

HSBG58

Rep. Gipp, chm.
Rep. De Boef
Rep. Shultz

ENVIRONMENTAL PROTECTION

Succeeded By

HOUSE FILE CE 02554
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION BILL
BY CHAIRPERSON HAHN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the use of moneys appropriated to the
2 department of natural resources for purposes of tire-related
3 initiatives.

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

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1 Section 1. WASTE TIRES. If moneys are appropriated,
2 during the 2002 Regular Session of the Seventy-ninth General
3 Assembly, to the department of natural resources for purposes
4 of tire initiatives for the fiscal year beginning July 1,
5 2002, the moneys shall be used for the following purposes and
6 in the following amounts:

7 1. Thirty-two percent of the moneys appropriated shall be
8 used for each of the following positions:

9 a. One full-time equivalent position for the
10 administration of permits and registrations for tire
11 processing, storage, and hauling activities, and tire program
12 initiatives.

13 b. One and one-quarter full-time equivalent positions for
14 compliance checks and inspections. The 1.25 full-time
15 equivalent positions under this paragraph shall be divided
16 equally between the field offices in the state.

17 2. Eighteen percent of the moneys appropriated shall be
18 used for a public education and awareness initiative related
19 to proper tire disposal options and environmental and health
20 hazards posed by improper tire storage.

21 3. Thirty percent of the moneys appropriated shall be used
22 for market development initiatives for waste tires.

23 4. Fifteen percent of the moneys appropriated shall be
24 used for a waste tire stockpile abatement initiative which
25 would require a cost-share agreement with the landowner.

26 5. Five percent of the moneys appropriated shall be used
27 for a study on the west nile virus including where the virus
28 is located in the state, how the virus might spread, where the
29 virus might spread, and how the virus may mitigate. These
30 moneys may be carried forward to the fiscal years beginning
31 July 1, 2003, and July 1, 2004.

32 EXPLANATION

33 This bill relates to the use of moneys appropriated to the
34 department of natural resources for purposes of tire-related
35 initiatives.

1 The bill provides that, if moneys are appropriated during
2 the 2002 Regular Session of the Seventy-ninth General
3 Assembly, to the department of natural resources for purposes
4 of tire initiatives, the moneys shall be used for the
5 following purposes and in the following amounts:

6 1. Thirty-two percent of the moneys appropriated shall be
7 used for full-time equivalent positions related to the
8 administration of permits and registrations for tire
9 processing, storage, and hauling activities, and tire program
10 initiatives and for compliance checks and inspections from
11 field offices in the state.

12 2. Eighteen percent of the moneys appropriated shall be
13 used for a public education and awareness initiative related
14 to proper tire disposal options and environmental and health
15 hazards posed by improper tire storage.

16 3. Thirty percent of the moneys appropriated shall be used
17 for market development initiatives for waste tires.

18 4. Fifteen percent of the moneys appropriated shall be
19 used for a waste tire stockpile abatement initiative which
20 would require a cost-share agreement with the landowner.

21 5. Five percent of the moneys appropriated shall be used
22 over a period of three fiscal years for a study on the west
23 Nile virus.

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REPRINTED

FEB 26 2002
Place On Calendar

HOUSE FILE 2554
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 658)

Passed House, Date (P. 624) 3-5-02 Passed Senate, Date (P. 741) 3/20/02
Vote: Ayes 94 Nays 0 Vote: Ayes 44 Nays 2

Approved April 22, 2002

Re-Passed 3-26-02

Re-Passed 4/8/02

Vote 95-1
(P. 1001)

Vote 49-0 (P. 997)

A BILL FOR

1 An Act relating to the use of moneys appropriated to the
2 department of natural resources for purposes of tire-related
3 initiatives, disposal fees charged by retail tire dealers, and
4 the registration of waste tire haulers and providing an
5 effective date.

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

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HF 2554

1 Section 1. Section 455D.11, subsection 7, paragraphs a and
2 c, Code 2001, are amended to read as follows:

3 a. That a person who contracts with another person to
4 transport more than forty waste tires is required to contract
5 only with a person registered as a waste tire hauler pursuant
6 to section 9B:1 455D.11I.

7 c. A person who does not comply with this subsection is
8 subject to the penalty imposed pursuant to section 9B:1
9 455D.11I and the moneys allocated shall be deposited and used
10 pursuant to section 9B:1 455D.11I.

11 Sec. 2. Section 455D.11H, Code 2001, is amended to read as
12 follows:

13 455D.11H FUTURE REPEAL.

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

16 Sec. 3. NEW SECTION. 455D.11I REGISTRATION OF WASTE TIRE
17 HAULERS -- BOND -- PENALTY.

18 1. For the purposes of this section, "waste tire hauler"
19 means a person who transports for hire more than forty waste
20 tires in a single load for commercial purposes.

21 2. A waste tire hauler shall register with, and obtain a
22 certificate of registration from, the department before
23 hauling waste tires in this state. Requirements for
24 registration of a waste tire hauler shall include a provision
25 that waste tire haulers shall pay all amounts due to any
26 individual or group of individuals when due for damages caused
27 by improper disposal of waste tires by the waste tire hauler
28 or the waste tire hauler's employee while acting within the
29 scope of employment. The waste tire hauler may apply for a
30 certificate of registration by submitting the forms provided
31 for that purpose and shall provide the name of the applicant
32 and the address of the applicant's principal place of business
33 and any additional information as deemed appropriate by the
34 department.

35 3. A certificate of registration issued under this section

1 is valid for one year from the date of issuance. A registered
2 waste tire hauler may renew the certificate by filing a
3 renewal application in the form prescribed by the department,
4 accompanied by any applicable renewal fee.

5 4. A certificate of registration shall at all times be
6 carried and displayed in the vehicle used for transportation
7 of waste tires and shall be shown to a representative of the
8 state department of transportation, upon request. The state
9 department of transportation may inspect vehicles used for the
10 transportation of waste tires and request that the certificate
11 of registration of the waste tire hauler be shown, upon
12 request.

13 5. The department shall establish a reasonable
14 registration fee sufficient to offset expenses incurred in the
15 administration of this section.

16 6. The department shall require that a waste tire hauler
17 have on file with the department before the issuance or
18 renewal of a registration certificate, a surety bond executed
19 by a surety company authorized to do business in this state in
20 the sum of a minimum of ten thousand dollars, which bond shall
21 be continuous in nature until canceled by the surety. A
22 surety shall provide at least thirty days' notice in writing
23 to the waste tire hauler and to the department indicating the
24 surety's intent to cancel the bond and the effective date of
25 the cancellation. The surety bond shall be for the benefit of
26 the citizens of this state and shall be conditioned upon the
27 waste tire hauler's willingness to comply with this section.
28 The surety's liability under this subsection is limited to the
29 amount of the bond or the amount of the damages or moneys due,
30 whichever is less. However, this subsection does not limit
31 the amount of damages recoverable from a waste tire hauler to
32 the amount of the surety bond. The bond shall be made in a
33 form prescribed by the commissioner of insurance and written
34 by a company authorized by the commissioner of insurance to do
35 business in this state.

1 7. The department shall adopt rules including imposition
2 of civil penalties necessary for the implementation and
3 administration of this section.

4 8. A person who knowingly and willfully violates a
5 provision of this section is subject to a civil penalty in an
6 amount not to exceed ten thousand dollars. Moneys collected
7 from the penalties imposed shall be deposited in the waste
8 volume reduction and recycling fund established pursuant to
9 section 455D.15.

10 Sec. 4. WASTE TIRES. If moneys are appropriated, during
11 the 2002 Regular Session of the Seventy-ninth General
12 Assembly, to the department of natural resources for purposes
13 of tire initiatives for the fiscal year beginning July 1,
14 2002, the moneys shall be used for the following purposes and
15 in the following amounts:

16 1. Thirty-two percent of the moneys appropriated shall be
17 used for each of the following positions:

18 a. One full-time equivalent position for the
19 administration of permits and registrations for tire
20 processing, storage, and hauling activities, and tire program
21 initiatives.

22 b. One and one-half full-time equivalent positions for
23 compliance checks and inspections. The 1.50 full-time
24 equivalent positions under this paragraph shall be divided
25 equally between the field offices in the state.

26 2. Eighteen percent of the moneys appropriated shall be
27 used for a public education and awareness initiative related
28 to proper tire disposal options and environmental and health
29 hazards posed by improper tire storage.

30 3. Thirty percent of the moneys appropriated shall be used
31 for market development initiatives for waste tires.

32 4. Fifteen percent of the moneys appropriated shall be
33 used for a waste tire stockpile abatement initiative which
34 would require a cost-share agreement with the landowner.

35 5. Five percent of the moneys appropriated shall be used

1 for a study on the west nile virus including where the virus
2 is located in the state, how the virus might spread, where the
3 virus might spread, and how the virus may mitigate. These
4 moneys may be carried forward to the fiscal years beginning
5 July 1, 2003, and July 1, 2004.

6 Sec. 5. Section 9B.1, Code 2001, is repealed.

7 Sec. 6. EFFECTIVE DATE. The section of this Act amending
8 section 455D.11H, being deemed of immediate importance, takes
9 effect upon enactment.

10 EXPLANATION

11 This bill relates to the use of moneys appropriated to the
12 department of natural resources for purposes of tire-related
13 initiatives.

14 The bill eliminates a July 1, 2002, repeal of Code section
15 455D.11G relating to disposal fees charged by retail tire
16 dealers. This provision of the bill takes effect upon
17 enactment.

18 The bill repeals Code section 9B.1 relating to the
19 registration of waste tire haulers and moves the provisions to
20 Code section 455D.11I. Currently, the secretary of state
21 administers the registration program. The bill moves the
22 program to the department of natural resources.

23 The bill provides that, if moneys are appropriated during
24 the 2002 Regular Session of the Seventy-ninth General
25 Assembly, to the department of natural resources for purposes
26 of tire initiatives, the moneys shall be used for the
27 following purposes and in the following amounts:

28 1. Thirty-two percent of the moneys appropriated shall be
29 used for full-time equivalent positions related to the
30 administration of permits and registrations for tire
31 processing, storage, and hauling activities, and tire program
32 initiatives and for compliance checks and inspections from
33 field offices in the state.

34 2. Eighteen percent of the moneys appropriated shall be
35 used for a public education and awareness initiative related

1 to proper tire disposal options and environmental and health
2 hazards posed by improper tire storage.

3 3. Thirty percent of the moneys appropriated shall be used
4 for market development initiatives for waste tires.

5 4. Fifteen percent of the moneys appropriated shall be
6 used for a waste tire stockpile abatement initiative which
7 would require a cost-share agreement with the landowner.

8 5. Five percent of the moneys appropriated shall be used
9 over a period of three fiscal years for a study on the west
10 Nile virus.

11

HOUSE FILE 2554

H-8125

1 Amend House File 2554 as follows:

2 1. Page 2, line 7, by inserting after the words
3 "of the" the following: "department of natural
4 resources or the".

By GIPP of Winneshiek

H-8125 FILED FEBRUARY 27, 2002

adopted 3/5/02 (p. 624)

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Legislative Fiscal Bureau Fiscal Note

HF 2554 - Waste Tire Funding (LSB 6707 HV)

Analyst: Deb Kozel (Phone: (515) 281-6767) (deb.kozel@legis.state.ia.us)

Fiscal Note Version - New

Description

House File 2254 eliminates the repeal of Section 455D.11G, Code of Iowa, that encourages retail tire dealers to charge a disposal fee for waste tires. The Bill moves the registration of waste tire haulers from the Secretary of the State to the Department of Natural Resources. The Bill provides a percentage breakdown for the use of any funds that could be appropriated for the Waste Tire Program in the Department of Natural Resources.

Assumptions

1. The minimum amount to continue the Program is \$500,000.
2. For FY 2002, the Department of Natural Resources received \$500,000 from the Environment First Fund for the Waste Tire Abatement Program. Currently, there is 1.0 FTE position funded for this Program with Waste Tire Funds and 1.5 FTE positions funded with other funds. The Program is scheduled to end on June 30, 2002.

Fiscal Impact

The minimum cost to implement HF 2554 would be \$500,000 annually. The funding would be distributed as follows:

	<u>Dollars</u>	<u>Percent</u>
Estimated Appropriation for FY 2003	\$ 500,000	
Distribution of Funds		
Program Administration	160,000	32.0%
Public Education and Awareness	90,000	18.0
Market Development Initiatives	150,000	30.0
Waste Tire Stockpile Abatement	75,000	15.0
West Nile Study	25,000	5.0
Total Appropriation	<u>\$ 500,000</u>	<u>100.0%</u>

Source

Department of Natural Resources



February 28, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

3/14/02 Do Pass
W/SS167

HOUSE FILE 2554
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 658)

(As Amended and Passed by the House March 5, 2002)

Passed House, (P. 1000) Date 3-26-02 Passed Senate, (P. 741) Date 3-20-02
Vote: Ayes 95 Nays 1 Vote: Ayes 44 Nays 2
Approved April 22, 2002

A BILL FOR

1 An Act relating to the use of moneys appropriated to the
2 department of natural resources for purposes of tire-related
3 initiatives, disposal fees charged by retail tire dealers, and
4 the registration of waste tire haulers and providing an
5 effective date.

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

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House Amendments _____

1 Section 1. Section 455D.11, subsection 7, paragraphs a and
2 c, Code 2001, are amended to read as follows:

3 a. That a person who contracts with another person to
4 transport more than forty waste tires is required to contract
5 only with a person registered as a waste tire hauler pursuant
6 to section 9B-1 455D.11I.

7 c. A person who does not comply with this subsection is
8 subject to the penalty imposed pursuant to section 9B-1
9 455D.11I and the moneys allocated shall be deposited and used
10 pursuant to section 9B-1 455D.11I.

11 Sec. 2. Section 455D.11H, Code 2001, is amended to read as
12 follows:

13 455D.11H FUTURE REPEAL.

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

16 Sec. 3. NEW SECTION. 455D.11I REGISTRATION OF WASTE TIRE
17 HAULERS -- BOND -- PENALTY.

18 1. For the purposes of this section, "waste tire hauler"
19 means a person who transports for hire more than forty waste
20 tires in a single load for commercial purposes.

21 2. A waste tire hauler shall register with, and obtain a
22 certificate of registration from, the department before
23 hauling waste tires in this state. Requirements for
24 registration of a waste tire hauler shall include a provision
25 that waste tire haulers shall pay all amounts due to any
26 individual or group of individuals when due for damages caused
27 by improper disposal of waste tires by the waste tire hauler
28 or the waste tire hauler's employee while acting within the
29 scope of employment. The waste tire hauler may apply for a
30 certificate of registration by submitting the forms provided
31 for that purpose and shall provide the name of the applicant
32 and the address of the applicant's principal place of business
33 and any additional information as deemed appropriate by the
34 department.

35 3. A certificate of registration issued under this section

1 is valid for one year from the date of issuance. A registered
2 waste tire hauler may renew the certificate by filing a
3 renewal application in the form prescribed by the department,
4 accompanied by any applicable renewal fee.

5 4. A certificate of registration shall at all times be
6 carried and displayed in the vehicle used for transportation
7 of waste tires and shall be shown to a representative of the
8 department of natural resources or the state department of
9 transportation, upon request. The state department of
10 transportation may inspect vehicles used for the
11 transportation of waste tires and request that the certificate
12 of registration of the waste tire hauler be shown, upon
13 request.

14 5. The department shall establish a reasonable
15 registration fee sufficient to offset expenses incurred in the
16 administration of this section.

17 6. The department shall require that a waste tire hauler
18 have on file with the department before the issuance or
19 renewal of a registration certificate, a surety bond executed
20 by a surety company authorized to do business in this state in
21 the sum of a minimum of ten thousand dollars, which bond shall
22 be continuous in nature until canceled by the surety. A
23 surety shall provide at least thirty days' notice in writing
24 to the waste tire hauler and to the department indicating the
25 surety's intent to cancel the bond and the effective date of
26 the cancellation. The surety bond shall be for the benefit of
27 the citizens of this state and shall be conditioned upon the
28 waste tire hauler's willingness to comply with this section.
29 The surety's liability under this subsection is limited to the
30 amount of the bond or the amount of the damages or moneys due,
31 whichever is less. However, this subsection does not limit
32 the amount of damages recoverable from a waste tire hauler to
33 the amount of the surety bond. The bond shall be made in a
34 form prescribed by the commissioner of insurance and written
35 by a company authorized by the commissioner of insurance to do

1 business in this state.

2 7. The department shall adopt rules including imposition
3 of civil penalties necessary for the implementation and
4 administration of this section.

5 8. A person who knowingly and willfully violates a
6 provision of this section is subject to a civil penalty in an
7 amount not to exceed ten thousand dollars. Moneys collected
8 from the penalties imposed shall be deposited in the waste
9 volume reduction and recycling fund established pursuant to
10 section 455D.15.

11 Sec. 4. WASTE TIRES. If moneys are appropriated, during
12 the 2002 Regular Session of the Seventy-ninth General
13 Assembly, to the department of natural resources for purposes
14 of tire initiatives for the fiscal year beginning July 1,
15 2002, the moneys shall be used for the following purposes and
16 in the following amounts:

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18 used for each of the following positions:

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21 processing, storage, and hauling activities, and tire program
22 initiatives.

23 b. One and one-half full-time equivalent positions for
24 compliance checks and inspections. The 1.50 full-time
25 equivalent positions under this paragraph shall be divided
26 equally between the field offices in the state.

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28 used for a public education and awareness initiative related
29 to proper tire disposal options and environmental and health
30 hazards posed by improper tire storage.

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32 for market development initiatives for waste tires.

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34 used for a waste tire stockpile abatement initiative which
35 would require a cost-share agreement with the landowner.

1 5. Five percent of the moneys appropriated shall be used
2 for a study on the west nile virus including where the virus
3 is located in the state, how the virus might spread, where the
4 virus might spread, and how the virus may mitigate. These
5 moneys may be carried forward to the fiscal years beginning
6 July 1, 2003, and July 1, 2004.

7 Sec. 5. Section 9B.1, Code 2001, is repealed.

8 Sec. 6. EFFECTIVE DATE. The section of this Act amending
9 section 455D.11H, being deemed of immediate importance, takes
10 effect upon enactment.

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HOUSE FILE 2554

S-5167

1 Amend House File 2554, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 321.52A, subsection 2, Code
6 Supplement 2001, is amended to read as follows:

7 2. ~~For the fiscal year beginning July 1, 1996, the~~
8 ~~treasurer of state shall deposit one million five~~
9 ~~hundred thousand dollars of moneys received under~~
10 ~~subsection 1 in the waste tire management fund created~~
11 ~~in section 455D.11C, and deposit the remainder in the~~
12 ~~general fund of the state. For the fiscal year~~
13 ~~beginning July 1, 1997, the treasurer of state shall~~
14 ~~deposit two million five hundred thousand dollars of~~
15 ~~moneys received under subsection 1 in the waste tire~~
16 ~~management fund, and deposit the remainder in the~~
17 ~~general fund of the state. For the fiscal year~~
18 ~~beginning July 1, 1998, and the fiscal year beginning~~
19 ~~July 1, 1999, the treasurer of state shall deposit~~
20 ~~three million five hundred thousand dollars of moneys~~
21 ~~received under subsection 1 in the waste tire~~
22 ~~management fund, and deposit the remainder in the~~
23 ~~general fund of the state. For the fiscal year~~
24 ~~beginning July 1, 2000, the treasurer of state shall~~
25 ~~deposit two million five hundred thousand dollars of~~
26 ~~the moneys received under subsection 1 in the waste~~
27 ~~tire management fund, and one million dollars in the~~
28 ~~road use tax fund, with the remainder deposited in the~~
29 ~~general fund of the state. For the fiscal year~~
30 ~~beginning July 1, 2001, the treasurer of state shall~~
31 ~~deposit one million five hundred thousand dollars of~~
32 ~~moneys received under subsection 1 in the waste tire~~
33 ~~management fund, with the remainder deposited in the~~
34 ~~general fund of the state. For the fiscal year~~
35 ~~beginning July 1, 2002, and each subsequent fiscal~~
36 ~~year, the treasurer of state shall deposit the entire~~
37 ~~amount of moneys received under subsection 1 in the~~
38 ~~road use tax fund through the fiscal year beginning~~
39 ~~July 1, 2006, the treasurer of state shall deposit~~
40 twenty percent of the moneys received under subsection
41 1 in the waste tire management fund and deposit the
42 remainder in the road use tax fund. For the fiscal
43 year beginning July 1, 2008, and each subsequent
44 fiscal year, the treasurer of state shall deposit the
45 entire amount of moneys received under subsection 1 in
46 the road use tax fund."

47 2. Page 1, line 14, by striking the figure
48 "455D.11G" and inserting the following: "455D.11G".

49 3. Page 1, line 15, by striking the figure "2002"
50 and inserting the following: "2002 2007".

S-5167

S-5167

Page 2

1 4. By renumbering as necessary.

By COMMITTEE ON NATURAL RESOURCES
AND ENVIRONMENT

MIKE SEXTON, CHAIRPERSON

S-5167 FILED MARCH 14, 2002*Adopted 3/20/02
(P 741)*

HOUSE FILE 2554**S-5223**1 Amend the amendment, S-5167, to House File 2554, as
2 amended, passed, and reprinted by the House, as
3 follows:4 1. Page 1, by striking lines 47 and 48.
5 2. By renumbering as necessary.*Adopted 3/20/02 (p. 736)* **By** MARY A. LUNDBY**S-5223** FILED MARCH 19, 2002

**HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2554****S-5262**1 Amend the Senate amendment, H-8402, to House File
2 2554, as amended, passed, and reprinted by the House,
3 as follows:4 1. Page 1, line 43, by striking the figure
5 "2008", and inserting the following: "2007".

RECEIVED FROM THE HOUSE

S-5262 FILED MARCH 27, 2002*Senate Concurred 4-8-02 (p. 996)*

SENATE AMENDMENT TO HOUSE FILE 2554

H-8402

1 Amend House File 2554, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 321.52A, subsection 2, Code
6 Supplement 2001, is amended to read as follows:

7 2. ~~For the fiscal year beginning July 1, 1996, the~~
8 ~~treasurer of state shall deposit one million five~~
9 ~~hundred thousand dollars of moneys received under~~
10 ~~subsection 1 in the waste tire management fund created~~
11 ~~in section 455D.11C, and deposit the remainder in the~~
12 ~~general fund of the state. For the fiscal year~~
13 ~~beginning July 1, 1997, the treasurer of state shall~~
14 ~~deposit two million five hundred thousand dollars of~~
15 ~~moneys received under subsection 1 in the waste tire~~
16 ~~management fund, and deposit the remainder in the~~
17 ~~general fund of the state. For the fiscal year~~
18 ~~beginning July 1, 1998, and the fiscal year beginning~~
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22 ~~management fund, and deposit the remainder in the~~
23 ~~general fund of the state. For the fiscal year~~
24 ~~beginning July 1, 2000, the treasurer of state shall~~
25 ~~deposit two million five hundred thousand dollars of~~
26 ~~the moneys received under subsection 1 in the waste~~
27 ~~tire management fund, and one million dollars in the~~
28 ~~road use tax fund, with the remainder deposited in the~~
29 ~~general fund of the state. For the fiscal year~~
30 ~~beginning July 1, 2001, the treasurer of state shall~~
31 ~~deposit one million five hundred thousand dollars of~~
32 ~~moneys received under subsection 1 in the waste tire~~
33 ~~management fund, with the remainder deposited in the~~
34 ~~general fund of the state. For the fiscal year~~
35 ~~beginning July 1, 2002, and each subsequent fiscal~~
36 ~~year, the treasurer of state shall deposit the entire~~
37 ~~amount of moneys received under subsection 1 in the~~
38 ~~road use tax fund through the fiscal year beginning~~
39 ~~July 1, 2006, the treasurer of state shall deposit~~
40 ~~twenty percent of the moneys received under subsection~~
41 ~~1 in the waste tire management fund and deposit the~~
42 ~~remainder in the road use tax fund. For the fiscal~~
43 ~~year beginning July 1, 2008, and each subsequent~~
44 ~~fiscal year, the treasurer of state shall deposit the~~
45 ~~entire amount of moneys received under subsection 1 in~~
46 ~~the road use tax fund."~~

47 2. Page 1, line 15, by striking the figure "2002"
48 and inserting the following: "2002 2007".

49 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-8402 FILED MARCH 20, 2002

House Concurred
3/26/02 (P. 100)

HOUSE FILE 2554

H-8404

1 Amend the Senate amendment, H-8402, to House File
2 2554, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, line 43, by striking the figure
5 "2008", and inserting the following: "2007".

By GIPP of Winneshiek

H-8404 FILED MARCH 20, 2002

Adopted
3/26/02
(p. 999)

HOUSE FILE 2554

AN ACT

RELATING TO THE USE OF MONEYS APPROPRIATED TO THE DEPARTMENT OF NATURAL RESOURCES FOR PURPOSES OF TIRE-RELATED INITIATIVES, DISPOSAL FEES CHARGED BY RETAIL TIRE DEALERS, AND THE REGISTRATION OF WASTE TIRE HAULERS AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 321.52A, subsection 2, Code Supplement 2001, is amended to read as follows:

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, 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 through the fiscal year beginning July 1, 2006, the treasurer of state shall deposit twenty percent of the moneys received under subsection 1 in the waste tire management fund and deposit the remainder in the road use tax fund. For the fiscal year beginning July 1, 2007, 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, subsection 7, paragraphs a and c, Code 2001, are amended to read as follows:

a. That a person who contracts with another person to transport more than forty waste tires is required to contract only with a person registered as a waste tire hauler pursuant to section 9B.1 ~~455D.11I~~.

c. A person who does not comply with this subsection is subject to the penalty imposed pursuant to section 9B.1

455D.11I and the moneys allocated shall be deposited and used pursuant to section 9B+ 455D.11I.

Sec. 3. Section 455D.11H, Code 2001, is amended to read as follows:

455D.11H FUTURE REPEAL.

Sections 455D.11C, 455D.11D, 455D.11E, 455D.11F, ~~455B+11G~~, and this section are repealed effective July 1, ~~2002~~ 2007.

Sec. 4. NEW SECTION. 455D.11I REGISTRATION OF WASTE TIRE HAULERS -- BOND -- PENALTY.

1. For the purposes of this section, "waste tire hauler" means a person who transports for hire more than forty waste tires in a single load for commercial purposes.

2. A waste tire hauler shall register with, and obtain a certificate of registration from, the department before hauling waste tires in this state. Requirements for registration of a waste tire hauler shall include a provision that waste tire haulers shall pay all amounts due to any individual or group of individuals when due for damages caused by improper disposal of waste tires by the waste tire hauler or the waste tire hauler's employee while acting within the scope of employment. The waste tire hauler may apply for a certificate of registration by submitting the forms provided for that purpose and shall provide the name of the applicant and the address of the applicant's principal place of business and any additional information as deemed appropriate by the department.

3. A certificate of registration issued under this section is valid for one year from the date of issuance. A registered waste tire hauler may renew the certificate by filing a renewal application in the form prescribed by the department, accompanied by any applicable renewal fee.

4. A certificate of registration shall at all times be carried and displayed in the vehicle used for transportation of waste tires and shall be shown to a representative of the department of natural resources or the state department of

transportation, upon request. The state department of transportation may inspect vehicles used for the transportation of waste tires and request that the certificate of registration of the waste tire hauler be shown, upon request.

5. The department shall establish a reasonable registration fee sufficient to offset expenses incurred in the administration of this section.

6. The department shall require that a waste tire hauler have on file with the department before the issuance or renewal of a registration certificate, a surety bond executed by a surety company authorized to do business in this state in the sum of a minimum of ten thousand dollars, which bond shall be continuous in nature until canceled by the surety. A surety shall provide at least thirty days' notice in writing to the waste tire hauler and to the department indicating the surety's intent to cancel the bond and the effective date of the cancellation. The surety bond shall be for the benefit of the citizens of this state and shall be conditioned upon the waste tire hauler's willingness to comply with this section. The surety's liability under this subsection is limited to the amount of the bond or the amount of the damages or moneys due, whichever is less. However, this subsection does not limit the amount of damages recoverable from a waste tire hauler to the amount of the surety bond. The bond shall be made in a form prescribed by the commissioner of insurance and written by a company authorized by the commissioner of insurance to do business in this state.

7. The department shall adopt rules including imposition of civil penalties necessary for the implementation and administration of this section.

8. A person who knowingly and willfully violates a provision of this section is subject to a civil penalty in an amount not to exceed ten thousand dollars. Moneys collected from the penalties imposed shall be deposited in the waste

volume reduction and recycling fund established pursuant to section 455D.15.

Sec. 5. WASTE TIRES. If moneys are appropriated, during the 2002 Regular Session of the Seventy-ninth General Assembly, to the department of natural resources for purposes of tire initiatives for the fiscal year beginning July 1, 2002, the moneys shall be used for the following purposes and in the following amounts:

1. Thirty-two percent of the moneys appropriated shall be used for each of the following positions:

a. One full-time equivalent position for the administration of permits and registrations for tire processing, storage, and hauling activities, and tire program initiatives.

b. One and one-half full-time equivalent positions for compliance checks and inspections. The 1.50 full-time equivalent positions under this paragraph shall be divided equally between the field offices in the state.

2. Eighteen percent of the moneys appropriated shall be used for a public education and awareness initiative related to proper tire disposal options and environmental and health hazards posed by improper tire storage.

3. Thirty percent of the moneys appropriated shall be used for market development initiatives for waste tires.

4. Fifteen percent of the moneys appropriated shall be used for a waste tire stockpile abatement initiative which would require a cost-share agreement with the landowner.

5. Five percent of the moneys appropriated shall be used for a study on the west Nile virus including where the virus is located in the state, how the virus might spread, where the virus might spread, and how the virus may mitigate. These moneys may be carried forward to the fiscal years beginning July 1, 2003, and July 1, 2004.

Sec. 6. Section 9B.1, Code 2001, is repealed.

Sec. 7. EFFECTIVE DATE. The section of this Act amending section 455D.11H, being deemed of immediate importance, takes effect upon enactment.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2554, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/22, 2002

THOMAS J. VILSACK
Governor