

By: Representative Ford

To: Conservation and Water Resources

HOUSE BILL NO. 483
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 17-17-423, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE REPEALER ON THE WASTE TIRE FEE; TO AMEND SECTION
3 17-17-425, MISSISSIPPI CODE OF 1972, TO REVISE THE ALLOCATION AND
4 USES OF THE WASTE TIRE FEE FUNDS; AND FOR RELATED PURPOSES.

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

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

8 17-17-423. (1) There is imposed a waste tire fee upon the
9 sale of each new tire sold at retail. The fee shall be imposed on
10 any person engaging in the business of making retail sales of new
11 tires within this state. The fee shall be charged by the tire
12 retailer to the person who purchases a tire for use on a motor
13 vehicle. The fee shall be imposed at the rate of One Dollar
14 (\$1.00) for each new tire sold with a rim diameter of less than
15 twenty-four (24) inches and Two Dollars (\$2.00) for each new tire
16 sold with a rim diameter of twenty-four (24) inches or greater.
17 The fee shall be added to the total cost to the purchaser at
18 retail after all applicable sales taxes on the tires have been
19 computed. The fee imposed, less five percent (5%) of fees
20 collected, which shall be retained by the tire retailer as
21 collection costs, shall be paid to the State Tax Commission in the
22 form and manner required by the State Tax Commission and shall
23 include a statement showing the total number of new tires sold
24 during the preceding month. The State Tax Commission shall
25 promulgate rules and regulations necessary to administer the fee
26 collection and enforcement.

27 (2) The State Tax Commission shall administer, collect and
28 enforce the fee authorized under this section under the same
29 procedures used in the administration, collection and enforcement
30 of the state sales tax imposed under Chapter 65, Title 27,
31 Mississippi Code of 1972, except as provided in this section. The
32 proceeds of the waste tire fee, less five percent (5%) of the
33 proceeds, which shall be retained by the State Tax Commission as
34 collection costs, shall be transferred by the State Tax Commission
35 into the waste tire account of the Environmental Protection Trust
36 Fund.

37 * * *

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

40 17-17-425. (1) Beginning July 1, 1995, monies allocated to
41 the Environmental Protection Trust Fund from waste tire fees shall
42 be accounted for in a waste tire account and shall be utilized for
43 the following purposes:

44 (a) Not more than sixty percent (60%) shall be utilized
45 for making grants to counties, municipalities or regional solid
46 waste management authorities: (i) for providing a waste tire
47 collection program for small quantity waste tire generators as
48 provided in Section 17-17-409; (ii) for use in clean-up of small
49 scattered unauthorized waste tire dumps not abated under Section
50 17-17-419; (iii) for matching funds for employment of a solid
51 waste enforcement officer as provided in Section 17-17-65; and
52 (iv) for purchase of products derived from Mississippi waste
53 tires;

54 (b) Not more than five percent (5%) shall be utilized
55 by the department for abatement of unauthorized waste tire dumps
56 as provided in Section 17-17-419;

57 (c) Not more than fifteen percent (15%) shall be
58 utilized (i) to provide incentive grants to persons that will

59 manufacture products from waste tires, use recovered rubber from
60 waste tires or use waste tires as a fuel or fuel supplement,
61 (ii) to provide funding for research and demonstration projects
62 directly related to solving solid waste problems resulting from
63 waste tires, including the use of innovative technologies for the
64 processing of waste tires, (iii) to provide an incentive
65 reimbursement to end users for the costs of using waste tires or
66 waste tire derived materials where those tires originate in the
67 State of Mississippi, if the commission determines an incentive is
68 necessary to promote market development. The commission may
69 determine legitimate end uses that may be eligible for
70 reimbursement and an acceptable rate of reimbursement; and

71 (d) Not more than twenty percent (20%) shall be
72 utilized by the department to pay the costs of administering these
73 funds and the waste tire management program required under
74 Sections 17-17-405, 17-17-407, 17-17-411, 17-17-413, 17-17-419 and
75 17-17-423.

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

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

88 (4) The commission shall establish a statewide plan for the
89 use of monies received under Sections 17-17-401 through 17-17-427
90 and shall adopt regulations for administering this fund. The
91 regulations shall include eligibility requirements for persons

92 requesting incentive grants and funding for research and
93 demonstration projects. No incentive grant or research and
94 demonstration project funding may be awarded for an activity which
95 receives less than seventy-five percent (75%) of its waste tires
96 from Mississippi waste tires sites, retailers or residents. The
97 commission may consider requests for funding from applicants who
98 do not meet this requirement contingent upon the applicant
99 demonstrating that the activity does or will accept Mississippi
100 tires and that the award of the requested funding would be in the
101 best interest of the State of Mississippi. The burden of proof
102 shall be on the applicant to show that eligibility requirements
103 have been met.

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

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

116 (7) Subject to the authority of the commission in subsection
117 (2) of this section, monies existing in the waste tire account of
118 the Environmental Protection Trust Fund on July 1, 1995, shall
119 remain in the account as previously allocated but those monies
120 which have been allocated for incentive grants or research and
121 demonstration awards shall be combined as described in subsection
122 (1)(c) of this section.

123 SECTION 3. This act shall take effect and be in force from
124 and after July 1, 2001.