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FILED FEB 18 2002

SENATE FILE 2206
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 441)

Passed Senate, Date ^(p. 379) 2/25/02 Passed House, Date _____
Vote: Ayes 41 Nays 6 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the issuance or renewal of sanitary disposal
2 project permits.

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

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SENATE FILE 2206

S-5051

1 Amend Senate File 2206 as follows:
2 1. Page 1, line 8, by inserting after the word
3 "services" the following: "at no charge".
4 2. Page 1, line 22, by striking the word "both"
5 and inserting the following: "all".
6 3. Page 1, by inserting after line 26 the
7 following:
8 "c. The organization operates a retail business in
9 this state."
10 4. Title page, line 2, by inserting after the
11 word "permits" the following: ", the certification of
12 tax-exempt organizations that operate solid waste
13 diversion and recycling programs, and the retention of
14 tonnage fees by planning areas".

By MARY A. LUNDBY
JOE BOLKCOM

W/D
2/25/02 (p. 379)
S-5051 FILED FEBRUARY 19, 2002

SF 2206

1 Section 1. Section 455B.305, Code 2001, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 7. Beginning July 1, 2002, the director
4 shall not issue a permit or renew or reissue a permit which
5 had been renewed or reissued prior to that date for a sanitary
6 landfill, unless and until the permit applicant, in
7 conjunction with all local governments using the landfill,
8 designs a plan to provide disposal services to any tax-exempt
9 organization certified pursuant to section 455B.305B.

10 Sec. 2. NEW SECTION. 455B.305B SOLID WASTE DIVERSION AND
11 RECYCLING CERTIFICATION.

12 1. The department, through the land quality and waste
13 management assistance division, shall administer a program to
14 certify tax-exempt organizations that have tax-exempt status
15 under section 501(c)(3) of the Internal Revenue Code and meet
16 the requirements of this section. An organization that is
17 certified pursuant to this section shall be required to apply
18 for a renewal of certification on an annual basis. The
19 department shall certify any tax-exempt organization that
20 provides an estimated number of tons of solid waste that will
21 be diverted from landfill disposal by the organization during
22 one year and that demonstrates both of the following:

23 a. The organization operates a solid waste diversion and
24 recycling program.

25 b. The organization diverts from landfill disposal at
26 least two thousand tons of solid waste on an annual basis.

27 2. The department shall provide a list of organizations
28 certified pursuant to this section to all sanitary landfills
29 in the state to be used for purposes of section 455B.305,
30 subsection 7.

31 Sec. 3. Section 455D.3, Code Supplement 2001, is amended
32 by adding the following new subsection:

33 NEW SUBSECTION. 5. a. If a planning area accepts solid
34 waste from a tax-exempt organization certified pursuant to
35 section 455B.305B during a calendar year, the planning area

1 shall subtract twenty cents per ton from the total amount of
2 the tonnage fee imposed pursuant to section 455B.310 during
3 that calendar year. The reduction in tonnage fees pursuant to
4 this subsection shall be taken from that portion of the
5 tonnage fees which would have been allocated for funding
6 alternatives to landfills pursuant to section 455E.11,
7 subsection 2, paragraph "a", subparagraph (1).

8 b. By January 15, 2006, the department shall file a report
9 with the general assembly evaluating the use of this
10 subsection since the effective date of this Act. The report
11 shall include all of the following:

12 (1) The total number of tons of solid waste accepted by
13 planning areas from tax-exempt organizations certified
14 pursuant to section 455B.305B since the effective date of this
15 Act.

16 (2) The total number of tax-exempt organizations certified
17 pursuant to section 455B.305B since the effective date of this
18 Act.

19 (3) The total amount of tonnage fees retained by planning
20 areas pursuant to this subsection since the effective date of
21 this Act.

22 (4) Any additional information deemed necessary by the
23 department in evaluating the use of this subsection.

24 Sec. 4. REPEAL. Unless the general assembly provides
25 otherwise, this Act is repealed June 30, 2006.

26 EXPLANATION

27 This bill provides that, beginning July 1, 2002, the
28 director of the department of natural resources shall not
29 issue a permit or renew or reissue a permit which had been
30 renewed or reissued prior to that date for a sanitary
31 landfill, unless and until the permit applicant designs a plan
32 to provide disposal services to any tax-exempt organization
33 certified by the department. In order to be certified, the
34 bill requires that the organization demonstrate that the
35 organization operates a solid waste diversion and recycling

1 program and that the organization diverts from landfill
2 disposal at least 2,000 tons of solid waste on an annual
3 basis. The bill requires that the certification must be
4 renewed on an annual basis and that each year the organization
5 shall provide the department with an estimate of the number of
6 tons of solid waste that will be diverted from landfill
7 disposal by the organization during a one-year period.

8 The bill provides that if a planning area accepts solid
9 waste from a certified tax-exempt organization, the planning
10 area shall subtract 20 cents per ton from all tonnage fees
11 imposed during that calendar year. The bill provides that
12 tonnage fees retained by a planning area pursuant to this bill
13 shall be taken from tonnage fees which would have been
14 allocated for funding alternatives to landfills under the
15 solid waste account of the groundwater protection fund.

16 The bill provides that, by January 15, 2006, the department
17 shall file a report with the general assembly evaluating the
18 use of the provisions in the bill. The bill provides that,
19 unless the general assembly provides otherwise, the bill is
20 repealed June 30, 2006.

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S-5055

1 Amend Senate File 2206 as follows:
2 1. Page 1, line 8, by inserting after the word
3 "services" the following: "at no charge".
4 2. Page 1, line 8, by striking the word "tax-
5 exempt".
6 3. Page 1, by striking lines 14 through 26 and
7 inserting the following: "certify organizations that
8 demonstrate all of the following:
9 a. The organization has tax-exempt status under
10 section 501(c)(3) of the Internal Revenue Code.
11 b. The organization is accredited by the
12 commission on accreditation of rehabilitation
13 facilities.
14 c. The organization provides an estimated number
15 of tons of solid waste that will be diverted from
16 landfill disposal by the organization during one year.
17 d. The organization operates a solid waste
18 diversion and recycling program.
19 e. The organization diverts from landfill disposal
20 at least two thousand tons of solid waste on an annual
21 basis."
22 4. Page 1, by inserting after line 30 the
23 following:
24 "3. An organization that is certified pursuant to
25 this section shall be required to apply for a renewal
26 of certification on an annual basis."
27 5. Page 1, line 34, by striking the words "a tax-
28 exempt", and inserting the following: "an".
29 6. Page 2, line 13, by striking the word "tax-
30 exempt".
31 7. Page 2, line 16, by striking the word "tax-
32 exempt".
33 8. Title page, line 2, by inserting after the
34 word "permits" the following: ", the certification of
35 certain tax-exempt organizations that operate solid
36 waste diversion and recycling programs, and the
37 retention of tonnage fees by planning areas".

By MARY A. LUNDBY
JOE BOLKCOM

S-5055 FILED FEBRUARY 25, 2002

ADOPTED

(P. 379)

1 Section 1. Section 455B.305, Code 2001, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 7. Beginning July 1, 2002, the director
4 shall not issue a permit or renew or reissue a permit which
5 had been renewed or reissued prior to that date for a sanitary
6 landfill, unless and until the permit applicant, in
7 conjunction with all local governments using the landfill,
8 designs a plan to provide disposal services at no charge to
*9 any organization certified pursuant to section 455L.305B.

10 Sec. 2. NEW SECTION. 455B.305B SOLID WASTE DIVERSION AND
11 RECYCLING CERTIFICATION.

12 1. The department, through the land quality and waste
13 management assistance division, shall administer a program to
14 certify organizations that demonstrate all of the following:

15 a. The organization has tax-exempt status under section
16 501(c)(3) of the Internal Revenue Code.

17 b. The organization is accredited by the commission on
18 accreditation of rehabilitation facilities.

19 c. The organization provides an estimated number of tons
20 of solid waste that will be diverted from landfill disposal by
21 the organization during one year.

22 d. The organization operates a solid waste diversion and
23 recycling program.

24 e. The organization diverts from landfill disposal at
25 least two thousand tons of solid waste on an annual basis.

26 2. The department shall provide a list of organizations
27 certified pursuant to this section to all sanitary landfills
28 in the state to be used for purposes of section 455B.305,
29 subsection 7.

30 3. An organization that is certified pursuant to this
31 section shall be required to apply for a renewal of
32 certification on an annual basis.

33 Sec. 3. Section 455D.3, Code Supplement 2001, is amended
34 by adding the following new subsection:

35 NEW SUBSECTION. 5. a. If a planning area accepts solid

1 waste from an organization certified pursuant to section
2 455B.305B during a calendar year, the planning area shall
3 subtract twenty cents per ton from the total amount of the
4 tonnage fee imposed pursuant to section 455B.310 during that
5 calendar year. The reduction in tonnage fees pursuant to this
6 subsection shall be taken from that portion of the tonnage
7 fees which would have been allocated for funding alternatives
8 to landfills pursuant to section 455E.11, subsection 2,
9 paragraph "a", subparagraph (1).

10 b. By January 15, 2006, the department shall file a report
11 with the general assembly evaluating the use of this
12 subsection since the effective date of this Act. The report
13 shall include all of the following:

14 (1) The total number of tons of solid waste accepted by
*15 planning areas from organizations certified pursuant to
16 section 455B.305B since the effective date of this Act.

*17 (2) The total number of organizations certified pursuant
18 to section 455B.305B since the effective date of this Act.

19 (3) The total amount of tonnage fees retained by planning
20 areas pursuant to this subsection since the effective date of
21 this Act.

22 (4) Any additional information deemed necessary by the
23 department in evaluating the use of this subsection.

24 Sec. 4. REPEAL. Unless the general assembly provides
25 otherwise, this Act is repealed June 30, 2006.

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Legislative Fiscal Bureau

Fiscal Note

SF 2206 - Landfill Fee Exemption (LSB 6816 SV)

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

Fiscal Note Version - Amended

Description

Senate File 2206 requires landfills to design a plan to provide disposal services for tax-exempt organizations. Landfills not complying with this Bill will not be issued a permit from the Department of Natural Resources. The Department will certify tax-exempt organizations on an annual basis. Planning areas that accept solid waste from tax-exempt organizations are able to retain an additional \$0.20 per ton on all tonnage fees for the year.

Assumptions

1. Based on FY 2002 tonnages reported, the Department of Natural Resources estimates planning areas will be able to retain the additional \$.20 per ton fee on 1.3 million tons.
2. Funding will be reduced to the Landfills Alternative Grant Program by the amount that is retained at the planning areas.

Fiscal Impact

The fiscal impact of SF 2206 is a decrease of \$268,000 in revenue to the Solid Waste Account in the Groundwater Protection Fund for FY 2003 and for subsequent years.

Source

Department of Natural Resources

/s/ Dennis C Prouty

February 26, 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.
