MISSISSIPPI LEGISLATURE                        REGULAR SESSION 2001

By:  Representative Ellington                        To:  Conservation and Water Resources

HOUSE BILL NO. 1045

AN ACT TO AMEND SECTION 17-17-423, MISSISSIPPI CODE OF 1972, TO REMOVE THE REPEALER ON THE WASTE TIRE FEE; TO AMEND SECTION 17-17-425, MISSISSIPPI CODE OF 1972, TO REVISE THE ALLOCATION AND USES OF THE WASTE TIRE FEE FUNDS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 17-17-423, Mississippi Code of 1972, is amended as follows:

17-17-423. (1) There is imposed a waste tire fee upon the sale of each new tire sold at retail. The fee shall be imposed on any person engaging in the business of making retail sales of new tires within this state. The fee shall be charged by the tire retailer to the person who purchases a tire for use on a motor vehicle. The fee shall be imposed at the rate of One Dollar ($1.00) for each new tire sold with a rim diameter of less than twenty-four (24) inches and Two Dollars ($2.00) for each new tire sold with a rim diameter of twenty-four (24) inches or greater. The fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the tires have been computed. The fee imposed, less five percent (5%) of fees collected, which shall be retained by the tire retailer as collection costs, shall be paid to the State Tax Commission in the form and manner required by the State Tax Commission and shall include a statement showing the total number of new tires sold during the preceding month. The State Tax Commission shall promulgate rules and regulations necessary to administer the fee collection and enforcement.
(2) The State Tax Commission shall administer, collect and enforce the fee authorized under this section under the same procedures used in the administration, collection and enforcement of the state sales tax imposed under Chapter 65, Title 27, Mississippi Code of 1972, except as provided in this section. The proceeds of the waste tire fee, less five percent (5%) of the proceeds, which shall be retained by the State Tax Commission as collection costs, shall be transferred by the State Tax Commission into the waste tire account of the Environmental Protection Trust Fund.

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SECTION 2. Section 17-17-425, Mississippi Code of 1972, is amended as follows:

17-17-425. (1) Beginning July 1, 1995, monies allocated to the Environmental Protection Trust Fund from waste tire fees shall be accounted for in a waste tire account and shall be utilized for the following purposes:

(a) Not more than sixty percent (60%) shall be utilized for making grants to counties, municipalities or regional solid waste management authorities: (i) for providing a waste tire collection program for small quantity waste tire generators as provided in Section 17-17-409; (ii) for use in clean-up of small scattered unauthorized waste tire dumps not abated under Section 17-17-419; (iii) for payment of a maximum of fifty percent (50%) of the cost of employing a waste tire enforcement officer. The grants may be used as matching funds for employment of a solid waste enforcement officer as provided in Section 17-17-65. An employee may serve as both the solid waste enforcement officer and the waste tire enforcement officer; and (iv) for purchase of products derived from Mississippi waste tires;

(b) Not more than five percent (5%) shall be utilized by the department for abatement of unauthorized waste tire dumps as provided in Section 17-17-419;
(c) Not more than fifteen percent (15%) shall be
utilized (i) to provide incentive grants to persons that will
manufacture products from waste tires, use recovered rubber from
waste tires or use waste tires as a fuel or fuel supplement,
(ii) to provide funding for research and demonstration projects
directly related to solving solid waste problems resulting from
waste tires, including the use of innovative technologies for the
processing of waste tires, (iii) to provide an incentive
reimbursement to end users for the costs of using waste tires or
waste tire derived materials where those tires originate in the
State of Mississippi, if the commission determines an incentive is
necessary to promote market development. The commission may
determine legitimate end uses that may be eligible for
reimbursement and an acceptable rate of reimbursement; and

(d) Not more than twenty percent (20%) shall be
utilized by the department to pay the costs of administering these
funds and the waste tire management program required under
Sections 17-17-405, 17-17-407, 17-17-411, 17-17-413, 17-17-419 and
17-17-423.

(2) To provide for the maximum effective use of funds in the
waste tire account, the commission, upon determination that unused
funds are available in a particular program as described above,
may reallocate funds between the programs described in paragraphs
(a) through (c) of subsection (1) to exceed the percentage
thresholds.

(3) The commission may consolidate any grant provided under
this section with any grant provided under the local governments
solid waste assistance program or the Right-Way-To-Throw-Away
Program. Funds provided through any consolidated grant shall be
used in accordance with the program under which the funds are
provided.

(4) The commission shall establish a statewide plan for the
use of monies received under Sections 17-17-401 through 17-17-427
and shall adopt regulations for administering this fund. The
regulations shall include eligibility requirements for persons
requesting incentive grants and funding for research and
demonstration projects. No incentive grant or research and
demonstration project funding may be awarded for an activity which
receives less than seventy-five percent (75%) of its waste tires
from Mississippi waste tires sites, retailers or residents. The
commission may consider requests for funding from applicants who
do not meet this requirement contingent upon the applicant
demonstrating that the activity does or will accept Mississippi
tires and that the award of the requested funding would be in the
best interest of the State of Mississippi. The burden of proof
shall be on the applicant to show that eligibility requirements
have been met.

(5) For the purpose of establishing a statewide plan for the
use of monies received under Sections 17-17-401 through 17-17-427
and proposing regulations for administering this fund, including
eligibility requirements and application priorities, the
commission shall create an advisory council consisting of members
of the tire industry, the general public, the department, and the
Department of Economic and Community Development.

(6) The department shall provide technical assistance, upon
written request, to a municipality, county or group of counties
desiring assistance in applying for waste tire grants or choosing
a method of waste tire management which would be an eligible use
of the grant funds.

(7) Subject to the authority of the commission in subsection
(2) of this section, monies existing in the waste tire account of
the Environmental Protection Trust Fund on July 1, 1995, shall
remain in the account as previously allocated but those monies
which have been allocated for incentive grants or research and
demonstration awards shall be combined as described in subsection
(1)(c) of this section.
SECTION 3. This act shall take effect and be in force from and after July 1, 2001.