

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 661

95TH GENERAL ASSEMBLY

1620L.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 260.273, 260.275, and 260.276, RSMo, and to enact in lieu thereof three new sections relating to tire disposal.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 260.273, 260.275, and 260.276, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 260.273, 260.275, and 260.276, to read as follows:

260.273. 1. Any person purchasing a new tire may present to the seller the used tire or remains of such used tire for which the new tire purchased is to replace.

2. A fee for each new tire sold at retail 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 retailer to the person who purchases a tire for use and not for resale. Such fee shall be imposed at the rate of fifty cents for each new tire sold. Such 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 six percent of fees collected, which shall be retained by the tire retailer as collection costs, shall be paid to the department of revenue in the form and manner required by the department of revenue and shall include the total number of new tires sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the sale of new tires to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee.

3. The department of revenue shall administer, collect and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 and enforcement of the general state sales and use tax imposed pursuant to chapter 144, RSMo,
18 except as provided in this section. The proceeds of the new tire fee, less four percent of the
19 proceeds, which shall be retained by the department of revenue as collection costs, shall be
20 transferred by the department of revenue into an appropriate subaccount of the solid waste
21 management fund, created pursuant to section 260.330.

22 4. Up to five percent of the revenue available may be allocated, upon appropriation, to
23 the department of natural resources to be used cooperatively with the department of elementary
24 and secondary education for the purposes of developing **environmental educational materials**,
25 programs, and curriculum [pursuant to section 260.342] **that assist in the department's**
26 **implementation of sections 260.200 to 260.345.**

27 5. Up to [twenty-five] **fifty** percent of the moneys received pursuant to this section may,
28 upon appropriation, be used to administer the programs imposed by this section. Up to [five]
29 **forty-five** percent of the moneys received under this section may, upon appropriation, be used
30 for the grants authorized in subdivision (2) of subsection 6 of this section [and authorized in
31 section 260.274]. All remaining moneys shall be allocated, upon appropriation, for the projects
32 authorized in section 260.276, except that any unencumbered moneys may be used for public
33 health, environmental, and safety projects in response to environmental **or public health**
34 emergencies **and threats** as determined by the director.

35 6. The department shall promulgate, by rule, a statewide plan for the use of moneys
36 received pursuant to this section to accomplish the following:

37 (1) Removal of waste tires from illegal tire dumps;

38 (2) Providing grants to persons that will use products derived from waste tires, or used
39 waste tires as a fuel or fuel supplement; and

40 (3) Resource recovery activities conducted by the department pursuant to section
41 260.276.

42 7. The fee imposed in subsection 2 of this section shall begin the first day of the month
43 which falls at least thirty days but no more than sixty days immediately following August 28,
44 2005, and shall terminate January 1, [2010] **2020.**

45 [8. By January 1, 2009, the department shall report to the general assembly a complete
46 accounting of the tire cleanups completed or in progress, the cost of the cleanups, the number
47 of tires remaining, the balance of the fund, and enforcement actions completed or initiated to
48 address waste tires.]

260.275. 1. Each operator of a scrap tire site shall ensure that the area is properly closed
2 upon cessation of operations. The department of natural resources may require that a closure
3 plan be submitted with the application for a permit. The closure plan, as approved by the
4 department, shall include at least the following:

5 (1) A description of how and when the area will be closed;

6 (2) The method of final disposition of any scrap tires remaining on the site at the time
7 notice of closure is given to the department.

8 2. The operator shall notify the department at least ninety days prior to the date he
9 expects closure to begin. No scrap tires may be received by the scrap tire site after the date
10 closure is to begin.

11 3. The permittee shall provide a financial assurance instrument in such an amount and
12 form as prescribed by the department to ensure that, upon abandonment, cessation or interruption
13 of the operation of the site, an approved closure plan is completed. The amount of the financial
14 assurance instrument shall be based upon the current costs of similar cleanups using data from
15 actual scrap tire cleanup project bids received by the department to remediate scrap tire sites of
16 similar size. If scrap tires are accumulated at a solid [scrap management] **waste disposal** area,
17 the existing **closure** financial assurance instrument filed for the solid [scrap] **waste disposal** area
18 may be applied to the requirements of this section. Any interest that accrues to any financial
19 assurance instrument established pursuant to this section shall remain with that instrument and
20 shall be applied against the operator's obligation under this section until the instrument is
21 released by the department. The director shall authorize the release of the financial assurance
22 instrument after the department has been notified by the operator that the site has been closed,
23 and after inspection, the department approves closure of the scrap tire site.

24 4. If the operator of a scrap tire site fails to properly implement the closure plan, the
25 director shall order the operator to implement such plan, and take other steps necessary to assure
26 the proper closure of the site pursuant to section 260.228 and this section.

27 **5. A coal-fired electric generating facility that burns tire-derived fuel shall not be**
28 **considered a scrap tire site or solid waste disposal area.**

260.276. 1. The department of natural resources shall, subject to appropriation, conduct
2 resource recovery or nuisance abatement activities designed to reduce the volume of scrap tires
3 or alleviate any nuisance condition at any site if the owner or operator of such a site fails to
4 comply with the rules and regulations authorized under section 260.270, or if the site is in
5 continued violation of such rules and regulations. The department shall give first priority to
6 cleanup of sites owned by persons who present satisfactory evidence that such persons were not
7 responsible for the creation of the nuisance conditions or any violations of section 260.270 at the
8 site.

9 2. The department may ask the attorney general to initiate a civil action to recover from
10 any persons responsible the reasonable and necessary costs incurred by the department for its
11 nuisance abatement activities and its legal expenses related to the abatement; except that in no
12 case shall the attorney general seek to recover cleanup costs from the owner of the property if

13 such person presents satisfactory evidence that such person was not responsible for the creation
14 of the nuisance condition or any violation of section 260.270 at the site.

15 3. The department shall allow any person, firm, corporation, state agency, charitable,
16 fraternal, or other nonprofit organization to bid on a contract for each resource recovery or
17 nuisance abatement activity authorized under this section. The contract shall specify the cost per
18 tire for delivery to a registered scrap tire processing or end-user facility, and the cost per tire for
19 processing. The recipient or recipients of any contract shall not be compensated by the
20 department for the cost of delivery and the cost of processing for each tire until such tire is
21 delivered to a registered scrap tire processing or end-user facility and the contract recipient has
22 provided proof of delivery to the department. [Any charitable, fraternal, or other nonprofit
23 organization which voluntarily cleans up land or water resources may turn in scrap tires collected
24 in the course of such cleanup under the rules and regulations of the department.]

25 **4. Subject to the availability of funds, any charitable, fraternal, or other nonprofit**
26 **organization which voluntarily cleans up land or water resources may be eligible for**
27 **reimbursement for the disposal costs of scrap tires collected in the course of such cleanup**
28 **under the rules and regulations of the department. Also, subject to the availability of**
29 **funds, any municipal or county government which voluntarily cleans up scrap tires from**
30 **illegal dumps, not incidental to normal governmental activities or resulting from tire**
31 **collection events, may also be eligible for reimbursement for the disposal costs of scrap**
32 **tires collected in the course of such cleanup under the rules and regulations of the**
33 **department.**

✓