

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

# A Bill

SENATE BILL 508

4  
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.  
24  
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  
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 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 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(22)(B), concerning the definition  
24 of "used tire", is amended to read as follows:

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

27

28 SECTION 13. Arkansas Code § 8-9-402(24), concerning the definition of  
29 "used tire program", is amended to read as follows:

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

- 32 (A) A regional solid waste management board; or
- 33 (B) An inter-district ~~used~~ waste tire program;

34

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

1 (27)(A) "Waste tire site" means a location where unpermitted  
2 ~~used waste~~ tires are accumulated, whether loosely stored, compacted and  
3 baled, or a combination of both loosely stored and compacted and baled.  
4

5 SECTION 15. Arkansas Code § 8-9-404 is amended to read as follows:

6 8-9-404. ~~Rim removal~~ Tire recycling fees - ~~Import fees~~ - Commercial  
7 generator fees - Definitions.

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

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

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

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

19 (3)(A) ~~The rim removal fee shall be imposed at the rate of three~~  
20 ~~dollars (\$3.00) for each new tire that replaces a tire removed from a rim and~~  
21 ~~one dollar (\$1.00) for each used tire that replaces the tire removed from the~~  
22 ~~rim.~~

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

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

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

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

36 (4) ~~The rim removal fees imposed under this section shall be~~

1 added to the total cost charged by the tire retailer to the purchaser after  
2 all applicable gross receipts or compensating use taxes on the tires have  
3 been computed and shall be separately stated on the invoice or bill of sale.

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

7 ~~(B) However, the tire retailer may retain five percent~~  
8 ~~(5%) of the rim removal fee imposed under subdivision (a)(3)(A) of this~~  
9 ~~section for administrative costs.~~

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

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

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

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

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

24 (ii) A tire retailer may charge a fee of up to ten  
25 percent (10%) over the tire recycling fee for each new small tire sold by the  
26 tire retailer and retain the excess over the tire recycling fee to cover  
27 administrative costs of the tire retailer.

28 (B) A tire retailer shall obtain a tire recycling account  
29 number from the Department of Finance and Administration and remit the tire  
30 recycling fees collected by the tire retailer to the department on a monthly  
31 basis.

32 (C) A tire retailer shall:

33 (i) Track all new small tires sold by the tire  
34 wholesaler; and

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

1 whom the new small tires were sold.

2 (D) A tire retailer is subject to field audits by the  
 3 department.

4 (E)(i) If a person or entity brings a new small tire  
 5 purchased from an entity other than the tire retailer to the tire retailer to  
 6 be placed on a motor vehicle, the tire retailer shall require the person or  
 7 entity to pay the tire recycling fee under subdivision (a)(1)(A) of this  
 8 section unless the person or entity can show that the tire recycling fee was  
 9 already paid.

10 (ii) The tire retailer shall not collect the tire  
 11 recycling fee or require proof of payment of the tire recycling fee unless  
 12 the small tire has eighty percent (80%) or more of the small tire's vent  
 13 spews remaining.

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

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

20 (B) The tire recycling fee under subdivision (a)(2)(A) of  
 21 this section shall be three dollars (\$3.00) for each new small tire equipped  
 22 in or on the new motor vehicle or trailer, including a new small tire used as  
 23 a spare on the new motor vehicle or trailer.

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

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

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

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

36 (2) As used in this section, "proceeds from ~~rim removal~~ tire



1 recycling fees” means all moneys collected and received by the department  
 2 under this section for ~~rim removal~~ tire recycling fees imposed under  
 3 subsection (a) of this section and interest and penalties on delinquent ~~rim~~  
 4 ~~removal~~ tire recycling fees.

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

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

10 (1) For a large tire, seven dollars and fifty cents  
 11 (\$7.50); and

12 (ii) For an extra-large tire, thirty dollars  
 13 (\$30.00).

14 (B) A tire retailer may charge a fee of up to ten percent  
 15 (10%) over the tire recycling fee for new large tire or new extra-large tire  
 16 sold by the tire retailer and retain the excess over the tire recycling fee  
 17 to cover administrative costs of the tire retailer.

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

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

25 (B) The department shall:

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

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

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

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

1 promulgated by the department.

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

5 (i) Ninety three percent (93%) to be deposited into  
6 the Used Tire Recycling Fund; and

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

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

12 (d)(1) There is imposed a commercial generator fee upon the  
13 transaction of a commercial generator selling or delivering a new tire as  
14 part of fleet services The department has exclusive authority and  
15 responsibility to audit tire retailers for compliance with this subchapter.

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

20 (3)(A) The commercial generator fee shall be imposed at the rate  
21 of three dollars (\$3.00) for each new tire that is sold or delivered to an  
22 end user that removes used tires from the rim and replaces them with a new  
23 tire.

24 (B) Except for the commercial generator fees imposed under  
25 this section, the commercial generator shall not charge any other fee to the  
26 end user.

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

30 (ii) Any subsequent transportation of the used tire  
31 by the commercial generator for recycling or disposal requires a licensed  
32 tire transporter and shall be accounted for using the electronic uniform used  
33 tire manifest system.

34 (D) Each commercial generator shall register with the  
35 department and comply with all requirements related to collecting and  
36 reporting commercial generator fees.

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

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

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

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

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

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

19           ~~(c) The commercial generator shall remit the~~  
 20 ~~commercial generator fees with the return.~~

21           ~~(ii) The secretary shall prescribe the form and~~  
 22 ~~contents of the return.~~

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

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

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

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

35           ~~(e)(1) It is the purpose and intent of this section that only one (1)~~  
 36 ~~of the following fees imposed under this section be charged for the~~

1 ~~transaction of removing a tire from a rim that is related to the sale of a~~  
2 ~~replacement tire;~~

- 3 ~~(A) The rim removal fee; or~~
- 4 ~~(B) The commercial generator fee.~~

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

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

12  
13 SECTION 16. Arkansas Code § 8-9-405 is amended to read as follows:

14 8-9-405. ~~Used~~ Waste tire program reimbursements.

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

18 (1) Reimburse ~~used~~ waste tire programs for ~~used~~ waste tire  
19 recycling and disposal costs;

20 (2) Incentivize recycling ~~used~~ waste tires collected under this  
21 subchapter;

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

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

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

28 (6) Provide equipment funds for increased capacity for  
29 processing waste tires.

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

32 (1) Be included in the solid waste management system under § 8-  
33 9-101 et seq. for each regional solid waste management district that the ~~used~~  
34 waste tire program serves;

35 (2) Have a ~~used~~ waste tire management plan for each regional  
36 solid waste management district that the ~~used~~ waste tire program serves to

1 include without limitation a schedule for identification and cleanup of waste  
2 tire sites that is updated until abatement of each identified waste tire site  
3 is completed;

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

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

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

11 (B) Comply with the county purchasing procedures under §  
12 14-22-101 et seq.;

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

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

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

20 (6) Encourage the voluntary establishment of tire collection  
21 centers at tire retailers, tire processing facilities, and solid waste  
22 disposal facilities for the deposit of tires generated in the state;

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

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

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

32 ~~(i) Collects the rim removal fee imposed under § 8-~~  
33 ~~9-404(a); and~~

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

36 (B) The tire collection centers under this subdivision

1 (b)(9) may be at any one (1) or more of the following:

- 2 (i) A solid waste disposal facility;
- 3 (ii) A tire processing facility; or
- 4 (iii) A ~~tire retailer~~ facility set up by a tire
- 5 generator; and

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

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

- 10 (1) Contract with a tire processing facility that is approved by
- 11 the Director of the Division of Environmental Quality;
- 12 (2) Remove or contract for the removal of tires from waste tire
- 13 sites within the regional solid waste management district;
- 14 (3) Provide incentives for establishing privately operated tire
- 15 collection centers for the public; and
- 16 (4) Form an inter-district ~~used~~ waste tire program.

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

- 19 (1) Distributed as provided under this section only to the ~~used~~
- 20 waste tire programs that comply with all applicable requirements in this
- 21 subchapter related to the operation of ~~used~~ waste tire programs;
- 22 (2) Based on moneys available in the fund, the approved business
- 23 plan rate, quarterly financial reports, and other documentation submitted by
- 24 the ~~used~~ waste tire programs; and
- 25 (3) Made on a quarterly basis to the ~~used~~ waste tire programs.

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

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

35 (3)(A) The Arkansas Pollution Control and Ecology Commission may  
36 increase reimbursement rates if the director recommends an increase because

1 of one (1) or more of the following:

2 (i) The relevant consumer price index for the  
3 preceding calendar year exceeded the consumer price index for calendar year  
4 2018; or

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

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

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

15 (g) At the request of a ~~used~~ waste tire program that needs operational  
16 assistance or guidance on compliance with this subchapter, the ~~division~~  
17 Division of Environmental Quality shall provide to the ~~used~~ waste tire  
18 program operational assistance or guidance on compliance with this  
19 subchapter.

20 (h) The division shall:

21 (1) Develop market opportunities for beneficial use of ~~used~~  
22 waste tire material; and

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

25

26 SECTION 17. Arkansas Code § 8-9-407 is amended to read as follows:

27 8-9-407. ~~Electronic uniform used~~ Uniform tire manifest system.

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

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

33 (2) Tire generators;

34 (3) Tire collection centers;

35 (4) Any person who:

36 (A) Removes a tire from the ~~used~~ waste tire program after

1 it is collected; or

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

3 (5) Commercial generators.

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

9

10 SECTION 18. Arkansas Code § 8-9-408 is amended to read as follows:

11 8-9-408. Accountability requirements for ~~used~~ waste tire programs –  
12 Business plans.

13 (a) On or before December 31, 2017, a ~~used~~ waste tire program that  
14 receives funding under this subchapter shall provide the Arkansas Department  
15 of Environmental Quality, now the Division of Environmental Quality, with a  
16 business plan that establishes its current operating plan and a proposed  
17 operating plan for calendar year 2018 and approved by its board.

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

19 (1) Current operation information to include:

20 (A) An explanation of debt and debt repayment obligations,  
21 including scheduled payments;

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

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

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

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

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

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

36 (A) A description of how tires will be managed, to include



1 without limitation collection, storage, transportation, and disposal or  
2 recycling;

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

6 (C) The capital improvement and maintenance plan with  
7 estimated expenditures and costs;

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

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

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

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

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

18 (e)(1) The approved business plan or approved revised business plan  
19 shall include the approved business plan rates for each ~~used~~ waste tire  
20 program.

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

24 (B) The approved business plan rates shall also use the  
25 size of a tire, including without limitation small tires, large tires, and  
26 extra-large tires, as a factor for determining the approved business plan  
27 rates.

28  
29 SECTION 19. Arkansas Code § 8-9-409 is amended to read as follows:  
30 8-9-409. Performance and efficiency evaluations.

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

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

36 (1) The number of:

- 1 (A) Recyclable tires;
- 2 (B) Waste tires disposed in a landfill; and
- 3 (C) Waste tires disposed in a monofill;
- 4 (2) The number of reported waste tire sites located in the
- 5 regional solid waste management districts that are included in the ~~used~~ waste
- 6 tire program;
- 7 (3) ~~Electronic uniform used~~ Uniform waste tire manifest system
- 8 compliance;
- 9 (4) Administrative expenses;
- 10 (5) Transportation expenses;
- 11 (6) Building, warehouse, and other facilities expenses;
- 12 (7) Revenue sources and the amount of revenue received from each
- 13 source;
- 14 (8) The number, location, and type of tire collection centers;
- 15 (9) Any identified operational issues;
- 16 (10) The number of enforcement actions against the ~~used~~ waste
- 17 tire program; and
- 18 (11) Any other performance indicators that are determined to be
- 19 useful to evaluate performance and efficiency.
- 20 (c) The evaluations under this section shall be completed on a
- 21 biennial basis for each ~~used~~ waste tire program.

22 SECTION 20. Arkansas Code § 8-9-410 is amended to read as follows:

23 8-9-410. ~~Consolidation of used tire programs~~ Tire accountability zones.  
24 ~~The General Assembly finds:~~

- 25 ~~(1) The smaller the population and geographical area that a used~~
- 26 ~~tire program serves, the more unsustainable the used tire program is;~~
- 27 ~~(2) In contrast, it has been noted nationally and within the~~
- 28 ~~state that used tire programs that serve a larger population and greater~~
- 29 ~~geographical area collect and process a large number of tires, are~~
- 30 ~~sustainable, and optimize the use of economies of scale;~~
- 31 ~~(3) Before January 1, 2017, there were eleven (11) waste tire~~
- 32 ~~districts in the state; and~~
- 33 ~~(4) It is in the best interest of the state for the used tire~~
- 34 ~~programs to combine to form inter-district used tire programs to operate in~~
- 35 ~~an efficient and financially sustainable manner~~ (a)(1) In order to address
- 36

1 efficiency in tire processing, including without limitation transportation,  
 2 there is created four (4) tire accountability zones in the state.

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

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

9 (B) Tire Accountability Zone 2 consists of the following  
 10 counties: Fulton, Sharp, Randolph, Clay, Izard, Lawrence, Greene, Stone,  
 11 Independence, Jackson, Craighead, Mississippi, Cleburne, Faulkner, White,  
 12 Poinsett, Woodruff, Cross, Crittenden, Garland, and Hot Springs;

13 (C) Tire Accountability Zone 3 consists of the following  
 14 counties: Polk, Montgomery, Sevier, Howard, Pike, Clark, Little River,  
 15 Hempstead, Nevada, Miller, Lafayette, Saline, Dallas, Ouachita, Union, and  
 16 Columbia; and

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

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

23 (A) Seven (7) county judges, elected by the county judges  
 24 of the tire accountability zone;

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

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

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

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

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

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

1                   (A) Elect a chair and a vice-chair at an organizational  
2 meeting;

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

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

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

11                   (d) The tire accountability board in each of the tire accountability  
12 zones shall enter into an interlocal agreement to determine the highest level  
13 of efficiency regarding tire processing in the respective tire accountability  
14 zone.

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

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

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

19  
20                   SECTION 21. Arkansas Code § 8-9-411(a) and (b), concerning  
21 requirements for a tire transporter, are amended to read as follows:

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

25                   (1) Obtain for each vehicle a license;

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

29                   (3) Provide proof that each vehicle has passed an annual safety  
30 inspection;

31                   (4) Provide proof of financial responsibility for each vehicle  
32 and authorized driver;

33                   (5) Provide a bond in the amount of ten thousand dollars  
34 (\$10,000);

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

1           (7) Pay a fee of fifty dollars (\$50.00) for each vehicle that is  
2 licensed.

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

6  
7           SECTION 22. Arkansas Code § 8-9-412 is repealed.

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

9           ~~(a) A used tire program may charge an additional fee for the~~  
10 ~~collection and recycling of extra large tires from sources other than~~  
11 ~~registered tire retailers and for any tires in excess of the maximum under §~~  
12 ~~8-9-414(b)(7).~~

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

16  
17           SECTION 23. Arkansas Code § 8-9-413 is amended to read as follows:

18           8-9-413. Applicability.

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

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

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

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

25  
26           SECTION 24. Arkansas Code § 8-9-414(b)(3), concerning rules for the  
27 administering reimbursements to used tire programs, is repealed.

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

30  
31           SECTION 25. Arkansas Code § 8-9-414(b)(5) and (6), concerning rules  
32 for the electronic uniform used tire manifest system and accountability  
33 procedures, are amended to read as follows:

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

36           (6) Establish accountability procedures for the sustainability

1 of ~~used~~ waste tire programs operated under this subchapter; and

2

3 SECTION 26. Arkansas Code § 8-9-414(c), concerning duties of the  
4 Arkansas Pollution Control and Ecology Commission, is amended to read as  
5 follows:

6 (c) The commission may:

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

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

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

15

16 SECTION 27. Arkansas Code § 8-9-415(b) and (c), concerning  
17 noncompliance by a used tire program, are amended to read as follows:

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

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

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

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

27 (4) Failure to submit a revised business plan as required under  
28 § 8-9-408(c);

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

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

33 (c)(1) If a ~~used~~ waste tire program fails to submit a business plan  
34 that is approved by the Arkansas Department of Environmental Quality or the  
35 division on or before July 1, 2018, the ~~used~~ waste tire program and all  
36 regional solid waste management boards included in the ~~used~~ waste tire

1 program on July 1, 2018, are:

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

4 (B) Prohibited from administering and operating a ~~used~~  
5 waste tire program; and

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

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

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

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

19

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

22 8-9-416. Online tire sales.

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

26

27 SECTION 29. Arkansas Code § 19-5-1148(b)(2)(A), concerning the  
28 penalties assessed and collected under the Used Tire Recycling and  
29 Accountability Act within the Used Tire Recycling Fund, is amended to read as  
30 follows:

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

33

34 SECTION 30. Arkansas Code § 19-5-1148(c), concerning the use of the  
35 moneys within the Used Tire Recycling Fund, is amended to read as follows:

36 (c)(1) At least ninety percent (90%) of the moneys available in the

1 Used Tire Recycling Fund each fiscal year shall be used by the ~~Division of~~  
2 ~~Environmental Quality~~ Department of Finance and Administration to:

3 ~~(A) provide~~ Provide reimbursements to ~~used waste~~ used waste tire  
4 programs;

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

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

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

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

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

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

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

21  
22 SECTION 31. Arkansas Code § 19-6-301(104), concerning enumerated  
23 special revenues collected as Division of Environmental Quality fees, is  
24 amended to read as follows:

25 (104) All Division of Environmental Quality fees, unless  
26 otherwise provided by law, § 8-1-105, landfill operator license fees, § 8-6-  
27 909, and that portion of ~~new tire waste~~ used waste tire recycling fees, § 8-9-404;

28  
29 SECTION 32. Arkansas Code § 19-6-301(165), concerning the enumeration  
30 of special revenues related to rim removal fees and import fees, is amended  
31 to read as follows:

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

34  
35 SECTION 33. DO NOT CODIFY. TEMPORARY LANGUAGE.

36 (a) A current tire district shall not enter into a new contract or



1 extend an existing contract unless approved by the new tire accountability  
2 zones created under this act.

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

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

10 (3)(A) The County Judges Association of Arkansas and the  
11 Arkansas Municipal League shall report the outcome of the tire accountability  
12 board member elections of each tire accountability zone to the Arkansas  
13 Pollution Control and Ecology Commission.

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

17  
18 SECTION 34. EMERGENCY CLAUSE. It is found and determined by the  
19 General Assembly of the State of Arkansas that the State of Arkansas is  
20 responsible for the appropriate disposal of waste tires and for protecting  
21 the public health and our shared environment; that discarded, uncollected,  
22 and unprocessed waste tires are breeding habitats for disease-carrying  
23 vectors and pose toxic-fume fire hazards; that it is more appropriate to  
24 process waste tires rather than continue to exhaust our landfills and  
25 monofills; that the tire processing capacity within the State of Arkansas is  
26 at capacity and is not sufficient to address our waste tire responsibility;  
27 that transportation of the waste tires to neighboring states is too costly to  
28 pursue; and that without increasing the capacity for processing tires within  
29 the State of Arkansas, a public health and safety emergency exists.  
30 Therefore, an emergency is declared to exist, and this act being immediately  
31 necessary for the preservation of the public peace, health, and safety shall  
32 become effective on:

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

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

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

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