

By: Representatives Fillingane, Davis, Lott

To: Conservation and Water Resources

HOUSE BILL NO. 818  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 17-17-423, MISSISSIPPI CODE OF 1972,  
2 TO IMPOSE THE WASTE TIRE FEE ON EACH NEW TIRE SOLD AT WHOLESALE;  
3 TO PROVIDE THAT THE PERSON SELLING TIRES AT WHOLESALE SHALL BE  
4 RESPONSIBLE FOR COLLECTING SUCH FEES AND PAYING THEM TO THE STATE  
5 TAX COMMISSION; TO AMEND SECTION 17-17-415, MISSISSIPPI CODE OF  
6 1972, IN CONFORMITY THERETO; TO CREATE THE TASK FORCE ON  
7 RECYCLING; TO PROVIDE FOR THE APPOINTMENT OF MEMBERS TO THE TASK  
8 FORCE; TO PROVIDE DUTIES FOR THE TASK FORCE; TO REQUIRE THE TASK  
9 FORCE TO MEET QUARTERLY; TO ASSIGN THE TASK FORCE TO THE  
10 MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY FOR ADMINISTRATIVE  
11 PURPOSES ONLY; AND FOR RELATED PURPOSES.

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

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

15 17-17-423. (1) There is imposed a waste tire fee upon the  
16 sale of each new tire sold at wholesale. The fee shall be imposed  
17 on any person engaging in the business of making wholesale sales  
18 of new tires within this state. \* \* \* The fee shall be imposed at  
19 the rate of One Dollar (\$1.00) for each new tire sold with a rim  
20 diameter of less than twenty-four (24) inches and Two Dollars  
21 (\$2.00) for each new tire sold with a rim diameter of twenty-four  
22 (24) inches or greater. The fee shall be added to the total cost  
23 to the purchaser at wholesale; however, a person engaged in the  
24 business of making retail sales of tires in this state who  
25 purchases tires from a wholesaler or manufacturer outside this  
26 state upon which the waste tire fee is not imposed, shall be  
27 responsible for remitting the waste tire fee directly to the State  
28 Tax Commission in lieu of payment of the tax to the wholesaler or  
29 manufacturer. The fee imposed, less five percent (5%) of fees  
30 collected, which shall be retained by the tire wholesaler or  
31 retailer as collection costs, shall be paid to the State Tax

32 Commission in the form and manner required by the State Tax  
33 Commission and shall include a statement showing the total number  
34 of new tires sold during the preceding month. The State Tax  
35 Commission shall promulgate rules and regulations necessary to  
36 administer the fee collection and enforcement.

37 (2) The State Tax Commission shall administer, collect and  
38 enforce the fee authorized under this section under the same  
39 procedures used in the administration, collection and enforcement  
40 of the state sales tax imposed under Chapter 65, Title 27,  
41 Mississippi Code of 1972, except as provided in this section. The  
42 proceeds of the waste tire fee, less five percent (5%) of the  
43 proceeds, which shall be retained by the State Tax Commission as  
44 collection costs, shall be transferred by the State Tax Commission  
45 into the waste tire account of the Environmental Protection Trust  
46 Fund.

47 **SECTION 2.** Section 17-17-415, Mississippi Code of 1972, is  
48 amended as follows:

49 17-17-415. (1) Any person selling new or reusable tires at  
50 retail shall accept from a customer at the point of transfer, used  
51 or waste tires in a quantity at least equal to the number of new  
52 or reusable tires purchased, if offered by the customer. The  
53 retailer may assess a disposal fee on each tire sold. If the  
54 retailer imposes a disposal fee, the retailer is prohibited from  
55 imposing a disposal fee on the customer in excess of the actual  
56 per tire disposal costs incurred by the retailer and is also  
57 prohibited from waiving the disposal fee if the customer keeps the  
58 used or waste tire. In addition, \* \* \* if a retailer is required  
59 to remit the waste tire fee in Section 17-17-423 directly to the  
60 State Tax Commission, the fee shall be considered a part of his  
61 actual disposal costs. \* \* \*

62 (2) Any tire retailer, tire wholesaler, motor vehicle  
63 dismantler and salvage dealer may hold not more than five hundred  
64 (500) waste tires for a period not to exceed ninety (90) days

65 without being authorized as a waste tire collection site, if such  
66 tires are stored in a manner which protects human health and the  
67 environment pursuant to regulations adopted by the commission.

68 **SECTION 3.** (1) There is created the Task Force on  
69 Recycling, which will be responsible for developing a  
70 comprehensive plan to establish a system to recycle household  
71 items. The task force will serve as a consensus group designed to  
72 coordinate efforts by the state, counties and municipalities to  
73 create an effective recycling system in the state.

74 (2) The task force shall consist of nineteen (19) members.

75 (a) Six (6) members shall be appointed by the Governor  
76 from each of the following industries:

- 77 (i) Plastic recycling;
- 78 (ii) Metal recycling;
- 79 (iii) Paper recycling;
- 80 (iv) Glass recycling;
- 81 (v) Household and highway hazardous waste  
82 recycling; and
- 83 (vi) Solid waste disposal.

84 (b) In addition to the members appointed by the  
85 Governor, membership of the task force will include one (1)  
86 representative from each of the following agencies, associations  
87 or entities, as designated by each respective agency, association  
88 or entity:

- 89 (i) Mississippi Municipal League;
- 90 (ii) Mississippi Association of Supervisors;
- 91 (iii) Department of Corrections;
- 92 (iv) Department of Environmental Quality;
- 93 (v) Cooperative Extension Service, one who is a  
94 county home economist;
- 95 (vi) Sierra Club;
- 96 (vii) Keep Mississippi Beautiful;
- 97 (viii) Mississippi Malt Beverage Association;

- 98 (ix) Mississippi Soft Drink Association;  
99 (x) Mississippi Retail Association;  
100 (xi) Mississippi Manufacturer's Association;  
101 (xii) Mississippi Petroleum Marketers and  
102 Convenience Stores Association; and  
103 (xiii) Mississippi Farm Bureau Federation.

104 **SECTION 4.** (1) The Task Force on Recycling has the  
105 following duties:

106 (a) Undertake a statistical and qualitative examination  
107 of the benefits of recycling in Mississippi;

108 (b) Develop a comprehensive plan to recycle household  
109 items;

110 (c) Report to the Mississippi State Legislature by  
111 December 31, 2004, with a system to allow counties and  
112 municipalities to collect items to be recycled.

113 (2) The Chairman for the task force shall be elected by its  
114 membership. The task force shall convene by August 1, 2004. The  
115 task force shall meet and conduct business at least quarterly.  
116 All meetings of the task force will be open to the public, with  
117 opportunities for public comment provided on a regular basis.  
118 Notice of all meetings shall be given as provided in the Open  
119 Meetings Act and appropriate notice also shall be given to all  
120 persons so requesting of the date, time and place of each meeting.

121 (3) (a) The task force is assigned to the Mississippi  
122 Department of Environmental Quality for administrative purposes  
123 only.

124 (b) Membership in the task force shall be voluntary.  
125 No member of the task force shall be compensated or reimbursed  
126 with state funds for the discharge of duties associated with this  
127 task force.

128 **SECTION 5.** This act shall take effect and be in force from  
129 and after July 1, 2004.