

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S3/29/23

A Bill

SENATE BILL 508

5 By: Senator J. Payton
6

For An Act To Be Entitled

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

Subtitle

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

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

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

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

34 (2) All budget-related functions, records, contracts, property,
35 and unexpended balances of appropriations, allocations, and other funds,
36 including the functions of budgeting or purchasing of the Division of



1 Environmental Quality related to the Used Tire Recycling Fund, are
2 transferred to the Department of Finance and Administration.

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

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

12
13 SECTION 2. Arkansas Code § 8-6-206(b)(1)(D), concerning the
14 authorization for filing a verified complaint in circuit court under the
15 Arkansas Solid Waste Management Act, is amended to read as follows:

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

19
20 SECTION 3. Arkansas Code § 8-6-207(a)(11), concerning the powers and
21 duties of the Division of Environmental Quality and the Arkansas Pollution
22 Control and Ecology Commission under the Arkansas Solid Waste Management Act,
23 is amended to read as follows:

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

31
32 SECTION 4. Arkansas Code § 8-6-2004 is amended to read as follows:

33 8-6-2004. Applicability.

34 This subchapter applies to violations of this chapter, violations of
35 Chapter 6 of Arkansas Pollution Control and Ecology Commission Rule 18, and
36 violations of the ~~Used Waste~~ Used Waste Tire Recycling and Accountability Act, § 8-9-401

1 et seq.

2

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

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

9

10 SECTION 6. Arkansas Code § 8-9-401 is amended to read as follows:

11 8-9-401. Title – Legislative intent – Findings.

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

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

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

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

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

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

28 (c) The General Assembly finds that:

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

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

34 (B) Pose substantial fire hazards;

35 (2) The state must have a ~~used~~ tire recycling accountability
36 program for recyclable tires, waste tires, and used tires culled for resale

1 that is accountable, effective, and efficient; and

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

5
6 SECTION 7. Arkansas Code § 8-9-402(3), concerning the definition of
7 "electronic uniform used tire manifest system", is amended to read as
8 follows:

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

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

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

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

23
24 SECTION 8. Arkansas Code § 8-9-402(5), concerning the definition of
25 "inter-district used tire program", is amended to read as follows:

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

31
32 SECTION 9. Arkansas Code § 8-9-402(11), concerning the definition of
33 "qualified entity", is amended to read as follows:

34 (11) "Qualified entity" means an entity that demonstrates to the
35 division that the entity has the capability, experience, and resources to
36 operate and administer a ~~used~~ waste tire program in compliance with this

1 subchapter;

2

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

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

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

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

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

22

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

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

26

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

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

33

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

36 (B) "Used tire" includes without limitation a recyclable

1 ~~tire, waste tire,~~ and used tire culled for resale.

2
3 SECTION 15. Arkansas Code § 8-9-402(23) and (24), concerning the
4 definitions of "used tire culled for resale" and of "used tire program", are
5 amended to read as follows:

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

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

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

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

14
15 SECTION 16. Arkansas Code § 8-9-402(27)(A), concerning the definition
16 of "waste tire site", is amended to read as follows:

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

20
21 SECTION 17. Arkansas Code § 8-9-404 is amended to read as follows:

22 8-9-404. ~~Rim removal~~ Tire recycling fees - ~~Import fees~~ - ~~Commercial~~
23 ~~generator fees~~ - Definitions.

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

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

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

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

35 (3)(A) ~~The rim removal fee shall be imposed at the rate of three~~
36 ~~dollars (\$3.00) for each new tire that replaces a tire removed from a rim and~~

1 ~~one dollar (\$1.00) for each used tire that replaces the tire removed from the~~
2 ~~rim.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (ii) A tire retailer may charge a fee of up to ten
5 percent (10%) over the tire recycling fee for each new small tire sold by the
6 tire retailer and retain the excess over the tire recycling fee to cover
7 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, with a
31 business plan that establishes its current operating plan and a proposed
32 operating plan for calendar year 2018 and approved by its board.

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

34 (1) Current operation information to include:

35 (A) An explanation of debt and debt repayment obligations,
36 including scheduled payments;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (2)(A) The division shall cooperate with the ~~used~~ waste tire

1 programs and other entities to develop each ~~used~~ waste tire program's
2 approved business plan rates for recyclable tires and waste tires.

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

7
8 SECTION 21. Arkansas Code § 8-9-409 is amended to read as follows:
9 8-9-409. Performance and efficiency evaluations.

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

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

15 (1) The number of:

16 (A) Recyclable tires;

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

18 (C) Waste tires disposed in a monofill;

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

22 (3) ~~Electronic uniform used~~ Uniform tire manifest system
23 compliance;

24 (4) Administrative expenses;

25 (5) Transportation expenses;

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

27 (7) Revenue sources and the amount of revenue received from each
28 source;

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

30 (9) Any identified operational issues;

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

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

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

1
2 SECTION 22. Arkansas Code § 8-9-410 is amended to read as follows:

3 8-9-410. ~~Consolidation of used tire programs~~ Tire accountability zones.
4 ~~The General Assembly finds:~~

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

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

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

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

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

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

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

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

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

36 (b)(1) Each new tire accountability zone is governed by a board that

1 is composed of eleven (11) members:

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

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

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

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

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

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

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

16 (A) Elect a chair and a vice-chair at an organizational
17 meeting;

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

21 (C) Submit a business plan to the Division of
22 Environmental Quality for approval on or before September 1, 2023.

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

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

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

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

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

34
35 *SECTION 23. Arkansas Code § 8-9-411 is repealed.*

36 ~~*8-9-411. Tire transporters—Licenses.*~~

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

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

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

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

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

12 ~~(5) Provide a bond in the amount of ten thousand dollars~~
13 ~~(\$10,000);~~

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

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

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

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

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

28
29 SECTION 24. Arkansas Code § 8-9-412 is repealed.

30 ~~8-9-412. Additional fees.~~

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

35 ~~(b) If a used tire program charges an additional fee under this~~
36 ~~section, the fee shall be collected and retained by the used tire program for~~

1 ~~costs related to the processing of extra large tires.~~

2
3 SECTION 25. Arkansas Code § 8-9-413 is amended to read as follows:

4 8-9-413. Applicability.

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

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

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

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

11
12 SECTION 26. Arkansas Code § 8-9-414(b)(1) through (3), concerning the
13 powers and duties of the Arkansas Pollution Control and Ecology Commission,
14 are amended to read as follows:

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

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

23 (2) Establish standards for tire processing facilities, tire
24 collection centers, ~~tire transporters,~~ and beneficial use projects;

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

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

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

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

35
36 SECTION 28. Arkansas Code § 8-9-414(c), concerning duties of the

1 Arkansas Pollution Control and Ecology Commission, is amended to read as
2 follows:

3 (c) The commission may:

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

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

10 ~~(3)~~(2) Clarify and add definitions for sizes of tires using
11 technical information and specifications.

12

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

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

20

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

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

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

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

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

32 (4) Failure to submit a revised business plan as required under
33 § 8-9-408(c);

34 (5) Failure to submit an approved revised business plan within
35 three (3) months after submission; or

36 (6) Failure to provide documentation or reports required to be

1 filed with the Division of Environmental Quality under this subchapter.

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

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

9 (B) Prohibited from administering and operating a ~~used~~
10 waste tire program; and

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

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

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

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

24
25 SECTION 31. Arkansas Code Title 8, Chapter 9, Subchapter 4, is amended
26 to add an additional section to read as follows:

27 8-9-416. Online tire sales.

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

31
32 SECTION 32. Arkansas Code § 19-5-1148(b)(2)(A), concerning the
33 penalties assessed and collected under the Used Tire Recycling and
34 Accountability Act within the Used Tire Recycling Fund, is amended to read as
35 follows:

36 (A) Penalties assessed and collected under the ~~Used~~ Waste

1 Tire Recycling and Accountability Act, § 8-9-401 et seq.;

2
3 SECTION 33. Arkansas Code § 19-5-1148(c), concerning the use of the
4 moneys within the Used Tire Recycling Fund, is amended to read as follows:

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

8 ~~(A) provide~~ Provide reimbursements to ~~used~~ waste tire
9 programs;

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

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

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

17 ~~(A)~~ (i) For waste tire site abatement aid;

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

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

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

26
27 SECTION 34. Arkansas Code § 19-6-301(104), concerning enumerated
28 special revenues collected as Division of Environmental Quality fees, is
29 amended to read as follows:

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

33
34 SECTION 35. Arkansas Code § 19-6-301(165), concerning the enumeration
35 of special revenues related to rim removal fees and import fees, is amended
36 to read as follows:

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

3
4 SECTION 36. DO NOT CODIFY. TEMPORARY LANGUAGE.

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

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

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

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

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

22
23 SECTION 37. EMERGENCY CLAUSE. It is found and determined by the
24 General Assembly of the State of Arkansas that the State of Arkansas is
25 responsible for the appropriate disposal of waste tires and for protecting
26 the public health and our shared environment; that discarded, uncollected,
27 and unprocessed waste tires are breeding habitats for disease-carrying
28 vectors and pose toxic-fume fire hazards; that it is more appropriate to
29 process waste tires rather than continue to exhaust our landfills and
30 monofills; that the tire processing capacity within the State of Arkansas is
31 at capacity and is not sufficient to address our waste tire responsibility;
32 that transportation of the waste tires to neighboring states is too costly to
33 pursue; and that without increasing the capacity for processing tires within
34 the State of Arkansas, a public health and safety emergency exists.
35 Therefore, an emergency is declared to exist, and this act being immediately
36 necessary for the preservation of the public peace, health, and safety shall

1 become effective on:

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

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

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

8

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10 */s/J. Payton*

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