

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 242*

Short Title: Scrap Tire Disposal Tax Amend.

(Public)

Sponsors: Representatives Mitchell; Weatherly, Nichols, and Starnes.

Referred to: Environment, if favorable, Finance.

February 17, 1997

A BILL TO BE ENTITLED

1 AN ACT TO EXTEND THE SCRAP TIRE DISPOSAL TAX AT ITS CURRENT
2 RATE, TO AMEND THE SCRAP TIRE DISPOSAL ACT TO DISCOURAGE THE
3 DISPOSAL OF SCRAP TIRES FROM OUTSIDE THE STATE, AND TO
4 COMPLETE THE CLEANUP OF NUISANCE TIRE COLLECTION SITES, AS
5 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. Section 9 of Chapter 548 of the 1993 Session Laws reads as
9 rewritten:

10 "Sec. 9. Section 4 of this act becomes effective January 1, 1994. ~~Section 8 of this act~~
11 ~~becomes effective June 30, 1997.~~—All other sections of this act become effective October 1,
12 1993. ~~Sections 1 through 6 of this act expire June 30, 1997.~~—Section 7 of this act expires
13 June 30, 1995. ~~Any funds remaining in the Scrap Tire Disposal Account created by this act on~~
14 ~~June 30, 1997, shall be transferred to the Solid Waste Management Trust Fund. The expiration~~
15 ~~of the additional tax imposed by Section 1 of this act does not affect the rights or liabilities of the~~
16 ~~State, a taxpayer, or another person that arise during the time the additional tax is in effect.~~—The
17 first quarterly report required by G.S. 130A-309.63(e), as enacted by this act, is due
18 within 60 days after the quarter that ends on December 31, 1993."

19 Section 2. G.S. 130A-309.63 reads as rewritten:

20 "§ 130A-309.63. Scrap Tire Disposal Account.

1 (a) Creation. – The Scrap Tire Disposal Account is established as a nonreverting
2 account within the Department. The Account consists of revenue credited to the Account
3 from the proceeds of the scrap tire disposal tax imposed by Article 5B of Chapter 105 of
4 the General Statutes.

5 (b) Use. – The Department may use revenue in the Account only as authorized by
6 this section. The Department may use up to ~~twenty-five percent (25%)~~ fifty percent (50%)
7 of the revenue in the Account to make grants to units of local government to assist them
8 in disposing of scrap tires. To administer the grants, the Department shall establish
9 procedures for applying for a grant and the criteria for selecting among grant applicants.
10 The criteria shall include the financial ability of a unit of local government to provide for
11 scrap tire disposal, the severity of a unit of local government's scrap tire disposal
12 problem, the effort made by a unit of local government to ensure that only tires generated
13 in the normal course of business in this State are provided free disposal, and the effort
14 made by a unit of local government to provide for scrap tire disposal within the resources
15 available to it. The Department may use up to forty percent (40%) of the revenue in the
16 Account to make grants to encourage the use of crumb rubber. Grants to encourage the
17 use of crumb rubber shall be made in consultation with the Department of Commerce and
18 the Recycling Business Assistance Center. Grants to encourage the use of crumb rubber
19 shall not be used to process tires.

20 (c) Eligibility. – A unit of local government is not eligible for a grant unless its
21 costs for disposing of scrap tires for the six-month period preceding the date the unit of
22 local government files an application for a grant exceeded the amount the unit of local
23 government received during that period from the proceeds of the scrap tire tax under G.S.
24 105-187.19. A grant to a unit of local government may not exceed the unit of local
25 government's unreimbursed cost for the six-month period.

26 (d) Cleanup of Nuisance Tire Sites. – The Department may use the remaining
27 revenue in the Account only to clean up scrap tire collection sites that the Department has
28 determined are a nuisance. The Department may use funds in the Account to clean up a
29 nuisance tire collection site only if no other funds are available for that purpose. The
30 Department may use funds in the Account to establish and support a position to provide
31 regulatory assistance to local governments to develop programs to prevent scrap tires
32 from outside the State from being presented for free disposal and to complete the cleanup
33 of nuisance tire collection sites.

34 (e) Reports. – The Department shall report annually on the Scrap Tire Disposal
35 Account to the Environmental Review Commission. The report shall be submitted by 1
36 October of each year for the fiscal year ending the preceding 30 June. The report shall
37 show the beginning and ending balances in the Account for the reporting period, the
38 amount credited to the Account during the reporting period, and the amount of revenue
39 used for grants and to clean up nuisance tire collection sites."

40 Section 3. This act is effective when it becomes law.