

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 192

93RD GENERAL ASSEMBLY

Reported from the Committee on Conservation and Natural Resources April 12, 2005 with recommendation that House Committee Substitute for House Bill No. 192 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

Reported from the Committee on Rules April 14, 2005 with recommendation that House Substitute Committee for House Bill No. 192 Do Pass with no time limit for debate.

Taken up for Perfection April 28, 2005. Bill ordered Perfected and, printed as amended.

STEPHEN S. DAVIS, Chief Clerk

0502L.03P

AN ACT

To repeal section 260.273, RSMo, and to enact in lieu thereof two new sections relating to waste tires, with an emergency clause.

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

Section A. Section 260.273, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 260.273 and 260.279, to read as follows: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

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.

12 to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do
13 not include the sale of new tires to a person solely for the purpose of resale, if the subsequent
14 retail sale in this state is to the ultimate consumer and is subject to the fee.

15 3. The department of revenue shall administer, collect and enforce the fee authorized
16 pursuant to this section pursuant to the same procedures used in the administration, collection
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] **two** percent of
19 the 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 educational programs and curriculum
25 pursuant to section 260.342.

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

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

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

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

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

41 7. The fee imposed in subsection 2 of this section shall **begin the first day of the month**
42 **which falls at least thirty days but no more than sixty days immediately following the**
43 **effective date of this section and shall terminate January 1, [2004] 2010.**

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

260.279. In letting contracts for the performance of any job or service for the removal or clean up of waste tires under chapter 260, RSMo, the department of natural resources shall, in addition to the requirements of sections 34.073 and 34.076, RSMo, and any other points awarded during the evaluation process, give to any vendor that meets one or more of the following factors a five percent preference and ten bonus points for each factor met:

(1) The bid is submitted by a vendor that has resided or maintained its headquarters or principal place of business in Missouri continuously for the two years immediately preceding the date on which the bid is submitted;

(2) The bid is submitted by a nonresident corporation vendor that has an affiliate or subsidiary that employs at least twenty state residents and has maintained its headquarters or principal place of business in Missouri continuously for the two years immediately preceding the date on which the bid is submitted;

(3) The bid is submitted by a vendor that resides or maintains its headquarters or principal place of business in Missouri and, for the purposes of completing the bid project and continuously over the entire term of the project, an average of at least seventy-five percent of such vendor's employees are Missouri residents who have resided in the state continuously for at least two years immediately preceding the date on which the bid is submitted. Such vendor must certify the residency requirements of this subdivision and submit a written claim for preference at the time the bid is submitted;

(4) The bid is submitted by a nonresident vendor that has an affiliate or subsidiary that employs at least twenty state residents and has maintained its headquarters or principal place of business in Missouri and, for the purposes of completing the bid project and continuously over the entire term of the project, an average of at least seventy-five percent of such vendor's employees are Missouri residents who have resided in the state continuously for at least two years immediately preceding the date on which the bid is submitted. Such vendor must certify the residency requirements of this subdivision and submit a written claim for preference at the time the bid is submitted;

(5) The bid is submitted by any vendor that provides written certification that the end use of the tires collected during the project will be for fuel purposes or for the manufacture of a useable good or product. For the purposes of this subsection, the landfilling of waste tires, waste tire chips, or waste tire shreds in any manner, including landfill cover, shall not permit the vendor a preference.

Section B. Because immediate action is necessary to clean up waste tires, the enactment of section 260.279 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act

4 within the meaning of the constitution, and the enactment of section 260.279 of section A of this
5 act shall be in full force and effect upon its passage and approval.