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LEGISLATIVE UPDATE

HB 2042 - Beverage Container Control Law

Sponsored by: Representatives Sam Gaskill and Estel Robirds

Missouri House Bill No. 2042 would force consumers to pay a refundable deposit of at least five cents on each beverage container sold in the state of Missouri, by a dealer for consumption off the premises. For the purposes of the bill the term "beverage container" includes "any sealed glass, plastic, or metal bottle, can, jar or carton containing a beverage." Further, upon return *and* acceptance of the empty container the consumer would receive the refund value. Consumers would be afforded some assurance of actually receiving the refund, as dealers, with a few exceptions, would be prohibited from refusing empty containers of the kind, size and brand that they sell, and from refusing to pay to the consumer the refund value.

In order to facilitate the return of empty beverage containers the bill provides that "any person" may establish a "redemption center" where consumers may return empty beverage containers and receive their refunds. The establishment of a redemption center would be subject to approval by the Department of Natural Resources ("DNR"). In order to be approved, the DNR would have to determine that such a center is convenient for consumers.

Distributors would be required to pick up returned beverage containers from dealers and redemption centers at least once a week, and to reimburse dealers the refund value plus one cent. This reimbursement would have to take place within one week of the pick up of the beverage containers.

As not all beverage containers are refillable, manufactures may not charge distributors a deposit on *non-refillable* containers. However, each beer distributor selling *non-refillable* containers would have to provide for a can return facility in each county seat. In cities having a population of 25,000 or more, one such facility would have to be provided for each 25,000 inhabitants. A beer distributor violating this provision would be guilty of a class C misdemeanor.

The bill would also prohibit the sale of single-serve plastic beverage containers. Persons violating this prohibition would find themselves guilty of a class A misdemeanor. Also, beginning July 1, 2002, a prohibition on final disposals of beverage containers by dealers, distributors, manufacturers, or persons operating redemption centers, in sanitary landfills, would come into effect. However, the bill is silent as to the penalty for violating this prohibition.

The lion's share of the remaining violations of the bill would constitute class C misdemeanors. However, scofflaws who engage in counterfeit refund labeling or who attempt to collect refund values more than once will find themselves guilty of class B misdemeanors.

The bill was first introduced and read on February 17th of 2000. The bill was read a second time on the 21st of February 2000, but is currently not on the calendar, nor is it scheduled for hearing.

Missouri House Bill No. 2042 would take effect on January 1, 2002. As of April 14, 2000, the estimated effect on state funds was a negative \$56,554 in for the fiscal year 2002 and an estimated negative \$50,995 in for the fiscal year 2003.

JASON L. CORDES

HB 423 - Tax Break for "Low Emissions" Vehicles

Sponsored by: Representatives Patrick Dougherty and Gary Wiggins

If enacted in its current form, Missouri House Bill No. 423 would reduce the state income tax liability for Missouri's taxpayers who choose to lease or purchase a new "low emissions" vehicle beginning on January 1, 2002.

The incentive proposed is a non-refundable credit against the state income tax liability for a particular taxpayer under Chapter 143 of Missouri's Revised Statutes. The amount of the credit would be twenty-five percent of the purchase price of the "low emissions" vehicle, or three thousand dollars; whichever is less. If the taxpayer's total state income tax for that year fails to exceed the amount of the credit, the unused balance of the credit is not forfeited. The bill allows the taxpayer to claim any remaining balance of the credit on subsequent returns until it is used. However, the credit can only be carried forward for a maximum of five tax years, and the bill requires that the taxpayer register and license that same "low emissions" vehicle each year that the credit is claimed.

“Low emissions” vehicles fall into two categories. Super-ultra-low emissions vehicles (SULEV) are vehicles certified to produce no greater than one-hundredth of a gram of nonmethane-organic gases per mile, two one-hundredths of a gram of carbon monoxide per mile, and two one-hundredths of a gram of oxides of nitrogen per mile. Zero emissions vehicles (ZEV) are certified to produce no exhaust emissions of listed pollutants under any operating conditions, for at least 150,000 miles. Manufacturers such as Ford, GM, Toyota, Honda, Chrysler, and Nissan are currently marketing vehicles that meet the emissions standards for SULEV, ZEV, or both.

Missouri House Bill No. 423 authorizes the Department of Revenue to promulgate the rules and regulations necessary to implement and administrate this credit by, for example, requiring proof of certification that the particular vehicle meets the criteria for the “low emissions” credit.

Missouri House Bill No. 423 is currently not on the calendar for a vote.

STEVEN J. BLAIR

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