

FEB 7 1975

ENVIRONMENTAL PROTECTION

HOUSE FILE 137

BY GIPP and SHOULTZ

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the management of waste tires by providing for
 2 the establishment of a waste tire management grant program,
 3 allocation of moneys for the establishment and administration
 4 of waste tire management projects, providing for a fee on
 5 certificates of title, and providing for a repeal and an
 6 effective date provision.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 137

1 Section 1. Section 321.52A, Code 1995, is amended to read
2 as follows:

3 321.52A CERTIFICATE OF TITLE SURCHARGE.

4 1. In addition to the fee required for the issuance of a
5 certificate of title under section 321.20, 321.23, 321.42,
6 321.46, 321.47, 321.48, 321.50, or 321.52, a surcharge of five
7 dollars shall be required. Of each surcharge collected under
8 those sections, the county treasurer shall remit five dollars
9 to the office of treasurer of state for deposit in the general
10 fund of the state.

11 2. Notwithstanding subsection 1, beginning July 1, 1995,
12 and ending December 31, 2001, in lieu of the surcharge which
13 would otherwise be required under subsection 1 and in addition
14 to the fee required for the issuance of a certificate of title
15 under section 321.20, 321.23, 321.42, 321.46, 321.47, 321.48,
16 321.50, or 321.52, a surcharge of ten dollars shall be
17 required. Of each surcharge collected under those sections,
18 the county treasurer shall remit five dollars to the office of
19 treasurer of state for deposit in the general fund of the
20 state and shall remit five dollars to the office of the
21 treasurer of state for deposit in the waste tire management
22 fund created in section 455D.11D.

23 Sec. 2. Section 321.52A, subsection 2, as enacted in this
24 Act, is amended by striking the subsection.

25 Sec. 3. NEW SECTION. 455D.11C WASTE TIRE MANAGEMENT --
26 GRANT PROGRAM.

27 1. Beginning July 1, 1995, and ending December 31, 2001,
28 the waste management assistance division of the department
29 shall establish a waste tire management grant program to
30 promote the safe collection and disposal of waste tires at the
31 local community level. The program shall consist of all of
32 the following:

33 a. Evaluation and approval or denial of grant applications
34 in accordance with the criteria developed by the division for
35 grants for local waste tire management programs.

1 b. Allocation of funds to boards of supervisors of
2 participating counties or to a designee of each board for
3 which a grant is approved for use in establishing and
4 administering local waste tire management programs.

5 c. The provision of technical assistance to local waste
6 tire management programs.

7 d. Submission of an annual report to the governor and the
8 general assembly based upon a compilation of the annual
9 reports submitted by participating boards of supervisors.

10 2. The division shall establish a grant program for the
11 approval or denial of grant applications submitted by county
12 boards of supervisors which choose to participate in the
13 program.

14 a. Grant moneys shall be provided through allocation of
15 moneys in the waste tire management fund created in section
16 455D.11D and shall be allocated to a participating county in
17 an amount which is one dollar and fifty cents per capita based
18 upon the population of the county as documented in the 1990
19 census.

20 b. The program shall require that a county submit an
21 annual application for participation by September 1.
22 Applications shall be approved or denied, in accordance with
23 the criteria developed by the division, within thirty days of
24 receipt and moneys shall be allocated by January 15 of the
25 subsequent year.

26 c. Moneys shall be allocated to the board of supervisors
27 or the board's designee for which an application has been
28 approved for the establishment and implementation of a local
29 waste tire management program.

30 d. The board of supervisors or the board's designee shall
31 work in cooperation with the city councils of the cities
32 located within the county in developing and implementing the
33 program, and may work with private entities in implementing
34 the program. The boards of supervisors of counties may join
35 together and combine moneys allocated to establish and

1 implement a program to provide waste tire management services
2 for the populations served by the counties.

3 e. Each county participating in the grant program shall
4 designate a site for the collection of waste tires, which
5 shall accept waste tires without charge.

6 f. A tire dealer to whom a waste tire collection site is
7 accessible through a participating county shall accept at the
8 time of sale of replacement tires, at retail, waste tires in
9 the same amount as the number of replacement tires sold,
10 without charge.

11 g. Each county participating in the grant program is
12 encouraged to promote the local waste tire management program,
13 to encourage nonprofit organization and private entity
14 participation, and to generate local funding for
15 supplementation of the grant moneys awarded. The board of
16 supervisors of a participating county may establish
17 limitations regarding the numbers and types of waste tires
18 collected and the entities from which a site is required to
19 accept waste tires, other than from individuals or tire
20 dealers.

21 h. Each participating county shall submit an annual report
22 to the waste management assistance division of the department
23 which shall include an itemization of expenditures, a report
24 of the volume of waste tires collected, and recommendations
25 for improvement in the grant program and other information
26 requested by the department in the grant application form.

27 i. Moneys which are not expended but which are encumbered
28 at the end of each year may be retained by the county if the
29 county submits an application for continued approval. If a
30 county does not receive continued approval of a local waste
31 tire management program and unexpended and unencumbered moneys
32 remain, the county shall remit the moneys to the treasurer of
33 state for deposit in the waste tire management fund. Moneys
34 which are unexpended and unencumbered on June 30, 2001, shall
35 be remitted to the treasurer of state for deposit in the waste

1 tire management fund.

2 3. As used for the purposes of the waste tire management
3 grant program, unless the context otherwise requires:

4 a. "Replacement tire" means a new, used, or retreaded tire
5 used to replace a waste tire for use on a vehicle.

6 b. "Tire dealer" means a person who sells replacement
7 tires at retail.

8 c. "Waste tire" means a waste tire, as defined in section
9 455D.11, removed from a vehicle which is subject to the
10 certificate of title surcharge imposed pursuant to section
11 321.52A.

12 Sec. 4. NEW SECTION. 455D.11D WASTE TIRE MANAGEMENT
13 FUND.

14 1. A waste tire management fund is created within the
15 state treasury. Moneys received from each additional five-
16 dollar surcharge on the issuance of a certificate of title
17 pursuant to section 321.52A shall be deposited in the fund.
18 Notwithstanding section 8.33, any unexpended balance in the
19 fund at the end of each fiscal year shall be retained in the
20 fund. Notwithstanding section 12C.7, any interest and
21 earnings on investments from money in the fund shall be
22 credited to the fund. Any unexpended and unencumbered moneys
23 remaining in the fund on December 31, 2001, shall revert to
24 the general fund of the state.

25 2. Moneys in the fund may be used for all of the following
26 purposes:

27 a. The awarding of grants to county boards of supervisors
28 or an individual board's designee, which apply for and are
29 approved for participation in the waste tire management grant
30 program pursuant to section 455D.11C.

31 b. Moneys remaining in the fund following allocation of
32 grants under paragraph "a" may be used by the department for
33 the management of existing waste tire stockpiles in the state.

34 c. Not more than five percent of the moneys remaining in
35 the fund following allocation under paragraphs "a" and "b" may

1 be used by the department for administrative costs of the
2 waste tire management grant program and for management of
3 existing waste tire stockpiles.

4 Sec. 5. REPEALS -- EFFECTIVE DATE.

5 1. Sections 455D.11C and 455D.11D, as enacted in this Act,
6 are repealed effective January 1, 2002.

7 2. Section 2 and this section of this Act take effect
8 January 1, 2002.

9 EXPLANATION

10 This bill requires the waste management assistance division
11 of the department of natural resources to establish a waste
12 tire management grant program to provide for the awarding of
13 grants to county boards of supervisors or boards' designees to
14 establish and implement a local program for the collection and
15 management of waste tires. The bill provides requirements for
16 participation in the program, establishes a source of funding
17 through an increased surcharge on certificates of title and
18 for allocation of moneys from the waste tire management fund,
19 created in the bill, for grants, management of existing waste
20 tire stockpiles, and administrative costs. The bill also
21 provides for a repeal of the program and fund on December 31,
22 2001.

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