

CONFERENCE COMMITTEE REPORT

HB 746

2015 Regular Session

Miguez

June 10, 2015

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 746 by Representative Miguez, recommend the following concerning the Reengrossed bill:

1. That Senate Committee Amendments Nos. 1 through 10 proposed by the Senate Committee on Environmental Quality and adopted by the Senate on June 3, 2015, be adopted.
2. That Amendment No. 1 proposed by the Legislative Bureau and adopted by the Senate on June 4, 2015, be adopted.
3. That Amendment No. 1 proposed by Senator Morrish and adopted by the Senate on June 6, 2015, be adopted.
4. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 3, at the end of line 12, insert "Additionally, recommendations for any changes to the fee structure of the program shall be submitted to the committees on or before February 15, 2016, and thereafter, such recommendations shall be submitted with the annual report."

AMENDMENT NO. 2

On page 3, after line 29, insert "(9) A representative appointed by the Louisiana Farm Bureau."

AMENDMENT NO. 3

In Senate Committee Amendment No. 5 proposed by the Senate Committee on Environmental Quality and adopted by the Senate on June 3, 2015, on page 1, at the end of line 13, insert "weighing one hundred pounds or more" and at the beginning of line 14, insert "and"

AMENDMENT NO. 4

In Senate Committee Amendment No. 5 proposed by the Senate Committee on Environmental Quality and adopted by the Senate on June 3, 2015, on page 1, line 20, after "bicycles" delete the comma "," and the remainder of the line and delete line 21 in its entirety and insert "and mopeds."

AMENDMENT NO. 5

In Senate Committee Amendment No. 5 proposed by the Senate Committee on Environmental Quality and adopted by the Senate on June 3, 2015, on page 1, at the end of line 31, insert "weighing" and at the beginning of line 32, insert "less than one hundred pounds and"

Respectfully submitted,

Representative Blake Miguez

Senator Mike Walsworth

Representative Gordon Dove

Senator Robert W. "Bob" Kostelka

Representative Stuart Bishop

Senator Dan "Blade" Morrish

 DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

CONFERENCE COMMITTEE REPORT DIGEST
HB 746**2015 Regular Session****Miguez**
Keyword and oneliner of the instrument as it left the House

ENVIRONMENT/WASTE TIRES: Provides for the waste tire program in the Department of Environmental Quality

Report adopts Senate amendments to:

1. Change the definition of "motor vehicle" and "passenger/light truck/small farm service tire" by including both on-road and off-road motorcycles tires..
3. Add the definition of "motor vehicle dealer", "sale of a motor vehicle", and "waste tire material".
4. Require the rules and regulations to provide for standards and requirements for expedited approval of customary end-market uses including but not be limited to those recognized by the Environmental Protection Agency (EPA), the Rubber Manufacturers Association, or previously approved by the Dept. of Environmental Quality (DEQ).
5. Remove waste tire processors' entitlement to 50% of payment upon processing a tire and the remaining 50% upon the material reaching end market use.
6. Require DEQ to use the emergency rulemaking process to adopt rules to implement present law by Oct. 1, 2015. After that date emergency rules may only be used if imminent peril to the public health, safety, or welfare exists.
7. Make technical changes.

Report rejects Senate amendments which would have:

1. Removed the 100 lbs. tire weight requirement from the definition of "medium truck tire" and "passenger/light truck/small farm service tire".
2. Changed the definition of "motor vehicle" by excluding lawn mowers, golf carts, all-terrain vehicles, and utility vehicles.

Report amends the bill to:

1. Requires the Waste Tire Program Task Force to submit recommendations for fee structure changes to the oversight committees on or before Feb. 15, 2016.
2. Adds a representative appointed by the Louisiana Farm Bureau to the Waste Tire Program Task Force.

Digest of the bill as proposed by the Conference Committee

Present law provides that \$2 per passenger/light truck tire, \$5 per medium truck tire, and \$10 per off-road tire be collected for every tire sold. These fees are deposited into the Waste Tire Management Fund which is used to operate the waste tire program in the Dept. of Environmental Quality (DEQ). One aspect of that program is to reimburse waste tire processors from the fund for scrapping waste tires generated within the state.

Present law requires a permitted waste tire processing facility to be paid a minimum of .075¢ per pound of waste tire material that is recycled or that reaches end market uses or per pound of whole waste tires that are recycled or reaches end market uses. Proposed law retains present law.

Present law defines a "passenger/light truck/small farm service tire" as a tire weighing less than 100 lbs. and normally used on automobiles, pickup trucks, sport utility vehicles, front steer tractors, and farm implement service vehicles. Proposed law adds on-road and off-road motorcycles tires to the definition.

Present law defines a "medium truck tire" as a tire weighing 100 lbs. or more and normally used on semitrailers, truck-tractor, semitrailer combinations or other like vehicles used primarily to commercially transport persons or property on the roads of this state or any other vehicle regularly used on the roads of this state. Proposed law retains present law.

Present law defines an "off-road tire" as a tire weighing 100 lbs. or more and that is normally used on off-road vehicles.

Proposed law defines "processed" as any method or activity that alters whole waste tires so that they are no longer whole; such as, cutting, slicing, chipping, shredding, distilling, freezing, or other processes as determined by the administrative authority. At a minimum, the tire must be cut more than half to be considered processed.

Proposed law adds definitions of "motor vehicle", "motor vehicle dealer", "sale of a motor vehicle", and "waste tire material".

Present law requires the secretary of DEQ to promulgate rules, regulations, and guidelines for the administration and enforcement of a waste tire program.

Proposed law requires the rules and regulations to provide for standards and requirements for expedited approval of customary end-market uses including but not limited to those recognized by the EPA, the Rubber Manufacturers Association, or previously approved by DEQ.

Proposed law requires the standards and requirements in proposed law shall not include disposal as an end market use of eligible waste tire material and shall not contravene present law prohibiting waste tire disposal in solid waste facilities and providing for waste tires commingled with solid waste.

Present law creates the Waste Tire Program Task Force charged with the responsibilities to study, report, and make recommendations on the waste tire program to the oversight committees on or before Feb. 15, 2014. Present law requires the task force to hold its first meeting by Aug. 31, 2013.

Proposed law removes the required dates for the report and holding its first meeting and requires annual recommendations. Further, requires the task force to submit recommendations for fee structure changes to the oversight committees on or before Feb. 15, 2016.

Present law provides for the membership of the task force as follows:

- (1) The secretary of the DEQ, or her designee.
- (2) The chairman of the House Committee on Natural Resources and Environment, or his designee.

- (3) The chairman of the Senate Committee on Environmental Quality, or his designee.
- (4) A representative appointed by the governor.
- (5) A representative appointed by the La. Motor Transport Association.
- (6) A representative appointed by the La. Independent Tire Dealers Association.
- (7) A representative appointed by each of the waste tire processors permitted as of May 1, 2013.

Proposed law adds a representative appointed by the Louisiana Marine and Motorcycle Dealers Association and a representative appointed by the Louisiana Farm Bureau as members.

Proposed law requires the secretary to bring any rule, regulation, or guideline required by present law in conformity with current law by March 31, 2016.

Proposed law requires the secretary to use the emergency rulemaking process to adopt certain rules by Oct. 1, 2015.

(Amends R.S. 30:2412(4), (5), (5.1), (5.2), and (6.1) and §3 of Act No. 323 of the 2013 R.S.; Adds R.S. 30:2412(5.3), (16.1), (24.2), and (31) and 2418(H)(10))