

DIVISION III  
COMMUNITY MENTAL HEALTH CENTERS

Sec. 13. MEDICAL ASSISTANCE PROVIDER REQUIREMENTS. Effective July 1, 2002, the department of human services shall revise the medical assistance provider requirements applicable to community mental health centers in the department's policy manuals to implement all of the following:

1. Revision of the condition of payment provision relating to services provided by a mental health professional and requiring an initial evaluation to include at least one personal interview with a psychiatrist. Under the revision, a mental health professional, as defined in section 228.1, must conduct a patient's initial evaluation interview and if the evaluation results indicate a need for a referral for an interview with a psychiatrist, then such a referral shall be required.

2. Elimination of requirements for holding a patient staffing meeting within four weeks following the date of the patient's initial evaluation interview and for subsequently holding patient staffing meetings every four months. Instead, the purpose of these requirements shall be achieved through the peer review process in effect for community mental health centers.

3. Make conforming amendments to policy manuals as necessary to implement subsections 1 and 2.

DIVISION IV  
EMERGENCY RULES

Sec. 14. EMERGENCY RULES. Rules adopted, amended, or repealed pursuant to this Act shall be processed as emergency rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", and the rules shall be effective immediately upon filing, unless the effective date is delayed by the administrative rules review committee, notwithstanding section 17A.4, subsection 5, and section 17A.8, subsection 9, or a later date is specified in the rules. Any rules adopted, amended, or repealed pursuant to this Act shall not take effect before the rules are reviewed by the administrative rules review committee. Any rules adopted, amended, or repealed pursuant to this Act shall also be published as a notice of intended action as provided in section 17A.4.

Approved April 22, 2002

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**CHAPTER 1121**

TIRE AND WASTE TIRE INITIATIVES —  
MANAGEMENT, REGULATION, AND USE OF FUNDS

*H.F. 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.1~~ 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, ~~455D.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.

Approved April 22, 2002

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## CHAPTER 1122

### SALES AND USE TAXES — LEGISLATIVE SERVICE BUREAU SALES AND ON-LINE COMPUTER SERVICE ACCESS CHARGES

H.F. 2585

**AN ACT** relating to a sales and use tax exemption for sales of certain mementos and other objects by the legislative service bureau and its legislative information office and to the abatement of state sales and use taxes and local sales and service taxes of purchasers of certain access to on-line computer services and providing refunds, and including effective and applicability date provisions.

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

Section 1. **NEW SECTION. 2.67 OFFICIAL SALES — TAX EXEMPTION.**

The legislative service bureau and its legislative information office may sell mementos and other items relating to Iowa history and historic sites, the general assembly, and the state capitol, on the premises of property under the control of the legislative council, at the state capitol, and on other state property. The legislative service bureau and its legislative information office are not retailers under chapter 422 and the sale of such mementos and other such items by the legislative service bureau or its legislative information office is not a retail sale under chapter 422, division IV, and is exempt from the sales tax.

Sec. 2. Section 421.60, subsection 2, paragraph m, subparagraphs (2) and (3), Code 2001, are amended to read as follows:

(2) The director shall abate the unpaid state sales and use taxes and any local sales and services taxes owed by a retailer where the retailer failed to collect the tax from the purchaser on the charges paid for access to on-line computer services as a result of erroneous written advice issued by the department regarding the taxability of charges paid for access to on-line computer services. To qualify for the abatement under this subparagraph, the erroneous written advice shall have been issued by the department prior to July 1, 1999, and shall have been specially directed to the retailer by the department.

If an abatement of unpaid state sales and use taxes and any local sales and services taxes is granted to the retailer by the director pursuant to this subparagraph, the department is precluded from collecting from the purchaser any unpaid state sales and use taxes and any local sales and services taxes which were abated.

(3) The director shall prepare quarterly reports summarizing each case in which abatement of tax, interest, or penalties was made. However, the report shall not disclose the identity of the taxpayer. An abatement authorized by this paragraph to a retailer shall not preclude the department from proceeding to collect the liability from a purchaser, except as provided in subparagraph (2).

Sec. 3. **REFUNDS.** Refunds of taxes, interest, or penalties which arise from claims resulting from the amendment to section 421.60, subsection 2, paragraph “m”, subparagraphs (2) and (3), in this Act, for sales on which the state sales and use taxes and any local sales and ser-