Unofficial Copy 1997 Regular Session M3 7lr2253

By: Senator Craig

Introduced and read first time: January 31, 1997 Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 Scrap Tire Disposal - Fee and Reimbursements

3 FOR the purpose of altering the limit of the State Used Tire Cleanup and Recy	3 F	FC)R	the	e p	urr	ose	0	f a	lteri	ng	the	limi	it of	f the	State	Used	l Tire	Cl	eanur	and	Re	ecv	cli	n	g
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- 4 Fund; establishing a certain limitation on the use of certain funds reimbursed to the
- 5 State Used Tire Cleanup and Recycling Fund; eliminating a certain tire recycling
- 6 fee and a certain limitation on local government after a certain date; requesting the
- 7 Board of Public Works to decrease the tire recycling fee during certain fiscal years;
- 8 providing for the effective date of a portion of this Act; and generally relating to
- 9 scrap tires and disposal.

10 BY repealing and reenacting, with amendments,

- 11 Article Environment
- 12 Section 9-274 and 9-275
- 13 Annotated Code of Maryland
- 14 (1996 Replacement Volume and 1996 Supplement)

15 BY repealing and reenacting, without amendments,

- 16 Article Environment
- 17 Section 9-276
- 18 Annotated Code of Maryland
- 19 (1996 Replacement Volume and 1996 Supplement)

20 BY repealing

- 21 Article Environment
- 22 Section 9-228(g)
- 23 Annotated Code of Maryland
- 24 (1996 Replacement Volume and 1996 Supplement)

25 BY repealing and reenacting, with amendments,

- 26 Article Environment
- 27 Section 9-274
- 28 Annotated Code of Maryland
- 29 (1996 Replacement Volume and 1996 Supplement)
- 30 (As enacted by Section 1 of this Act)

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1 2	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
3	Article - Environment
4	9-274.
5 6	(a) The State Used Tire Cleanup and Recycling Fund shall consist of moneys made available under:
7	(1) Loan authorizations;
8	(2) Funds appropriated in the State budget;
9 10	(3) Fees collected for the sale of tires by retail dealers under \S 9-228(g) of this subtitle; or
11	(4) Bond and security forfeitures collected under § 9-228(k) of this subtitle.
12	(b) (1) The Fund is limited to a maximum of [\$15,000,000] \$10,000,000.
15	(2) If the sum of unallocated funds in the Fund and the projected fees for the next fiscal year exceeds [\$15,000,000] \$10,000,000, the Board of Public Works shall adjust the fees for the next fiscal year on a pro rata basis so that the sum of unallocated and actual fees does not exceed [\$15,000,000] \$10,000,000.
17	9-275.
	(a) Subject to the appropriation process in the annual operating budget AND SUBSECTION (C) OF THIS SECTION, the Department shall use the State Used Tire Cleanup and Recycling Fund solely:
	(1) For removal, restoration, or remedial action, including the restoration of natural resources where feasible and site maintenance and monitoring, in response to the disposal or storage of scrap tires in violation of this subtitle, including:
26 27	(i) All costs incurred by the State in inspecting and monitoring any site where scrap tires are processed, stored, or disposed of in violation of this subtitle and assessing the threat to the public health and the environment of the site, the costs of investigations conducted for the purpose of defining necessary remedial action, and the costs of litigation expenses incurred in obtaining reimbursement for expenditures; and
29 30	(ii) All costs incurred in providing public information concerning a site where scrap tires are processed, stored, or disposed of; and
31 32	(2) With the approval of the Board of Public Works, to provide financial assistance:
33 34	(i) Through the service for projects approved by the Department to reduce, recover, and recycle scrap tires; and
35 36	(ii) To the service for costs related to the implementation of scrap tire recycling systems, including the costs of:

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1 2	1. Preparation of a scrap tire recycling system under § 9-228(e) of this subtitle;
3	2. Implementation of any program established by the service as a part of a scrap tire recycling system; and
5 6	3. Assisting in funding the establishment of a private or public scrap tire collection, processing, or recycling facility.
9 10	(b) Subject to § 2-1312 of the State Government Article, the Department shall provide the standing committees of the Maryland General Assembly with primary jurisdiction over this section with a status report on the Fund on or before July 1 of each year. The report shall include an accounting of all moneys expended for each of the purposes specified in subsection (a) of this section.
14	(C) FUNDS REIMBURSED TO THE FUND UNDER § 9-276 OF THIS SUBTITLE FOR EXPENDITURES MADE IN RESPONSE TO THE STORAGE OR DISPOSAL OF USED TIRES AT A PARTICULAR SITE MAY ONLY BE USED TO COVER THOSE EXPENDITURES, AND MAY NOT BE USED FOR ANY OTHER PURPOSE.
16	9-276.
19 20 21	(a) All expenditures from the State Used Tire Cleanup and Recycling Fund made by the Department under § 9-275(a)(1) of this subtitle in response to the storage or disposal of used tires at a particular site shall be reimbursed to the Department for the State Used Tire Cleanup and Recycling Fund by the owner or operator of the site or any other person who caused the tires to be stored or disposed of at the site in violation of this subtitle.
	(b) In addition to any other legal action authorized by this subtitle, the Attorney General may bring an action to recover costs and interest from any person who fails to make reimbursement as required under subsection (a) of this section.
	(c) The Department may recover costs incurred by the Department under § 9-275(a)(1) of this subtitle whether or not the discarded tires were disposed of or stored at the site before July 1, 1989.
29 30	SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:
31	Article - Environment
32	9-228.
	[(g) (1) (i) Beginning on February 1, 1992, a tire recycling fee shall be imposed on the first sale of a new tire in the State by a tire dealer, including new tires sold as part of a new or used vehicle, trailer, farm implement, or other similar machinery.
	(ii) A county, municipal corporation, or any agency of a county or municipal corporation may not impose any tax, fee, or other charge on the first sale of a new tire by a tire dealer.
39	(2) The tire recycling fee:

4 1 (i) May not exceed \$1.00 per tire; and 2 (ii) Shall be established by the Board of Public Works. 3 (3) For a sale made by a tire dealer to a person who resells tires, the tire 4 dealer shall separately state its recycling fees paid by the tire dealer on the invoice or 5 other document of sale. (4) Each tire dealer shall: 6 7 (i) Pay the tire recycling fee; and (ii) Complete and submit, under oath, a return and remit the fees to 9 the Comptroller of the Treasury on or before the 21st day of the month that follows the 10 month in which the sale was made, and for other periods and on other dates that the 11 Comptroller specifies by regulation, including periods for which no fees were due. (5) A tire dealer who timely files a tire recycling fee return and pays the tire 12 13 recycling fees due is allowed, for the expense of administering and paying the fee, a credit 14 equal to 1.2% of the gross amount of tire recycling fees that the tire dealer is to pay to the 15 Comptroller. (6) If the amount of the tire recycling fee is separately stated in a retail sale, 16 17 the tire recycling fee is not subject to any tax under Title 11 of the Tax - General Article 18 or Title 13 of the Transportation Article. 19 (7) At the end of each quarter, the Comptroller shall forward all tire 20 recycling fees to the Used Tire Cleanup and Recycling Fund, less the costs of 21 administration. 22 (8) Except to the extent they are inconsistent with this subsection, the 23 provisions of Title 13 of the Tax - General Article applicable to the sales and use tax shall 24 govern the administration, collection, and enforcement of the tire recycling fee under this 25 subsection. 26 (9) The Comptroller: 27 (i) Shall administer the tire recycling fee; and (ii) May adopt any regulations that are necessary or appropriate to 28 administer, collect, and enforce the tire recycling fee.] 30 9-274. 31 (a) The State Used Tire Cleanup and Recycling Fund shall consist of moneys 32 made available under: 33 (1) Loan authorizations; (2) Funds appropriated in the State budget; OR 34 35 [(3) Fees collected for the sale of tires by retail dealers under § 9-228(g) of

36 this subtitle; or]

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- 1 [(4)] (3) Bond and security forfeitures collected under § 9-228(k) of this 2 subtitle.
- 3 (b) [(1)] The Fund is limited to a maximum of \$10,000,000.
- 4 [(2) If the sum of unallocated funds in the Fund and the projected fees for 5 the next fiscal year exceeds \$10,000,000, the Board of Public Works shall adjust the fees 6 for the next fiscal year on a pro rata basis so that the sum of unallocated and actual fees 7 does not exceed \$10,000,000.]
- 8 SECTION 3. AND BE IT FURTHER ENACTED, That the Board of Public Works 9 is requested to decrease the tire recycling fee imposed under § 9-228(g) of the 10 Environment Article to a reasonable level below the current ceiling of \$1.00 per tire 11 during fiscal years 1999 and 2000, prior to the elimination of the fee under this Act.
- SECTION 4. AND BE IT FURTHER ENACTED, That Sections 1 and 3 of this 13 Act shall take effect October 1, 1997, and Section 2 of this Act shall take effect July 1, 14 2000.