

LD6504408

HOUSE BILL NO. 831

Offered January 25, 1994

A BILL to amend and reenact §§ 10.1-1422.3 and 10.1-1422.4 of the Code of Virginia, relating to the Waste Tire Trust Fund.

Patrons—Plum, Davies, Mims, O'Brien, Scott, Van Yahres and Watkins; Senators: Calhoun and Woods

Referred to Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-1422.3 and 10.1-1422.4 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-1422.3. Waste Tire Trust Fund established; use of moneys; purpose of Fund.

A. All moneys collected pursuant to § 58.1-642, minus the necessary expenses of the Department of Taxation for the administration of this tax as certified by the Tax Commissioner, shall be paid into the treasury and credited to a special nonreverting fund known as the Waste Tire Trust Fund, which is hereby established. Any moneys remaining in the Fund shall not revert to the general fund but shall remain in the Fund. Interest earned on such moneys shall remain in the Fund and be credited to it. The Department of Waste Management is authorized and empowered to release moneys from the Fund, on warrants issued by the State Comptroller, for the purposes enumerated in this section, or any regulations adopted thereunder.

B. Moneys from the Fund shall be expended to:

1. Pay the costs of implementing the waste tire plan authorized by § 10.1-1422.1, as well as the costs of any programs created by the Department pursuant to such a plan; and

2. Provide partial reimbursement to persons for the costs of using waste tires or chips or similar materials and for processing waste tires into chips or similar materials.

C. Reimbursements under § 10.1-1422.4 shall not be made until regulations establishing reimbursement procedures have become effective.

§ 10.1-1422.4. Partial reimbursement for waste tires; eligibility; promulgation of regulations.

A. The intent of the partial reimbursement of costs under this section is to promote the processing and use of waste tires by enhancing markets for waste tires or chips or similar materials and by providing incentives for the processing of waste tires.

B. Any person who (i) purchases waste tires generated in Virginia and who uses the tires or chips or similar materials for resource recovery or other appropriate uses as established by regulation may apply for partial reimbursement of the cost of purchasing the tires or chips or similar materials or (ii) uses but does not purchase waste tires or chips or similar materials for resource recovery or other appropriate uses as established by regulation may apply for a reimbursement of part of the cost of such use.

C. To be eligible for the reimbursement (i) the waste tires or chips or similar materials shall be generated in Virginia, and (ii) the user of the waste tires shall be the either an end user of the waste tires or chips or similar materials or a person who converts waste tires into chips or similar materials that are sold for, and used in, the production of a product with economic value. The end user does not have to be located in Virginia.

D. Reimbursements from the Waste Tire Trust Fund shall be made quarterly. Any costs reimbursed under this section shall not exceed seventy-five percent of the previous year's collections as certified by the Department of Taxation.

E. The Board shall promulgate regulations necessary to carry out the provisions of this section. The regulations shall include, but not be limited to:

1. Defining the types of uses and processes eligible for partial reimbursement;

2. Establishing procedures for applying for and processing of reimbursements; and

3. Establishing the amount of reimbursement.

F. For the purposes of this section "end user" means (i) for resource recovery, the person who utilizes the heat content or other forms of energy from the incineration or pyrolysis of waste tires, chips or similar materials and (ii) for other eligible uses of waste tires, the last person who uses the tires, chips, or similar materials to make a product with economic value. If the waste tire is processed by more than one person in becoming a product, the end user is the last person to use the tire as a tire, as tire chips, or as similar material. A person who produces tire chips or similar materials and gives or sells them to another person to use is not an end user.

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