

CHAPTER 1116**MOTORBOAT OPERATION ON BIG CREEK LAKE***H.F. 2306*

AN ACT relating to the regulation of motorboats on certain artificial lakes, and providing an effective date and applicability dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. MOTORBOATS OPERATING ON BIG CREEK LAKE – TEMPORARY.

1. Notwithstanding section 462A.31, subsection 1, paragraph “b”, a motorboat equipped with any power unit mounted or carried aboard the vessel may be operated at a no-wake speed on Big Creek lake. However, the use of jet skis and the towing of flotation recreational equipment are prohibited on Big Creek lake.

2. This section applies to artificial lakes from May 24, 1996, through September 2, 1996, both dates inclusive.

3. This section is repealed effective September 3, 1996.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 16, 1996

CHAPTER 1117**WASTE TIRES***H.F. 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.