

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1300

2007 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1300

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1300

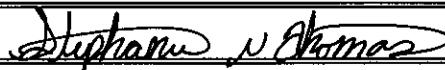
House Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: January 17, 2007

Recorder Job Number: 1327

Committee Clerk Signature



Minutes:

**Chair Keiser** opened the hearing on HB 1300.

**Rep. Shirley Meyer, District 36:** I did this bill for a constituent who lives 2 miles out of town, and happens to be by a tire dealer. He stated to me that he was sick and tired of having to pick up tires in his road ditch. He indicated that last fall he picked up 47 tires, and he then had to pay the disposal fee on them. The whole object of this is when you go have your tire changed the tire dealer will say to you do you want us to dispose of your tire, and normally you say how much will that cost, and if you don't have the money, then you'll say no I'll take care of this myself. So, then you subsequently go and toss it usually 2 miles out of town, and this problem is occurring around all the towns. (See proposed amendment 70488.0101

**Rep. Ruby:** Isn't this pretty much being done? They generally are charging a fee at this time already, because it's going to cost them disposal fees and hauling fees to dispose of them at this time. Why is this needed when it's already being done, and what would you do in a case where the retailers are recycling the tires which may come at a cost to them already, when they're passing on their cost to their customers?

**Rep. Meyer:** The difference that this would do is when you go in to get your tires changed; they no longer will ask if you want them to dispose of your tires. They can't ask that anymore, so that will stop people from going out and throwing tires on someone's property.

**Rep. Ruby:** Generally, it comes to about \$2.00 a tire, are you seeing significant piles out in the country, or is it just isolated places?

**Rep. Meyer:** Last November I picked up 4 tires, but I hauled them to the dump myself and they did not charge me, but normally they do. I'm doing this for the constituent that picked up 47 tires in his ditch.

**Rep. Arlo Schmidt, District 7:** I'm here to support this bill for many of the same reasons Rep. Meyer has given you. I'm an auctioneer, and sometimes we sign a contract for an auction, vacant farms, and in that contract it's up to us to clean that place. Years ago they burned them, but now days your not supposed to burn tires. So, to dispose of them I go to the dump grounds to the city hall, and it's \$5.00 a tire. I signed on this bill to save some money.

**Bruce Burkland, OK Tire, Fargo:** Opposed to HB 1300. We feel it would be against the original amendment of this bill, and we felt we have a very good plan implemented right now with an independent contractor. Last year, we spent \$80,000 in disposing of tires, and we feel that we have a very good control of it, and we feel this is a very isolated incident. I spoke to the landfill people here in Bismarck and asked them how many tires they have to pick up on their routes annually. They said if they pick up 50 tires a year, they'd be lucky. So, right now it seems like an isolated incident, and if it needs to be addressed I think it should be addressed by maybe the county government.

**Dave Glott, ND Department of Health:** See written testimony #1.

**Rep. Ruby:** Basically, this is just going to take away the ability to ask the question. We won't have the choice of turning away the tires, is that correct?

**Dave:** Yes, that's my understanding.

**Rep. Ruby:** I don't see anything in this that says it has to be the ones that were just sold, what if somebody brings whatever number of tires to them, would they have to take them?

**Dave:** I would leave that up to the tire dealer of whether or not they want to take them. People can take them directly to landfills and pay the fee there so, there's other options.

**Rep. Ruby:** It has changed the last couple of years, it's come along way.

**Dave:** That's true, and I do think that the vast majority of the retailers are very responsible in this manner, and they take care in a responsible way. We do periodically still have to deal with tire piles.

**Rep. Ruby:** The problem I have is that exemption for agriculture and commercial. This is also for tractor and truck tires?

**Dave:** My understanding is this deals more with passenger tires. I think when you start getting into tractor tires, there's a bigger cost associated with that.

**Rep. Keiser:** You made a suggestion that retailers should be required to dispose of as many tires as they sell. Could that possibly place a real burden on the retailers, in that if I want new tires and I want to keep my old ones, now the retailer doesn't have the four tires, so doesn't that put them in a tough situation?

**Dave:** It could. I don't know how often that really happens, but I think the vast majority of people would just assume get rid of them.

**Rep. Vigesaa:** It is true that lots of times someone wants to keep the tires for farming, and put those old tires on an implement or trailer. They'll make some use for them on the farm, so they may want those tires and put them to use.

Hearing Closed.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1300

House Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: January 17, 2007

Recorder Job Number: 1329

Committee Clerk Signature



Minutes:

**Chair Keiser** opened the hearing on HB 1300.

**Rep. Gruchalla:** Having spent the majority of my life on the highway, I learned to be suspicious of things like this. If 47 tires are ending up 2 ¼ miles south of Dickinson, either there's a sign up in the tower of the tire shop that says drop them here, or somebody doesn't like that farmer. I've never seen tire littering to that extent anywhere.

**Rep. Boe:** I make the motion to adopt the amendment.

**Rep. Amerman:** Second.

**Voice vote was taken, amendment adopted.**

**Rep. Ruby:** I move a do not pass, as amended.

**Rep. Vigesaa:** Second.

**Roll call vote was taken. 12 Yeas, 1 Nay, 1 Absent, Carrier: Rep. Thorpe**

Hearing Closed.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1300

Page 1, line 3, replace "A" with "Except for tires used for agricultural or commercial purposes,  
a"

Page 1, line 4, replace "charge a nonrefundable waste disposal fee of two dollars and  
twenty-five cents for each" with "take custody of replaced tires"

Page 1, remove line 5

Page 1, line 6, remove "purchaser" and replace "return the tire to the purchaser upon request  
of the purchaser" with "charge a nonrefundable waste disposal fee"

Renumber accordingly

**House Amendments to HB 1300 (70488.0102) - Industry, Business and Labor  
Committee 01/19/2007**

Page 1, line 3, replace "A" with "Except for tires used for agricultural or commercial purposes,  
a"

Page 1, line 4, replace "charge a nonrefundable waste disposal fee of two dollars and  
twenty-five cents for each" with "take custody of replaced tires"

Page 1, remove line 5

Page 1, line 6, remove the first "purchaser" and replace "return the tire to the purchaser upon  
request of the purchaser" with "charge a nonrefundable waste disposal fee"

Renumber accordingly

Date: 1-17-07  
 Roll Call Vote #: \_\_\_\_\_

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1300**

House Industry Business & Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass, AS Amended

Motion Made By Rep. Ruby Seconded By Rep. Vigasaa

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Rep. Amerman		X
Vice Chairman Johnson	X		Rep. Boe	X	
Rep. Clark	X		Rep. Gruchalla	X	
Rep. Dietrich	X		Rep. Thorpe	X	
Rep. Dosch	X		Rep. Zaiser	X	
Rep. Kasper	X				
Rep. Nottestad					
Rep. Ruby	X				
Rep. Vigasaa	X				

Total Yes 12 No 1

Absent 1

Floor Assignment Rep Thorpe

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1300: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1300 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "A" with "Except for tires used for agricultural or commercial purposes, a"

Page 1, line 4, replace "charge a nonrefundable waste disposal fee of two dollars and twenty-five cents for each" with "take custody of replaced tires"

Page 1, remove line 5

Page 1, line 6, remove the first "purchaser" and replace "return the tire to the purchaser upon request of the purchaser" with "charge a nonrefundable waste disposal fee"

Renumber accordingly

2007 TESTIMONY

HB 1300

**Testimony**

**House Bill 1300**

**Industry, Business and Labor Committee**

**Wednesday, January 17, 2007; 1:30 p.m.**

**North Dakota Department of Health**

Good afternoon, Chairman Keiser and members of the Industry, Business and Labor Committee. My name is David Glatt, and I am chief of the Environmental Health Section for the North Dakota Department of Health. I am here today to provide information on House Bill 1300, regarding a tire waste disposal fee.

It is estimated that more than 600,000 scrap tires are handled each year in North Dakota. In addition to creating an aesthetic blight on the landscape, improperly disposed scrap tires can pose at least two health threats: (1) they provide breeding grounds for pests, and (2) if they start on fire, they are difficult to extinguish and produce toxic emissions.

To address some of these issues, the North Dakota Department of Health currently implements rules requiring the proper handling, storage and disposal of scrap tires. The state rules do not require the collection of a waste disposal or recycling fee. Although other states have found innovative ways to stimulate and promote the recycling of scrap tires – such as using them for tire-derived fuel, crumb rubber in roads and running tracks – the primary method of dealing with scrap tires in North Dakota is to dispose of them in approved landfills. The Department of Health currently does not have a fund to specifically promote recycling of scrap tires or to address orphaned or abandoned tire piles.

We propose the following suggestions for your consideration:

- Tire retailers should be required to accept at least as many scrap tires from a customer as new tires are sold to that customer.
- All scrap tires collected by the tire retailers must be handled, recycled or disposed in a manner that complies with North Dakota law and rule.

I would also like to note that the department has proposed amendments to House Bill 1120 as it relates to the Abandoned Automobile Program. One of the proposed amendments would allow the Abandoned Auto Program fund to be considered as a fund of last resort to address orphaned or abandoned tire piles.

This concludes my testimony. I am happy to answer any questions you may have.