

Approved: 2-6-96  
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES.

The meeting was called to order by Chairperson Don Sallee at 8:00 a.m. on January 30, 1996 in Room 254-E- of the Capitol.

All members were present:

Committee staff present: Raney Gilliland, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Ardan Ensley, Revisor of Statutes  
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

John Bottenberg, Deffenbaugh Industries  
Written testimony only, Mike Taylor, Governmental Relations Director, City of Wichita  
Bill Bider, Director, Bureau of Waste Management

Others attending: See attached list

John Bottenberg, Deffenbaugh Industries, requested introduction of bill draft 5 RS 1947 concerning treatment of regulated medical waste. He stated that Deffenbaugh Industries deal with landfill and medical waste treatment facilities and are very concerned about the flow of untreated medical waste which creates a hazard to employees and the public in general.

Senator Hardenburger made a motion to introduce the bill. Senator Lawrence seconded the motion and the motion carried.

**SB 399 - concerning waste tires; relating to regulation of processing and disposal**

Written testimony by Mike Taylor, Governmental Relations Director, City of Wichita, was given to committee members (Attachment 1). In his testimony Mr. Taylor stated support of the City of Wichita and the Wichita/Sedgwick County Health Department for **SB 399**. Several concerns were expressed and changes requested.

Chairperson Sallee acknowledged concern from counties about responsibility for waste tires reverting to the counties. The grant program will continue for several years and the intent is to have old tire piles cleaned up during that time.

Bill Bider, Director, Bureau of Waste Management, presented information on **SB 399** with proposed changes. he (Attachment 2). Mr. Bider stated his handout included information on how other states were handling waste tires and a bill balloon which hoped to accomplish two things; 1) The definition of "storage" is changed to remove references to specific beneficial uses with the Secretary determining whether beneficial uses create health or environmental risks; 2) All other changes are needed to add consistency within the waste tire law as it relates to KDHE's authority to abate tire accumulations after July 1, 1999 when counties assume cleanup responsibility.

Mr. Bider stated the department removed specific uses from the law preferring to use rules and regulations to handle all specific uses in a similar manner. Changes on page 7 of the bill balloon and the following page provide for minimizing the role of the department after July 1, 1999, and is consistent with turning responsibility over to the counties.

Senator Vancrum moved adoption of page 7 and the following attached page of Attachment 2. Senator Wisdom seconded the motion and the motion carried.

Senator Walker moved adoption of changes on page 2 with a second from Senator Wisdom. The motion carried.

Senator Walker made a motion to raise the number of tires from 1,000 to 1,500, page 2 line 15 at the tire collection center. Senator Lee seconded the motion.

Discussion questioned whether the 1000 tire limit should be changed to 1500 in other places in the bill. In answer to a member's question Mr. Bider stated the department had no problem with retailers being able to increase tire piles to 1500 which constitute a trailer load. An interested party suggested both tire sites and centers need the 1500 limit. In answer to a member's suggested change of the definition of a waste tire collection center, Mr. Bider stated preference of tying the change to retail establishments.

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ROOM 254-E-Statehouse, at 8:00 a.m. on January 30, 1996.

With permission from Senator Lee, Senator Walker withdrew his original motion and made a motion to insert "retail" on page 2, line 3 following "person's" and before "tire"; also on page 4, lines 2 and 5 from 1000 to 1500. Senator Morris seconded the motion and the motion carried.

Senator Walker made a motion to remove the deletion of line 40, "(2) Encourage recycling of tires"; also retain language of a fee of 50 cents per tire and delete language cutting it to 25 cents July 1, 1999. Senator Lee seconded the motion.

Discussion touched on using base grants either for recycling of tires or for the survey starting on line 42, page 5. A later section deals with enforcement grants. Further discussion touched on removing government from business, that recycling had not been working and in some instances the state had to clean up after some unsuccessful recycling efforts. Concern was expressed about reducing the fees since Kansas could become a dumping ground for surrounding states who have higher fees. A member noted that in many instances \$1 is charged early in the process with another \$1 charged for disposal. The opinion was expressed that recycling needed to be encouraged even though it has not become self-sustaining up to the present time.

In answer to a member's question Mr. Bider stated the department provided testimony to the Interim Joint Committee of the Secretary's preference to attempt identification of a competitive process in one or more private sector companies, who could burn or recycle tires. These companies, through a competitive bid process and over a period of time, would put a recycling plan into practice receiving start up funds from the state with no ongoing subsidy. In order to accomplish this, the fee could not be cut until such a program was completed. There was uncertainty in the joint committee whether any business receiving a jump start from the department, for instance a power plant, could be sustained as long as tires are allowed in landfills since they provide a cheaper method of disposal. Mr. Bider noted recognition by the joint committee that such a business effort, paid for by the state, could eventually be "mothballed". The joint committee did not want to put in a ban for landfilling, therefore there was no guarantee that tires would flow to that facility in the future, and the idea was dropped.

A member noted other states are banning tires and felt support of recycling is needed. Mr. Bider stated that the legislative bodies of a number of states have made a decision that recycling is worth subsidizing on an ongoing basis and are banning tires from landfills even though it will cost everyone a little more. He said this is a major policy decision to be made by the Legislature. It is a natural resource decision, not an environmental decision. When asked what the department would do if a ban was phased in Mr. Bider stated there would be more dumping unless markets were available. He noted Nebraska has instituted a ban and he had received word one of the cement kilns with facilities in both Kansas and Nebraska is converting the Nebraska plant to tires. A ban establishes a flow of tires to somebody. Some are willing to take the risk and make the investment.

A member asked about the possibility of using funds until 1999. Mr. Bider stated a cash flow assessment had been done on keeping the 50 cent charge for 3 years and trying to eliminate the county inventories. The department believes all extra money over the 3 year period is going to be needed for the county abatements. One or two major start-up projects could not be allocated since estimated costs would be \$500,000 to \$1,000,000 to jumpstart projects. He noted several million dollars had been funneled into abatement and none of the entities had become strong enough to survive. Unless the department is directed to funnel county-wide inventories into abatement instead of monofills using recycling type companies, everything will go to monofills. Discussion included a suggestion to institute a complete ban, another noted all tires are not fit to be recycled with another saying they had no problem keeping recycling language but it appeared all funds would go to abatement prior to July 1, 1999 unless the focus of the bill is changed.

A member stated support for recycling using abatement dollars. Mr. Bider stated line 25 speaking to abatement grants and direct grants utilizing tire fund money direct the department to select alternatives for tire disposal for recycling or energy recovery rather than taking the low bid which sends them to the monofill. A member noted that some tire dealers, because of competition had absorbed the \$1 fee, can no longer do so, and charges could go as high as \$2.

Senator Vancrum made a substitute motion to amend section 5 on abatement grants, asking the department to give priority to recycling projects from abatement grant money. Senator Tillotson seconded the motion. Mr. Bider stated the department would have to have flexibility for contaminated tires. The motion carried.

The meeting adjourned at 8:55 a.m.

The next meeting is scheduled for January 31, 1996.



**LEGISLATIVE TESTIMONY**

**FOR: SENATE ENERGY AND NATURAL RESOURCES COMMITTEE**

**FROM: CITY OF WICHITA  
MIKE TAYLOR, GOVERNMENTAL RELATIONS DIRECTOR**

**RE: SB 399**

The City of Wichita and the Wichita /Sedgwick County Health Department support Senate Bill 399 regarding waste tires and grants for cleaning them up. The addition of Enforcement Grants in the bill will allow the City/County Health Department to continue its very successful efforts to clean up old tire piles and prevent new ones. More than four million waste tires have been dealt with in recent years in the Wichita area due to the grants.

There are however a couple of concerns. Rather than basing grants on a formula of 75 percent of cost incurred, we would suggest basing the grants on 75 percent of the money collected by each participating county.

We also request a clarification regarding the term, beneficial use exemption. City/County health officials would like some kind of limit set on the number of tires which could be accumulated on exempt property such as ranch and farm land.

The Wichita/Sedgwick County Health Department is now working with 15 area counties on waste tire cleanups in what is becoming a model program for dealing with the troublesome, but unavoidable problem of what to do with old tires.

*Senate Energy & Nat'l Resources  
January 30 1996  
Attachment 1*

State of Kansas

Bill Graves



Governor

---

Department of Health and Environment

James J. O'Connell, Secretary

January 23, 1996

Senator Don Sallee  
Room 255-E, State Capitol  
Topeka, Kansas

Re: Senate Bill 399

Dear Senator Sallee:

The following two items are attached for your review and consideration when your committee works SB 399:

- A "balloon" which provides the department's suggested changes to the bill
- A state by state summary of waste tire laws and regulations as requested by a member of the committee

Our proposed changes to the bill address the following:

- (1) The definition of "storage" which begins on page 1 is changed to remove references to specific beneficial uses. Instead the definition maintains that the secretary must determine whether beneficial uses create health or environmental risks. This change was specifically made to eliminate the mention of waste tire fences as a potential beneficial use. While some waste tire fences may be acceptable, past experience has made it clear that some fences are undesirable in that they have created nuisances and fire hazards.
- (2) All of our other changes are needed to add consistency within the waste tire law as it relates to KDHE's authority to abate tire accumulations after July 1, 1999 when counties assume cleanup responsibility. Because several sections of the law still included provisions for KDHE to perform abatement work or give grants for abatement work, it was necessary to modify those sections. Our changes suggest giving KDHE minor expenditure authority after July 1, 1999 to perform interim emergency measures only while awaiting final cleanup by either the responsible party or the county. The most probable type of interim action would be to spray for mosquitos.

If you have any questions, please call me at (913) 296-1612. Thanks for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Bill Bider".

Bill Bider  
Director, Bureau of Waste Management

Senate Energy + Nat'l Resources  
January 30, 1996

Attachment 2

# SCRAP TIRE LAWS AND REGULATIONS • JANUARY 1

LEGEND: S = STORAGE P = PROCESSOR H = HAULER G = GENERATOR D = DISPOSAL PP = PRICE PREFERENCE

STATE	FUNDING	REGS	LANDFILL	MARKET INCENTIVES
AL		S P H G D	monofills allowed	
AR	\$1.50/tire disposal fee on retail sales \$1/tire imported into state	S P H	tires must be cut monofill for whole tires allowed	30% equipment tax credit; 10% PP for retreads Grants to solid waste districts for scrap tire programs
AZ	2% fee on purchase price of new tire	S P H D	bans all tires in MSW landfills monofills for cut tires	Funding to counties for scrap tire programs; 10% equipment tax credit
CA	\$0.25/tire disposal fee	S P H G D	effective 1/93 bans whole tires	40% tax credit for manufacturers using secondary materials; Grants and loans; 5% PP for tire materials, recycling
CO	\$1/tire recycling development fee	S P D		Procurement policy for recycled products; Tax credit for recycling equipment
CT	\$2/tire tax on new, used and retread tires	S		10% PP
FL	\$1/tire retail sales	S P H	tires must be cut	Closed-loop purchase contracts; Grants; 10% PP Innovative technology grants/loans to cities and counties
GA	\$1/tire management fee	S P H G	bans whole tires-1/95	State vehicles required to use retreads; Grants/loans to counties
HI			bans whole tires 1/94	10% PP
ID	\$1/tire retail sales	S	bans all tires	Grants to cities and counties; \$15/ton end-user rebate; \$1/retread reimbursement
IL	\$1/tire retail sale	S P H G	bans whole tires 7/94	Grants and loans to companies and local governments; Financial assistance for testing
IN	\$0.25/tire new tire sales transporter/storage registration fees	S H G	operators' option bans tires 7/95	10% PP and grants and loans
IA		S P H	bans whole tires	Grants and loans; Sales tax and property tax exemptions for recycling equipment
KS	\$0.50/tire retail sales	S P H	tires must be cut	Tax credits for equipment Grants
KY	\$1/tire retail sales	S	tires must be cut	Tax credits for recycling businesses; Loan guarantees; Recycled content preference
LA	permit fees \$2/tire retail sales	S P H	tires must be cut	Tax credits; 5% PP
ME	\$1/tire retail sales	S P H D	tires must be cut	State required to buy recycled; Loans and grants; tax credits
MD	\$1/tire first sale	S P H G D	effective 1/94 bans tires	5% PP; financial assistance available to firms in MES Scrap Tire Recycling System
MA		S P	bans whole tires	10% PP
MI	\$0.50/vehicle title transfer site registration fees	S P H G	must use licensed facility	Abatement Funds Grants and loans; 10% PP
MN	\$4/vehicle title transfer	S P H G	bans whole and cut tires	Grants and loans; 10% PP; Grants to counties
MS	\$1/tire retail sales	S P H G D	tires must be cut	County and regional grants and loans; 10% PP
MO	\$0.50/tire retail sales (sunsets 12/31/95)	S P H	bans whole tires	10% PP; Grants

STATE	UNDING	REGS	LANDFILL	MARKET INCENTIVES
MT		S		Tax credit for equipment and products; State required to buy recycled
NE	business assessment fee; \$1/tire retail sale; \$1.25/ton disposal fee	S P H D	whole tires will be banned 9/1/95; all tires banned 9/1/98	Grants and loans
NV	\$1/tire on new tire retail sales	to be written	bans whole tires in MSW landfills per rules; cut tires can be monofilled	Grants for education and highway projects 10% PP
NH	town administered graduated vehicle registration	S P H D	tires must be cut unless facility is exempt	State required to buy recycled
NJ		S P	must use permitted landfill/transfer station	Grants; Tax credits; State required to buy recycled;
NM	\$1.00 vehicle registration fee	to be written		Grant/loan fund, retread rebates; rubberized asphalt fund
NY		S P H	bans whole tires	Grants; DOT specification for crumb rubber
NC	2% sales tax on new tires	S P H	tires must be cut	Grants; Funds county tire collection
ND	\$2/new vehicle sales apportioned to tire cleanups	S P H		State Solid Waste Fund-Grants/loans available to companies with political subdivision sponsorship
OH	\$0.50/tire on first (wholesale) sale of tires	S (P H D) in draft	bans all tires 1/1/95	Grants and loans
OK	\$1/tire on new tire sales	S P	tires must be cut	Grants; Processor credits- \$0.85/tire
OR		S P H	tires must be cut	State should buy recycled; grants
PA		S	operator's option	5% PP on bids; Grants and low-interest loans technical assistance
RI	\$0.50 and \$0.75/tire on new tire sales; \$5 deposit/tire	S P D	bans tires	Funding for stockpile clean-up Promotes use of recycled products; grants
SC	\$2/new tire sales	S P H	bans whole tires	7.5% PP; Grants to counties and local governments; State required to buy recycled
SD	\$0.25/tire vehicle registration	S P	bans tires by 7/1/95 unless allowed by state rules	Grant fund; Tire projects have grant preference
TN	\$1/tire retail sales	S	bans whole tires-1/95	50% credit for shredders purchased prior to 7/1/91 Grants to counties
TX	\$2/tire retail sales	S P H G D	bans whole tires	\$0.85/tire processor credit; Tax credits; 15% PP on asphalt rubber; Low-interest loans
UT	\$1/tire (less than 24.5 inches)	S P H D	bans whole tires 1/94 disposal by transporters	\$65/ton reimbursement to end-user
VT			bans whole tires	State required to buy recycled; 5% PP; loans and grants
VA	\$0.50/tire disposal fee on new tire sales	S P H	bans whole tires	10% tax credit for equipment-Sunsets 12/31/95; Funding to counties/regional districts; End-user reimbursements ranging from \$15 to \$32/ton
WA		S P H		
WV		S P H	bans whole tires(1988) bans all tires 6/1/95	State required to buy recycled
WI	\$2/tire per new vehicle title transfer	S P H	bans all tires-1/1/95	\$40/ton reimbursement for products; \$20/ton reimbursement to end-user all other uses; processor rebates of \$20 and \$40/ton
WY		S		Grants; State required to buy recycled

## SENATE BILL No. 399

By Special Committee on Energy and Natural Resources  
Re Proposal No. 28

12-20

10 AN ACT concerning waste tires; relating to regulation of processing and  
11 disposal; amending K.S.A. 65-3424 and 65-3424b and K.S.A. 1995  
12 Supp. 65-3424a, 65-3424d, 65-3424f and 65-3424g and repealing the  
13 existing sections.

14  
15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 65-3424 is hereby amended to read as follows: 65-  
17 3424. As used in K.S.A. 65-3424 through 65-3424i, and amendments  
18 thereto, unless the context otherwise requires:

19 (a) "Abatement" means the processing or removing to an approved  
20 storage site of waste tires which are creating a danger or nuisance.

21 (b) "Beneficial use" means the use or storage of waste tires in a way  
22 that creates an on-site economic benefit, other than from processing or  
23 recycling, to the owner of the tires.

24 (c) "*Contaminated waste tire*" means a tire which, as determined in  
25 accordance with rules and regulations adopted by the secretary, is recov-  
26 ered in a project to abate a waste tire accumulation and is so coated by  
27 or filled with dirt, mud, sludge or other natural substances as to render  
28 the tire substantially unsuitable for processing.

29 (d) "Landfill" means a disposal site in which the method of disposing  
30 of solid waste is by landfill, dump or pit and which has a solid waste  
31 disposal area permit issued under K.S.A. 65-3401 et seq., and amend-  
32 ments thereto.

33 ~~(d)~~ (e) "*Mobile waste tire processor*" means a person who processes  
34 waste tires at other than a fixed site.

35 (f) "*Municipal landfill*" means a landfill where residential waste, or  
36 residential and other nonhazardous waste, is placed for disposal.

37 (g) "Person" means any individual, association, partnership, limited  
38 partnership, corporation or other entity.

39 (h) "*Process*" means bale or cut or otherwise alter whole waste tires  
40 so that they are no longer whole.

~~(e)~~ (i) "Secretary" means the secretary of health and environment.

~~(f)~~ (j) "Store" or "storage" means the placing of waste tires in a man-  
ner that does not constitute disposal of the waste tires. Storage includes



1 ~~the beneficial use of waste tires as fences, silo covers and erosion control~~  
 2 ~~and such other beneficial uses~~ as the secretary determines do not creat<sup>v</sup> which  
 3 health or environmental risks.

4 ~~(g)~~ (k) "Tire" means a continuous solid or pneumatic rubber coverin  
 5 encircling the wheel of a vehicle or aircraft, or an innertube of such  
 6 covering.

7 ~~(h)~~ (l) "Tire retailer" means a person in the business of selling nev  
 8 or used replacement tires at retail.

9 ~~(i)~~ (m) "Vehicle" has the meaning provided by K.S.A. 8-1485 and  
 10 amendments thereto.

11 ~~(j)~~ (n) "Waste tire" means a whole tire that is no longer suitable fo  
 12 its original intended purpose because of wear, damage or defect.

13 ~~(k)~~ (o) "Waste tire collection center" means a site where used o  
 14 waste tires are collected from the public prior to being offered for recy  
 15 cling and where fewer than 1,000 tires are kept on the site on any give  
 16 day.

17 ~~(l)~~ (p) "Waste tire processing facility" means a *fixed* site where equip  
 18 ment is used to cut, burn or otherwise alter whole waste tires so that the  
 19 are no longer whole *process waste tires*.

20 ~~(m)~~ (q) "Waste tire site" means a site at which 1,000 or more whol  
 21 tires are accumulated.

22 Sec. 2. K.S.A. 1995 Supp. 65-3424a is hereby amended to read a  
 23 follows: 65-3424a. (a) The owner or operator of any waste tire site, withi  
 24 six months after the effective date of this act, shall provide the departmen  
 25 with information concerning the site's location and size and the approx  
 26 imate number of waste tires that are accumulated at the site and sha  
 27 initiate steps to comply with subsection (b).

28 (b) No person shall:

29 (1) Maintain a waste tire site unless: (A) ~~such~~ *The* site is an integr  
 30 part of the person's waste tire processing facility; or (B) the tires accu  
 31 mulated at such site are for use in the person's tire retreading business

32 (2) dispose of waste tires in the state unless the waste tires are dis  
 33 posed of for processing, or collected for processing, at a solid waste proc  
 34 essing facility, a waste tire site which is an integral part of a waste tir  
 35 processing facility, a waste tire processing facility or a waste tire collectio  
 36 center or are made available to: (A) The department of wildlife and park  
 37 for use by the department; or (B) a person engaged in a farming or ranch  
 38 ing activity, including the operation of a feedlot as defined by K.S.A. 4  
 39 1501, and amendments thereto, as long as the accumulation has a bene  
 40 ficial use to the person accumulating the tires and (i) the secretar  
 41 determines that the use has no adverse environmental effects and (ii) th  
 42 accumulation is in accordance with all applicable zoning regulations;

43 (3) deposit waste tires in a landfill as a method of ultimate disposa

cept that the secretary, by rules and regulations, may ~~(A)~~ authorize: (A) 2 The final disposal of waste tires at a permitted solid waste disposal facility 3 provided, before July 1, 1999; of uncontaminated waste tires at a munic- 4 ipal landfill if the tires have been cut into sufficiently small parts to assure 5 their proper disposal or are utilized; (B) the final disposal of processed 6 waste tires at a permitted waste tire monofill; (C) the final disposal of 7 contaminated whole, unprocessed waste tires at a municipal landfill or 8 permitted waste tire monofill; (D) the use of waste tires in their original 9 state as part of a proven and approved leachate collection system in their 10 original state and ~~(B)~~ allow at a landfill; or (E) the use of waste tire ma- 11 terial which has been cut into sufficiently small parts to be used as daily 12 cover material for a landfill; or

13 (4) receive money in exchange for waste tires unless: (A) The person 14 holds a permit issued by the secretary pursuant to K.S.A. 65-3424b, and 15 amendments thereto; or (B) the person is a tire retailer who collects waste 16 tires from the public in the ordinary course of business.

17 Sec. 3. K.S.A. 65-3424b is hereby amended to read as follows: 65- 18 3424b. (a) The secretary shall establish a system of permits for mobile 19 waste tire processors and waste tire processing facilities and permits for 20 waste tire collectors and collection centers. Such permits shall be issued 21 for a period of one year and shall require an application fee established 22 by the secretary in an amount not exceeding \$250 per year.

23 (b) The secretary shall ~~establish~~ adopt rules and regulations estab- 24 lishing standards for mobile waste tire processors, waste tire processing 25 facilities and associated waste tire sites, waste tire collection centers and 26 waste tire collectors. Such standards shall include a requirement that the 27 permittee file with the secretary a bond or other financial assurance in 28 an amount determined by the secretary to be sufficient to pay any costs 29 of any waste tires or processed waste tires if the permittee ceases business 30 or fails to comply with this act.

32 (c) ~~On and after December 31, 1991;~~ No person shall:

33 (1) Own or operate a waste tire processing facility or waste tire col- 34 lection center or act as a mobile waste tire processor or waste tire collector 35 unless such person holds a valid permit issued therefor pursuant to sub- 36 section (a); or

37 (2) own or operate a waste tire processing facility or waste tire col- 38 lection center or act as a mobile waste tire processor or waste tire collector 39 except in compliance with the standards established by the secretary pur- 40 suant to subsection (b).

(d) The provisions of subsection (c)(1) shall not apply to:

43 (1) A tire retreading business where fewer than 1,000 waste tires are 44 kept on the business premises;

1 (2) a business that, in the ordinary course of business, removes tires  
2 from motor vehicles if fewer than 1,000 of these tires are kept on the  
3 business premises;

4 (3) a retail tire-selling business which is serving as a waste tire col-  
5 lection center if fewer than 1,000 waste tires are kept on the business  
6 premises;

7 (4) the department of wildlife and parks; or

8 (5) a person engaged in a farming or ranching activity, including the  
9 operation of a feedlot as defined by K.S.A. 47-1501, and amendments  
10 thereto, as long as the accumulation has a beneficial use.

11 (e) *All fees collected by the secretary pursuant to this section shall be*  
12 *remitted to the state treasurer. The state treasurer shall deposit the entire*  
13 *amount of the remittance in the state treasury and credit it to the waste*  
14 *tire management fund.*

15 Sec. 4. K.S.A. 1995 Supp. 65-3424d is hereby amended to read as  
16 follows: 65-3424d. (a) In addition to any other tax imposed upon the retail  
17 sale of new *vehicle* tires, there is hereby imposed an ~~excise tax~~ on retail  
18 sales of new ~~tires~~ at the rate of ~~\$.50 per tire sold~~ *vehicle tires (excluding*  
19 *innertubes)*, including new tires mounted on a vehicle sold at retail for  
20 the first time, *an excise tax at the following rate: (1) Before July 1, 1999,*  
21 *\$.50 per vehicle tire; and (2) on or after July 1, 1999, \$.25.* Such tax shall  
22 be paid by the purchaser of such tires and collected by the retailer thereof.

23 (b) The tax imposed by this section collected by the retailer shall  
24 become due and payable as follows: When the total tax for which any  
25 retailer is liable under this act does not exceed the sum of \$80 in any  
26 calendar year, the retailer shall file an annual return on or before January  
27 25 of the following year; when the total tax liability does not exceed \$1,600  
28 in any calendar year, the retailer shall file returns quarterly on or before  
29 the 25th day of the month following the end of each calendar quarter;  
30 when the total tax liability exceeds \$1,600 in any calendar year, the retailer  
31 shall file a return for each month on or before the 25th day of the follow-  
32 ing month. Each person collecting the tax imposed pursuant to this sec-  
33 tion shall make a true report to the department of revenue, on a form  
34 prescribed by the secretary of revenue, providing such information as may  
35 be necessary to determine the amounts of taxes due and payable hereun-  
36 der for the applicable month or months, which report shall be accom-  
37 panied by the tax disclosed thereby. Records of sales of new tires shall be  
38 kept separate and apart from the records of other retail sales made by  
39 the person charged to collect the tax imposed pursuant to this section in  
40 order to facilitate the examination of books and records as provided  
41 herein.

42 (c) The secretary of revenue or the secretary's authorized represen-  
43 tative shall have the right at all reasonable times during business hours

1 to make such examination and inspection of the books and records of the  
2 person required to collect the tax imposed pursuant to this section as may  
3 be necessary to determine the accuracy of such reports required hereun-  
4 der.

5 (d) The secretary of revenue is hereby authorized to administer and  
6 collect the fees tax imposed hereunder by this section and to adopt such  
7 rules and regulations as may be necessary for the efficient and effective  
8 administration and enforcement of the collection thereof. Whenever any  
9 person liable to collect the taxes imposed hereunder refuses or neglects  
10 to pay them, the amount, including any penalty, shall be collected in the  
11 manner prescribed for the collection of the retailers' sales tax by K.S.A.  
12 79-3617 and amendments thereto.

13 (e) The secretary of revenue shall remit daily to the state treasurer  
14 all revenue collected under the provisions of this act section. The state  
15 treasurer shall deposit the entire amount of each remittance in the state  
16 treasury and credit it to the waste tire management fund.

17 (f) Whenever, in the judgment of the secretary of revenue, it is nec-  
18 essary, in order to secure the collection of any taxes, penalties or interest  
19 due, or to become due, under the provisions of this act, the secretary may  
20 require any person charged with the collection of such tax to file a bond  
21 with the director of taxation under conditions established by and in such  
22 form and amount as prescribed by rules and regulations adopted by the  
23 secretary.

24 Sec. 5. K.S.A. 1995 Supp. 65-3424f is hereby amended to read as  
25 follows: 65-3424f. (a) The secretary shall establish a program to make  
26 base and abatement grants to private companies, cities and counties  
27 which, individually or collectively, submit to the secretary plans, approved  
28 by the secretary. Abatement grants shall be used to abate waste tire ac-  
29 cumulations in existence before July 1, 1990, and shall not be used for  
30 any tires accumulated, or added to an existing accumulation, on or after  
31 July 1, 1990. Not more than one abatement grant shall be awarded to  
32 abate the same waste tire accumulation unless it can be demonstrated by  
33 the applicant that the waste tire accumulation exceeded initial quantity  
34 estimates or that unknown circumstances, identified by the applicant, in-  
35 creased project difficulty and cost. No abatement grant payment shall be  
36 made on or after July 1, 2000.

37 (b) The secretary shall establish a program to make base grants to  
38 counties which, individually or collectively, submit to the secretary plans  
39 approved by the secretary. Base grants shall be used to: (1) Enforce laws  
40 relating to collection and disposal of tires; (2) Encourage recycling of tires;  
41 or (3) develop and implement management plans for collection, abate-  
42 ment, recycling and disposal of tires survey the county or counties to  
43 identify and develop an inventory of waste tire accumulations in the

county or counties. Applications for base grants shall be submitted to the secretary before January 1, 1997, and no base grant payment shall be made on or after January 1, 1998.

(c) The secretary shall establish a program to make enforcement grants to counties which, individually or collectively, submit to the secretary plans approved by the secretary. Enforcement grants shall be used to pay the county's or counties' costs of assessing and enforcing compliance with this act and rules and regulations adopted under this act and to educate the public on the provisions and purposes of this act. Enforcement grants shall be for an amount not exceeding 75% of the costs incurred by the county or counties for eligible costs.

(b) Each private company, city, county or group of private companies, cities or counties submitting a plan approved by the secretary shall be eligible for grants pursuant to this section on the basis of priority as determined by the secretary. No recipient shall be eligible to receive base grants for more than two consecutive fiscal years, but such limitation shall not apply to abatement grants. The secretary shall require any private company receiving a grant pursuant to this section to file with the secretary a surety bond, cash bond or other security in an amount and form approved by the secretary and conditioned on the use of the grant in accordance with the plan approved by the secretary.

(e) (d) Private companies, cities and counties may join together, pooling their financial resources, when utilizing their grants for the purposes described in subsection (a).

(d) (e) The secretary, in cooperation with the statewide coordinator of waste reduction, recycling and market development, may provide technical assistance, upon request, to a private company, city, county or group of private companies, cities or counties desiring assistance in applying for waste tire grants or choosing a method of waste tire management which would be an eligible use of the grant funds.

(f) The secretary shall submit to the legislature, on or before the first day of the regular legislative session each year, a report of all grants made pursuant to this section. The report shall include: (1) The total contract amounts awarded for each type of grant in each fiscal year and, of those amounts, the total amount awarded to individual counties, groups of counties and private entities; and (2) with respect to each grant awarded, the contract amount and type of grant, the recipient, a description of the project for which the grant was awarded, the number of tires involved and the amount actually spent. The secretary shall submit the report by filing it with the secretary of the senate, the chief clerk of the house of representatives and the chairperson and ranking minority member of each of the senate and house committees on energy and natural resources.

New Sec. 6. (a) The county official, or the official of a designated

ty, responsible for solid waste management in each county shall report to the secretary any known waste tire accumulation within the county not later than: (1) October 1, 1996, if the accumulation is known before July 1, 1996; or (2) three months after the accumulation becomes known, if unknown before July 1, 1996.

(b) After July 1, 1999, each county shall be responsible for abatement of any waste tire accumulation within the county.

Sec. 7. K.S.A. 1995 Supp. 65-3424g is hereby amended to read as follows: 65-3424g. (a) There is hereby established in the state treasury the waste tire management fund.

(b) Moneys in the waste tire management fund shall be used only for the purpose of:

(1) Making grants as provided by K.S.A. 65-3424f, and amendments thereto;

(2) paying compensation and other expenses of employing personnel to carry out the duties of the secretary pursuant to K.S.A. 65-3424 through 65-3424h, and amendments thereto, but not more than *the following shall be used for such purpose: (A) For fiscal years beginning before July 1, 2000, 16% or \$200,000, whichever amount is less, of the moneys credited to the fund during the fiscal year shall be used for such purpose preceding fiscal year; and (B) for fiscal years beginning on or after July 1, 2000, 32% or \$200,000, whichever amount is less, of the moneys credited to the fund during the preceding fiscal year; and*

(3) action by the department ~~to abate waste tires accumulated prior to July 1, 1990, or to abate a nuisance or risk to the public health or the environment created or which could be created by waste tires accumulated after July 1, 1990, if the owner or operator of the site has not been identified or has not abated the nuisance.~~

before July 1, 1999

(c) All expenditures from the waste tire management fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary.

(4) action by the department after July 1, 1999 to implement interim measures to minimize nuisances or risks to public health or the environment created or which could be created by waste tire accumulations, until the responsible party or county can fully abate the site.

Sec. 8. K.S.A. 65-3424 and 65-3424b and K.S.A. 1995 Supp. 65-3424a, 65-3424d, 65-3424f and 65-3424g are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.

**65-3424k. Vehicle tire disposal; abatement and enforcement actions of secretary.**

(a) The secretary may undertake appropriate abatement action and may enter into contracts, including grant contracts, for abatement of waste tire accumulations, utilizing funds from the waste tire management fund. ←

Before July 1, 1999,

After July 1, 1999, the secretary's actions shall be limited to contractual services to perform interim measures designed to minimize nuisances or risks to public health or the environment created by a waste tire accumulation.

(b) Any authorized representative of the secretary may enter, at reasonable times and upon written notice, onto any property or premises where an accumulation of waste tires is located to conduct an abatement of the accumulation. ←

or to perform interim measures to minimize nuisances or risks to public health or the environment created by a waste tire accumulation.

(c) Whenever the secretary has reason to believe that an owner or operator has accumulated waste tires that create a nuisance or risk to public health or the environment, the secretary may require that owner or operator to abate the accumulation. Such abatement shall be performed in accordance with a plan approved by the secretary.

The secretary shall give notice, by letter, to the owner and operator that the waste tires constitute a nuisance or risk to public health or the environment, and that the waste tire accumulation must be abated within a specified period. ~~If the owner or operator fails to take the required action within the specified period,~~

Before July 1, 1999,

if the owner or operator fails to take the required action within the specified time period. After July 1, 1999, the secretary's actions shall be limited to contractual services to perform interim measures designed to minimize nuisances or risks to public health or the environment created by a waste tire accumulation.

~~the secretary may undertake abatement action utilizing funds from the waste tire management fund.~~ All costs incurred by the secretary in abatement of waste tires accumulated after July 1, 1990, including administrative and legal expenses, are recoverable from an owner or operator and may be recovered in a civil action in district court brought by the secretary. Abatement costs recovered under this section shall be remitted to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the waste tire management fund. An action to recover abatement costs may be commenced at any stage of an abatement.

or in performing interim measures,

or interim measures

(d) Neither the state of Kansas nor the waste tire management fund shall be liable to any owner or operator for the loss of business, damages or taking of property associated with any abatement or enforcement action taken pursuant to this section.

History: L. 1994, ch. 283, § 8; May 5.