~~  
4 ~~this section, the commercial generator shall not charge any other fee to the~~  
5 ~~end user.~~

6 ~~(C)(i) For any used tires collected by a commercial~~  
7 ~~generator, the first transportation of the used tire from the end user to the~~  
8 ~~commercial generator's facility does not require a licensed tire transporter.~~

9 ~~(ii) Any subsequent transportation of the used tire~~  
10 ~~by the commercial generator for recycling or disposal requires a licensed~~  
11 ~~tire transporter and shall be accounted for using the electronic uniform used~~  
12 ~~tire manifest system.~~

13 ~~(D) Each commercial generator shall register with the~~  
14 ~~department and comply with all requirements related to collecting and~~  
15 ~~reporting commercial generator fees.~~

16 ~~(4) The commercial generator fees imposed under this section~~  
17 ~~shall be added to the total cost charged by the commercial generator to the~~  
18 ~~end user after all applicable gross receipts or compensating use taxes on the~~  
19 ~~tires have been computed and shall be separately stated on the invoice or~~  
20 ~~bill of sale.~~

21 ~~(5)(A) The commercial generator fees imposed under this section~~  
22 ~~shall be paid monthly to the secretary.~~

23 ~~(B) However, the commercial generator may retain five~~  
24 ~~percent (5%) of the commercial generator fee imposed under subdivision~~  
25 ~~(d)(3)(A) of this section for administrative costs.~~

26 ~~(6)(A) The commercial generator fees remitted in subdivision~~  
27 ~~(d)(5)(A) of this section shall be collected by the secretary and shall be~~  
28 ~~subject to the Arkansas Tax Procedure Act, § 26-18-101 et seq.~~

29 ~~(B)(i)(a) Each commercial generator shall file a return~~  
30 ~~with the secretary on or before the twentieth of each month.~~

31 ~~(b) The return shall show the total commercial~~  
32 ~~generator fees collected for each tire sold or delivered to the end user~~  
33 ~~during the preceding calendar month.~~

34 ~~(c) The commercial generator shall remit the~~  
35 ~~commercial generator fees with the return.~~

36 ~~(ii) The secretary shall prescribe the form and~~

1 ~~contents of the return.~~

2 ~~(7) The department shall deposit the proceeds from commercial~~  
 3 ~~generator fees collected under this subsection into the State Treasury as~~  
 4 ~~special revenues to the credit of the following funds in the following~~  
 5 ~~percentages:~~

6 ~~(A) Ninety three percent (93%) to be deposited into the~~  
 7 ~~Used Tire Recycling Fund; and~~

8 ~~(B) Seven percent (7%) to be deposited into the Division~~  
 9 ~~of Environmental Quality Fee Trust Fund.~~

10 ~~(8) As used in this section, "proceeds from commercial generator~~  
 11 ~~fees" means all moneys collected and received by the department under this~~  
 12 ~~section for commercial generator fees imposed under this subsection and~~  
 13 ~~interest and penalties on delinquent commercial generator fees.~~

14 ~~(e)(1) It is the purpose and intent of this section that only one (1)~~  
 15 ~~of the following fees imposed under this section be charged for the~~  
 16 ~~transaction of removing a tire from a rim that is related to the sale of a~~  
 17 ~~replacement tire:~~

18 ~~(A) The rim removal fee; or~~

19 ~~(B) The commercial generator fee.~~

20 ~~(2) If a person establishes that he or she has paid one (1) of~~  
 21 ~~the fees for a tire, the tire retailer or tire generator shall not charge an~~  
 22 ~~additional fee for that tire This section applies to in-state and out-of-~~  
 23 ~~state tire retailers that sell tires within the state.~~

24 ~~(2) The department shall enforce this section under the Arkansas~~  
 25 ~~Tax Procedure Act, § 26-18-101 et seq. and the business closure procedures~~  
 26 ~~under § 26-18-1001 et seq.~~

27  
 28 SECTION 18. Arkansas Code § 8-9-405 is amended to read as follows:

29 8-9-405. ~~Used~~ Waste tire program reimbursements.

30 (a) ~~The Division of Environmental Quality~~ Department of Finance and  
 31 Administration shall establish the ~~Used~~ Waste Tire Recycling and  
 32 Accountability Program to:

33 (1) Reimburse ~~used~~ waste tire programs for ~~used~~ waste tire  
 34 recycling and disposal costs;

35 (2) Incentivize recycling ~~used~~ waste tires collected under this  
 36 subchapter;

1 (3) Provide accountability for the disbursement of moneys to  
2 ~~used~~ waste tire programs; ~~and~~

3 (4) Otherwise improve the sustainability of ~~used~~ waste tire  
4 programs;

5 (5) Provide remedial assistance, if funds are available, for  
6 abandoned waste tire sites; and

7 (6) Provide equipment funds for increased capacity for  
8 processing waste tires.

9 (b) To be eligible for reimbursements under this subchapter, a ~~used~~  
10 waste tire program shall:

11 (1) Be included in the solid waste management system under § 8-  
12 9-101 et seq. for each regional solid waste management district that the ~~used~~  
13 waste tire program serves;

14 (2) Have a ~~used~~ waste tire management plan for each regional  
15 solid waste management district that the ~~used~~ waste tire program serves to  
16 include without limitation a schedule for identification and cleanup of waste  
17 tire sites that is updated until abatement of each identified waste tire site  
18 is completed;

19 (3) Be included in each regional solid waste management  
20 district's recycling program under § 8-9-203 that the ~~used~~ waste tire program  
21 serves;

22 (4) If operated by a political subdivision of the state or other  
23 public entity:

24 (A) Use the financial management system under § 14-21-101  
25 et seq.;

26 (B) Comply with the county purchasing procedures under §  
27 14-22-101 et seq.;

28 (C) Comply with the Arkansas County Accounting Law of  
29 1973, § 14-25-101 et seq.; and

30 (D) Comply with the Local Fiscal Management Responsibility  
31 Act, § 14-77-101 et seq.;

32 (5) Be operated in compliance with this subchapter and all other  
33 laws and rules related to the administration of solid waste management  
34 systems and recycling programs in Arkansas;

35 (6) Encourage the voluntary establishment of tire collection  
36 centers at tire retailers, tire processing facilities, and solid waste

1 disposal facilities for the deposit of tires generated in the state;

2 (7) Provide the ~~division~~ Department of Finance and  
3 Administration with business plan information required under § 8-9-408;

4 (8) Provide the ~~division~~ Department of Finance and  
5 Administration with all quarterly financial information and progress reports  
6 related to § 8-9-409;

7 (9)(A) ~~Establish~~ Be responsible for determining tire collection  
8 centers within each county served by the ~~used~~ waste tire program that accepts  
9 tires ~~from tire retailers~~ at no charge if the ~~tire retailer~~ commercial  
10 generator or tire generator establishes that it+

11 ~~(i) Collects the rim removal fee imposed under § 8-~~  
12 ~~9-404(a); and~~

13 ~~(ii) Complies~~ complies with the ~~electronic~~ uniform  
14 ~~used~~ tire manifest system under § 8-9-407.

15 (B) The tire collection centers under this subdivision  
16 (b)(9) may be at any one (1) or more of the following:

17 (i) A solid waste disposal facility;

18 (ii) A tire processing facility; or

19 (iii) A ~~tire retailer~~ facility set up by a tire  
20 generator; and

21 (10) Establish at least one (1) tire collection center within  
22 each county served by the ~~used~~ waste tire program.

23 (c) A ~~used~~ waste tire program that receives reimbursements under this  
24 section may:

25 (1) Contract with a tire processing facility that is approved by  
26 the Director of the Division of Environmental Quality;

27 (2) Remove or contract for the removal of tires from waste tire  
28 sites within the regional solid waste management district;

29 (3) Provide incentives for establishing privately operated tire  
30 collection centers for the public; and

31 (4) Form an inter-district ~~used~~ waste tire program.

32 (d) Moneys disbursed from the Used Tire Recycling Fund by the ~~division~~  
33 department for reimbursements under this section shall be:

34 (1) Distributed as provided under this section only to the ~~used~~  
35 waste tire programs that comply with all applicable requirements in this  
36 subchapter related to the operation of ~~used~~ waste tire programs;

1 (2) Based on moneys available in the fund, the approved business  
2 plan rate, quarterly financial reports, and other documentation submitted by  
3 the ~~used~~ waste tire programs; and

4 (3) Made on a quarterly basis to the ~~used~~ waste tire programs.

5 (e)(1) Quarterly disbursements from the fund shall be paid each  
6 quarter from all available moneys collected and available for disbursement in  
7 that quarter.

8 (2) If there are insufficient moneys available in a quarter to  
9 make reimbursements for all submitted requests under subsection (f) of this  
10 section, the ~~division~~ department shall calculate the total remaining funding  
11 available and allocate the moneys available for reimbursement to each ~~used~~  
12 waste tire program based on a pro rata share of each ~~used~~ waste tire  
13 program's reimbursement request compared to the total moneys available.

14 (3)(A) The Arkansas Pollution Control and Ecology Commission may  
15 increase reimbursement rates if the director recommends an increase because  
16 of one (1) or more of the following:

17 (i) The relevant consumer price index for the  
18 preceding calendar year exceeded the consumer price index for calendar year  
19 2018; or

20 (ii) The ~~used~~ waste tire programs have established an  
21 increase in operation costs.

22 (B) An increase to any reimbursement rate under subsection  
23 (f) of this section shall not exceed ten percent (10%) each calendar year.

24 (f) Based on data received from the ~~electronic~~ uniform ~~used~~ tire  
25 manifest system and quarterly reports, the funding for reimbursement for  
26 processing, recycling, or disposing of ~~used~~ waste tires at the approved  
27 business plan rate may be available from the fund for ~~used~~ waste tire  
28 programs that are in compliance with all applicable requirements of this  
29 subchapter.

30 (g) At the request of a ~~used~~ waste tire program that needs operational  
31 assistance or guidance on compliance with this subchapter, the ~~division~~  
32 Division of Environmental Quality shall provide to the ~~used~~ waste tire  
33 program operational assistance or guidance on compliance with this  
34 subchapter.

35 (h) The division shall:

36 (1) Develop market opportunities for beneficial use of ~~used~~

1 waste tire material; and

2 (2) Educate the public on the ~~Used~~ Waste Tire Recycling and  
3 Accountability Program.

4

5 SECTION 19. Arkansas Code § 8-9-407 is amended to read as follows:

6 8-9-407. ~~Electronic uniform used~~ Uniform tire manifest system.

7 (a) The following entities shall use the ~~electronic~~ uniform ~~used~~ tire  
8 manifest system to accurately report all information related to the  
9 collection, transportation, distribution, and recycling or disposal of  
10 recyclable tires, waste tires, and used tires culled for resale:

11 (1) ~~Used~~ Waste tire programs;

12 (2) Tire generators;

13 (3) Tire collection centers;

14 (4) Any person who:

15 (A) Removes a tire from the ~~used~~ waste tire program after  
16 it is collected; or

17 (B) Imports a tire under § 8-9-404(c); and

18 (5) Commercial generators.

19 (b) If any of the persons or entities listed in subsection (a) of this  
20 section cannot use the ~~electronic~~ uniform ~~used~~ tire manifest system, the  
21 person or entity may submit to the ~~used~~ waste tire program an equivalent  
22 paper version which shall be entered into the ~~electronic~~ uniform ~~used~~ tire  
23 manifest system.

24

25 SECTION 20. Arkansas Code § 8-9-408 is amended to read as follows:

26 8-9-408. Accountability requirements for ~~used~~ waste tire programs –  
27 Business plans.

28 (a) On or before December 31, 2017, a ~~used~~ waste tire program that  
29 *receives funding under this subchapter shall provide the Arkansas Department*  
30 *of Environmental Quality, now the Division of Environmental Quality, Finance*  
31 *and Administration* with a business plan that establishes its current  
32 operating plan and a proposed operating plan for calendar year 2018 and  
33 approved by its board.

34 (b) The minimum required information for the business plan is:

35 (1) Current operation information to include:

36 (A) An explanation of debt and debt repayment obligations,



1 including scheduled payments;

2 (B) A description of equipment used, including type, year  
3 manufactured, debt obligations related to the equipment, and whether it is  
4 leased or owned;

5 (C) An explanation of contract obligations including the  
6 amount, length, and scope of the contract;

7 (D) A description of how tires are managed, to include  
8 without limitation collection, transportation, and disposal or recycling;

9 (E) An explanation of costs, including the cost of tire  
10 collection centers, other collection facilities, trailers, transfer stations,  
11 processing, mileage, fuel, and personnel; and

12 (F) The number of tires currently on any property owned,  
13 leased, or otherwise controlled by each regional solid waste management  
14 district included in the ~~used~~ waste tire program; and

15 (2) Proposed operation costs for calendar year 2018, to include:

16 (A) A description of how tires will be managed, to include  
17 without limitation collection, storage, transportation, and disposal or  
18 recycling;

19 (B) Estimated cost of utilities, personnel, equipment,  
20 fees, leases, facilities, and any other costs related to the primary  
21 operation of the ~~used~~ waste tire program;

22 (C) The capital improvement and maintenance plan with  
23 estimated expenditures and costs;

24 (D) The estimated transportation cost including mileage,  
25 fuel, equipment, personnel, utilities, insurance, bonds, and fees;

26 (E) The locations of all tire collection centers; and

27 (F) The types of tires managed, to include recyclable  
28 tires, waste tires, and used tires culled for resale.

29 (c) A ~~used~~ waste tire program shall submit a revised business plan if  
30 there is a substantial change in the ~~used~~ waste tire program operations or if  
31 the ~~division~~ department requests a revised business plan.

32 (d) A business plan or revised business plan submitted under this  
33 subchapter is effective after approval by the ~~division~~ department or its  
34 designee.

35 (e)(1) The approved business plan or approved revised business plan  
36 shall include the approved business plan rates for each ~~used~~ waste tire

1 program.

2 (2)(A) The ~~division~~ department shall cooperate with the ~~used~~  
3 waste tire programs and other entities to develop each ~~used~~ waste tire  
4 program's approved business plan rates for recyclable tires and waste tires.

5 (B) The approved business plan rates shall also use the  
6 size of a tire, including without limitation small tires, large tires, and  
7 extra-large tires, as a factor for determining the approved business plan  
8 rates.

9

10 SECTION 21. Arkansas Code § 8-9-409 is amended to read as follows:  
11 8-9-409. Performance and efficiency evaluations.

12 (a) The Division of Environmental Quality shall develop a system to  
13 evaluate and report the performance and efficiency of ~~used~~ waste tire  
14 programs and the ~~Used~~ Waste Tire Recycling and Accountability Program.

15 (b) The evaluation and reporting system shall use the following  
16 performance indicators for each ~~used~~ waste tire program:

17 (1) The number of:

18 (A) Recyclable tires;

19 (B) Waste tires disposed in a landfill; and

20 (C) Waste tires disposed in a monofill;

21 (2) The number of reported waste tire sites located in the  
22 regional solid waste management districts that are included in the ~~used~~ waste  
23 tire program;

24 (3) ~~Electronic uniform used~~ Uniform tire manifest system  
25 compliance;

26 (4) Administrative expenses;

27 (5) Transportation expenses;

28 (6) Building, warehouse, and other facilities expenses;

29 (7) Revenue sources and the amount of revenue received from each  
30 source;

31 (8) The number, location, and type of tire collection centers;

32 (9) Any identified operational issues;

33 (10) The number of enforcement actions against the ~~used~~ waste  
34 tire program; and

35 (11) Any other performance indicators that are determined to be  
36 useful to evaluate performance and efficiency.

1 (c) The evaluations under this section shall be completed on a  
2 biennial basis for each ~~used~~ waste tire program.

3  
4 SECTION 22. Arkansas Code § 8-9-410 is amended to read as follows:

5 8-9-410. ~~Consolidation of used tire programs~~ Tire accountability zones.

6 ~~The General Assembly finds:~~

7 (1) ~~The smaller the population and geographical area that a used~~  
8 ~~tire program serves, the more unsustainable the used tire program is;~~

9 (2) ~~In contrast, it has been noted nationally and within the~~  
10 ~~state that used tire programs that serve a larger population and greater~~  
11 ~~geographical area collect and process a large number of tires, are~~  
12 ~~sustainable, and optimize the use of economies of scale;~~

13 (3) ~~Before January 1, 2017, there were eleven (11) waste tire~~  
14 ~~districts in the state; and~~

15 (4) ~~It is in the best interest of the state for the used tire~~  
16 ~~programs to combine to form inter-district used tire programs to operate in~~  
17 ~~an efficient and financially sustainable manner~~ (a)(1) In order to address  
18 efficiency in tire processing, including without limitation transportation,  
19 there is created four (4) tire accountability zones in the state.

20 (2) The four (4) tire accountability zones created under  
21 subdivision (a)(1) of this section are composed as follows:

22 (A) Tire Accountability Zone 1 consists of the following  
23 counties: Benton, Carroll, Boone, Marion, Baxter, Washington, Madison,  
24 Newton, Searcy, Crawford, Franklin, Johnson, Pope, Van Buren, Sebastian,  
25 Logan, Conway, Scott, Yell, and Perry;

26 (B) Tire Accountability Zone 2 consists of the following  
27 counties: Fulton, Sharp, Randolph, Clay, Izard, Lawrence, Greene, Stone,  
28 Independence, Jackson, Craighead, Mississippi, Cleburne, Faulkner, White,  
29 Poinsett, Woodruff, Cross, and Crittenden;

30 (C) Tire Accountability Zone 3 consists of the following  
31 counties: Polk, Montgomery, Sevier, Howard, Pike, Clark, Little River,  
32 Hempstead, Nevada, Miller, Lafayette, Saline, Dallas, Ouachita, Union,  
33 Garland, Hot Spring, and Columbia; and

34 (D) Tire Accountability Zone 4 consists of the following  
35 counties: Grant, Jefferson, Arkansas, Phillips, Cleveland, Lincoln, Desha,  
36 Calhoun, Bradley, Drew, Ashley, Pulaski, Lonoke, Prairie, Monroe, St.

1 Francis, Lee, and Chicot.

2 (b)(1) Each new tire accountability zone is governed by a board that  
3 is composed of eleven (11) members:

4 (A) Five (5) county judges, elected by the county judges  
5 of the tire accountability zone;

6 (B) Two (2) county judges, appointed from the two (2) most  
7 populous counties in the tire accountability zone according to the most  
8 recent federal census; and

9 (C) Four (4) mayors, elected by the mayors of all of the  
10 cities in the tire accountability zone.

11 (2) Each board member of the tire accountability zone shall  
12 serve for a term of three (3) years.

13 (3) The members shall draw lots for staggered terms at the first  
14 organizational meeting.

15 (4) A vacancy on the board shall be filled through the process  
16 described in the bylaws of the board.

17 (c)(1) A tire accountability board shall:

18 (A) Elect a chair and a vice-chair at an organizational  
19 meeting;

20 (B) Develop bylaws to govern the tire accountability  
21 board, including without limitation rules related to the replacement of  
22 members in the event of a vacancy; and

23 (C) Submit a business plan to the Department of Finance  
24 and Administration for approval on or before September 1, 2023.

25 (2) The department shall approve or seek additional information  
26 regarding the business plan submitted under subdivision (c)(1)(C) of this  
27 section within sixty (60) days.

28 (d) The tire accountability board in each of the tire accountability  
29 zones shall enter into an interlocal agreement to determine the highest level  
30 of efficiency regarding tire processing in the respective tire accountability  
31 zone.

32 (e) Arkansas Legislative Audit shall audit the four (4) tire  
33 accountability zones on the following schedule:

34 (1) Zone 1 and Zone 3 every odd-numbered year; and

35 (2) Zone 2 and Zone 4 every even-numbered year.

36

1 SECTION 23. Arkansas Code § 8-9-411 is repealed.

2 ~~8-9-411. Tire transporters—Licenses.~~

3 ~~(a) A tire transporter shall meet the following requirements to~~  
4 ~~perform or be compensated for any duties under this subchapter related to the~~  
5 ~~administration and operation of a used tire program:~~

6 ~~(1) Obtain for each vehicle a license;~~

7 ~~(2) Obtain for each vehicle a tire transporter number provided~~  
8 ~~by the Division of Environmental Quality used for the electronic uniform used~~  
9 ~~tire manifest system;~~

10 ~~(3) Provide proof that each vehicle has passed an annual safety~~  
11 ~~inspection;~~

12 ~~(4) Provide proof of financial responsibility for each vehicle~~  
13 ~~and authorized driver;~~

14 ~~(5) Provide a bond in the amount of ten thousand dollars~~  
15 ~~(\$10,000);~~

16 ~~(6) Establish that each authorized driver has completed training~~  
17 ~~for the electronic uniform used tire manifest system; and~~

18 ~~(7) Pay a fee of fifty dollars (\$50.00) for each vehicle that is~~  
19 ~~licensed.~~

20 ~~(b) For each tire transporter licensed under this section, the~~  
21 ~~division shall assign a tire transporter number and include the tire~~  
22 ~~transporter information in the electronic uniform used tire manifest system.~~

23 ~~(c)(1) If a tire transporter is found to have not complied with this~~  
24 ~~subchapter, the tire transporter's license shall be suspended for three (3)~~  
25 ~~months.~~

26 ~~(2) If the license of a tire transporter is suspended more than~~  
27 ~~one (1) time in three (3) years, the tire transporter's license shall be~~  
28 ~~revoked and the tire transporter is ineligible for a tire transporter license~~  
29 ~~for three (3) years.~~

30  
31 SECTION 24. Arkansas Code § 8-9-412 is repealed.

32 ~~8-9-412. Additional fees.~~

33 ~~(a) A used tire program may charge an additional fee for the~~  
34 ~~collection and recycling of extra-large tires from sources other than~~  
35 ~~registered tire retailers and for any tires in excess of the maximum under §~~  
36 ~~8-9-414(b)(7).~~

1           ~~(b) If a used tire program charges an additional fee under this~~  
2 ~~section, the fee shall be collected and retained by the used tire program for~~  
3 ~~costs related to the processing of extra large tires.~~

4  
5           SECTION 25. Arkansas Code § 8-9-413 is amended to read as follows:

6           8-9-413. Applicability.

7           The fees imposed by this subchapter shall not apply to+

8           ~~(1) Large retreaded tires;~~

9           ~~(2) Tires included as part of the equipment of a new vehicle; or~~

10           ~~(3) Tires tires included as part of the equipment of a used~~  
11 ~~vehicle if included on the used vehicle at the time of sale and in the sales~~  
12 ~~price of the used vehicle.~~

13  
14           SECTION 26. Arkansas Code § 8-9-414(b)(1) through (3), concerning the  
15 *powers and duties of the Arkansas Pollution Control and Ecology Commission,*  
16 *are amended to read as follows:*

17           ~~(1)(A) Except as provided under subdivision (b)(1)(B) of this~~  
18 ~~section, provide Provide for the administration of permits for tire~~  
19 ~~processing facilities, tire collection centers, commercial generators, and~~  
20 ~~any other person or entity that collects, receives, processes, recycles, or~~  
21 ~~disposes of used waste tires regulated under this subchapter with the maximum~~  
22 ~~permit fee not to exceed two hundred fifty dollars (\$250) annually.~~

23           ~~(B) The maximum permit fee under this subdivision (b)(1)~~  
24 ~~shall not apply to tire transporters;~~

25           (2) *Establish standards for tire processing facilities, tire*  
26 *collection centers, ~~tire transporters,~~ and beneficial use projects;*

27           ~~(3) Establish procedures for administering reimbursements to~~  
28 ~~used tire programs under § 8-9-405;~~

29  
30           SECTION 27. Arkansas Code § 8-9-414(b)(5) and (6), concerning rules  
31 for the electronic uniform used tire manifest system and accountability  
32 procedures, are amended to read as follows:

33           (5) Establish procedures for administering the ~~electronic~~  
34 uniform ~~used~~ tire manifest system;

35           (6) Establish accountability procedures for the sustainability  
36 of ~~used waste~~ tire programs operated under this subchapter; and

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SECTION 28. Arkansas Code § 8-9-414(c), concerning duties of the Arkansas Pollution Control and Ecology Commission, is amended to read as follows:

(c) The commission may:

~~(1) Develop an alternative tire transporter licensing program to be administered by used tire programs, regional solid waste management boards, or both;~~

~~(2) Promulgate rules that are necessary to administer the fees and reimbursement rates for services provided under this subchapter by the used waste tire programs; and~~

~~(3)(2) Clarify and add definitions for sizes of tires using technical information and specifications.~~

SECTION 29. The introductory language of Arkansas Code § 8-9-415(a), concerning requirements on a person receiving funding under the Used Tire Recycling and Accountability Act, is amended to read as follows:

(a) A person who receives funding under this subchapter, tire collection centers, tire retailers, tire processing facilities, ~~tire transporters~~, tire generators, commercial generators, ~~used~~ tires regulated under this subchapter, and waste tire sites are subject to:

SECTION 30. Arkansas Code § 8-9-415(b) and (c), concerning noncompliance by a used tire program, are amended to read as follows:

(b) A ~~used~~ waste tire program is subject to penalties and enforcement under this subchapter for noncompliance with this subchapter to include without limitation:

(1) Failure to use the ~~electronic~~ uniform ~~used~~ tire manifest system;

(2) Failure to submit accurate information to the ~~electronic~~ uniform ~~used~~ tire manifest system;

(3) Failure to submit an approved business plan on or before July 1, 2018;

(4) Failure to submit a revised business plan as required under § 8-9-408(c);

(5) Failure to submit an approved revised business plan within

1 three (3) months after submission; or

2 (6) Failure to provide documentation or reports required to be  
3 filed with the Division of Environmental Quality under this subchapter.

4 (c)(1) If a ~~used~~ waste tire program fails to submit a business plan  
5 that is approved by the ~~Arkansas Department of Environmental Quality or the~~  
6 ~~division~~ Department of Finance and Administration on or before July 1, 2018,  
7 the ~~used~~ waste tire program and all regional solid waste management boards  
8 included in the ~~used~~ waste tire program on July 1, 2018, are:

9 (A) Ineligible to receive funding under this subchapter  
10 and from the Used Tire Recycling Fund;

11 (B) Prohibited from administering and operating a ~~used~~  
12 waste tire program; and

13 (C) Prohibited from imposing any fees to support the  
14 administration and operation of a ~~used~~ waste tire program.

15 (2)(A) The division may designate a qualified entity to perform  
16 the duties related to the operation and administration of a ~~used~~ waste tire  
17 program deemed ineligible under subdivision (c)(1) of this section.

18 (B) A qualified entity that is designated to perform the  
19 duties related to the operation and administration of a ~~used~~ waste tire  
20 program under this subsection shall operate the ~~used~~ waste tire program in  
21 compliance with this subchapter.

22 (C) If the qualified entity performs the duties related to  
23 the operation and administration of the ~~used~~ waste tire program in compliance  
24 with this subchapter, the qualified entity is eligible to receive funding  
25 under this subchapter and from the fund.

26

27 SECTION 31. Arkansas Code Title 8, Chapter 9, Subchapter 4, is amended  
28 to add an additional section to read as follows:

29 8-9-416. Online tire sales.

30 To the extent practicable, the tire recycling fees under this  
31 subchapter shall be levied and collected on all online tire sales that  
32 otherwise would be subject to tire recycling fees under this subchapter.

33

34 SECTION 32. Arkansas Code § 19-5-1148(b)(2)(A), concerning the  
35 penalties assessed and collected under the Used Tire Recycling and  
36 Accountability Act within the Used Tire Recycling Fund, is amended to read as



1 follows:

2 (A) Penalties assessed and collected under the Used Waste  
3 Tire Recycling and Accountability Act, § 8-9-401 et seq.;

4

5 SECTION 33. Arkansas Code § 19-5-1148(c), concerning the use of the  
6 moneys within the Used Tire Recycling Fund, is amended to read as follows:

7 (c)(1) At least ninety percent (90%) of the moneys available in the  
8 Used Tire Recycling Fund each fiscal year shall be used by the ~~Division of~~  
9 ~~Environmental Quality~~ Department of Finance and Administration to:

10 (A) ~~provide~~ Provide reimbursements to ~~used waste~~ used waste tire  
11 programs;

12 (B) ~~to administer~~ Administer the Used Waste Tire Recycling  
13 and Accountability Program; and

14 (C) ~~to perform~~ Perform other duties under the Used Waste  
15 Tire Recycling and Accountability Act, § 8-9-401 et seq.

16 (2)(A) The department may provide the Director of the Division  
17 of Environmental Quality ~~may use not more than ten percent (10%) of~~ funding  
18 from the moneys available in the Used Tire Recycling Fund each fiscal year:

19 (A) (i) For waste tire site abatement aid;

20 (B) ~~For the development, implementation, and maintenance~~  
21 ~~of the electronic uniform used tire manifest system;~~ and

22 (C) ~~To provide market and economic stimulus incentives~~  
23 (ii) For capital improvements related to tire processing equipment.

24 (B) After the first full year of implementation and each  
25 fiscal year after, the department shall report to Legislative Council, or to  
26 the Joint Budget Committee if the General Assembly is in session, on the  
27 funds to be provided to the division under this subdivision (c)(2).

28

29 SECTION 34. Arkansas Code § 19-6-301(104), concerning enumerated  
30 special revenues collected as Division of Environmental Quality fees, is  
31 amended to read as follows:

32 (104) All Division of Environmental Quality fees, unless  
33 otherwise provided by law, § 8-1-105, landfill operator license fees, § 8-6-  
34 909, and that portion of ~~new tire waste~~ tire recycling fees, § 8-9-404;

35

36 SECTION 35. Arkansas Code § 19-6-301(165), concerning the enumeration

1 of special revenues related to rim removal fees and import fees, is amended  
2 to read as follows:

3 (165) That portion of ~~rim removal~~ tire recycling fees and import  
4 fees, § 8-9-404;

5

6 SECTION 36. DO NOT CODIFY. TEMPORARY LANGUAGE.

7 (a) A current tire district shall not enter into a new contract or  
8 extend an existing contract unless approved by the new tire accountability  
9 zones created under this act.

10 (b)(1) The County Judges Association of Arkansas and the Arkansas  
11 Municipal League shall assist the tire accountability zones by facilitating  
12 an election for the tire accountability board required under Section 20 of  
13 this act.

14 (2) The County Judges Association of Arkansas and the Arkansas  
15 Municipal League shall facilitate the first election process within thirty  
16 (30) days of the effective date of this act.

17 (3)(A) The County Judges Association of Arkansas and the  
18 Arkansas Municipal League shall report the outcome of the tire accountability  
19 board member elections of each tire accountability zone to the Arkansas  
20 Pollution Control and Ecology Commission.

21 (B) The tire accountability board shall hold an  
22 organizational meeting within thirty (30) days of the notification to the  
23 commission required under subdivision (b)(3)(A) of this section.

24

25 SECTION 37. Effective date.

26 Sections 1 through 21 of the act and Sections 23 through 35 of the act  
27 are effective on and after October 1, 2023.

28

29 SECTION 38. EMERGENCY CLAUSE. It is found and determined by the  
30 General Assembly of the State of Arkansas that the State of Arkansas is  
31 responsible for the appropriate disposal of waste tires and for protecting  
32 the public health and our shared environment; that discarded, uncollected,  
33 and unprocessed waste tires are breeding habitats for disease-carrying  
34 vectors and pose toxic-fume fire hazards; that it is more appropriate to  
35 process waste tires rather than continue to exhaust our landfills and  
36 monofills; that the tire processing capacity within the State of Arkansas is

1 at capacity and is not sufficient to address our waste tire responsibility;  
2 that transportation of the waste tires to neighboring states is too costly to  
3 pursue; and that without increasing the capacity for processing tires within  
4 the State of Arkansas, a public health and safety emergency exists.

5 Therefore, an emergency is declared to exist, and Section 22 and Section 36  
6 of this act being immediately necessary for the preservation of the public  
7 peace, health, and safety shall become effective on:

8 (1) The date of its approval by the Governor;

9 (2) If the bill is neither approved nor vetoed by the Governor,  
10 the expiration of the period of time during which the Governor may veto the  
11 bill; or

12 (3) If the bill is vetoed by the Governor and the veto is  
13 overridden, the date the last house overrides the veto.

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16 /s/J. Payton  
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