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Place On Calendar

HOUSE FILE 2433
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 675)

Passed House, ^(A800) Date 3/18/96 Passed Senate, ^(P.1129) Date 3/28/96
Vote: Ayes 96 Nays 0 Vote: Ayes 48 Nays 0
Approved 4-17-96

A BILL FOR

1 An Act relating to the management of waste tires by providing for
2 the establishment of a waste tire management fund, allocation
3 of moneys to facilitate elimination of waste tires and the
4 establishment of future markets for waste tires, providing for
5 the redirection of the existing fee on certificates of title
6 of motor vehicles, and providing a repeal.

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

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HF 2433

1 Section 1. Section 321.52A, Code Supplement 1995, is
2 amended to read 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, 321.20A, 321.23,
6 321.42, 321.46, 321.47, 321.48, 321.50, or 321.52, a surcharge
7 of five dollars shall be required. Of each surcharge
8 collected under those sections, the county treasurer shall
9 remit five dollars to the office of treasurer of state for
10 deposit ~~in the general fund of the state~~ as set forth in
11 subsection 2.

12 2. For the fiscal year beginning July 1, 1996, the
13 treasurer of state shall deposit one million dollars of moneys
14 received under subsection 1 in the waste tire management fund
15 created in section 455D.11C, and deposit the remainder in the
16 general fund of the state. For the fiscal year beginning July
17 1, 1997, the treasurer of state shall deposit two million
18 dollars of moneys received under subsection 1 in the waste
19 tire management fund, and deposit the remainder in the general
20 fund of the state. For the fiscal year beginning July 1,
21 1998, and the fiscal year beginning July 1, 1999, the
22 treasurer of state shall deposit three million dollars of
23 moneys received under subsection 1 in the waste tire
24 management fund, and deposit the remainder in the general fund
25 of the state. For the fiscal year beginning July 1, 2000, the
26 treasurer of state shall deposit two million dollars of the
27 moneys received under subsection 1 in the waste tire
28 management fund, and one million dollars in the road use tax
29 fund, with the remainder deposited in the general fund of the
30 state. For the fiscal year beginning July 1, 2001, the
31 treasurer of state shall deposit one million dollars of moneys
32 received under subsection 1 in the waste tire management fund,
33 and three million dollars in the road use tax fund, with the
34 remainder deposited in the general fund of the state. For the
35 fiscal year beginning July 1, 2002, and each subsequent fiscal

1 year, the treasurer of state shall deposit the entire amount
2 of moneys received under subsection 1 in the road use tax
3 fund.

4 Sec. 2. NEW SECTION. 455D.11C WASTE TIRE MANAGEMENT
5 FUND.

6 1. A waste tire management fund is created within the
7 state treasury. Moneys received from each five dollar
8 surcharge on the issuance of a certificate of title shall be
9 deposited in the fund pursuant to section 321.52A, subsection
10 2. Notwithstanding section 8.33, any unexpended balance in
11 the fund at the end of each fiscal year shall be retained in
12 the fund. Notwithstanding section 12C.7, any interest or
13 earnings on investments from moneys in the fund shall be
14 credited to the fund. Moneys from the fund that are expended
15 by the department in closing or bringing into compliance a
16 waste tire collection site pursuant to section 455D.11A and
17 later recouped by the department shall be credited to the
18 fund.

19 2. Moneys in the waste tire management fund are
20 appropriated and shall be used for the following purposes:

21 a. Fifty thousand dollars shall be allocated each fiscal
22 year to the department to administer the waste tire management
23 fund. This amount shall be allocated to the department each
24 fiscal year before other moneys from the waste tire management
25 fund are awarded pursuant to this subsection.

26 b. The awarding of contracts by the department for
27 bringing waste tire collection sites or existing stockpiles of
28 waste tires into compliance with section 455D.11, or
29 processing waste tires from existing waste tire collection
30 sites or existing stockpiles of waste tires.

31 c. The awarding of moneys to sanitary landfills pursuant
32 to section 455D.11D.

33 d. The awarding of moneys to state board of regents
34 institutions pursuant to section 455D.11E.

35 e. The awarding of moneys to tire processors pursuant to

1 section 455D.11F.

2 Sec. 3. NEW SECTION. 455D.11D AMNESTY PROGRAM FOR WASTE
3 TIRES BROUGHT TO SANITARY LANDFILLS.

4 The operator of a sanitary landfill defined in section
5 455B.301, who has received a permit for operation of the
6 sanitary landfill from the department, may apply for moneys
7 from the waste tire management fund, pursuant to section
8 455.11C, subsection 2, for the purpose of operating an amnesty
9 program for waste tires for the fiscal period beginning July
10 1, 1997, and ending June 30, 2002. The operator of a sanitary
11 landfill shall provide to the department a written operating
12 plan pertaining to the manner in which waste tires will be
13 collected, stored temporarily prior to processing, and
14 processed for reuse, recycling, or disposal in an economically
15 viable manner. A sanitary landfill with an amnesty program
16 shall accept waste tires at no charge from a natural person
17 who is a citizen of this state. A sanitary landfill operating
18 an amnesty program may be awarded moneys from the waste tire
19 management fund of not more than twenty cents per passenger
20 tire equivalent as defined in section 455D.11F when waste
21 tires are accepted under the amnesty program. A sanitary
22 landfill with a pending enforcement action against the
23 sanitary landfill by the department is ineligible to receive
24 moneys while the enforcement action is pending. Moneys of not
25 more than three hundred thousand dollars shall be available in
26 a fiscal year for the amnesty program and a sanitary landfill
27 shall not receive more than fifteen thousand dollars from the
28 waste tire management fund in a fiscal year.

29 Sec. 4. NEW SECTION. 455D.11E USE BY REGENTS
30 INSTITUTIONS OF WASTE TIRES TO PRODUCE TIRE-DERIVED FUELS AND
31 FOR OTHER BENEFICIAL USES.

32 State board of regents institutions of higher education,
33 defined in section 262.7, which generate heat, electricity, or
34 power, are encouraged to use, to the fullest extent
35 practicable, tire-derived fuels. Moneys shall be awarded from

1 the waste tire management fund, pursuant to section 455D.11C,
2 subsection 2, to such an institution by the department
3 pursuant to section 455D.11C to offset additional costs
4 incurred in generating heat, electricity, or power on a
5 British thermal unit equivalent basis. Moneys of not more
6 than three hundred thousand dollars may be awarded in the
7 aggregate in a fiscal year to such institutions to offset any
8 increased costs associated with assisting the state's program
9 to dispose of waste tires in an environmentally sound manner,
10 and shall be available only to the extent that such moneys
11 help to reduce the number of waste tires in the state.

12 Sec. 5. NEW SECTION. 455D.11F TIRE PROCESSORS AWARDED
13 MONEYS FOR PROCESSING WASTE TIRES.

14 1. As used in this section and section 455D.11D,
15 "passenger tire equivalent" means the physical dimensions of a
16 tire which has a rim diameter of sixteen and one-half inches
17 or less.

18 2. As used in this section:

19 a. "Site of end use" means a site where waste tires are
20 permanently disposed of, recycled, or reused.

21 b. "Tire processor" means a person who reduces waste tires
22 into a processed form suitable for recycling or producing fuel
23 for energy or heat, or uses whole waste tires in any other
24 beneficial use as authorized by the department. "Tire
25 processor" does not mean a person who retreads tires or
26 processes and stores tires.

27 3. A tire processor who annually processes more than one
28 hundred thousand waste tires, as defined in section 455D.11,
29 at a processing site as defined in section 455D.11 located
30 within the state may be awarded moneys pursuant to section
31 455D.11C, subsection 2, from the waste tire management fund of
32 not more than twenty cents per passenger tire equivalent
33 processed and delivered to the site of end use. Moneys of not
34 more than three hundred thousand dollars for such tire
35 processor shall be available in the aggregate in a fiscal year

1 and shall be disbursed by the department upon applications by
2 tire processors. A tire processor shall not receive more than
3 twenty thousand dollars from the waste tire management fund in
4 a fiscal year. A tire processor with a pending enforcement
5 action against the tire processor by the department is
6 ineligible to receive moneys while the enforcement action is
7 pending.

8 Sec. 6. NEW SECTION. 455D.11G REPEAL.

9 Sections 455D.11C, 455D.11D, 455D.11E, 455D.11F, and this
10 section are repealed effective July 1, 2002.

11 EXPLANATION

12 This bill creates a waste tire management fund in the state
13 treasury. The waste tire management fund shall be generated
14 by the collection of a \$5 surcharge on every issuance of a
15 certificate of title relating to ownership of a motor vehicle.
16 Each fiscal year, the treasurer of state shall deposit a
17 specific amount of moneys generated by the surcharge in the
18 waste tire management fund. The amount of the surcharge
19 deposited in the waste tire management fund shall be
20 \$1,000,000 in fiscal year 1996-1997, \$2,000,000 in fiscal year
21 1997-1998, \$3,000,000 in each of fiscal years 1998-1999 and
22 1999-2000, \$2,000,000 in fiscal year 2000-2001, and \$1,000,000
23 in fiscal year 2001-2002. Moneys generated by the surcharge
24 shall also be deposited in the road use tax fund in the
25 amounts of \$1,000,000 in fiscal year 2000-2001 and \$3,000,000
26 in fiscal year 2001-2002. The remainder of moneys generated
27 by the surcharge shall be deposited in the general fund of the
28 state in fiscal years 1996-1997 through 2001-2002. The entire
29 amount of the moneys generated by the surcharge shall be
30 deposited in the road use tax fund beginning in fiscal year
31 2002-2003, and continuing thereafter.

32 The bill provides that \$50,000 shall be allocated each
33 fiscal year to the department of natural resources to
34 administer the waste tire management fund.

35 The bill provides that the waste tire management fund may

1 be used to award contracts for bringing waste tire collection
2 sites or existing stockpiles of waste tires into legal
3 compliance or processing waste tires at waste tire collection
4 sites or existing stockpiles of waste tires.

5 The bill provides that a sanitary landfill may create an
6 amnesty program for waste tires for fiscal years 1997-1998
7 through 2001-2002. A sanitary landfill with an amnesty
8 program may accept at no charge waste tires from a natural
9 person who is a citizen of this state. A sanitary landfill
10 with an amnesty program may be awarded moneys from the waste
11 tire management fund of not more than 20 cents per passenger
12 tire equivalent when waste tires are accepted under the
13 amnesty program.

14 The bill provides that state board of regents institutions
15 of higher education which generate heat, electricity, or
16 power, are encouraged to use, to the fullest extent
17 practicable, tire-derived fuels. Moneys shall be awarded to
18 such institutions to offset additional costs incurred in
19 generating heat, electricity, or power on a per British
20 thermal unit basis to offset any increased costs associated
21 with assisting the state's program to dispose of waste tires
22 in an environmentally sound manner.

23 The bill provides that a tire processor who annually
24 processes more than 100,000 waste tires at a processing site
25 located within the state may be awarded moneys at the rate of
26 not more than 20 cents per passenger tire equivalent processed
27 and delivered to a site of permanent disposal or reuse.

28 The bill provides for the repeal of the waste tire
29 management fund effective July 1, 2002.

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HOUSE FILE 2433
FISCAL NOTE

A fiscal note for House File 2433 as amended by H-5412 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2433 as amended by H-5412 establishes a Waste Tire Management Program and provides for receipts from the vehicle title surcharge be deposited in the Waste Tire Management Fund. The Bill provides for the allocation and expenditure of the funds by the Department of Natural Resources, the State Board of Regents, sanitary landfill operators, and tire processors. The Program is repealed July 1, 2002.

ASSUMPTIONS

In FY 1995, the vehicle title surcharge generated \$5.2 million which was deposited in the General Fund. The surcharge is estimated to generate approximately \$5.0 million in FY 1997 through FY 2003.

FISCAL IMPACT

House File 2433 as amended by H-5412 would deposit receipts from the vehicle title surcharge as follows:

Fiscal Year	Waste Tire Management Fund	General Fund	Road Use Tax Fund
1997	\$1,500,000	\$3,500,000	-
1998	2,500,000	2,500,000	-
1999	3,500,000	1,500,000	-
2000	3,500,000	1,500,000	-
2001	2,500,000	1,500,000	\$1,000,000
2002	1,500,000	500,000	3,000,000
2003	-	-	5,000,000

(LSB 3684hv.2, DHK)

FILED MARCH 18, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2433
FISCAL NOTE

A fiscal note for House File 2433 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2433 establishes a Waste Tire Management Program and provides for receipts from the vehicle title surcharge be deposited in the Waste Tire Management Fund. The Bill provides for the allocation and expenditure of the funds by the Department of Natural Resources, the State Board of Regents, sanitary landfill operators, and tire processors. The Program is repealed July 1, 2002.

ASSUMPTIONS

In FY 1995, the vehicle title surcharge generated \$5.2 million which was deposited in the General Fund. The surcharge is estimated to generate approximately \$5.0 million in FY 1997 through FY 2003.

FISCAL IMPACT

The Bill directs the deposit of the vehicle title surcharge for FY 1997 through FY 2003 as follows:

<u>Fiscal Year</u>	<u>Waste Tire Management Fund</u>	<u>General Fund</u>	<u>Road Use Tax Fund</u>
1997	\$1,000,000	\$4,000,000	-
1998	2,000,000	3,000,000	-
1999	3,000,000	2,000,000	-
2000	3,000,000	2,000,000	-
2001	2,000,000	2,000,000	\$1,000,000
2002	1,000,000	1,000,000	3,000,000
2003	-	-	5,000,000

(LSB 3684hv, DHK)

FILED MARCH 6, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2433

H-5238

1 Amend House File 2433 as follows:
 2 1. Page 2, by inserting after line 3 the
 3 following:
 4 "Sec. ____ . Section 455D.11, subsection 5, Code
 5 1995, is amended to read as follows:
 6 5. a. The department shall develop criteria for
 7 the issuance of permits and shall issue permits to
 8 qualified stockpiling facilities. The department
 9 shall inform the owner or operator of a waste tire
 10 collection site or processing site of the specific
 11 permit required for the waste tire collection site or
 12 processing site and any variance possibilities.
 13 b. The department shall specify in writing to a
 14 person who applies for a permit or variance from the
 15 permit requirement of this section the department's
 16 reasons for denying the permit or variance. A person
 17 denied a permit or variance may appeal the denial to
 18 the commission pursuant to chapter 17A.
 19 c. The department shall process an application for
 20 a permit or variance in a timely manner and shall
 21 issue a permit or variance immediately upon
 22 determining that the person applying for a permit or
 23 variance complies with the requirements for obtaining
 24 the permit or variance."
 25 2. Title page, line 6, by inserting after the
 26 word "vehicles," the following: "pertaining to
 27 obtaining a permit or variance for storing or using
 28 waste tires,".
 29 3. By renumbering as necessary.

By CORMACK of Webster

H-5238 FILED MARCH 7, 1996

Out of Order 3-18-96

(P. 800)

HOUSE FILE 2433

H-5254

1 Amend House File 2433 as follows:
 2 1. Page 2, by inserting after line 3 the
 3 following:
 4 "Sec. ____ . Section 455D.11, subsection 1,
 5 paragraph f, Code 1995, is amended to read as follows:
 6 f. (1) "Waste tire" means a tire that is no
 7 longer suitable for its originally intended purpose
 8 due to wear, damage, or defect.
 9 (2) "Waste tire" does not include a any of the
 10 following:
 11 (a) A nonpneumatic tire.
 12 (b) A processed tire which is used in part or in
 13 whole for the construction of erosion control
 14 structures, French drains, leachate beds, septic
 15 system drain fields, road base, culverts, field
 16 crossings, intakes, or other uses where the intended
 17 purpose is to produce a beneficial product.
 18 (3) For the purposes of this section and sections
 19 455D.11A and 455D.11B, a nonpneumatic tire and a
 20 processed tire are not solid waste as defined in
 21 section 455B.301."
 22 2. Title page, line 6, by inserting after the
 23 word "vehicles," the following: "excluding certain
 24 waste tires from disposal, collection, processing, and
 25 transportation requirements,".
 26 3. By renumbering as necessary.

By CORMACK of Webster

H-5254 FILED MARCH 7, 1996

*Out of Order
3/18/96
(P. 800)*

HOUSE FILE 2433

H-5261

- 1 Amend House File 2433 as follows:
2 1. Page 2, by inserting after line 3 the
3 following:
4 "Sec. ____ . Section 455D.11, subsection 1,
5 paragraph f, Code 1995, is amended to read as follows:
6 f. (1) "Waste tire" means a tire that is no
7 longer suitable for its originally intended purpose
8 due to wear, damage, or defect.
9 (2) "Waste tire" does not include a any of the
10 following:
11 (a) A nonpneumatic tire.
12 (b) A processed tire which is used in part or in
13 whole for the construction of erosion control
14 structures, French drains, leachate beds, septic
15 system drain fields, road base, culverts, field
16 crossings, intakes, or other uses where the intended
17 purpose is to produce a beneficial product.
18 (3) For the purposes of this section and sections
19 455D.11A and 455D.11B, a nonpneumatic tire and a
20 processed tire are not solid waste as defined in
21 section 455B.301."
22 2. Title page, line 6, by inserting after the
23 word "vehicles," the following: "excluding certain
24 waste tires from disposal, collection, processing, and
25 transportation requirements,".
26 3. By renumbering as necessary.

By CORMACK of Webster

H-5261 FILED MARCH 11, 1996

Out of Order 3/18/96
(A800)

HOUSE FILE 2433

H-5412

1 Amend House File 2433 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 321.52A, Code Supplement 1995,
5 is amended to read as follows:

6 321.52A CERTIFICATE OF TITLE SURCHARGE.

7 1. In addition to the fee required for the
8 issuance of a certificate of title under section
9 321.20, 321.20A, 321.23, 321.42, 321.46, 321.47,
10 321.48, 321.50, or 321.52, a surcharge of five dollars
11 shall be required. Of each surcharge collected under
12 those sections, the county treasurer shall remit five
13 dollars to the office of treasurer of state for
14 ~~deposit in the general fund of the state as set forth~~
15 in subsection 2.

16 2. For the fiscal year beginning July 1, 1996, the
17 treasurer of state shall deposit one million five
18 hundred thousand dollars of moneys received under
19 subsection 1 in the waste tire management fund created
20 in section 455D.11C, and deposit the remainder in the
21 general fund of the state. For the fiscal year
22 beginning July 1, 1997, the treasurer of state shall
23 deposit two million five hundred thousand dollars of
24 moneys received under subsection 1 in the waste tire
25 management fund, and deposit the remainder in the
26 general fund of the state. For the fiscal year
27 beginning July 1, 1998, and the fiscal year beginning
28 July 1, 1999, the treasurer of state shall deposit
29 three million five hundred thousand dollars of moneys
30 received under subsection 1 in the waste tire
31 management fund, and deposit the remainder in the
32 general fund of the state. For the fiscal year
33 beginning July 1, 2000, the treasurer of state shall
34 deposit two million five hundred thousand dollars of
35 the moneys received under subsection 1 in the waste
36 tire management fund, and one million dollars in the
37 road use tax fund, with the remainder deposited in the
38 general fund of the state. For the fiscal year
39 beginning July 1, 2001, the treasurer of state shall
40 deposit one million five hundred thousand dollars of
41 moneys received under subsection 1 in the waste tire
42 management fund, and three million dollars in the road
43 use tax fund, with the remainder deposited in the
44 general fund of the state. For the fiscal year
45 beginning July 1, 2002, and each subsequent fiscal
46 year, the treasurer of state shall deposit the entire
47 amount of moneys received under subsection 1 in the
48 road use tax fund.

49 Sec. 2. NEW SECTION. 455D.11C WASTE TIRE
50 MANAGEMENT FUND.

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1 1. A waste tire management fund is created within
2 the state treasury. Moneys received from each five
3 dollar surcharge on the issuance of a certificate of
4 title shall be deposited as provided in section
5 321.52A, subsection 2. Notwithstanding section 8.33,
6 any unexpended balance in the fund at the end of each
7 fiscal year shall be retained in the fund.
8 Notwithstanding section 12C.7, any interest or
9 earnings on investments from moneys in the fund shall
10 be credited to the fund. Moneys from the fund that
11 are expended by the department in closing or bringing
12 into compliance a waste tire collection site pursuant
13 to section 455D.11A and later recouped by the
14 department shall be credited to the fund.

15 2. Moneys in the waste tire management fund are
16 appropriated and shall be used for the following
17 purposes:

18 a. Fifty thousand dollars shall be allocated each
19 fiscal year to the department to administer the waste
20 tire management fund. This amount shall be allocated
21 to the department each fiscal year before other moneys
22 from the waste tire management fund are awarded
23 pursuant to this subsection.

24 b. The awarding of contracts by the department for
25 bringing waste tire collection sites or existing
26 stockpiles of waste tires into compliance with section
27 455D.11, or processing waste tires from existing waste
28 tire collection sites or existing stockpiles of waste
29 tires.

30 c. The awarding of moneys to boards of supervisors
31 of counties or to a designee of each board pursuant to
32 section 455D.11D.

33 d. The awarding of moneys to state board of
34 regents institutions pursuant to section 455D.11E.

35 e. The awarding of moneys to tire processors
36 pursuant to section 455D.11F.

37 3. Notwithstanding any other provision of law,
38 three hundred thousand dollars shall be transferred on
39 August 1, 1996, from the hazardous substance remedial
40 fund created in section 455B.423 to the waste tire
41 management fund. Moneys received in the waste tire
42 management fund pursuant to section 321.52A shall be
43 paid quarterly beginning on July 1, 1997, to the
44 hazardous substance remedial fund until the amount of
45 three hundred thousand dollars has been paid to the
46 hazardous substance remedial fund.

47 Sec. 3. NEW SECTION. 455D.11D WASTE TIRE
48 MANAGEMENT -- GRANT PROGRAM.

49 1. The department shall establish a waste tire
50 management grant program to promote the safe

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1 collection and disposal of waste tires at the local
2 community level. The program shall consist of all of
3 the following:

4 a. Evaluation and approval or denial of grant
5 applications in accordance with the criteria developed
6 by the department for grants for local waste tire
7 management programs.

8 b. Allocation of grant moneys from the waste tire
9 management fund created in section 455D.11C to boards
10 of supervisors of participating counties or to
11 designees of each board including, but not limited to,
12 public or private entities for which a grant is
13 approved for use in establishing and administering
14 local waste tire management programs.

15 2. Moneys, if available from the waste tire
16 management fund shall be used in the waste tire
17 management program in the following amounts: for the
18 fiscal year beginning July 1, 1996, seven hundred
19 thousand dollars; for each fiscal year during the
20 fiscal period beginning July 1, 1997, and ending July
21 1, 2000, one million dollars; and for the fiscal year
22 beginning July 1, 2001, seven hundred thousand
23 dollars.

24 3. The department shall approve or deny grant
25 applications submitted by boards of supervisors of
26 participating counties.

27 a. Grant moneys shall be allocated to a
28 participating county based upon the population of the
29 county as documented in the 1990 census as follows:

30 (1) Participating counties with populations of
31 less than sixty thousand shall each be allocated grant
32 moneys not to exceed fifteen thousand dollars.

33 (2) Participating counties with populations of
34 sixty thousand but less than one hundred ten thousand
35 shall each be allocated grant moneys not to exceed
36 thirty thousand dollars.

37 (3) Participating counties with populations of one
38 hundred ten thousand one but less than two hundred
39 thousand shall each be allocated grant moneys not to
40 exceed fifty thousand dollars.

41 (4) Participating counties with populations of two
42 hundred thousand or more shall each be allocated grant
43 moneys not to exceed sixty-five thousand dollars.

44 The department may award additional grant moneys to
45 a county with special waste tire concerns or problems.

46 b. The program shall require that boards of
47 supervisors of participating counties submit an annual
48 application for participation by August 14.

49 Applications shall be approved or denied by October 1,
50 in accordance with the criteria developed by the

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1 department, and moneys shall be allocated by January 1
2 of the subsequent year.

3 c. Grant moneys shall be allocated to the board of
4 supervisors of a participating county for which an
5 application has been approved for the establishment
6 and implementation of local waste tire management
7 programs.

8 d. Each county participating in the grant program
9 shall designate a site or sites for the collection of
10 waste tires, which shall accept waste tires without
11 charge in accordance with local waste tire management
12 programs.

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

23 f. Each board of supervisors of a participating
24 county shall submit an annual report to the department
25 which shall include an itemization of expenditures, a
26 report of the volume of waste tires collected, and
27 recommendations for improvement in the grant program
28 and other information requested by the department in
29 the grant application form.

30 g. Moneys which are not expended but which are
31 encumbered at the end of each year may be retained by
32 the county if the county submits an application for
33 continued grant approval. If a county does not
34 receive continued approval of local waste tire
35 management programs and unexpended and unencumbered
36 moneys remain, the county shall remit the moneys to
37 the treasurer of state for deposit in the waste tire
38 management fund.

39 Sec. 4. NEW SECTION. 455D.11E USE BY REGENTS
40 INSTITUTIONS OF WASTE TIRES TO PRODUCE TIRE-DERIVED
41 FUELS AND FOR OTHER BENEFICIAL USES.

42 State board of regents institutions of higher
43 education, defined in section 262.7, are encouraged to
44 use, to the fullest extent practicable, waste tires
45 for beneficial uses, such as, but not limited to,
46 producing tire-derived fuels. Moneys shall be awarded
47 from the waste tire management fund, pursuant to
48 section 455D.11C, subsection 2, to such an institution
49 by the department pursuant to section 455D.11C to
50 offset additional fuel costs incurred in generating

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1 heat, electricity, or power on a British thermal unit
2 equivalent basis. Moneys of not more than one hundred
3 thousand dollars may be awarded in the aggregate in a
4 fiscal year to such institutions to offset any
5 increased fuel costs associated with assisting the
6 state's program to dispose of waste tires in an
7 environmentally sound manner, and shall be available
8 only to the extent that such moneys help to reduce the
9 number of waste tires in the state.

10 Sec. 5. NEW SECTION. 455D.11F TIRE PROCESSORS
11 AWARDED MONEYS FOR PROCESSING WASTE TIRES.

12 1. As used in this section:

13 a. "Passenger tire equivalent" means the physical
14 dimensions of a tire which has a rim diameter of
15 sixteen and one-half inches or less.

16 b. "Site of end use" means a site where whole or
17 processed waste tires are permanently legally disposed
18 of, recycled, or reused.

19 c. "Tire processor" means a person who reduces
20 waste tires into a processed form suitable for
21 recycling or producing fuel for energy or heat, or
22 uses whole waste tires in any other beneficial use as
23 authorized by the department. "Tire processor" does
24 not mean a person who retreads tires or processes and
25 stores tires.

26 2. A tire processor who annually processes more
27 than two hundred fifty thousand waste tires, as
28 defined in section 455D.11, or the equivalent, at a
29 processing site as defined in section 455D.11 located
30 within the state may be awarded moneys pursuant to
31 section 455D.11C, subsection 2, from the waste tire
32 management fund of not more than twenty cents per
33 passenger tire equivalent processed and delivered to
34 the site of end use. Moneys of not more than three
35 hundred thousand dollars for such tire processors
36 shall be available in the aggregate in a fiscal year
37 and shall be disbursed by the department upon
38 application and approval to such tire processors. A
39 tire processor shall not receive more than twenty
40 thousand dollars from the waste tire management fund
41 in a fiscal year. A tire processor with a pending
42 enforcement action against the tire processor by the
43 department is ineligible to receive moneys while the
44 enforcement action is pending. A tire processor is
45 encouraged to use moneys awarded under this subsection
46 to lower the rates at which the tire processor sells
47 processed materials.

48 Sec. 6. NEW SECTION. 455D.11G DISPOSAL FEE
49 CHARGED BY RETAIL TIRE DEALER.

50 A retail tire dealer who currently charges a fee

H-5412

-5-

H-5412

Page 6

1 relating to disposal of used tires is encouraged to
 2 include the fee within the sales price of new tires.
 3 The practice by retail tire dealers of adding the fee
 4 as a separate charge on sales invoices is discouraged.
 5 Sec. 7. NEW SECTION. 455D.11H REPEAL.
 6 Sections 455D.11C, 455D.11D, 455D.11E, 455D.11F,
 7 455D.11G, and this section are repealed effective July
 8 1, 2002."
 9 2. By renumbering as necessary.

By GIPP of Winneshiek
 SHOULTZ of Black Hawk
 BRADLEY of Clinton

adopted 3/18/96

H-5412 FILED MARCH 14, 1996

HOUSE FILE 2433

H-5420

1 Amend the amendment, H-5412, to House File 2433, as
 2 follows:
 3 1. Page 1, by inserting after line 48 the
 4 following:
 5 "Sec. ____ . Section 455D.11, subsection 5, Code
 6 1995, is amended to read as follows:
 7 5. a. The department shall develop criteria for
 8 the issuance of permits and shall issue permits to
 9 qualified stockpiling facilities. The department
 10 shall inform the owner or operator of a waste tire
 11 collection site or processing site of the specific
 12 permit required for the waste tire collection site or
 13 processing site and any variance possibilities.
 14 b. The department shall specify in writing to a
 15 person who applies for a permit or variance from the
 16 permit requirement of this section the department's
 17 reasons for denying the permit or variance. A person
 18 denied a permit or variance may appeal the denial to
 19 the commission pursuant to chapter 17A.
 20 c. The department shall process an application for
 21 a permit or variance in a timely manner and shall
 22 issue a permit or variance immediately upon
 23 determining that the person applying for a permit or
 24 variance complies with the requirements for obtaining
 25 the permit or variance."
 26 2. Page 6, by inserting after line 8 the
 27 following:
 28 " ____ . Title page, line 6, by inserting after the
 29 word "vehicles," the following: "relating to
 30 obtaining a permit or variance for storing or using
 31 waste tires,"."

By CORMACK of Webster

H-5420 FILED MARCH 18, 1996

WITHDRAWN
3/18/96

(p. 800)

HOUSE FILE 2433

H-5421

1 Amend the amendment, H-5412, to House File 2433, as
2 follows:
3 1. Page 1, by inserting after line 48 the
4 following:
5 "Sec. ____ . Section 455D.11, subsection 1,
6 paragraph f, Code 1995, is amended to read as follows:
7 f. (1) "Waste tire" means a tire that is no
8 longer suitable for its originally intended purpose
9 due to wear, damage, or defect.
10 (2) "Waste tire" does not include a any of the
11 following:
12 (a) A nonpneumatic tire.
13 (b) A processed tire which is used in part or in
14 whole for the construction of erosion control
15 structures, French drains, leachate beds, septic
16 system drain fields, road base, culverts, field
17 crossings, intakes, or other uses where the intended
18 purpose is to produce a beneficial product.
19 (3) For the purposes of this section and sections
20 455D.11A and 455D.11B, a nonpneumatic tire and a
21 processed tire are not solid waste as defined in
22 section 455B.301."
23 2. Page 6, by inserting after line 8 the
24 following:
25 " ____ . Title page, line 6, by inserting after the
26 word "vehicles," the following: "excluding certain
27 waste tires from disposal, collection, processing, and
28 transportation requirements,."

By CORMACK of Webster

H-5421 FILED MARCH 18, 1996

LOST 3-18-96

(P. 800)

HOUSE FILE 2433

H-5445

1 Amend amendment H-5412, to House File 2433 as
2 follows:
3 1. Page 2, line 31, by striking the words "or to
4 a designee of each board".

By GIPP of Winneshiek

H-5445 FILED MARCH 18, 1996

ADOPTED BY UNANIMOUS CONSENT

(P. 799) 3/18/96

Not
5-3/21/96 Amend/also this
w/5-5494

HOUSE FILE **2433**
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 675)

(As Amended and Passed by the House, March 18, 1996)

Re- Passed House, Date 4/2/96 (P. 1129) Passed Senate, Date 3/28/96
Vote: Ayes 98 Nays 0 Vote: Ayes 48 Nays 0
Approved 4-17-96 *Passed 4/13/96*
Vote 50-0

A BILL FOR

1 An Act relating to the management of waste tires by providing for
2 the establishment of a waste tire management fund, allocation
3 of moneys to facilitate elimination of waste tires and the
4 establishment of future markets for waste tires, providing for
5 the redirection of the existing fee on certificates of title
6 of motor vehicles, and providing a repeal.

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

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All New Language by the House

1 Section 1. Section 321.52A, Code Supplement 1995, is
2 amended to read 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, 321.20A, 321.23,
6 321.42, 321.46, 321.47, 321.48, 321.50, or 321.52, a surcharge
7 of five dollars shall be required. Of each surcharge
8 collected under those sections, the county treasurer shall
9 remit five dollars to the office of treasurer of state for
10 ~~deposit in the general fund of the state~~ as set forth in
11 subsection 2.

12 2. For the fiscal year beginning July 1, 1996, the
13 treasurer of state shall deposit one million five hundred
14 thousand dollars of moneys received under subsection 1 in the
15 waste tire management fund created in section 455D.11C, and
16 deposit the remainder in the general fund of the state. For
17 the fiscal year beginning July 1, 1997, the treasurer of state
18 shall deposit two million five hundred thousand dollars of
19 moneys received under subsection 1 in the waste tire
20 management fund, and deposit the remainder in the general fund
21 of the state. For the fiscal year beginning July 1, 1998, and
22 the fiscal year beginning July 1, 1999, the treasurer of state
23 shall deposit three million five hundred thousand dollars of
24 moneys received under subsection 1 in the waste tire
25 management fund, and deposit the remainder in the general fund
26 of the state. For the fiscal year beginning July 1, 2000, the
27 treasurer of state shall deposit two million five hundred
28 thousand dollars of the moneys received under subsection 1 in
29 the waste tire management fund, and one million dollars in the
30 road use tax fund, with the remainder deposited in the general
31 fund of the state. For the fiscal year beginning July 1,
32 2001, the treasurer of state shall deposit one million five
33 hundred thousand dollars of moneys received under subsection 1
34 in the waste tire management fund, and three million dollars
35 in the road use tax fund, with the remainder deposited in the

1 general fund of the state. For the fiscal year beginning July
2 1, 2002, and each subsequent fiscal year, the treasurer of
3 state shall deposit the entire amount of moneys received under
4 subsection 1 in the road use tax fund.

5 Sec. 2. NEW SECTION. 455D.11C WASTE TIRE MANAGEMENT
6 FUND.

7 1. A waste tire management fund is created within the
8 state treasury. Moneys received from each five dollar
9 surcharge on the issuance of a certificate of title shall be
10 deposited as provided in section 321.52A, subsection 2.
11 Notwithstanding section 8.33, any unexpended balance in the
12 fund at the end of each fiscal year shall be retained in the
13 fund. Notwithstanding section 12C.7, any interest or earnings
14 on investments from moneys in the fund shall be credited to
15 the fund. Moneys from the fund that are expended by the
16 department in closing or bringing into compliance a waste tire
17 collection site pursuant to section 455D.11A and later
18 recouped by the department shall be credited to the fund.

19 2. Moneys in the waste tire management fund are
20 appropriated and shall be used for the following purposes:

21 a. Fifty thousand dollars shall be allocated each fiscal
22 year to the department to administer the waste tire management
23 fund. This amount shall be allocated to the department each
24 fiscal year before other moneys from the waste tire management
25 fund are awarded pursuant to this subsection.

26 b. The awarding of contracts by the department for
27 bringing waste tire collection sites or existing stockpiles of
28 waste tires into compliance with section 455D.11, or
29 processing waste tires from existing waste tire collection
30 sites or existing stockpiles of waste tires.

31 c. The awarding of moneys to boards of supervisors of
32 counties pursuant to section 455D.11D.

33 d. The awarding of moneys to state board of regents
34 institutions pursuant to section 455D.11E.

35 e. The awarding of moneys to tire processors pursuant to

1 section 455D.11F.

2 3. Notwithstanding any other provision of law, three
3 hundred thousand dollars shall be transferred on August 1,
4 1996, from the hazardous substance remedial fund created in
5 section 455B.423 to the waste tire management fund. Moneys
6 received in the waste tire management fund pursuant to section
7 321.52A shall be paid quarterly beginning on July 1, 1997, to
8 the hazardous substance remedial fund until the amount of
9 three hundred thousand dollars has been paid to the hazardous
10 substance remedial fund.

11 Sec. 3. NEW SECTION. 455D.11D WASTE TIRE MANAGEMENT --
12 GRANT PROGRAM.

13 1. The department shall establish a waste tire management
14 grant program to promote the safe collection and disposal of
15 waste tires at the local community level. The program shall
16 consist of all of the following:

17 a. Evaluation and approval or denial of grant applications
18 in accordance with the criteria developed by the department
19 for grants for local waste tire management programs.

20 b. Allocation of grant moneys from the waste tire
21 management fund created in section 455D.11C to boards of
22 supervisors of participating counties or to designees of each
23 board including, but not limited to, public or private
24 entities for which a grant is approved for use in establishing
25 and administering local waste tire management programs.

26 2. Moneys, if available from the waste tire management
27 fund shall be used in the waste tire management program in the
28 following amounts: for the fiscal year beginning July 1,
29 1996, seven hundred thousand dollars; for each fiscal year
30 during the fiscal period beginning July 1, 1997, and ending
31 July 1, 2000, one million dollars; and for the fiscal year
32 beginning July 1, 2001, seven hundred thousand dollars.

33 3. The department shall approve or deny grant applications
34 submitted by boards of supervisors of participating counties.

35 a. Grant moneys shall be allocated to a participating

1 county based upon the population of the county as documented
2 in the 1990 census as follows:

3 (1) Participating counties with populations of less than
4 sixty thousand shall each be allocated grant moneys not to
5 exceed fifteen thousand dollars.

6 (2) Participating counties with populations of sixty
7 thousand but less than one hundred ten thousand shall each be
8 allocated grant moneys not to exceed thirty thousand dollars.

9 (3) Participating counties with populations of one hundred
10 ten thousand one but less than two hundred thousand shall each
11 be allocated grant moneys not to exceed fifty thousand
12 dollars.

13 (4) Participating counties with populations of two hundred
14 thousand or more shall each be allocated grant moneys not to
15 exceed sixty-five thousand dollars.

16 The department may award additional grant moneys to a
17 county with special waste tire concerns or problems.

18 b. The program shall require that boards of supervisors of
19 participating counties submit an annual application for
20 participation by August 14. Applications shall be approved or
21 denied by October 1, in accordance with the criteria developed
22 by the department, and moneys shall be allocated by January 1
23 of the subsequent year.

24 c. Grant moneys shall be allocated to the board of
25 supervisors of a participating county for which an application
26 has been approved for the establishment and implementation of
27 local waste tire management programs.

28 d. Each county participating in the grant program shall
29 designate a site or sites for the collection of waste tires,
30 which shall accept waste tires without charge in accordance
31 with local waste tire management programs.

32 e. Each county participating in the grant program is
33 encouraged to promote local waste tire management programs, to
34 encourage nonprofit organization and private entity
35 participation, and to generate local funding for

1 supplementation of the grant moneys awarded. The board of
2 supervisors of a participating county or designees of the
3 board may establish limitations regarding the numbers and
4 types of waste tires collected and the entities from which a
5 site is required to accept waste tires.

6 f. Each board of supervisors of a participating county
7 shall submit an annual report to the department which shall
8 include an itemization of expenditures, a report of the volume
9 of waste tires collected, and recommendations for improvement
10 in the grant program and other information requested by the
11 department in the grant application form.

12 g. Moneys which are not expended but which are encumbered
13 at the end of each year may be retained by the county if the
14 county submits an application for continued grant approval.
15 If a county does not receive continued approval of local waste
16 tire management programs and unexpended and unencumbered
17 moneys remain, the county shall remit the moneys to the
18 treasurer of state for deposit in the waste tire management
19 fund.

20 Sec. 4. NEW SECTION. 455D.11E USE BY REGENTS
21 INSTITUTIONS OF WASTE TIRES TO PRODUCE TIRE-DERIVED FUELS AND
22 FOR OTHER BENEFICIAL USES.

23 State board of regents institutions of higher education,
24 defined in section 262.7, are encouraged to use, to the
25 fullest extent practicable, waste tires for beneficial uses,
26 such as, but not limited to, producing tire-derived fuels.
27 Moneys shall be awarded from the waste tire management fund,
28 pursuant to section 455D.11C, subsection 2, to such an
29 institution by the department pursuant to section 455D.11C to
30 offset additional fuel costs incurred in generating heat,
31 electricity, or power on a British thermal unit equivalent
32 basis. Moneys of not more than one hundred thousand dollars
33 may be awarded in the aggregate in a fiscal year to such
34 institutions to offset any increased fuel costs associated
35 with assisting the state's program to dispose of waste tires

1 in an environmentally sound manner, and shall be available
2 only to the extent that such moneys help to reduce the number
3 of waste tires in the state.

4 Sec. 5. NEW SECTION. 455D.11F TIRE PROCESSORS AWARDED
5 MONEYS FOR PROCESSING WASTE TIRES.

6 1. As used in this section:

7 a. "Passenger tire equivalent" means the physical
8 dimensions of a tire which has a rim diameter of sixteen and
9 one-half inches or less.
10 b. "Site of end use" means a site where whole or processed
11 waste tires are permanently legally disposed of, recycled, or
12 reused.

13 c. "Tire processor" means a person who reduces waste tires
14 into a processed form suitable for recycling or producing fuel
15 for energy or heat, or uses whole waste tires in any other
16 beneficial use as authorized by the department. "Tire
17 processor" does not mean a person who retreads tires or
18 processes and stores tires.

19 2. A tire processor who annually processes more than two
20 hundred fifty thousand waste tires, as defined in section
21 455D.11, or the equivalent, at a processing site as defined in
22 section 455D.11 located within the state may be awarded moneys
23 pursuant to section 455D.11C, subsection 2, from the waste
24 tire management fund of not more than twenty cents per
25 passenger tire equivalent processed and delivered to the site
26 of end use. Moneys of not more than three hundred thousand
27 dollars for such tire processors shall be available in the
28 aggregate in a fiscal year and shall be disbursed by the
29 department upon application and approval to such tire
30 processors. A tire processor shall not receive more than
31 twenty thousand dollars from the waste tire management fund in
32 a fiscal year. A tire processor with a pending enforcement
33 action against the tire processor by the department is
34 ineligible to receive moneys while the enforcement action is
35 pending. A tire processor is encouraged to use moneys awarded

1 under this subsection to lower the rates at which the tire
2 processor sells processed materials.

3 Sec. 6. NEW SECTION. 455D.11G DISPOSAL FEE CHARGED BY
4 RETAIL TIRE DEALER.

5 A retail tire dealer who currently charges a fee relating
6 to disposal of used tires is encouraged to include the fee
7 within the sales price of new tires. The practice by retail
8 tire dealers of adding the fee as a separate charge on sales
9 invoices is discouraged.

10 Sec. 7. NEW SECTION. 455D.11H REPEAL.

11 Sections 455D.11C, 455D.11D, 455D.11E, 455D.11F, 455D.11G,
12 and this section are repealed effective July 1, 2002.

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HOUSE FILE 2433

S-5494

1 Amend House File 2433, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 4 the
4 following:

5 "Sec. ____ . Section 455D.11, subsection 1,
6 paragraph f, Code 1995, is amended to read as follows:

7 f. (1) "Waste tire" means a tire that is no
8 longer suitable for its originally intended purpose
9 due to wear, damage, or defect.

10 (2) "Waste tire" does not include a any of the
11 following:

12 (a) A nonpneumatic tire.

13 (b) A processed tire which is used in part or in
14 whole for the construction of erosion control
15 structures, French drains, leachate beds, septic
16 system drain fields, road base, culverts, field
17 crossings, or intakes, or uses relating to
18 agriculture, including, but not limited to, the
19 construction of tie downs, fences, or waterways, or
20 other uses where the intended purpose is to produce a
21 beneficial product.

22 (3) For the purposes of this section and sections
23 455D.11A and 455D.11B, a nonpneumatic tire and a
24 processed tire are not solid waste as defined in
25 section 455B.301."

26 2. Page 3, line 31, by striking the word and
27 figures "July 1, 2000" and inserting the following:
28 "June 30, 2001".

29 3. Page 7, by inserting after line 9 the
30 following:

31 "Sec. ____ . RULES. The department shall develop
32 rules to allow beneficial uses of whole or processed
33 waste tires. The department shall consult with a
34 committee which includes the following: a member of
35 ISOSWA, a major farm organization, the Iowa state
36 association of counties, the consulting engineers
37 council, and 2 persons actively engaged in tire
38 processing. The committee shall review and consider
39 available scientific engineering research on methods
40 of beneficial reuse of whole or processed tires."

41 4. Title page, line 6, by inserting after the
42 word "vehicles," the following: "excluding certain
43 waste tires from disposal, collection, processing, and
44 transportation requirements,".

45 5. By renumbering, relettering, or redesignating
46 and correcting internal references as necessary.

By COMMITTEE ON NATURAL RESOURCES,
ENVIRONMENT, AND ENERGY
BILL FINK, Chairperson

S-5494 FILED MARCH 21, 1996

WITHDRAWN

3/28/96

(P. 1119)

HOUSE FILE 2433

S-5575

1 Amend House File 2433, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 4 the
4 following:

5 "Sec. _____. Section 455D.11, subsection 1,
6 paragraph f, Code 1995, is amended to read as follows:

7 f. (1) "Waste tire" means a tire that is no
8 longer suitable for its originally intended purpose
9 due to wear, damage, or defect.

10 (2) "Waste tire" does not include a nonpneumatic
11 tire.

12 (3) For the purposes of this section and sections
13 455D.11A and 455D.11B, a nonpneumatic tire and a
14 processed tire are not solid waste as defined in
15 section 455B.301.

16 Sec. _____. Section 455D.11, Code 1995, is amended
17 by adding the following new subsection:

18 NEW SUBSECTION. 8. The department shall adopt
19 rules relating to the storage and disposal of
20 nonpneumatic tires and processed tires."

21 2. Page 7, by inserting after line 12 the
22 following:

23 "Sec. _____. RULES. The department shall adopt
24 rules to allow beneficial uses of whole or processed
25 waste tires in consultation with a committee
26 consisting of a member of the Iowa society of solid
27 waste operators, a member from a major farm
28 organization, a member from the Iowa state association
29 of counties, a member from the consulting engineers
30 council, and two members who are actively engaged in
31 tire processing. The rules shall include, but need
32 not be limited to, the appropriate beneficial uses of
33 whole or processed waste tires for the construction of
34 erosion control structures, French drains, drainage
35 structures, leachate recovery systems, septic system
36 drainage fields, road bases, culverts, field
37 crossings, or intakes, or agricultural or construction
38 uses, including, but not limited to, weight or tie
39 downs, fences, or waterways, or other uses where the
40 intended purpose is to produce a beneficial product or
41 an end use. The committee shall review and consider
42 available scientific engineering research on methods
43 of beneficially using whole or processed waste tires.
44 This section is repealed effective June 30, 1998.

45 Sec. _____. SEVERABILITY. If any provision of this
46 Act or any application of this Act to any person or
47 circumstances is held invalid, such invalidity shall
48 not affect other provisions or applications of this
49 Act which can be given effect without the invalid
50 provision or application, and to this end the

S-5575

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S-5575

Page 2

1 provisions of this Act are severable."

2 3. By renumbering as necessary.

By BERL E. PRIEBE

BILL FINK

JOHN P. KIBBIE

ROD HALVORSON

BRAD BANKS

S-5575 FILED MARCH 27, 1996

Adopted 3-28-96 (p. 1119)

HOUSE FILE 2433

S-5563

1 Amend House File 2433, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 3, line 31, by striking the word and

4 figures "July 1, 2000" and inserting the following:

5 "June 30, 2001".

By JOHN P. KIBBIE

S-5563 FILED MARCH 27, 1996

*Adopted
3-28-96
(p. 1119)*HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2433

S-5627

1 Amend the Senate amendment, H-5735, to House File

2 2433, as amended, passed, and reprinted by the House,

3 as follows:

4 1. Page 1, by striking lines 5 through 15.

RECEIVED FROM THE HOUSE

S-5627 FILED APRIL 2, 1996

*Senate Concurred
4-3-96
(p. 1237)*

SENATE AMENDMENT TO HOUSE FILE 2433

H-5735

1 Amend House File 2433, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 4 the
4 following:

5 "Sec. ____ . Section 455D.11, subsection 1,
6 paragraph f, Code 1995, is amended to read as follows:
7 f. (1) "Waste tire" means a tire that is no
8 longer suitable for its originally intended purpose
9 due to wear, damage, or defect.

10 (2) "Waste tire" does not include a nonpneumatic
11 tire.

12 (3) For the purposes of this section and sections
13 455D.11A and 455D.11B, a nonpneumatic tire and a
14 processed tire are not solid waste as defined in
15 section 455B.301.

16 Sec. ____ . Section 455D.11, Code 1995, is amended
17 by adding the following new subsection:

18 NEW SUBSECTION. 8. The department shall adopt
19 rules relating to the storage and disposal of
20 nonpneumatic tires and processed tires."

21 2. Page 3, line 31, by striking the word and
22 figures "July 1, 2000" and inserting the following:
23 "June 30, 2001".

24 3. Page 7, by inserting after line 12 the
25 following:

26 "Sec. ____ . RULES. The department shall adopt
27 rules to allow beneficial uses of whole or processed
28 waste tires in consultation with a committee
29 consisting of a member of the Iowa society of solid
30 waste operators, a member from a major farm
31 organization, a member from the Iowa state association
32 of counties, a member from the consulting engineers
33 council, and two members who are actively engaged in
34 tire processing. The rules shall include, but need
35 not be limited to, the appropriate beneficial uses of
36 whole or processed waste tires for the construction of
37 erosion control structures, French drains, drainage
38 structures, leachate recovery systems, septic system
39 drainage fields, road bases, culverts, field
40 crossings, or intakes, or agricultural or construction
41 uses, including, but not limited to, weight or tie
42 downs, fences, or waterways, or other uses where the
43 intended purpose is to produce a beneficial product or
44 an end use. The committee shall review and consider
45 available scientific engineering research on methods
46 of beneficially using whole or processed waste tires.
47 This section is repealed effective June 30, 1998.

48 Sec. ____ . SEVERABILITY. If any provision of this
49 Act or any application of this Act to any person or
50 circumstances is held invalid, such invalidity shall

H-5735

H-5735

Page 2

1 not affect other provisions or applications of this
 2 Act which can be given effect without the invalid
 3 provision or application, and to this end the
 4 provisions of this Act are severable."

5 4. By renumbering, relettering, or redesignating
 6 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-5735 FILED APRIL 1, 1996

House concurred 4/2/96 (p. 1289)

HOUSE FILE 2433

H-5783

1 Amend the Senate amendment, H 5735, to House File
 2 2433, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. Page 1, by striking lines 5 through 15.

By GIPP of Winneshiek

H-5783 FILED APRIL 1, 1996

Adopted 4/2/96 (p. 1289)

*Gipp Chair
Bradley
Shoultsy*

HSB675

ENVIRONMENTAL PROTECTION

Succeeded By

SENATE/HOUSE FILE HF 4
BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date _____ Passed House, 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 fund, allocation
3 of moneys to facilitate elimination of waste tires and the
4 establishment of future markets for waste tires, providing for
5 the redirection of the existing fee on certificates of title
6 of motor vehicles, and providing a repeal.

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

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1 Section 1. Section 321.52A, Code Supplement 1995, is
2 amended to read 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, 321.20A, 321.23,
6 321.42, 321.46, 321.47, 321.48, 321.50, or 321.52, a surcharge
7 of five dollars shall be required. Of each surcharge
8 collected under those sections, the county treasurer shall
9 remit five dollars to the office of treasurer of state for
10 deposit in the general fund of the state as set forth in
11 subsection 2.

12 2. For the fiscal year beginning July 1, 1996, the
13 treasurer of state shall deposit one million dollars of moneys
14 received under subsection 1 in the waste tire management fund
15 created in section 455D.11C, and deposit the remainder in the
16 general fund of the state. For the fiscal year beginning July
17 1, 1997, the treasurer of state shall deposit two million
18 dollars of moneys received under subsection 1 in the waste
19 tire management fund, and deposit the remainder in the general
20 fund of the state. For the fiscal year beginning July 1,
21 1998, and the fiscal year beginning July 1, 1999, the
22 treasurer of state shall deposit three million dollars of
23 moneys received under subsection 1 in the waste tire
24 management fund, and deposit the remainder in the general fund
25 of the state. For the fiscal year beginning July 1, 2000, the
26 treasurer of state shall deposit two million dollars of the
27 moneys received under subsection 1 in the waste tire
28 management fund, and one million dollars in the road use tax
29 fund, with the remainder deposited in the general fund of the
30 state. For the fiscal year beginning July 1, 2001, the
31 treasurer of state shall deposit one million dollars of moneys
32 received under subsection 1 in the waste tire management fund,
33 and three million dollars in the road use tax fund, with the
34 remainder deposited in the general fund of the state. For the
35 fiscal year beginning July 1, 2002, and each subsequent fiscal

1 year, the treasurer of state shall deposit the entire amount
2 of moneys received under subsection 1 in the road use tax
3 fund.

4 Sec. 2. NEW SECTION. 455D.11C WASTE TIRE MANAGEMENT
5 FUND.

6 1. A waste tire management fund is created within the
7 state treasury. Moneys received from each five dollar
8 surcharge on the issuance of a certificate of title shall be
9 deposited in the fund pursuant to section 321.52A, subsection
10 2. Notwithstanding section 8.33, any unexpended balance in
11 the fund at the end of each fiscal year shall be retained in
12 the fund. Notwithstanding section 12C.7, any interest or
13 earnings on investments from moneys in the fund shall be
14 credited to the fund. Moneys from the fund that are expended
15 by the department in closing or bringing into compliance a
16 waste tire collection site pursuant to section 455D.11A and
17 later recouped by the department shall be credited to the
18 fund.

19 2. Moneys in the waste tire management fund are
20 appropriated and shall be used for the following purposes:

21 a. Fifty thousand dollars shall be allocated each fiscal
22 year to the department to administer the waste tire management
23 fund. This amount shall be allocated to the department each
24 fiscal year before other moneys from the waste tire management
25 fund are awarded pursuant to this subsection.

26 b. The awarding of contracts by the department for
27 bringing waste tire collection sites or existing stockpiles of
28 waste tires into compliance with section 455D.11, or
29 processing waste tires from existing waste tire collection
30 sites or existing stockpiles of waste tires.

31 c. The awarding of moneys to sanitary landfills pursuant
32 to section 455D.11D.

33 d. The awarding of moneys to state board of regents
34 institutions pursuant to section 455D.11E.

35 e. The awarding of moneys to tire processors pursuant to

1 section 455D.11F.

2 Sec. 3. NEW SECTION. 455D.11D AMNESTY PROGRAM FOR WASTE
3 TIRES BROUGHT TO SANITARY LANDFILLS.

4 The operator of a sanitary landfill defined in section
5 455B.301, who has received a permit for operation of the
6 sanitary landfill from the department, may apply for moneys
7 from the waste tire management fund, pursuant to section
8 455.11C, subsection 2, for the purpose of operating an amnesty
9 program for waste tires for the fiscal period beginning July
10 1, 1997, and ending June 30, 2002. The operator of a sanitary
11 landfill shall provide to the department a written operating
12 plan pertaining to the manner in which waste tires will be
13 collected, stored temporarily prior to processing, and
14 processed for reuse, recycling, or disposal in an economically
15 viable manner. A sanitary landfill with an amnesty program
16 shall accept waste tires at no charge from a natural person
17 who is a citizen of this state. A sanitary landfill operating
18 an amnesty program may be awarded moneys from the waste tire
19 management fund of not more than twenty cents per passenger
20 tire equivalent as defined in section 455D.11F when waste
21 tires are accepted under the amnesty program. A sanitary
22 landfill with a pending enforcement action against the
23 sanitary landfill by the department is ineligible to receive
24 moneys while the enforcement action is pending. Moneys of not
25 more than three hundred thousand dollars shall be available in
26 a fiscal year for the amnesty program and a sanitary landfill
27 shall not receive more than fifteen thousand dollars from the
28 waste tire management fund in a fiscal year.

29 Sec. 4. NEW SECTION. 455D.11E USE BY REGENTS
30 INSTITUTIONS OF WASTE TIRES TO PRODUCE TIRE-DERIVED FUELS AND
31 FOR OTHER BENEFICIAL USES.

32 State board of regents institutions of higher education,
33 defined in section 262.7, which generate heat, electricity, or
34 power, are encouraged to use, to the fullest extent
35 practicable, tire-derived fuels. Moneys shall be awarded from

1 the waste tire management fund, pursuant to section 455D.11C,
2 subsection 2, to such an institution by the department
3 pursuant to section 455D.11C to offset additional costs
4 incurred in generating heat, electricity, or power on a
5 British thermal unit equivalent basis. Moneys of not more
6 than three hundred thousand dollars may be awarded in the
7 aggregate in a fiscal year to such institutions to offset any
8 increased costs associated with assisting the state's program
9 to dispose of waste tires in an environmentally sound manner,
10 and shall be available only to the extent that such moneys
11 help to reduce the number of waste tires in the state.

12 Sec. 5. NEW SECTION. 455D.11F TIRE PROCESSORS AWARDED
13 MONEYS FOR PROCESSING WASTE TIRES.

14 1. As used in this section and section 455D.11D,
15 "passenger tire equivalent" means the physical dimensions of
16 of a tire which has a rim diameter of sixteen and one-half
17 inches or less.

18 2. As used in this section:

19 a. "Site of end use" means a site where waste tires are
20 permanently disposed of, recycled, or reused.

21 b. "Tire processor" means a person who reduces waste tires
22 into a processed form suitable for recycling or producing fuel
23 for energy or heat, or uses whole waste tires in any other
24 beneficial use as authorized by the department. "Tire
25 processor" does not mean a person who retreads tires or
26 processes and stores tires.

27 3. A tire processor who annually processes more than one
28 hundred thousand waste tires, as defined in section 455D.11,
29 at a processing site as defined in section 455D.11 located
30 within the state may be awarded moneys pursuant to section
31 455D.11C, subsection 2, from the waste tire management fund of
32 not more than twenty cents per passenger tire equivalent
33 processed and delivered to the site of end use. Moneys of not
34 more than three hundred thousand dollars for such tire
35 processor shall be available in the aggregate in a fiscal year

1 and shall be disbursed by the department upon applications by
2 tire processors. A tire processor shall not receive more than
3 twenty thousand dollars from the waste tire management fund in
4 a fiscal year. A tire processor with a pending enforcement
5 action against the tire processor by the department is
6 ineligible to receive moneys while the enforcement action is
7 pending.

8 Sec. 6. NEW SECTION. 455D.11G REPEAL.

9 Sections 455D.11C, 455D.11D, 455D.11E, 455D.11F, and this
10 section are repealed effective July 1, 2002.

11 EXPLANATION

12 This bill creates a waste tire management fund in the state
13 treasury. The waste tire management fund shall be generated
14 by the collection of a \$5 surcharge on every issuance of a
15 certificate of title relating to ownership of a motor vehicle.
16 Each fiscal year, the treasurer of state shall deposit a
17 specific amount of moneys generated by the surcharge in the
18 waste tire management fund. The amount of the surcharge
19 deposited in the waste tire management fund shall be
20 \$1,000,000 in fiscal year 1996-1997, \$2,000,000 in fiscal year
21 1997-1998, \$3,000,000 in each of fiscal years 1998-1999 and
22 1999-2000, \$2,000,000 in fiscal year 2000-2001, and \$1,000,000
23 in fiscal year 2001-2002. Moneys generated by the surcharge
24 shall also be deposited in the road use tax fund in the
25 amounts of \$1,000,000 in fiscal year 2000-2001 and \$3,000,000
26 in fiscal year 2001-2002. The remainder of moneys generated
27 by the surcharge shall be deposited in the general fund of the
28 state in fiscal years 1996-1997 through 2001-2002. The entire
29 amount of the moneys generated by the surcharge shall be
30 deposited in the road use tax fund beginning in fiscal year
31 2002-2003, and continuing thereafter.

32 The bill provides that \$50,000 shall be allocated each
33 fiscal year to the department of natural resources to
34 administer the waste tire management fund.

35 The bill provides that the waste tire management fund may

1 be used to award contracts for bringing waste tire collection
2 sites or existing stockpiles of waste tires into legal
3 compliance or processing waste tires at waste tire collection
4 sites or existing stockpiles of waste tires.

5 The bill provides that a sanitary landfill may create an
6 amnesty program for waste tires for fiscal years 1997-1998
7 through 2001-2002. A sanitary landfill with an amnesty
8 program may accept at no charge waste tires from a natural
9 person who is a citizen of this state. A sanitary landfill
10 with an amnesty program may be awarded moneys from the waste
11 tire management fund of not more than 20 cents per passenger
12 tire equivalent when waste tires are accepted under the
13 amnesty program.

14 The bill provides that state board of regents institutions
15 of higher education which generate heat, electricity, or
16 power, are encouraged to use, to the fullest extent
17 practicable, tire-derived fuels. Moneys shall be awarded to
18 such institutions to offset additional costs incurred in
19 generating heat, electricity, or power on a per British
20 thermal unit basis to offset any increased costs associated
21 with assisting the state's program to dispose of waste tires
22 in an environmentally sound manner.

23 The bill provides that a tire processor who annually
24 processes more than 100,000 waste tires at a processing site
25 located within the state may be awarded moneys at the rate of
26 not more than 20 cents per passenger tire equivalent processed
27 and delivered to a site of permanent disposal or reuse.

28 The bill provides for the repeal of the waste tire
29 management fund effective July 1, 2002.

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HOUSE FILE 2433

AN ACT

RELATING TO THE MANAGEMENT OF WASTE TIRES BY PROVIDING FOR THE ESTABLISHMENT OF A WASTE TIRE MANAGEMENT FUND, ALLOCATION OF MONEYS TO FACILITATE ELIMINATION OF WASTE TIRES AND THE ESTABLISHMENT OF FUTURE MARKETS FOR WASTE TIRES, PROVIDING FOR THE REDIRECTION OF THE EXISTING FEE ON CERTIFICATES OF TITLE OF MOTOR VEHICLES, AND PROVIDING A REPEAL.

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

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

321.52A CERTIFICATE OF TITLE SURCHARGE.

1. In addition to the fee required for the issuance of a certificate of title under section 321.20, 321.20A, 321.23, 321.42, 321.46, 321.47, 321.48, 321.50, or 321.52, a surcharge of five dollars shall be required. Of each surcharge collected under those sections, the county treasurer shall remit five dollars to the office of treasurer of state for deposit ~~in the general fund of the state~~ as set forth in subsection 2.

2. For the fiscal year beginning July 1, 1996, the treasurer of state shall deposit one million five hundred thousand dollars of moneys received under subsection 1 in the waste tire management fund created in section 455D.11C, and deposit the remainder in the general fund of the state. For the fiscal year beginning July 1, 1997, the treasurer of state shall deposit two million five hundred thousand dollars of moneys received under subsection 1 in the waste tire management fund, and deposit the remainder in the general fund of the state. For the fiscal year beginning July 1, 1998, and the fiscal year beginning July 1, 1999, the treasurer of state shall deposit three million five hundred thousand dollars of

moneys received under subsection 1 in the waste tire management fund, and deposit the remainder in the general fund of the state. For the fiscal year beginning July 1, 2000, the treasurer of state shall deposit two million five hundred thousand dollars of the moneys received under subsection 1 in the waste tire management fund, and one million dollars in the road use tax fund, with the remainder deposited in the general fund of the state. For the fiscal year beginning July 1, 2001, the treasurer of state shall deposit one million five hundred thousand dollars of moneys received under subsection 1 in the waste tire management fund, and three million dollars in the road use tax fund, with the remainder deposited in the general fund of the state. For the fiscal year beginning July 1, 2002, and each subsequent fiscal year, the treasurer of state shall deposit the entire amount of moneys received under subsection 1 in the road use tax fund.

Sec. 2. Section 455D.11, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 8. The department shall adopt rules relating to the storage and disposal of nonpneumatic tires and processed tires.

Sec. 3. NEW SECTION. 455D.11C WASTE TIRE MANAGEMENT FUND.

1. A waste tire management fund is created within the state treasury. Moneys received from each five dollar surcharge on the issuance of a certificate of title shall be deposited as provided in section 321.52A, subsection 2. Notwithstanding section 8.33, any unexpended balance in the fund at the end of each fiscal year shall be retained in the fund. Notwithstanding section 12C.7, any interest or earnings on investments from moneys in the fund shall be credited to the fund. Moneys from the fund that are expended by the department in closing or bringing into compliance a waste tire collection site pursuant to section 455D.11A and later recouped by the department shall be credited to the fund.

2. Moneys in the waste tire management fund are appropriated and shall be used for the following purposes:

a. Fifty thousand dollars shall be allocated each fiscal year to the department to administer the waste tire management fund. This amount shall be allocated to the department each fiscal year before other moneys from the waste tire management fund are awarded pursuant to this subsection.

b. The awarding of contracts by the department for bringing waste tire collection sites or existing stockpiles of waste tires into compliance with section 455D.11, or processing waste tires from existing waste tire collection sites or existing stockpiles of waste tires.

c. The awarding of moneys to boards of supervisors of counties pursuant to section 455D.11D.

d. The awarding of moneys to state board of regents institutions pursuant to section 455D.11E.

e. The awarding of moneys to tire processors pursuant to section 455D.11F.

3. Notwithstanding any other provision of law, three hundred thousand dollars shall be transferred on August 1, 1996, from the hazardous substance remedial fund created in section 455B.423 to the waste tire management fund. Moneys received in the waste tire management fund pursuant to section 321.52A shall be paid quarterly beginning on July 1, 1997, to the hazardous substance remedial fund until the amount of three hundred thousand dollars has been paid to the hazardous substance remedial fund.

Sec. 4. NEW SECTION. 455D.11D WASTE TIRE MANAGEMENT -- GRANT PROGRAM.

1. The department shall establish a waste tire management grant program to promote the safe collection and disposal of waste tires at the local community level. The program shall consist of all of the following:

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

b. Allocation of grant moneys from the waste tire management fund created in section 455D.11C to boards of supervisors of participating counties or to designees of each

board including, but not limited to, public or private entities for which a grant is approved for use in establishing and administering local waste tire management programs.

2. Moneys, if available from the waste tire management fund shall be used in the waste tire management program in the following amounts: for the fiscal year beginning July 1, 1996, seven hundred thousand dollars; for each fiscal year during the fiscal period beginning July 1, 1997, and ending June 30, 2001, one million dollars; and for the fiscal year beginning July 1, 2001, seven hundred thousand dollars.

3. The department shall approve or deny grant applications submitted by boards of supervisors of participating counties.

a. Grant moneys shall be allocated to a participating county based upon the population of the county as documented in the 1990 census as follows:

(1) Participating counties with populations of less than sixty thousand shall each be allocated grant moneys not to exceed fifteen thousand dollars.

(2) Participating counties with populations of sixty thousand but less than one hundred ten thousand shall each be allocated grant moneys not to exceed thirty thousand dollars.

(3) Participating counties with populations of one hundred ten thousand one but less than two hundred thousand shall each be allocated grant moneys not to exceed fifty thousand dollars.

(4) Participating counties with populations of two hundred thousand or more shall each be allocated grant moneys not to exceed sixty-five thousand dollars.

The department may award additional grant moneys to a county with special waste tire concerns or problems.

b. The program shall require that boards of supervisors of participating counties submit an annual application for participation by August 14. Applications shall be approved or denied by October 1, in accordance with the criteria developed by the department, and moneys shall be allocated by January 1 of the subsequent year.

c. Grant moneys shall be allocated to the board of supervisors of a participating county for which an application has been approved for the establishment and implementation of local waste tire management programs.

d. Each county participating in the grant program shall designate a site or sites for the collection of waste tires, which shall accept waste tires without charge in accordance with local waste tire management programs.

e. Each county participating in the grant program is encouraged to promote local waste tire management programs, to encourage nonprofit organization and private entity participation, and to generate local funding for supplementation of the grant moneys awarded. The board of supervisors of a participating county or designees of the board may establish limitations regarding the numbers and types of waste tires collected and the entities from which a site is required to accept waste tires.

f. Each board of supervisors of a participating county shall submit an annual report to the department which shall include an itemization of expenditures, a report of the volume of waste tires collected, and recommendations for improvement in the grant program and other information requested by the department in the grant application form.

g. Moneys which are not expended but which are encumbered at the end of each year may be retained by the county if the county submits an application for continued grant approval. If a county does not receive continued approval of local waste tire management programs and unexpended and unencumbered moneys remain, the county shall remit the moneys to the treasurer of state for deposit in the waste tire management fund.

Sec. 5. NEW SECTION. 455D.11E USE BY REGENTS INSTITUTIONS OF WASTE TIRES TO PRODUCE TIRE-DERIVED FUELS AND FOR OTHER BENEFICIAL USES.

State board of regents institutions of higher education, defined in section 262.7, are encouraged to use, to the fullest extent practicable, waste tires for beneficial uses,

such as, but not limited to, producing tire-derived fuels. Moneys shall be awarded from the waste tire management fund, pursuant to section 455D.11C, subsection 2, to such an institution by the department pursuant to section 455D.11C to offset additional fuel costs incurred in generating heat, electricity, or power on a British thermal unit equivalent basis. Moneys of not more than one hundred thousand dollars may be awarded in the aggregate in a fiscal year to such institutions to offset any increased fuel costs associated with assisting the state's program to dispose of waste tires in an environmentally sound manner, and shall be available only to the extent that such moneys help to reduce the number of waste tires in the state.

Sec. 6. NEW SECTION. 455D.11F TIRE PROCESSORS AWARDED MONEYS FOR PROCESSING WASTE TIRES.

1. As used in this section:

a. "Passenger tire equivalent" means the physical dimensions of a tire which has a rim diameter of sixteen and one-half inches or less.

b. "Site of end use" means a site where whole or processed waste tires are permanently legally disposed of, recycled, or reused.

c. "Tire processor" means a person who reduces waste tires into a processed form suitable for recycling or producing fuel for energy or heat, or uses whole waste tires in any other beneficial use as authorized by the department. "Tire processor" does not mean a person who retreads tires or processes and stores tires.

2. A tire processor who annually processes more than two hundred fifty thousand waste tires, as defined in section 455D.11, or the equivalent, at a processing site as defined in section 455D.11 located within the state may be awarded moneys pursuant to section 455D.11C, subsection 2, from the waste tire management fund of not more than twenty cents per passenger tire equivalent processed and delivered to the site of end use. Moneys of not more than three hundred thousand dollars for such tire processors shall be available in the

aggregate in a fiscal year and shall be disbursed by the department upon application and approval to such tire processors. A tire processor shall not receive more than twenty thousand dollars from the waste tire management fund in a fiscal year. A tire processor with a pending enforcement action against the tire processor by the department is ineligible to receive moneys while the enforcement action is pending. A tire processor is encouraged to use moneys awarded under this subsection to lower the rates at which the tire processor sells processed materials.

Sec. 7. NEW SECTION. 455D.11G DISPOSAL FEE CHARGED BY RETAIL TIRE DEALER.

A retail tire dealer who currently charges a fee relating to disposal of used tires is encouraged to include the fee within the sales price of new tires. The practice by retail tire dealers of adding the fee as a separate charge on sales invoices is discouraged.

Sec. 8. NEW SECTION. 455D.11H REPEAL.

Sections 455D.11C, 455D.11D, 455D.11E, 455D.11F, 455D.11G, and this section are repealed effective July 1, 2002.

Sec. 9. RULES. The department shall adopt rules to allow beneficial uses of whole or processed waste tires in consultation with a committee consisting of a member of the Iowa society of solid waste operators, a member from a major farm organization, a member from the Iowa state association of counties, a member from the consulting engineers council, and two members who are actively engaged in tire processing. The rules shall include, but need not be limited to, the appropriate beneficial uses of whole or processed waste tires for the construction of erosion control structures, French drains, drainage structures, leachate recovery systems, septic system drainage fields, road bases, culverts, field crossings, or intakes, or agricultural or construction uses, including, but not limited to, weight or tie downs, fences, or waterways, or other uses where the intended purpose is to produce a beneficial product or an end use. The committee shall review and consider available scientific engineering research on

methods of beneficially using whole or processed waste tires. This section is repealed effective June 30, 1998.

Sec. 10. SEVERABILITY. If any provision of this Act or any application of this Act to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2433, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved 4/17, 1996

TERRY E. BRANSTAD
Governor