

House File 187 2/8 *Pass per 3526 4/6 (p.1288)*
Energy
O'Halloran and
Varley, co-chair
Evans
Griffie
Howell

FB 14 1977

HOUSE FILE 187

ENERGY

By O'HALLORAN, HOWELL, VARLEY,
EVANS, MIDDLESWART,
BRANSTAD, GRIFFEE, LIPSKY,
CRAWFORD, GENTLEMAN,
SMALLEY, KRAUSE, SMALL,
PATCHETT, WALTER, TAUKE,
DYRLAND, HINES, KREWSON,
RINAS and ANDERSON

Passed House, Date 4-28-77 (p.1719) Passed Senate; Date _____

Vote: Ayes 62 Nays 31 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to regulate the sale and use of certain beverage con-
2 tainers and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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187

1 Section 1. NEW SECTION. DEFINITIONS. As used in this
2 Act unless the context otherwise requires:

3 1. "Beverage" means beer as defined in section one hun-
4 dred twenty-three point three (123.3), subsection nine (9)
5 of the Code, other alcoholic malt beverages and mineral water,
6 soda water and similar carbonated soft drinks in liquid form
7 and intended for human consumption.

8 2. "Beverage container" means any glass, plastic, or metal
9 bottle, can, jar or carton containing a beverage.

10 3. "Consumer" means any person who purchases a beverage
11 in a beverage container for use or consumption.

12 4. "Dealer" means any person who engages in the sale of
13 beverages in beverage containers to a consumer.

14 5. "Distributor" means any person who engages in the sale
15 of beverages in beverage containers to a dealer, including
16 any manufacturer who engages in such sales.

17 6. "Manufacturer" means any person who bottles, cans,
18 or otherwise fills beverage containers for sale to distribu-
19 tors or dealers.

20 7. "Department" means the Iowa beer and liquor control
21 department.

22 8. "Director" means the director of the Iowa beer and
23 liquor control department.

24 9. "Council" means the Iowa beer and liquor control
25 council.

26 Sec. 2. NEW SECTION. REFUND VALUES.

27 1. Except as provided in subsection two (2) of this
28 section, a beverage container sold or offered for sale in
29 this state shall have a refund value of not less than five
30 cents.

31 2. If a beverage container is certified by the depart-
32 ment as provided in section three (3) of this Act, the bev-
33 erage container shall have a refund value of not less than
34 two cents.

35 Sec. 3. NEW SECTION. REQUIREMENTS FOR CERTIFICATION.

1 1. The department shall certify a beverage container if
2 it is reusable as a beverage container by more than one
3 manufacturer in the ordinary course of business and if more
4 than one manufacturer will accept in the ordinary course of
5 business the beverage container for reuse as a beverage con-
6 tainer and pay the refund value of the container.

7 2. A beverage container shall not be certified by the
8 department under this section if by reason of its shape or
9 design or by reason of words or symbols permanently inscribed
10 on the container, whether by engraving, embossing, painting
11 or other permanent method, it is reusable as a beverage con-
12 tainer in the ordinary course of business only by a manufac-
13 turer of a beverage sold under a specific brand name.

14 Sec. 4. NEW SECTION. ISSUANCE, REVIEW, AND WITHDRAWAL
15 OF CERTIFICATION.

16 1. If an application for certification under section three
17 (3) of this Act has not been denied by the department within
18 sixty days after the date of application, the beverage con-
19 tainer shall be deemed certified.

20 2. The department may review the certification of a bever-
21 age container at any time. If after such review, with writ-
22 ten notice and a hearing before the council afforded to the
23 person who filed the application for certification under sec-
24 tion three (3) of this Act, the council determines the con-
25 tainer is no longer qualified for certification, the certifi-
26 cation shall be withdrawn.

27 3. The withdrawal of certification shall be effective
28 no earlier than thirty days after written notice to the per-
29 son who filed the application for certification and to the
30 manufacturers referred to in section three (3) of this Act.

31 Sec. 5. NEW SECTION. PAYMENT OF REFUND VALUE. Except
32 as provided in section six (6) of this Act:

33 1. A dealer shall not refuse to accept from a consumer
34 any empty beverage container of the kind, size and brand sold
35 by the dealer, or refuse to pay to the consumer the refund

1 value of a beverage container as determined under section
2 two (2) of this Act.

3 2. A distributor shall not refuse to accept from a deal-
4 er any empty beverage container of the kind, size and brand
5 sold by the distributor, or refuse to pay the dealer the re-
6 fund value of a beverage container as determined under sec-
7 tion two (2) of this Act.

8 Sec. 6. NEW SECTION. REFUSAL TO ACCEPT CONTAINERS.

9 1. A dealer may refuse to accept from a consumer and a
10 distributor may refuse to accept from a dealer, any empty
11 beverage container which does not have stated on it a refund
12 value as determined under section two (2) of this Act.

13 2. A dealer may refuse to accept and to pay the refund
14 value of any empty beverage container if the place of busi-
15 ness of the dealer and the kind and brand of empty beverage
16 containers are included in an order of the department ap-
17 proving a redemption center under section eight (8) of this
18 Act.

19 Sec. 7. NEW SECTION. REFUND VALUE STATED ON CONTAINER.

20 1. Each beverage container sold or offered for sale in
21 this state by a dealer shall clearly indicate by embossing
22 or by a stamp, label or other method securely affixed to the
23 container, the refund value of the container. The depart-
24 ment shall specify, by rule, the minimum size of the refund
25 value indication on the beverage containers.

26 2. The provisions of subsection one (1) of this section
27 shall not apply to glass beverage containers having a brand
28 name permanently marked on it which, on the effective date
29 of this Act, has a refund value of not less than five cents.

30 Sec. 8. NEW SECTION. REDEMPTION CENTERS.

31 1. To facilitate the return of empty beverage containers
32 and to serve dealers of beverages, any person may establish
33 a redemption center, subject to the approval of the depart-
34 ment, at which consumers may return empty beverage contain-
35 ers and receive payment of the refund value of such beverage

1 containers.

2 2. An application for approval of a redemption center
3 shall be filed with the department. The application shall
4 state the name and address of the person responsible for the
5 establishment and operation of the redemption center, the
6 kind and brand names of the beverage containers which will
7 be accepted at the redemption center, and the names and ad-
8 dresses of the dealers to be served by the redemption center.
9 The application shall contain such other information as the
10 director may reasonably require.

11 3. The department shall approve a redemption center if
12 it finds that the redemption center will provide a convenient
13 service to consumers for the return of empty beverage con-
14 tainers. The order of the department approving a redemption
15 center shall state the dealers to be served by the redemp-
16 tion center and the kind and brand names of empty beverage
17 containers which the redemption center must accept. The or-
18 der may contain such other provisions to insure that the re-
19 demption center will provide a convenient service to the
20 public as the director may determine.

21 4. The department may review the approval of any redemp-
22 tion center at any time. After written notice to the person
23 responsible for the establishment and operation of the re-
24 demption center, and to the dealers served by the redemption
25 center, the council may, after hearing, withdraw approval
26 of a redemption center if the council finds there has not
27 been compliance with the department's order approving the
28 redemption center, or if the redemption center no longer
29 provides a convenient service to the public.

30 Sec. 9. NEW SECTION. SNAP TOP CANS PROHIBITED. No per-
31 son shall sell or offer for sale at retail in this state any
32 metal beverage container so designed and constructed that
33 a part of the container is detachable in opening the contain-
34 er without the aid of a can opener.

35 Sec. 10. NEW SECTION. RULES ADOPTED. The director shall

1 adopt, with the approval of the council, the rules necessary
2 to carry out the provisions of this Act, subject to the pro-
3 visions of chapter seventeen A (17A) of the Code.

4 Sec. 11. NEW SECTION. APPEAL. Any person aggrieved by
5 an order of the department relating to certification or with-
6 drawal of certification of a beverage container, or to the
7 approval or withdrawal of approval for a redemption center
8 may seek judicial review of such order as provided in chap-
9 ter seventeen A (17A) of the Code.

10 Sec. 12. NEW SECTION. PENALTY. Any person violating
11 the provisions of sections two (2), five (5), seven (7), and
12 nine (9) of this Act shall be guilty of a serious misdemeanor.

13 Sec. 13. This Act is effective January 1, 1978.

14 EXPLANATION

15 This bill provides for the imposition of a refund value
16 on beverage containers sold containing beer, malt beverages,
17 and carbonated soft drinks. If the beverage container is
18 so designed that it can be reused by more than one
19 manufacturer, it can be certified by the Iowa Beer and Liquor
20 Control Department and be subject to a refund value of not
21 less than two cents. If the beverage container cannot be
22 reused or can be reused only by one manufacturer because of
23 its design or shape, or because of the words or symbols on
24 the container, the refund value shall not be less than five
25 cents.

26 Redemption centers are also authorized by this bill under
27 the regulation of the Iowa Beer and Liquor Control Depart-
28 ment. If retailers find that it will be more convenient to
29 the public to handle the refunding of beverage containers
30 by a separate operation, they may establish a redemption
31 center with the Department's approval. These retailers may
32 refuse to accept the refund of beverage containers except
33 at the redemption center to which they are assigned.

34 The bill prohibits the sale of beverages in metal contain-
35 ers with detachable lids or which can be opened without the

1 aid of a can opener.

2 Any person violating the refunding provisions of the bill
3 or selling beverages in snap top cans is guilty of a misde-
4 meanor.

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HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 187

S-5308

- 1 Amend the Senate amendment, H-5323, to House File
- 2 187 as follows:
- 3 1. Page 1, line 24, by inserting after the word
- 4 "dealer" the words "in this state".
- 5 2. Page 1, line 42, by inserting after the word
- 6 "dealer" the words "for consumption off the premises".
- 7 3. Page 1, line 43, by inserting after the word
- 8 "container" the words "upon which a refund value has
- 9 been paid".
- 10 4. Page 1, line 49, by striking the word "A" and
- 11 inserting in lieu thereof the words "In addition to
- 12 the refund value provided in subsection one (1) of
- 13 this section, a".
- 14 5. Page 2, lines 2 and 3, by striking the words
- 15 "at least".
- 16 6. Page 2, line 17, by striking the word
- 17 "determined" and inserting in lieu thereof the word
- 18 "provided".
- 19 7. Page 2, by striking lines 19 through 24 and
- 20 inserting in lieu thereof the following:
- 21 "2. A distributor shall accept and pick up from
- 22 a dealer served by the distributor or a redemption
- 23 center for a dealer served by the distributor any
- 24 empty beverage container of the kind, size and Brand
- 25 sold by the distributor, and shall pay to the dealer
- 26 or person operating a redemption center the refund
- 27 value of a beverage container and the reimbursement
- 28 as provided under section two (2) of this Act."
- 29 8. Page 2, line 26, by striking the word "A" and
- 30 inserting in lieu thereof the words "Except as provided
- 31 in section five (5), subsection two (2), of this Act,
- 32 a".
- 33 9. Page 2, line 29, by striking the word
- 34 "determined" and inserting in lieu thereof the word
- 35 "provided".
- 36 10. Page 2, lines 31 and 32, by striking the words
- 37 "or a person operating a redemption center".
- 38 11. Page 2, lines 34 and 35, by striking the words
- 39 "or of the person operating a redemption center".
- 40 12. Page 2, line 49, by inserting after the word
- 41 "to" the word "refillable".
- 42 13. Page 2, line 50, by striking the words "it
- 43 which," and inserting in lieu thereof the words "them
- 44 which".
- 45 14. Page 3, line 1, by striking the words "on
- 46 the effective date of this Act, has" and inserting
- 47 in lieu thereof the word "have".
- 48 15. Page 3, line 2, by inserting after the word
- 49 "cents" the words "or a refillable beverage container
- 50 which has a five cent deposit on it and which may

MARCH 7, 1978

S-5308
PAGE 2

1 be exempted by the director in accordance with rules
2 adopted by the commission".
3 16. Page 3, by inserting after line 41 the
4 following:
5 "5. All approved redemption centers shall meet
6 applicable health standards."
7 17. Page 3, by inserting after line 50 the
8 following section:
9 "Sec. ____ . NEW SECTION. DISTRIBUTION OF FUNDS.
10 The department of beer and liquor control shall
11 annually remit to the appropriate local authority,
12 the difference between funds collected from the deposit
13 required on alcoholic liquor containers and funds
14 dispersed in payment of the refund value on alcoholic
15 beverage containers. These funds shall be distributed
16 as provided for retail beer permit fees in section
17 one hundred twenty-three point one hundred forty-three
18 (123.143), Code 1977, and for no other purpose."
19 18. Page 4, line 23, by striking the words "August
20 15" and inserting in lieu thereof the words "March
21 1".
22 19. Page 4, by striking lines 25 and 26 and
23 inserting in lieu thereof the words "6 and inserting
24 in lieu thereof the words "ainers, to strike a
25 provision relating to the responsibility for discarding
26 litter from a motor vehicle, and to provide a penalty
for violations.""

S-5308 FILED
MARCH 6, 1978

RECEIVED FROM THE HOUSE

*Senate refused to concur 3/23 (p. 637)
House insists 3/30 (p. 1268)*

HOUSE FILE 187

H-5417

1 Amend H-5323, the Senate amendment to House File
2 187 as follows:
3 1. Page 4, by inserting after line 5 the following:
4 "Sec. ____ . NEW SECTION. DEPOSIT ON CERTAIN
5 CONTAINERS. Two years after the effective date of
6 this Act the commission shall promulgate rules
7 requiring a deposit of at least one cent on all metal
8 and glass containers sold at retail in this state
9 which contain a food product. The rules shall provide
10 for the orderly redemption of containers and for
11 payment of the redemption value by suppliers,
12 manufacturers, distributors and dealers selling food
13 products in metal and glass containers."

H-5417 FILED - *Last* BY MILLER of Buchanan
FEBRUARY 22, 1978 *2/28 (p. 698)*

HOUSE FILE 187

H-5476

1 Amend the Senate amendment, H-5323, to House File
2 187 as follows:
3 1. Page 2, by striking lines 41 and 42 and
4 inserting in lieu thereof the following:
5 "1. Each beverage container manufactured or
6 purchased for distribution in this state shall clearly
7 indicate".
8 2. Page 2, line 45, by inserting after the word
9 "container." the following: "Effective July 1, 1979,
10 a beverage container shall not be sold or offered for
11 sale without having a refund value indication affixed
12 to it."

H-5476 FILED, LOST (p. 687) BY KOOGLER of Mahaska
FEBRUARY 28, 1978

HOUSE FILE 187

H-5484

1 Amend the Senate amendment H-5323, to House File
2 187, as follows:
3 1. Page 4, by inserting after line 16 the follow-
4 ing section:
5 "Sec. _____. Any effective dates in this Act not-
6 withstanding, the provisions of this Act shall not be
7 effective until this Act is ratified by a majority of
8 the electorate voting at a special election called
9 for that purpose, or at the next succeeding general
10 election."

H-5484 FILED - *Lost 2/28* BY WYCKOFF of Benton
FEBRUARY 28, 1978 (p. 722)

HOUSE FILE 187

H-5485

1 Amend the Senate amendment H-5323, to House File
2 187, as follows:
3 1. Page 3, by inserting after line 50 the follow-
4 ing section:
5 "Sec. _____. NEW SECTION. DISTRIBUTION OF FUNDS.
6 The department of beer and liquor control shall
7 annually remit to the appropriate local authority, the
8 difference between funds collected from the deposit
9 required on alcoholic liquor containers and funds
10 dispersed in payment of the refund value on alcoholic
11 beverage containers. These funds shall be distributed
12 as provided for retail beer permit fees in section one
13 hundred twenty-three point one hundred forty-three
14 (123.143), Code 1977, and for no other purpose."

H-5485 FILED - *Lost 2/28 (723)* BY SCHROEDER of Pottawattamie
FEBRUARY 28, 1978 CLARK of Lee

Motion to reconsider (724)
Considered adopted 3/1 (p. 746)

- 1 Amend the Senate amendment, H-5323, to House File
 2 187 as follows:
- A 3 1. Page 1, line 24, by inserting after the word
 4 "dealer" the words "in this state".
- B 5 2. Page 1, line 49, by striking the word "A" and
 6 inserting in lieu thereof the words "In addition to
 7 the refund value provided in subsection one (1) of
 8 this section, a".
- C 9 3. Page 2, lines 2 and 3, by striking the words
 10 "at least".
- D 11 4. Page 2, line 17, by striking the word "deter-
 12 mined" and inserting in lieu thereof the word
 13 "provided".
- 14 5. Page 2, by striking lines 19 through 24 and
 15 inserting in lieu thereof the following:
 16 "2. A distributor shall accept and pick up from
 17 a dealer served by the distributor or a redemption
 E 18 center for a dealer served by the distributor any
 19 empty beverage container of the kind, size and brand
 20 sold by the distributor, and shall pay to the dealer
 21 or person operating a redemption center the refund
 22 value of a beverage container and the reimbursement
 23 as provided under section two (2) of this Act."
- F 24 6. Page 2, line 26, by striking the word "A" and
 25 inserting in lieu thereof the words "Except as provided
 26 in section five (5), subsection two (2), of this Act,
 27 a".
- G 28 7. Page 2, line 29, by striking the word "deter-
 29 mined" and inserting in lieu thereof the word
 30 "provided".
- H 31 8. Page 2, lines 31 and 32, by striking the words
 32 "or a person operating a redemption center".
- 33 9. Page 2, lines 34 and 35, by striking the words
 34 "or of the person operating a redemption center".
- I 35 10. Page 2, line 49, by inserting after the word
 36 "to" the word "refillable".
- J 37 11. Page 2, line 50, by striking the words "it
 38 which," and inserting in lieu thereof the words "them
 39 which".
- K 40 12. Page 3, line 1, by striking the words "on
 41 the effective date of this Act, has" and inserting
 42 in lieu thereof the word "have".
- L 43 13. Page 4, line 23, by striking the words "August
 44 15" and inserting in lieu thereof the words "March 1".
- M 45 14. Page 4, by striking lines 25 and 26 and
 46 inserting in lieu thereof the words "6 and inserting
 47 in lieu thereof the words "ainers, to strike a
 48 provision relating to the responsibility for discarding
 49 litter from a motor vehicle, and to provide a penalty
 50 for violations."

H-5468 FILED BY O'HALLORAN of Black Hawk
 DIVISIONS A THROUGH G (p.p. HOWELL of Floyd
 AND I THROUGH M ADOPTED; 679- DAVITT of Warren
 DIVISION H RULED OUT OF 681) MILLEN of Van Buren
 ORDER with adoption of 5388 (680) VARLEY of Adair
 FEBRUARY 28, 1978 AVENSON of Fayette
 SMALL Of Johnson
 SPEAR of Lee

H-5469

1 Amend H-5323, the Senate amendment, to House File
2 187 as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 3, line 20, by inserting after the word
5 "require." the words "A fee of twenty dollars shall
6 accompany each application for approval of a redemption
7 center."

8 2. Page 3, by inserting after line 41 the follow-
9 ing:

10 "5. All approved redemption centers shall meet
11 applicable health standards."

12 3. Page 3, by inserting after line 50 the follow-
13 ing sections:

14 "Sec. ____ . NEW SECTION. RECOVERY OF CONSUMER
15 DEPOSIT BY STATE--USE FOR RECYCLING AND LITTER
16 PROGRAMS.

17 1. There is levied on all manufacturers an
18 assessment of one twentieth of one cent on each
19 beverage container sold by the manufacturer in Iowa
20 that has a refund value of five cents and that cannot
21 be reused as a beverage container in its present form.
22 If the deposit on a beverage container subject to
23 the provisions of this section is more than five cents
24 the assessment shall increase one one-hundredth of
25 one cent for each one cent increase in the amount
26 of the deposit.

27 2. Manufacturers shall remit the assessment imposed
28 by this section quarterly to the treasurer of state
29 who shall deposit the funds collected in the recycling
30 and litter control fund created in subsection three
31 (3) of this section.

32 3. There is created in the general fund of the
33 state a recycling and litter control fund. Moneys
34 deposited in the fund pursuant to subsection two (2)
35 of this section are appropriated to the department
36 for use by the commission for recycling and litter
37 control programs. A comprehensive plan for a state
38 recycling program shall be developed by the execu-
39 tive director and shall be implemented when funds
40 become available pursuant to this subsection. The
41 plan shall be submitted to the general assembly for
42 review.

43 Sec. ____ . NEW SECTION. NOTIFICATION OF FUNDING
44 OPPORTUNITIES. The executive director shall publicize
45 federal and state funding opportunities for recycling
46 and litter control programs. The executive director
47 shall specifically notify approved redemption centers
48 of such funding opportunities."

49 4. Page 4, by striking lines 25 and 26 and insert-
50 ing in lieu thereof the words "5 and inserting in

H-5469
Page 2

D¹ lieu thereof the words "tainers, imposing a tax on
2 certain beverage containers, making an appropriation."

H-5469 FILED BY MILLER of Buchanan
DIVISION A LOST; B ADOPTED; (p. 695)
C LOST; D WITHDRAWN (p. 696)
FEBRUARY 28, 1978

HOUSE FILE 187

H-5464

1 Amend the Senate amendment, H-5323, to House File
2 187 as follows:
3 1. Page 3, by inserting after line 50 the following
4 section:
5 "Sec. . NEW SECTION. RECYCLING AND LITTER
6 CONTROL PROGRAMS.
7 1. The department of beer and liquor control shall
8 quarterly remit to the treasurer of state the differ-
9 ence between funds collected from the deposit required
10 on alcoholic liquor containers and funds dispersed
11 in payment of the refund value on alcoholic beverage
12 containers. The treasurer of state shall deposit
13 funds received pursuant to this section in the
14 recycling and litter control fund created pursuant
15 to subsection two (2) of this section.
16 2. There is created in the general fund of the
17 state a recycling and litter control fund. Moneys
18 deposited in the fund pursuant to subsection one (1)
19 of this section are appropriated to the department
20 for use by the commission for recycling and litter
21 control programs. A comprehensive plan for a state
22 recycling program shall be developed by the executive
23 director and shall be implemented when funds become
24 available pursuant to this subsection. The plan shall
25 be submitted to the general assembly for review."
26 2. Page 4, by striking lines 25 and 26 and insert-
27 ing in lieu thereof the words "5 and inserting in
28 lieu thereof the words "tainers, making an
29 appropriation"."

H-5464 FILED, LOST BY MILLER of Buchanan
FEBRUARY 28, 1978 (p. 697)
Motion to reconsider lost 2/28 (p. 722)

HOUSE FILE 187

H-5466

- 1 Amend the Senate amendment H-5323, to House File
- 2 187, as follows:
- 3 1. Page 2, by striking line 18 and inserting in
- 4 lieu thereof the following: "Act, unless the
- 5 purchase was made from a vending machine."

H-5466 FILED, LOST (*p. 685*) BY WYCKOFF of Benton
FEBRUARY 28, 1978

HOUSE FILE 187

H-5465

- 1 Amend the Senate amendment H-5323, to House File
- 2 187, as follows:
- 3 1. Page 2, line 46, by inserting after the word
- 4 "rule," the words "the method of labeling and".

H-5465 FILED, LOST (*692*) BY WYCKOFF of Benton
FEBRUARY 28, 1978

Motion to reconsider p. 724 Lost 3/1 (p. 744)

HOUSE FILE 187

H-5463

- 1 Amend the Senate amendment, H-5323, to House File
- 2 187 as follows:
- 3 1. Page 1, by inserting after line 34 the follow-
- 4 ing:
- 5 "_____. "Litter" means any waste material including
- 6 but not limited to glass, bottles, nails, tacks, wire,
- 7 cans, garbage, paper, swill, offal, trash or rubbish.
- 8 _____ . "Public place" means any area that is used
- 9 or held out for use by the public whether owned or
- 10 operated by public or private interest."
- 11 2. Page 4, by inserting after line 15 the follow-
- 12 ing section:
- 13 "Sec. _____. NEW SECTION. LITTERING PROHIBITED.
- 14 A person shall not throw, place, dump, discard or
- 15 otherwise deposit, nor cause to be thrown, placed,
- 16 dumped, discarded or otherwise deposited, any litter
- 17 in any public place or on any public street, highway,
- 18 land, water or the ice thereon, except with the
- 19 permission of or in the manner prescribed by the
- 20 governing body having jurisdiction over the public
- 21 place."

H-5463 FILED, LOST (*p. 682*) BY MILLER of Buchanan
FEBRUARY 28, 1978

HOUSE FILE 187

H-5467

- 1 Amend the Senate amendment, H-5323, to House File
- 2 187 as follows:
- 3 1. Page 1, by striking lines 7 through 9 and in-
- 4 serting in lieu thereof the words "1. "Beverage"
- 5 means beer as".
- 6 2. Page 1, line 11, by inserting after the word
- 7 "Code" the words "other alcoholic malt beverages and".
- 8 3. Page 1, by striking lines 36 through 39.
- 9 4. Page 1, line 40 by striking the word "a" and
- 10 inserting in lieu thereof the following: "A".

H-5467 FILED, LOST (*677*) BY NIELSEN of Polk
FEBRUARY 28, 1978

HOUSE FILE 187

H-5460

1 Amend the Senate amendment H-5323, to House File
2 187, as follows:
3 1. Page 2, line 13, by inserting after the word
4 "dealer" the words "except a dealer who sells
5 exclusively by vending machines where there are no
6 employees on the premises".

H-5460 FILED - *Lost 2/28* BY MILLER of Buchanan
FEBRUARY 27, 1978 (*p. 684*)

HOUSE FILE 187

H-5462

1 Amend the Senate amendment H-5323 to House File
2 187 as follows:
3 1. Page 4, by inserting after line 22 the following
4 sections:
5 "Sec. 13. Notwithstanding sections one hundred twenty-
6 three point two (123.2), section one hundred twenty-three
7 point thirty-six (123.36), subsection six (6), section one
8 hundred twenty-three point forty-nine (123.49), subsection
9 two (2), paragraph b, and section one hundred twenty-three
10 point one hundred thirty-four (123.134), subsection five
11 (5), of the Code, a holder of any class of liquor control
12 license or the holder of a class "B" beer permit may sell
13 or dispense such liquor or beer to patrons for consumption
14 on the premises between the hours of noon, Sunday, December
15 31, 1978 and two a.m., Monday, January 1, 1979 and beer
16 for consumption off the premises between the hours of noon
17 and ten p.m., Sunday, December 31, 1978. The liquor
18 control license fee or beer permit fee of licensees and
19 permittees permitted to sell or dispense such liquor or
20 beer on this Sunday, December 31, 1978, shall not be
21 increased because of this privilege.
22 It is the intent of this section that the special
23 privileges granted shall be in force only during the dates
24 specified in this section.
25 Sec. 14. Section thirteen (13) of this Act is repealed
26 effective January 2, 1979."
27 2. Page 4, by striking line 23 and inserting in lieu
28 thereof the following:
29 "Sec. 15. Sections one (1) through twelve (12) of this
30 Act are effective August, 15, 1979."

H-5462 FILED *Not germane* BY HORN of Linn
FEBRUARY 28, 1978 (*2/28 (p. 722)*)

H-5440

- 1 Amend the Senate amendment H-5323, to House File
 2 187, as follows:
 3 1. Page 3, line 2, by inserting after the word
 4 "cents" the words "or a refillable beverage container
 5 which has a five cent deposit on it and which may be
 6 exempted by the director in accordance with rules adopted
 7 by the commission".

H-5440 FILED *Last 2/28 (p. 693)* BY PERKINS of Greene
 FEBRUARY 23, 1978
Adopted 3/1 (p. 747)

HOUSE FILE 187

H-5441

- 1 Amend the Senate amendment, H-5323, to House File
 2 187 as follows:
 3 1. Page 1, by striking lines 7 through 9 and in-
 4 sserting in lieu thereof the words "1. "Beverage"
 5 means beer as".
 6 2. Page 1, line 11, by inserting after the word
 7 "Code" the words "other alcoholic beverages and".
 8 3. Page 1, by striking lines 36 through 39.
 9 4. Page 1, line 40 by striking the word "a" and
 10 inserting in lieu thereof the following: "A".

H-5441 FILED *w/d 2/28 (677)* BY NIELSEN of Polk
 FEBRUARY 23, 1978

HOUSE FILE 187

H-5444

- 1 Amend the Senate amendment H-5323 to House File 187
 2 as follows:
 3 1. Page 1, line 42, by inserting after the word
 4 "dealer" the words "for consumption off the premises".
 5 2. Page 1, line 43, by inserting after the word
 A 6 "container" the words "upon which a refund value has
 7 been paid."
 8 3. Page 2, by inserting after line 38 the following:
 B 9 " . A dealer not operating a redemption center
 10 may refuse to accept and pay, to a person or persons
 11 acting together, the refund value of empty beverage
 12 containers returned in bulk quantities, and which are
 13 significantly more than the quantity of beverage
 14 containers sold by the dealer in the normal course
 15 of business. The commission shall adopt rules to
 16 provide uniform application of the provisions of this
 17 subsection among dealers or classes of dealers."

H-5444 FILED BY SVOBODA of Iowa
 FEBRUARY 23, 1978 WELLS of Linn

A. Adopted; B. Last 2/28 (p. 683)
Motion to reconsider A/B (723)
B. Reconsidered & last 3/1 (744)
A. Motion w/d 3/1 (p. 747)

H-5438

1 Amend the Senate amendment H-5323, to House File
 2 187, as follows:
 3 1. Page 4, by inserting after line 5 the follow-
 4 ing:
 5 "Sec. _____. NEW SECTION. Thirty days after the
 6 effective date of this Act, no dealer shall sell or
 7 offer for sale in Iowa any beverage as defined in
 8 this Act unless it is sold or offered for sale in a
 9 container subject to a deposit of five cents."

H-5438 FILED *Last 2/28(699)* BY ERKINS of Greene
 FEBRUARY 23, 1978

HOUSE FILE 187

H-5435

1 Amend the Senate amendment, H-5323, to House File
 2 187 as follows:
 3 1. Page 2, by striking lines 41 and 42 and
 4 inserting in lieu thereof the following:
 5 "1. Each beverage container manufactured or
 6 purchased for distribution in this state shall clearly
 7 indicate".
 8 2. Page 2, line 45, by inserting after the word
 9 "container." the following: "Effective January 1,
 10 1980, a beverage container shall not be sold or offered
 11 for sale without having a refund value indication
 12 affixed to it."

H-5435 FILED *w/d 2/28(686)* BY KOOGLER of Mahaska
 FEBRUARY 23, 1978 MILLER of Buchanan
 PERKINS of Greene
 HULLINGER Of Decatur

HOUSE FILE 187

H-5439

1 Amend the Senate amendment H-5323, to House File
 2 187, as follows:
 3 1. Page 4, line 10, by adding the following:
 4 "Such rules shall include but not be limited to a
 5 standard of cleanliness and a standard of condition
 6 which containers must meet in order to qualify for
 7 redemption which standard manufacturers, distributors,
 8 dealers or operators of redemption centers may invoke
 9 as a condition precedent to redemption and payment
 10 of the deposit."

H-5439 FILED - *Last 2/28* BY PERKINS of Greene
 FEBRUARY 23, 1978 (*p. 760*)

H-5424

- 1 Amend the Senate amendment, H-5323, to House File
 2 187 as follows:
 3 1. Page 1, line 40, by striking the word "five"
 4 and inserting in lieu thereof the word "ten".
 5 2. Page 1, lines 49 and 50, by striking the words
 6 ", or person operating a redemption center,".
 7 3. Page 2, lines 2 and 3, by striking the words
 8 "at least one cent per container" and inserting in
 9 lieu thereof the words "ten percent of the refund
 10 value of each container and a person operating an
 11 approved redemption center shall be reimbursed by
 12 the distributor required to accept the empty beverage
 13 containers an amount which is twenty percent of the
 14 refund value of each container".
 15 4. Page 2, by striking lines 7 through 10.

H-5424 FILED *A-Lost; B-w/B* BY SPENCER of Clay
 FEBRUARY 22, 1978 *2/23 (p. 635)*

HOUSE FILE 187

H-5430

- 1 Amend the Senate amendment, H-5323, to House File
 2 187 as follows:
 3 1. Page 4, by inserting after line 5 the following
 4 section:
 5 "Sec. ____ . NEW SECTION. REFILLABLES EXEMPT.
 6 Any beverage container that is refillable and on which
 7 a deposit of at least five cents has been placed by
 8 the manufacturer or distributor shall be exempt from
 9 the provisions of this Act."

H-5430 FILED *Lost 2/22 (699)* BY WOODS of Polk
 FEBRUARY 23, 1978
Motion to reconsider p. 723, lost 3/1 (p. 745)

HOUSE FILE 187

H-5431

- 1 Amend the Senate amendment, H-5323, to House File
 2 187 as follows:
 3 1. Page 1, line 47, by striking the words "the
 4 amount" and inserting in lieu thereof the words "four
 5 cents".
 6 2. Page 1, by striking lines 49 and 50.
 7 3. Page 2, by striking lines 1 and 2.
 8 4. Page 2, line 3, by striking the words "at least
 9 one cent per container".
 10 5. Page 2, by striking lines 7 through 10.

H-5431 FILED *Lost 2/23* BY WOODS of Polk
 FEBRUARY 23, 1978 *(p. 636)*

HOUSE FILE 187

H-5433

- 1 Amend the Senate amendment, H-5323, to House File
 2 187 as follows:
 3 Page 2, line 47, by inserting after the word
 4 "containers," the words "The department may require
 5 that the indication include the word "Iowa" or
 6 other distinctive indication that the container
 7 is offered for sale or sold in this state."

H-5433 FILED *Lost 2/28* BY SPEAR of Lee
 FEBRUARY 23, 1978 *(p. 692)*

H-5432

1 Amend the Senate amendment, H-5323, to House File
 2 187 as follows:
 3 1. Page 2, line 3, by inserting after the word
 4 "container" the words "upon delivery of the beverage
 5 containers by the dealer or person operating the
 6 redemption center to the distributor's premises".

H-5432 FILED *w/d 2/23 (684)* BY WOODS of Polk
 FEBRUARY 23, 1978

HOUSE FILE 187

H-5429

1 Amend the Senate amendment, H-5323, to House File
 2 187 as follows:
 3 1. Page 1, by striking lines 5 through 50 and
 4 inserting in lieu thereof the following:
 5 "Section 1. NEW SECTION. DEFINITIONS. As used
 6 in this Act unless the context otherwise requires:
 7 1. "Beverage" means beer as defined in section
 8 one hundred twenty-three point three (123.3),
 9 subsection nine (9), of the Code, all beverages
 10 containing more than four percent of alcohol by weight
 11 except alcohol, spirits, and wine as defined in section
 12 one hundred twenty-three point three (123.3),
 13 subsection eight (8), of the Code, mineral water,
 14 soda water and carbonated soft drinks in liquid form
 15 and intended for human consumption.
 16 2. "Beverage container" means any sealed glass,
 17 plastic, or metal bottle, can, jar or carton containing
 18 a beverage.
 19 3. "Manufacturer" means any person who bottles,
 20 cans or otherwise fills beverage containers for sale
 21 to distributors or retailers.
 22 Sec. 2. NEW SECTION. NONREFILLABLE BEVERAGE CON-
 23 TAINERS PROHIBITED. It shall be unlawful for any
 24 person to sell or offer for sale at retail in this
 25 state any beverage container which cannot be refilled
 26 with a beverage by a manufacturer at least five times.
 27 Sec. 3. NEW SECTION. PENALTY. Any person
 28 violating the provisions of this Act shall be guilty
 29 of a simple misdemeanor.
 30 Sec. 4. This Act is effective January 1, 1980."
 31 2. By striking pages 2 through 4.
 32 3. Amend the title by striking lines 1 through
 33 6 and inserting in lieu thereof the following: "An
 34 Act to prohibit the sale of certain beverage containers
 35 and providing a penalty."

H-5429 FILED *Lost 2/23* BY HULLINGER of Decatur
 FEBRUARY 23, 1978 (*p. 633*)

1. Amend the Senate amendment H-5323 to House File 2 187 as amended, passed and reprinted by the House 3 as follows:
 - 4 1. Page 4, by inserting after the line 19 the 5 following sections:
 - 6 "Sec. 12. NEW SECTION. DEFINITIONS.
 - 7 1. "Authority" means the Iowa solid waste recycling 8 authority.
 - 9 2. "Capital improvement" includes any gate, fence, 10 observation well, access road on a solid waste disposal 11 site, utility, building, paved area, or scale, but 12 does not include earthwork to construct the site nor 13 earth materials required to cover solid wastes or 14 provide grading and completion of sites in accordance 15 with department of environmental quality standards 16 for operation of solid waste disposal sites.
 - 17 3. "Collection" means the aggregating of solid 18 waste from its primary source and includes all 19 activities up to the time the waste is delivered to 20 a transfer station.
 - 21 4. "Energy balance" means the total amount of 22 energy conserved by the reclamation of materials from 23 solid waste and the energy produced by utilization 24 of such solid waste, if any, compared to the energy 25 expended by the recycling process in excess of that 26 which would have been expended if recycling had not 27 taken place.
 - 28 5. "Municipal solid waste recycling facility" 29 and "facilities of the authority" mean publicly owned 30 recycling facilities.
 - 31 6. "Municipality" means a public agency as defined 32 in chapter twenty-eight E (28E) of the Code and 33 sanitary districts organized under chapter three 34 hundred fifty-eight (358) of the Code.
 - 35 7. "Recycling" means the transfer, transporting, 36 processing, marketing and conversion of solid wastes 37 into usable materials or products, and includes the 38 stockpiling and disposal of nonusable portions of 39 solid wastes, but does not include the collection 40 of such wastes.
 - 41 8. "Sewage and industrial waste sludge" means 42 the residue material resulting from the treatment 43 of sewage and industrial waste water.
 - 44 9. "Solid waste" means solid waste as defined 45 in section four hundred fifty-five B point seventy- 46 five (455B.75), subsection four (4) of the Code.
 - 47 10. "Transfer station" means a facility, structure 48 or container owned or leased by the authority, to 49 which collected solid wastes are delivered and where 50 possession of such waste is transferred to the

21 authority.
2 11. "Transportation" means all transport required
3 from a transfer station or municipal solid waste
4 recycling facility where possession of such waste
5 is transferred to the authority.

6 Sec. 13. NEW SECTION. AUTHORITY CREATED.

7 1. The Iowa solid waste recycling authority is
8 established and constituted a public instrumentality
9 and agency of the state exercising public and essential
10 governmental functions. The powers of the authority
11 shall be vested in and exercised by a board of seven
12 members appointed by the governor for six-year terms
13 and subject to confirmation by the senate. At least
14 one member shall be a person recommended by the Iowa
15 state association of counties and at least one member
16 shall be a person recommended by the league of Iowa
17 municipalities. Members shall receive forty dollars
18 per diem and shall be reimbursed for actual and
19 necessary expenses incurred in the discharge of their
20 duties. Each member shall hold office until a
21 successor has been appointed and qualified.

22 2. The authority shall elect a chairperson and
23 vice chairperson. A majority of the members of the
24 authority shall constitute a quorum. The authority
25 shall employ an executive director, legal, financial
26 and technical experts and such other officers, agents
27 and employees, permanent and temporary, as it may
28 require, and shall determine their qualifications,
29 duties and compensation, notwithstanding chapter
30 nineteen A (19A) of the Code. The authority may
31 delegate to its agents or employees any of its powers
32 or duties. The total number of employees of the
33 authority shall not exceed forty positions.

34 Sec. 14. NEW SECTION. POLICIES. The following
35 are declared to be policies of the authority:

- 36 1. That maximum recycling from solid waste is
37 necessary to protect the public health and quality
38 of the natural environment;
- 39 2. That solid waste disposal and recycling
40 facilities and projects are to be implemented by the
41 authority, in furtherance of these goals;
- 42 3. That effective systems and facilities for solid
43 waste management, disposal and recycling shall be
44 developed, financed, planned, designed, constructed
45 and operated for the benefit of the people and
46 municipalities of the state;
- 47 4. That private industry is to be utilized to
48 the maximum extent feasible to perform planning,
49 design, management, construction, operation,
50 manufacturing and marketing functions related to solid

1 waste disposal and recycling and to assist in the
2 development of industrial enterprise based on
3 recycling;

4 5. That long-term negotiated contracts between
5 the authority and private persons and industries may
6 be utilized as an incentive for the development of
7 industrial and commercial enterprise based on recycling
8 within the state;

9 6. That solid waste disposal services shall be
10 provided for public agencies and private persons in
11 the state, at reasonable cost, where such services
12 are considered necessary and desirable in order to
13 protect the state's environment, recover resources
14 and provide support for existing systems and fa-
15 cilities;

16 7. That provision shall be made for planning,
17 research and development, and appropriate innovation
18 in the design, management and operation of systems
19 and facilities for solid waste management, in order
20 to permit continuing improvement and provide adequate
21 incentives and processes for lowering operating and
22 other costs;

23 8. That recycling undertaken pursuant to this
24 Act achieve a positive energy balance;

25 9. That encouragement and support be given to
26 individuals and public agencies to separate solid
27 waste at its source, in order to maximize the value
28 of such waste for reuse; and

29 10. That actions and activities performed or
30 carried out by the authority and its contractors in
31 accordance with this Act shall be in conformity with
32 applicable policies and rules of the state, as
33 promulgated by the department of environmental quality.

34 Sec. 15. NEW SECTION. POWERS OF THE AUTHORITY.
35 The authority shall have all the powers necessary
36 or convenient to carry out and effectuate the purposes
37 and provisions of this Act, including but not limited
38 to the power to:

39 1. Sue and to be sued; to have a seal and to alter
40 the seal at pleasure; to have perpetual existence;
41 to make and execute contracts and other instruments
42 necessary or convenient to the exercise of the powers
43 of the authority; and to make, amend and repeal bylaws
44 and rules.

45 2. Accept gifts or loans or other aid.

46 3. Agree and comply with any conditions attached
47 to federal or state assistance.

48 4. Coordinate all solid waste recycling activities
49 within each region established under this Act.

50 5. Initiate and encourage programs leading to

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1. the maximum recovery and reuse of materials and resources from solid waste, consistent with public policy and environmental objectives.
6. Prepare plans, surveys, studies, investigations, designs and estimates of cost of systems for the transport, processing and disposal of solid waste in accordance with the objectives of this Act.
7. Establish and collect rates and charges for the services provided by the authority or private facilities contracted for by the authority.
8. Acquire, hold, improve, mortgage, lease and dispose of property as is deemed necessary and proper for carrying out the corporate purposes of the authority.
9. Make and execute contracts, agreements and other instruments with any person as is deemed necessary and proper for carrying out the corporate purposes of the authority.
10. Incur debts by borrowing money or otherwise, and to give any appropriate evidence thereof.
11. Issue notes and bonds in accordance with sections twenty-nine (29) through forty-three (43) of this Act.
12. Meet the cost of acquiring, constructing, improving or extending solid waste recycling facilities:
 - a. Through the expenditure of any funds available for that purpose;
 - b. From the proceeds of the sale of notes and revenue bonds, payable solely from the revenues to be derived from the operation of such solid waste recycling facilities;
 - c. From any other funds which may be obtained under any law of this state or of the United States; or
 - d. From any combination of any or all of such methods of providing funds.
13. Enter on any lands, waters or premises for the purposes of making surveys, soundings, inspections and investigations commensurate with the functions of the authority. Entry may be made only with permission of the owner or with a court order granting entry, obtained from a court of record after application and hearing.
14. Require any person capable of being effectively served by the facilities of the authority to make use of the facilities pursuant to section twenty-five (25) of this Act.
15. Establish regions of the authority and provide for the establishment of boundaries for the regions.

1 16. Establish a program of research and development
2 of processes to effect the recycling of resources
3 from solid waste and of markets and new products for
4 the resources reclaimed thereby.

5 17. Utilize, sell, contract for the processing
6 or sale or otherwise dispose of all of the products
7 and by-products of the recycling facilities of the
8 authority.

9 18. Conduct such hearings, examinations and
10 investigations as may be necessary and appropriate
11 to the conduct of its operations and the fulfillment
12 of its responsibilities. Any member of the authority
13 may administer oaths and take testimony in any matter
14 pertaining to the functions and responsibilities of
15 the authority.

16 19. Obtain access to public records and apply
17 for the process of subpoena if necessary to produce
18 books, papers, records and other data.

19 20. Design and operate all facilities of the
20 authority and require all lessees of the authority
21 to operate facilities in an environmentally and
22 aesthetically acceptable manner.

23 21. Adopt rules pursuant to chapter seventeen
24 A (17A) of the Code.

25 Sec. 16. NEW SECTION. CONDEMNATION--LIMITATION--
26 -LIEN.

27 1. Before commencing condemnation proceedings
28 with respect to any property within a city or county,
29 the authority shall first advise and consult with
30 the governing body of the city or county having
31 jurisdiction over the property, and the governing
32 body shall either approve or disapprove, in whole
33 or in part, the condemnation proposed by the authority.
34 If a governing body fails to approve or disapprove
35 a condemnation proposal, or part thereof, within
36 thirty days after it is submitted to the governing
37 body by the authority, the proposal, or part thereof,
38 shall be deemed approved. Property with regard to
39 which condemnation is disapproved by the governing
40 body may not be condemned by the authority, except:

41 a. Property to be used for landfill or transfer
42 stations may be condemned if the property is within
43 or adjacent to an area zoned agricultural or
44 industrial.

45 b. Property to be used for a recycling center
46 may be condemned if the property is within or adjacent
47 to an area zoned industrial.

48 2. Where a person entitled to an award in
49 proceedings to condemn any property for any of the
50 purposes of this chapter remains in possession of

1 the property after title is vested in the authority,
2 the reasonable value of the use and occupancy of such
3 property after title has been vested, or after any
4 other time as fixed by agreement or by a determination
5 of the court, shall be a lien against such award
6 subject only to such other liens of record at the
7 time title is vested in the authority. To secure
8 its lien, the authority may apply to the district
9 court to, and the court may, hold a reasonable portion
10 of the award until any liability for use and occupancy
11 is satisfied.

12 Sec. 17. NEW SECTION. REVIEW OF PROJECTS. A
13 person shall not acquire, construct, alter,
14 reconstruct, or operate a municipal solid waste
15 recycling facility within a recycling region
16 established by the authority without prior consultation
17 with the authority.

18 Sec. 18. NEW SECTION. TRANSITIONAL COOPERATION.
19 The authority shall assist municipalities in solid
20 waste management planning upon the transition from
21 municipal management of solid waste to recycling in
22 regions pursuant to section twenty-one (21) of this
23 Act in order that the transition is accomplished
24 without undue expense and dislocation of existing
25 and proposed systems. The department of environmental
26 quality shall coordinate regulatory activities with
27 the authority during the transfer of responsibility
28 for solid waste disposal from those entities having
29 existing responsibility to the authority.

30 Sec. 19. NEW SECTION. STATE AGENCY COOPERATION.
31 The heads of all departments, independent agencies,
32 boards, commissions, councils and committees in the
33 executive branch shall extend their full and unlimited
34 cooperation, including but not limited to the providing
35 of personnel and facilities, to the authority.

36 Sec. 20. NEW SECTION. DEPARTMENT OF ENVIRONMENTAL
37 QUALITY--RULES AND PERMITS. The authority shall
38 operate its facilities in compliance with all
39 applicable standards of the department of environmental
40 quality. Solid waste disposal sites established,
41 maintained or operated by the authority shall be
42 subject to the provisions of chapter four hundred
43 fifty-five B (455B) of the Code.

44 Sec. 21. NEW SECTION. REGIONS.

45 1. The authority shall establish recycling regions
46 to facilitate the administration of this Act.

47 2. Prior to establishment or modification of
48 region boundaries the authority shall prepare a region
49 plan which describes proposed region boundaries,
50 location of authority facilities, anticipated sources

1 and volumes of solid wastes to be processed and
2 financial projections on the operations of the
3 authority within the region, including capital
4 expenditures, anticipated rates, charges and rentals
5 and revenues from sales of material. Copies of the
6 plan shall be mailed to the department of environmental
7 quality, to each regional planning commission having
8 territory within the proposed region, to the clerk
9 of each municipality within the proposed region and
10 to selected public libraries. Notice shall be
11 published in a newspaper or newspapers having general
12 circulation within the proposed region, and shall
13 list the locations at which the plan is available
14 for public inspection.

15 3. The authority shall schedule a public hearing
16 or hearings on the plan within the region, and shall
17 give notice of such hearings by mail and publication
18 in the same manner as required under subsection two
19 (2) of this section.

20 4. Decisions of the authority relating to the
21 establishment or modification of region boundaries
22 or to the site of authority facilities shall be based
23 on the following criteria:

24 a. Maximum economic benefit to the authority and
25 affected municipalities from the recycling of solid
26 waste.

27 b. Maximum enhancement and protection of the land,
28 water and air resources of the state.

29 c. Attainment of consistency with adopted plans
30 of regional planning and state agencies.

31 d. Any decision relating to the establishment
32 of a region under this section shall be made within
33 sixty days following the hearing.

34 Sec. 22. NEW SECTION. FINANCES.

35 1. a. The authority shall establish rates and
36 collect charges and rental for the services of its
37 facilities and private facilities contracted by it
38 and may derive revenue from the sale of products or
39 materials resulting from its operations.

40 b. The authority shall establish, and may
41 subsequently modify, schedules of rates, rentals and
42 other charges to be collected from all persons served
43 by facilities of the authority or by the private
44 facilities contracted by it. The authority shall
45 prescribe the manner in which and the time at which
46 such rates, rentals and charges are to be paid and
47 shall collect or enforce collection of such fees.
48 The staff of the Iowa state commerce commission shall
49 assist the authority upon request in the initial
50 establishment of schedules of rates. Such schedules

1 may be based upon any classifications or sub-
2 classifications which the authority may determine
3 to be fair and reasonable. Schedules of rates and
4 modifications of them are subject to approval by the
5 Iowa state commerce commission.

6 2. To determine the rates, charges and fees for
7 a region established under section twenty-one (21)
8 of this Act, the authority shall estimate the cost
9 of operating the region, the cost of debt retirement
10 in the region, and the revenue to be derived from
11 the sale of recoverable products. The difference
12 between such estimated costs and revenue shall be
13 the basis for determining the rates, charges and
14 rentals to be charged for the authority's services
15 in the region, subject to approval by the public
16 service commission. During the first three years
17 of operation in a region, the schedules of rates,
18 charges and rentals initially established by the au-
19 thority may be reduced but may not be increased.

20 3. Expenses incurred by the Iowa state commerce
21 commission in the performance of its duties under
22 this section shall be paid by the authority.

23 4. The authority shall develop cost and revenue
24 accounting procedures which shall be applied uniformly
25 to all recycling regions.

26 Sec. 23. NEW SECTION. ACQUISITIONS FROM
27 MUNICIPALITIES. Upon offer by a municipality to the
28 authority, the authority shall acquire by purchase
29 any operating municipal land fill sites, plant sites
30 and capital improvements and equipment which were
31 originally acquired by the municipality in response
32 to department of environmental quality orders or
33 permit requirements relating to solid waste disposal,
34 or which are or were permitted by the department of
35 environmental quality, or which were not required
36 for compliance with department of environmental
37 quality's permit requirements but were approved in
38 advance by the authority. Compensation for land
39 acquired under this section shall be the original
40 purchase price paid by the municipality. Compensation
41 for capital improvements and equipment shall be the
42 original purchase price less straight line depreciation
43 based on useful life or the current market value in
44 municipal ownership as of the date the municipality
45 is included in a region established under this Act,
46 whichever is less. Acquisition and compensation under
47 this section shall take place at, or as soon as
48 practicable after, the time solid wastes from a
49 municipality are disposed through completed and
50 operating facilities owned, leased or contracted for

Page 91 by the authority.

2 Sec. 24. NEW SECTION. SALE OF MATERIALS. The
3 authority may, on a competitive basis, enter into
4 short- or long-term contracts, make spot sales, solicit
5 bids, enter into direct negotiations, deal with brokers
6 or use such other methods of disposal as it chooses,
7 provided that the dealings of the authority shall
8 be on a competitive basis so as not to create an
9 unfair or unreasonable advantage or restraint of trade
10 on the part of the authority. The authority shall
11 give particular consideration to the needs of
12 purchasers in this state and shall actively promote
13 sales to such purchasers so long as the same can be
14 done at prices, and under conditions which meet consti-
15 tutional requirements, that are consistent with the
16 authority's goal to be financially self-supporting
17 to the greatest extent possible.

18 Sec. 25. NEW SECTION. REQUIRED USE OF FACILI-
19 TIES.

20 1. The authority shall require any person capable
21 of being effectively served by the authority to make
22 use of the facilities of the authority or of private
23 facilities contracted for by the authority in any
24 case where the authority finds such use to be in the
25 best public interest.

26 2. "Best public interest", for purposes of
27 subsection one (1) of this section shall be inferred
28 if:

29 a. Required usage will result in reusable materials
30 being recovered rather than being disposed of;

31 b. Required use will lessen the demand for sanitary
32 landfill sites;

33 c. Required use will result in a positive energy
34 balance or will conserve natural resources; or

35 d. Required use is necessary to achieve operational
36 volumes necessary to make the authority financially
37 self-supporting to the greatest extent possible.

38 3. Solid wastes produced by a person other than
39 a municipality which are privately processed and
40 reused are not subject to this section. The authority
41 is prohibited from making a finding that required
42 use is in the best public interest if such wastes
43 are privately processed and reused.

44 4. The authority shall proceed as follows when
45 requiring usage of its facilities or facilities
46 contracted for by it:

47 a. The authority shall notify those persons whom
48 the authority has determined should use facilities
49 of the authority or the private facilities contracted
50 for by it. Notification to municipalities shall be

1 in writing. All other persons shall be notified by
2 publication of a notice in a newspaper having general
3 circulation in the area. The notification shall
4 specify types and quantities of wastes, plans for
5 usage of wastes, the point of delivery of wastes and
6 the fee to be charged for such service. The authority
7 shall negotiate with any or all of the persons within
8 the areas to be served in order to develop a
9 contractual agreement on the terms of required usage
10 of the authority's facilities or the private facilities
11 contracted for by it.

12 b. If a contract has not been made within ninety
13 days following the publication of notice pursuant
14 to paragraph a of this subsection or if, in the case
15 of a person other than a municipality, such person
16 has not made adequate arrangements for the processing
17 for reuse of the waste generated by it, the authority
18 shall hold a public hearing to take testimony for
19 and against required usage of facilities of the
20 authority or the private facilities contracted for
21 by it. The hearing shall be preceded by notice similar
22 to that required under paragraph a of this subsection.

23 c. If a contract has not been made within thirty
24 days after the public hearing, or if, in the case
25 of a person other than a municipality, such person
26 has not made adequate arrangements for the processing
27 for reuse of the waste generated by it, the authority
28 may order any person given notice of the public hearing
29 to use the facilities of the authority or the private
30 facilities contracted for by it, starting at a
31 specified date which shall be at least thirty days
32 after the order has been issued. The authority shall
33 not terminate, suspend or curtail services provided
34 to any person required to use the services and
35 facilities of the authority under this paragraph,
36 without the consent of such person.

37 5. In the case of a person other than a
38 municipality, all obligations under contract or order
39 under this section may be terminated as to any portion
40 of that person's solid waste by the person upon an
41 adequate showing to the authority that the solid waste
42 generated by the person has value and that adequate
43 arrangements have been made by the person to have
44 such waste processed for reuse either by such person
45 or any other person other than a municipality.

46 6. This section does not apply to persons who
47 own or lease and occupy single-family dwellings and
48 surrounding land and who dispose of solid waste from
49 the premises on such surrounding land.

50 7. This section does not apply to the recycling

1 of sewage and industrial waste sludge. However, the
2 authority may enter into agreements to process sewage
3 and industrial waste sludge.

4 Sec. 26. NEW SECTION. TAX EXEMPTION--PAYMENTS
5 FOR MUNICIPAL SERVICES.

6 1. The exercise of the powers granted by this
7 Act will be in all respects for the benefit of the
8 people of this state, for the increase of their
9 commerce, welfare and prosperity, and for the
10 improvement of their health and living conditions.
11 Because the operation and maintenance of a project
12 by the authority will constitute the performance of
13 an essential public function, the authority is not
14 required to pay any taxes or assessments, including
15 mortgage recording taxes, upon or in respect of any
16 property owned by the authority under this chapter
17 and the income therefrom shall at all times be free
18 from taxation of every kind by the state and by
19 political subdivisions of the state.

20 2. Notwithstanding the provisions of subsection
21 one (1) of this section, the authority shall make
22 reasonable payments at established rates for water,
23 sewer and electrical services and all other services
24 directly provided to facilities of the authority which
25 services are financed in whole or in part by special
26 charges or fees.

27 3. The authority shall make reasonable payments
28 for other municipal services as defined in subsection
29 four (4) of this section directly provided to
30 facilities of the authority by a municipality pursuant
31 to the procedues specified in subsection five (5)
32 of this section.

33 4. As used in this section:

- 34 a. "Municipality" means cities, counties and
35 sanitary districts with general taxing authority.
- 36 b. "Municipal services" means police and fire
37 protection and any other direct general government
38 service provided to facilities of the authority by
39 municipalities.
- 40 c. "Facilities of the authority" means all property
41 owned by the authority.

42 5. The authority shall be responsible for
43 negotiating with municipalities on payments for
44 municipal services. Prior to negotiating with
45 municipalities the authority shall establish guidelines
46 for such negotiations. In no case may a municipality
47 withhold services to the authority during negotiations.

48 Sec. 27. NEW SECTION. CONSTRUCTION CONTRACTS.
49 Any contract for construction valued at over twenty-
50 five thousand dollars shall be let by the authority

1 pursuant to the process of open or competitive bidding.
2 The authority may determine the format, contents and
3 scope of any contract for construction of facilities
4 of the authority, the conditions under which bid-
5 ding shall take place and the schedule and stipulations
6 for a contract award. The authority may select the
7 contractor deemed to have submitted the lowest
8 qualified bid, price and other factors considered,
9 when, in the judgment of the authority, such award
10 is in the best interests of the state. The authority
11 may negotiate and enter into contracts with a single
12 source for any professional services required by or
13 attendant to the development of facilities of the
14 authority.

15 Sec. 28. NEW SECTION. CONTRACTING AND PURCHASING
16 PROCEDURES.

17 1. The authority may purchase, on a negotiated
18 or open-bid basis, heavy solid waste processing
19 equipment to be installed in facilities of the
20 authority, or it may require such purchase and
21 installation as part of a construction contract.
22 The authority shall conduct its contracting and pur-
23 chasing operations in accordance with its regularly
24 adopted and promulgated procurement policies and
25 specific rules and procedures on purchasing and
26 contracting approved by a two-thirds vote of its
27 members. In procuring services with respect to the
28 establishment, management and operation of transfer
29 stations, and the transportation of solid wastes
30 therefrom to a recycling facility, the authority shall
31 insofar as is practicable give preference to firms
32 based in this state.

33 2. The authority may enter into long-term contracts
34 with private persons for the performance of any
35 functions of the authority which, in the opinion of
36 the authority, can desirably and conveniently be
37 carried out by a private person under contract. The
38 contract shall contain such terms and conditions as
39 will enable the authority to retain overall supervision
40 and control of the business, design, operating,
41 management, transportation, marketing, planning and
42 research and development functions to be carried out
43 or to be performed by such private persons pursuant
44 to such contract. The contracts may be entered into
45 either on a negotiated or an open-bid basis, and the
46 authority in its discretion may select the type of
47 contract it deems most prudent to utilize, considering
48 the scope of work, the management complexities
49 associated therewith, the extent of current and future
50 technological development requirements and the best

1 interests of the state.
Page 13 2 Sec. 29. NEW SECTION. NOTES AND BONDS--ISSUANCE-
3 -STATUS.

4 1. The authority may issue its negotiable notes
5 and bonds in such principal amount, as, in the opinion
6 of the authority, is necessary to provide sufficient
7 funds for achieving its corporate purposes, including:

8 a. The planning, engineering and design and the
9 purchase, acquisition, development, enlargement and
10 improvement of solid waste recycling facilities, as
11 provided in this Act;

12 b. The payment of interest on notes and bonds
13 of the authority during construction;

14 c. The establishment of reserves to secure such
15 notes and bonds; and

16 d. For all other expenditures of the authority
17 incident to and necessary or convenient to carry out
18 its corporate purposes and powers.

19 2. The authority may issue renewal notes, issue
20 bonds to pay notes and whenever it deems refunding
21 expedient, refund any bonds by the issuance of new
22 bonds, whether the bonds to be refunded have or have
23 not matured. The authority may issue bonds partly
24 to refund bonds then outstanding and partly for any
25 other purpose. The refunding bonds shall be sold
26 and the proceeds applied to the purchase, redemption
27 or payment of the bonds to be refunded.

28 3. Except as may otherwise be expressly provided
29 by the authority, every issue of its notes or bonds
30 shall be general obligations of the authority payable
31 out of any revenues or moneys of the authority, subject
32 only to any agreements with the holders of particular
33 notes or bonds pledging any particular receipts or
34 revenues.

35 4. All notes or bonds shall be investment
36 securities and negotiable instruments within the
37 meaning of and for all purposes of the uniform
38 commercial code.

39 Sec. 30. NEW SECTION. AUTHORIZATION--TERMS.

40 The notes and bonds shall be authorized by resolution
41 of the members of the authority. The notes and bonds
42 shall bear such date or dates, and shall mature at
43 such time or times, in case of any note, or any renewal
44 thereof, not exceeding five years, from the date of
45 issue of such original note, and in the case of any
46 bond not exceeding fifty years from the date of issue,
47 as the resolution provides. The notes and bonds shall
48 bear interest at the rate or rates, be in such
49 denominations of one thousand dollars or more, be
50 in such form, either coupon or registered, carry such

1 registration privileges, be executed in such manner,
2 be payable in such medium of payment, at such place
3 and be subject to such terms of redemption as the
4 resolution provides. The bonds may be issued as
5 serial bonds payable in annual installments or as
6 term bonds or as a combination thereof. The notes
7 and bonds of the authority may be sold by the
8 authority, at public or private sale, at the price
9 determined by the authority.

10 Sec. 31. NEW SECTION. RESOLUTION AUTHORIZING
11 ISSUANCE, CONTENTS. Any resolution authorizing any
12 notes or bonds or any issue of notes or bonds may
13 contain the following provisions, which shall be a
14 part of the contract with the holders:

15 1. Pledging all or any part of the fees and charges
16 made or received by the authority, and other moneys
17 received or to be received, to secure the payment
18 of the notes or bonds or of any issue of notes or
19 bonds, and subject to such agreements with bondholders
20 or noteholders as may then exist.

21 2. Pledging all or any part of the assets of the
22 authority to secure the payment of the notes or bonds
23 or of any issue of notes or bonds, subject to such
24 agreements with noteholders or bondholders as may
25 then exist.

26 3. Pledging of any loan, grant or contribution
27 from the federal or state government or any political
28 subdivision of the state as provided for in this Act.

29 4. The setting aside of reserves or sinking funds
30 and the regulation and disposition thereof.

31 5. Limitations on the purpose to which the proceeds
32 of sale of notes or bonds may be applied and pledging
33 the proceeds to secure the payment of the notes or
34 bonds or of any issue of notes or bonds.

35 6. Limitations on the issuance of additional notes
36 or bonds; the terms upon which additional notes or
37 bonds may be issued and secured; the refunding of
38 outstanding or other notes or bonds.

39 7. The procedure, if any, by which the terms of
40 any contract with noteholders or bondholders may be
41 amended or abrogated, the amount of notes or bonds
42 the holders of which must consent thereto, and the
43 manner in which consent may be given.

44 8. Vesting in a trustee such property, rights,
45 powers and duties in trust as the authority determines,
46 which may include any or all of the rights, powers
47 and duties of the trustee appointed by the noteholders
48 or bondholders pursuant to section forty (40) of this
49 Act and limiting or abrogating the right of the
50 noteholders or bondholders to appoint a trustee under

section forty (40) of this Act limiting the rights, powers and duties of such trustee, in which event section forty (40) of this Act shall not apply.

9. Any other matters, of like or different character, which in any way affect the security or protection of the notes or bonds.

Sec. 32. NEW SECTION. VALIDITY AND EFFECT OF PLEDGE. Any pledge made by the authority shall be valid and binding from the time when the pledge is made. The moneys or property so pledged and received by the authority shall immediately be subject to the lien of the pledge without any physical delivery or further act. The lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice of the pledge. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

Sec. 33. NEW SECTION. PERSONAL LIABILITY OF MEMBERS OF AUTHORITY. Neither the members of the authority nor any person executing the notes or bonds shall be liable personally on the notes or bonds or be subject to any personal liability or accountability by reason of the issuance of the bonds or notes.

Sec. 34. NEW SECTION. PURCHASE FOR CANCELLATION. The authority, subject to the agreements with noteholders or bondholders as may then exist, shall have power out of any funds available for such purpose to purchase notes or bonds of the authority, which shall upon the purchase be canceled, at a price not exceeding:

1. If the notes or bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date; or

2. If the notes or bonds are not then redeemable, the redemption price applicable on the first date after the purchase upon which the notes or bonds become subject to redemption plus accrued interest to the date.

Sec. 35. NEW SECTION. LIABILITY OF STATE. The state shall not be liable on notes or bonds of the authority and the notes and bonds shall not be a debt of the state. Notes and bonds of the authority shall contain on the face a statement to this effect.

Sec. 36. NEW SECTION. CAPITAL RESERVE FUND.

1. The authority shall establish a special fund to secure the notes and bonds, to be known as the "capital reserve fund", and shall pay into the capital reserve fund any moneys appropriated and made available

H-5422 1 by the state for the purposes of the fund, any proceeds
Page 16 2 of sale of notes or bonds, to the extent provided
3 in the resolution of the authority authorizing their
4 issuance and any other moneys which are made available
5 to the authority for the purpose of the fund from
6 any other source.

7 2. All moneys held in the capital reserve fund,
8 except as otherwise specifically provided, shall be
9 used solely for the payment of the principal of bonds
10 of the authority as the bonds mature, the making of
11 sinking fund payments with respect to bonds of the
12 authority, the purchase of bonds of the authority,
13 the payment of interest on bonds of the authority
14 or the payment of any redemption premium required
15 to be paid when bonds are redeemed prior to maturity.
16 Except for the purpose of paying principal of and
17 interest on bonds of the authority maturing and
18 becoming due and for the payment of which other moneys
19 of the authority are not available, and except for
20 making sinking fund payments with respect to bonds
21 of the authority and for the payment of which other
22 moneys of the authority are not available, moneys
23 in the capital reserve fund shall not be withdrawn
24 at any time in such amount as would reduce the fund
25 to less than the capital reserve fund requirement.
26 As used in this Act "capital reserve fund requirement"
27 means an amount equal to the maximum amount, in any
28 succeeding year, of principal and interest, other
29 than principal and interest for which sinking fund
30 payments are specified in any resolution of the
31 authority authorizing bonds of the authority then
32 outstanding, maturing and becoming due in such year
33 on all bonds of the authority then outstanding plus
34 all amounts specified, in any resolution of the
35 authority authorizing bonds of the authority then
36 outstanding, as payable as a sinking fund payment
37 in such year. Any income or interest earned by, or
38 increment to, the capital reserve fund due to the
39 investment of the fund may be transferred by the
40 authority to the general reserve fund or other fund
41 of the authority to the extent it does not reduce
42 the amount of the capital reserve fund below the
43 capital reserve fund requirement.

44 3. The authority shall not issue bonds at any
45 time if the capital reserve fund requirement, after
46 the issuance, will exceed the amount of the capital
47 reserve fund at the time of issuance unless the
48 authority, at the time of issuance of the bonds, shall
49 deposit in the capital reserve fund from the proceeds
50 of the bonds to be issued, or from another avail-

Page 17 able source, an amount which, together with the amount
2 then in the capital reserve fund, will be not less
3 than the capital reserve fund requirement after the
4 issuance.

5 4. To assure the continued operation and solvency
6 of the authority for the carrying out of the public
7 purposes of this chapter, the authority shall
8 accumulate in the capital reserve fund an amount equal
9 to the capital reserve fund requirement. If at any
10 time the capital reserve fund requirement exceeds
11 the amount of the capital reserve fund, the chairperson
12 of the authority shall certify to the state
13 comptroller, the governor and the committees on budget
14 of the house and senate the amount necessary to restore
15 the capital reserve fund to an amount equal to the
16 capital reserve fund requirement. The state
17 comptroller shall include the certified amount in
18 the state budget compilation. The committees on
19 budget of the house and senate shall introduce in
20 either house, in bill form, an appropriation of the
21 amount so certified to the capital reserve fund of
22 the authority. Recognizing its moral obligation to
23 do so, the general assembly expresses its expectation
24 and aspiration that, if ever called upon to do so,
25 it shall make the appropriation.

26 5. In computing the amount of the capital reserve
27 fund for the purposes of this section, securities
28 in which all or a portion of the capital reserve fund
29 is invested shall be valued at par, or if purchased
30 at less than par, at their cost to the authority.

31 Sec. 37. NEW SECTION. GENERAL RESERVE FUND.
32 The authority shall establish a special fund, to be
33 known as the general reserve fund, and shall pay into
34 the fund all fees and charges collected by the
35 authority and revenues from sale of recycled materials
36 and energy and any moneys which the authority transfers
37 from the capital reserve fund. The moneys and any
38 other moneys paid into the general reserve fund, in
39 the discretion of the authority but subject to
40 agreements with bondholders and noteholders, may be
41 used by the authority:

42 1. For the repayment of advances from the state
43 in accordance with the repayment agreements between
44 the authority and the secretary of administration;

45 2. To pay costs, expenses and charges of financing,
46 including fees and expenses of trustees and paying
47 agents;

48 3. For transfers to the capital reserve fund;

49 4. For the payment of the principal of and interest
50 on notes or bonds issued by the authority when the

1 notes and bonds become due whether at maturity or
2 on call for redemption and for the payment of any
3 redemption premium required to be paid where the bonds
4 or notes are redeemed prior to their stated maturities,
5 and to purchase notes or bonds; or

6 5. For such other corporate purposes of the
7 authority as the authority in its discretion
8 determines.

9 Sec. 38. NEW SECTION. LIMIT ON AMOUNT OF
10 OUTSTANDING BONDS AND NOTES. The authority shall
11 not have outstanding at any one time notes and bonds
12 for any of its corporate purposes in an aggregate
13 principal amount exceeding sixteen million five hundred
14 thousand dollars excluding bonds and notes being
15 issued to refund outstanding notes and bonds.

16 Sec. 39. NEW SECTION. NOTES AND BONDS--PLEDGE
17 AND AGREEMENT OF STATE. The state pledges and agrees
18 with the holders of any notes or bonds issued under
19 this Act, that the state will not limit or alter the
20 rights vested in the authority to fulfill the terms
21 of any agreements made with the holders of the notes
22 or bonds, or in any way impair the rights and remedies
23 of the holders until the notes or bonds, together
24 with the interest including interest on any unpaid
25 installments of interest, and all costs and expenses
26 in connection with any action or proceeding by or
27 on behalf of the holders, are fully met and discharged.
28 The authority may include this pledge and agreement
29 of the state in any agreement with the holders of
30 the notes or bonds.

31 Sec. 40. NEW SECTION. DEFAULT--TRUSTEE.

32 1. If the authority defaults in the payment of
33 principal of or interest on any issue of notes or
34 bonds after the notes or bonds become due, whether
35 at maturity or upon call for redemption, and the
36 default continues for a period of thirty days or if
37 the authority fails or refuses to comply with this
38 Act or defaults in any agreement made with the holders
39 of any issue of notes or bonds, the holders of twenty-
40 five percent in aggregate principal amount of the
41 notes or bonds of the issue then outstanding, by
42 instrument or instruments filed in the office of the
43 clerk of Polk county and approved or acknowledged
44 in the same manner as a deed to be recorded, may
45 appoint a trustee to represent the holders of the
46 notes or bonds for the purposes otherwise specifically
47 provided.

48 2. The trustee may, and upon written request of
49 the holders of twenty-five percent in principal amount
50 of the notes or bonds then outstanding shall, in the

Page 1 trustee's own name:

2 a. By action or proceeding, enforce all rights
3 of the noteholders or bondholders and to require the
4 authority to carry out any other agreements with the
5 holders of the notes or bonds and to perform its
6 duties under this Act;

7 b. Bring suit upon the notes or bonds;

8 c. By action, require the authority to account
9 as if it were the trustee of an express trust for
10 the holders of the notes or bonds;

11 d. By action, enjoin any acts or things which
12 may be unlawful or in violation of the rights of the
13 holders of the notes or bonds; and

14 e. Declare the notes or bonds due and payable,
15 and if all defaults shall be made good, then, with
16 the consent of the holders of twenty-five percent
17 of the principal amount of the notes or bonds then
18 outstanding, to annul the declaration and its
19 consequences.

20 Sec. 41. NEW SECTION. TRUSTEE--ADDITIONAL POWERS.

21 The trustee, in addition to the powers granted in
22 section forty (40) of this Act shall have all of the
23 powers necessary or appropriate for the exercise of
24 any functions specifically set forth in this Act or
25 incident to the general representation of noteholders
26 or bondholders in the enforcement and protection of
27 their rights.

28 Sec. 42. NEW SECTION. NOTICE BEFORE DECLARATION.

29 Before declaring the principal of notes or bonds due
30 and payable, the trustee shall first give thirty days'
31 notice in writing to the governor, the authority and
32 the attorney general.

33 Sec. 43. NEW SECTION. NOTES AND BONDS AS LEGAL

34 INVESTMENTS. The state, public officers, municipal
35 corporations, political subdivisions and public bodies,
36 banks and bankers, savings and loan associations,
37 credit unions, trust companies, savings banks and
38 institutions, investment companies, insurance
39 companies, insurance associations and other persons
40 carrying on a banking or insurance business, and all
41 executors, administrators, guardians, trustees and
42 other fiduciaries, may legally invest any sinking
43 funds, moneys or other funds belonging to them or
44 within their control in any notes or bonds issued
45 by the authority. Such notes and bonds shall be
46 authorized security for all public deposits and shall
47 be fully negotiable in this state.

48 Sec. 44. NEW SECTION. RECORDS OF THE AUTHORITY.

49 All records of the authority shall be open to the
50 public, except those records relating to pending

1 recycling projects which, in the opinion of the
2 authority, must remain confidential to protect the
3 competitive nature of the recycling project.
4 Sec. 45. NEW SECTION. INVESTMENT OF FUNDS. The
5 authority may invest any funds held in reserve or
6 sinking funds or any moneys not required for immediate
7 use or disbursement at the discretion of the authority
8 in such investments as may be lawful for fiduciaries
9 in the state, if at least fifty percent of any funds
10 held in any reserve or sinking fund be invested in
11 obligations of the state or of the United States or
12 agencies or instrumentalities of the United States
13 or obligations, the principal and interest of which
14 are guaranteed by the United States or agencies or
15 instrumentalities of the United States.

16 Sec. 46. NEW SECTION. ANNUAL REPORT. The
17 authority shall submit to the governor, the committees
18 on budget of the house and senate and the general
19 assembly within six months after the end of each
20 fiscal year a complete and detailed record setting
21 forth:

- 22 1. Its operations, accomplishments, goals and
23 objectives.
- 24 2. A statement of income and expenses for the
25 fiscal year.
- 26 3. An estimate of revenues and expenses for the
27 current fiscal year.
- 28 4. The net cost per ton of recycling and disposal
29 of solid waste by the authority compared to net cost
30 per ton which would have otherwise been incurred by
31 the disposal of the waste without recycling.
- 32 5. The proportion of materials recovered from
33 total wastes received, the extent to which the
34 materials recovered alleviated shortages or reduced
35 demands on virgin or irreplaceable raw materials,
36 the energy balance attributable to the authority's
37 activities, measures of environmental improvement
38 attributed to the recycling program and suggested
39 legislation and other measures to reduce the volume
40 of solid waste generated in this state.

41 Sec. 47. Of the initial members appointed to the
42 Iowa solid waste recycling authority created by this
43 Act, two shall be appointed to serve terms expiring
44 January 1, 1981; two for terms expiring January 1,
45 1983; and three for terms expiring January 1, 1985."

46 2. Page 4, by striking lines 24 through 26 and
47 inserting in lieu thereof the words "An Act relating
48 to litter control and recycling by regulating the
49 sale and use of certain beverage containers and by
50 creating the Iowa solid waste recycling authority,

H-5422

Page 21

- 1 prescribing its powers and duties and providing for
- 2 financing of facilities by the authority."

H-5422 FILED - *Lost 2/28* BY BINA of Scott
FEBRUARY 22, 1978 (*p. 721*) HINKHOUSE of Cedar
WYCKOFF of Benton
HUSAK of Tama

H-5367

- 1 Amend the Senate amendment, H-5323, to House File
 2 187 as follows:
 3 1. Page 1, line 40, by striking the word "five"
 4 and inserting in lieu thereof the word "ten".
 5 2. Page 3, line 2, by striking the word "five"
 6 and inserting in lieu thereof the word "ten".

H-5367 FILED *w/d 2/23* BY DAVITT of Warren
 FEBRUARY 20, 1978 (*p. 634*)

HOUSE FILE 187

H-5387

- 1 Amend the Senate amendment, H-5323, to House File
 2 187 as follows:
 3 1. Page 2, line 45, by inserting after the word
 4 "container." the words "The refund value indication
 5 shall include the word "Iowa" or other distinctive
 6 indication that the container is offered for sale
 7 or sold in this state."

H-5387 FILED *w/d 2/28* BY SPEAR of Lee
 FEBRUARY 21, 1978 (*p. 691*)

HOUSE FILE 187

H-5388

- 1 Amend the Senate amendment, H-5323 to House File
 2 187 as follows:
 3 1. Page 2, lines 31 and 32, by striking the words
 4 "or a person operating a redemption center".
 5 2. Page 2, lines 34 and 35, by striking the words
 6 "or of the person operating a redemption center".

H-5388 FILED *Adopted 2/28* BY SPEAR of Lee
 FEBRUARY 21, 1978 (*p. 680*)

HOUSE FILE 187

H-5391

- 1 Amend H-5323, the Senate amendment, to House File
 2 187 as amended, passed and reprinted by the House
 3 as follows:
 4 1. Page 2, by inserting after line 24 the
 5 following:
 6 "_____. A manufacturer shall not refuse to accept
 7 from a dealer, distributor or person operating a
 8 redemption center any empty beverage container of
 9 the kind, size and brand sold by the manufacturer
 10 or refuse to pay the dealer, distributor or person
 11 operating a redemption center the refund value of
 12 a beverage container as determined under section two
 13 (2) of this Act."

H-5391 FILED *Lost 2/28* BY MILLER of Buchanan
 FEBRUARY 21, 1978 (*p. 686*)

H-5390

- 1 Amend H-5323, the Senate amendment, to House File
 2 187 as amended, passed and reprinted by the Senate
 3 as follows:
- 4 1. Page 3, line 20, by inserting after the word
 5 "require." the words "A fee of twenty dollars shall
 6 accompany each application for approval of a redemption
 7 center."
- 8 2. Page 3, by inserting after line 41 the follow-
 9 ing:
 10 "5. All approved redemption centers shall meet
 11 applicable health standards."
- 12 3. Page 3, by inserting after line 50 the follow-
 13 ing sections:
 14 "Sec. ____ . NEW SECTION. LEVY ON MANUFACTURERS.
 15 1. There is levied on all manufacturers an
 16 assessment of one twentieth of one cent on each
 17 beverage container sold by the manufacturer in Iowa
 18 that has a refund value of five cents and that cannot
 19 be reused as a beverage container in its present form.
 20 If the deposit on a beverage container subject to
 21 the provisions of this section is more than five cents
 22 the assessment shall increase one one-hundredth of
 23 one cent for each one cent increase in the amount
 24 of the deposit.
 25 2. Manufacturers shall remit the assessment imposed
 26 by this section quarterly to the treasurer of state
 27 who shall deposit the funds collected in the recycling
 28 and litter control fund created in subsection three
 29 (3) of this section.
 30 3. There is created in the general fund of the
 31 state a recycling and litter control fund. Moneys
 32 deposited in the fund pursuant to subsection two (2)
 33 of this section are appropriated to the department
 34 for use by the commission for recycling and litter
 35 control programs.
 36 Sec. ____ . NEW SECTION. NOTIFICATION OF FUNDING
 37 OPPORTUNITIES. The executive director shall publicize
 38 federal and state funding opportunities for recycling
 39 and litter control programs. The executive director
 40 shall specifically notify approved redemption centers
 41 of such funding opportunities."
 42 4. Page 4, by striking lines 25 and 26 and insert-
 43 ing in lieu thereof the words "5 and inserting in
 44 lieu thereof the words "tainers, imposing a tax on
 45 certain beverage containers, making an appropriation"."

H-5390 FILED *w/d 2/28* BY MILLER of Buchanan
 FEBRUARY 21, 1978 (*p. 693*)

HOUSE FILE 187

H-5389

- 1 Amend the Senate Amendment H-5323 to House
 2 File 187 as follows:
 3 1. Page 4, line 23 by striking "August 15,
 4 1979" and inserting in lieu thereof "September 1,
 5 1978."

H-5389 FILED *Lack 2/28* BY WOODS of Polk
 FEBRUARY 21, 1978 (*p. 681*)

1 Amend House File 187, as amended, passed and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting in lieu thereof the following:
 5 "Section 1. NEW SECTION. DEFINITIONS. As used
 6 in this Act unless the context otherwise requires:
 7 1. "Beverage" means alcoholic liquor as defined
 8 in section one hundred twenty-three point three
 9 (123.3), subsection eight (8) of the Code, beer as
 10 defined in section one hundred twenty-three point
 11 three (123.3), subsection nine (9) of the Code, mineral
 12 water, soda water and similar carbonated soft drinks
 13 in liquid form and intended for human consumption.
 14 2. "Beverage container" means any sealed glass,
 15 plastic, or metal bottle, can, jar or carton containing
 16 a beverage.
 17 3. "Consumer" means any person who purchases a
 18 beverage in a beverage container for use or
 19 consumption.
 20 4. "Dealer" means any person who engages in the
 21 sale of beverages in beverage containers to a consumer.
 22 5. "Distributor" means any person who engages
 23 in the sale of beverages in beverage containers to
 24 a dealer, including any manufacturer who engages in
 25 such sales.
 26 6. "Manufacturer" means any person who bottles,
 27 cans, or otherwise fills beverage containers for sale
 28 to distributors or dealers.
 29 7. "Director" means the executive director of
 30 the department of environmental quality.
 31 8. "Department" means the department of
 32 environmental quality.
 33 9. "Commission" means the solid waste disposal
 34 commission of the department of environmental quality.
 35 Sec. 2. NEW SECTION. REFUND VALUES.
 36 1. Except purchases of alcoholic liquor as defined
 37 in section one hundred twenty-three point three
 38 (123.3), subsection eight (8), of the Code by holders
 39 of Class "A", "B" and "C" liquor control licenses,
 40 a refund value of not less than five cents shall be
 41 paid by the consumer on each beverage container sold
 42 in this state by a dealer. Upon return of the empty
 43 beverage container to the dealer or person operating
 44 a redemption center and acceptance of the empty
 45 beverage container by the dealer or person operating
 46 a redemption center, the dealer or person operating
 47 a redemption center shall return the amount of the
 48 refund value to the consumer.
 49 2. A dealer, or person operating a redemption
 50 center, who redeems empty beverage containers shall

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1 be reimbursed by the distributor required to accept
 2 the empty beverage containers an amount which is at
 3 least one cent per container. A dealer or person
 4 operating a redemption center may compact empty metal
 5 beverage containers with the approval of the
 6 distributor required to accept such containers.

7 The provisions of this subsection shall apply for
 8 two years from the effective date of this Act and
 9 thereafter the amount shall be one-half cent per
 10 container.

11 Sec. 3. NEW SECTION. PAYMENT OF REFUND VALUE.
 12 Except as provided in section four (4) of this Act:

13 1. A dealer shall not refuse to accept from a
 14 consumer any empty beverage container of the kind,
 15 size and brand sold by the dealer, or refuse to pay
 16 to the consumer the refund value of a beverage
 17 container as determined under section two (2) of this
 18 Act.

19 2. A distributor shall not refuse to accept from
 20 a dealer any empty beverage container of the kind,
 21 size and brand sold by the distributor, or refuse
 22 to pay the dealer the refund value of a beverage
 23 container as determined under section two (2) of this
 24 Act.

25 Sec. 4. NEW SECTION. REFUSAL TO ACCEPT CONTAINERS.

26 1. A dealer, a person operating a redemption
 27 center, a distributor or a manufacturer may refuse
 28 to accept any empty beverage container which does
 29 not have stated on it a refund value as determined
 30 under section two (2) of this Act.

31 2. A dealer (or a person operating a redemption
 32 center) may refuse to accept and to pay the refund
 33 value of any empty beverage container if the place
 34 of business of the dealer (or of the person operating
 35 a redemption center) and the kind and brand of empty
 36 beverage containers are included in an order of the
 37 department approving a redemption center under section
 38 six (6) of this Act.

39 Sec. 5. NEW SECTION. REFUND VALUE STATED ON CON-
 40 TAINER.

41 1. Each beverage container sold or offered for
 42 sale in this state by a dealer shall clearly indicate
 43 by embossing or by a stamp, label or other method
 44 securely affixed to the container, the refund value
 45 of the container. The department shall specify, by
 46 rule, the minimum size of the refund value indication
 47 on the beverage containers.

48 2. The provisions of subsection one (1) of this
 49 section shall not apply to glass beverage containers
 50 having a brand name permanently marked on it which,

on the effective date of this Act, has a refund value of not less than five cents.

Sec. 6. NEW SECTION. REDEMPTION CENTERS.

1. To facilitate the return of empty beverage containers and to serve dealers of beverages, any person may establish a redemption center, subject to the approval of the department, at which consumers may return empty beverage containers and receive payment of the refund value of such beverage containers.

2. An application for approval of a redemption center shall be filed with the department. The application shall state the name and address of the person responsible for the establishment and operation of the redemption center, the kind and brand names of the beverage containers which will be accepted at the redemption center, and the names and addresses of the dealers to be served by the redemption center. The application shall contain such other information as the director may reasonably require.

3. The department shall approve a redemption center if it finds that the redemption center will provide a convenient service to consumers for the return of empty beverage containers. The order of the department approving a redemption center shall state the dealers to be served by the redemption center and the kind and brand names of empty beverage containers which the redemption center must accept. The order may contain such other provisions to insure that the redemption center will provide a convenient service to the public as the director may determine.

4. The department may review the approval of any redemption center at any time. After written notice to the person responsible for the establishment and operation of the redemption center, and to the dealers served by the redemption center, the commission may, after hearing, withdraw approval of a redemption center if the commission finds there has not been compliance with the department's order approving the redemption center, or if the redemption center no longer provides a convenient service to the public.

Sec. 7. NEW SECTION. UNAPPROVED REDEMPTION CENTERS. Any person may establish a redemption center which has not been approved by the department, at which a consumer may return empty beverage containers and receive payment of the refund value of the beverage containers. The establishment of an unapproved redemption center shall not relieve any dealer from the responsibility of redeeming any empty beverage containers of the kind and brand sold by the dealer.

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469

1 Sec. 8. NEW SECTION. SNAP-TOP CANS PROHIBITED.
 2 A person shall not sell or offer for sale at retail
 3 in this state any metal beverage container so designed
 4 and constructed that a part of the container is
 5 detachable in opening the container.

5438, 5411, 5430

6 Sec. 9. NEW SECTION. RULES ADOPTED. The
 7 commission shall adopt, upon recommendation of the
 8 director, the rules necessary to carry out the
 9 provisions of this Act, subject to the provisions
 10 of chapter seventeen A (17A) of the Code.

5439

11 Sec. 10. NEW SECTION. APPEAL. Any person
 12 aggrieved by an order of the department relating to
 13 the approval or withdrawal of approval for a redemption
 14 center may seek judicial review of such order as
 15 provided in chapter seventeen A (17A) of the Code.

5463

5484

16 Sec. 11. NEW SECTION. PENALTY. Any person
 17 violating the provisions of sections two (2), three
 18 (3), five (5), and eight (8) of this Act shall be
 19 guilty of a simple misdemeanor.

5422

20 Sec. 12. Section four hundred fifty-five B point
 21 ninety-seven (455B.97), Code 1977, is amended by
 22 striking unnumbered paragraph two (2).

5462

5389

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5410

23 Sec. 13. This Act is effective August, 15 1979."

24 ⁵⁴²² 2. Amend the title by striking lines 2 through
 25 5 and inserting in lieu thereof the partial word
 26 "ainers".

5390

5438

H-5323 FILED

RECEIVED FROM SENATE

FEBRUARY 16, 1978

*Amended by 5388, 5440, 5444A, 5468, 5469B, 5485
and concurred in by the House 3/1 (p. 747)*

S-5166

1 Amend the Committee amendment, S-5003, to House
 2 File 187 as amended, passed and reprinted by the House
 3 as follows:
 4 1. Page 2, by inserting before line 7 the
 5 following new unnumbered paragraph:
 6 "The provisions of this subsection shall apply
 7 for two years from the effective date of this Act and
 8 thereafter the amount shall be one-half cent per
 9 container. In the fifth year and each succeeding year
 10 thereafter, there shall be no fixed handling charge."

S-5166 FILED & WITHDRAWN (p. 272) BY BOB RUSH
 FEBRUARY 9, 1978

HOUSE FILE 187

S-5186

1 Amend the Committee amendment, S-5003, to House
 2 File 187, as amended, passed and reprinted by the
 3 House, as follows:
 4 1. Page 1, line 13, by inserting after the word
 5 "any" the word "sealed".
 6 2. Page 1, line 35, by striking the letter "A"
 7 and inserting in lieu thereof the letter "a".
 8 3. Page 1, by striking lines 37 through 42 and
 9 inserting in lieu thereof the words "container sold in
 10 this state by a dealer. Upon return of the empty
 11 beverage".
 12 4. Page 1, line 44, by inserting before the word
 13 "beverage" the word "empty".
 14 5. Page 1, line 50, by inserting before the word
 15 "beverage" the word "empty".
 16 6. Page 1, line 50, by striking the word "upon".
 17 7. Page 2, by striking lines 1 through 3 and
 18 inserting in lieu thereof the words "be reimbursed by
 19 the distributor required to accept the empty beverage
 20 containers an amount which is at least one cent per
 21 container."
 22 8. Page 2, by striking lines 7 through 43.
 23 9. Page 4, lines 36 and 37, by striking the words
 24 "certification or withdrawal of certification of a
 25 beverage container, or to".
 26 10. By renumbering sections and correcting internal
 27 references as may be required by this amendment.

S-5186 FILED & ADOPTED (p. 318)
 FEBRUARY 15, 1978

BY JOHN SCOTT
 RICHARD RAMSEY
 CLOYD ROBINSON
 CLIFF BURROUGHS
 LOWELL L. JUNKINS
 RICHARD F. DRAKE
 EARL M. WILLITS

HOUSE FILE 187

S-5163

1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed and reprinted by the
3 House as follows:

4 1. Page 3, line 26, by inserting after the word
5 "container" the words "provided that, dealers shall
6 have thirty days after the effective date of this Act
7 to comply with this provision."

8 2. Page 4, line 33, by inserting after the word
9 "Code." the words "The rules may include, but are not
10 limited to, an exemption for dealers who sell beverages
11 in beverage containers for consumption on the premises
12 only, from the collection or refund of deposits on
13 such beverage containers, and the condition of empty
14 beverage containers which must be accepted by dealers,
15 distributors, redemption centers or manufacturers.
16 The director may adopt rules exempting from the labelling
17 requirements of section seven of this Act, refillable
18 containers for which a deposit of not less than five
19 cents is required."

S-5163 FILED & LOST (p. 272)
FEBRUARY 9, 1978

BY NORMAN G. RODGERS
JOHN SCOTT
RICHARD R. RAMSEY
JAMES V. GALLAGHER

HOUSE FILE 187

S-5164

1 Amend the Committee amendment, S-5003 to House
2 File 187, as amended, passed and reprinted by the
3 House as follows:

4 1. Page 2, by inserting before line 7 the
5 following new unnumbered paragraph:

6 "The provisions of this subsection shall apply
7 for two years from the effective date of this Act
8 and thereafter the amount shall be one-half cent per
9 container."

S-5164 FILED & ADOPTED (271)
FEBRUARY 9, 1978

BY LOWELL L. JUNKINS
EARL M. WILLITS

HOUSE FILE 187

S-5158

1 Amend the Committee amendment S-5003 to House
2 File 187, as amended, passed and reprinted by the
3 House, as follows:
4 1. Page 3, line 2, by inserting after the word
5 "distributor" the words "or his or her designee".

S-5158 FILED & LOST (p. 271)
FEBRUARY 9, 1978

BY STEPHEN W. BIENIUS

HOUSE FILE 187

S-5159

1 Amend the Committee amendment S-5003 to House
2 File 187, as amended, passed and reprinted by the
3 House, as follows:
4 1. Page 3, line 33, by inserting after the
5 word "cents" the words "or a refillable beverage
6 container which has a five cent deposit on it and
7 may be exempted by the director in accordance with
8 rules adopted by the commission".
9 2. Page 4, by inserting after line 28 the
10 following new section:
11 "Sec. _____. On the effective date of this Act
12 no Class 'A' beer permit holder as provided in
13 Chapter one hundred twenty-three (123) of the Code,
14 and no manufacturer or distributor of carbonated
15 soft drinks shall fill or import with intent to
16 sell or have sold within this state, any beverage
17 in any container which is not subject to a five
18 cent deposit as provided in this Act.
19 Sixty days after the effective date of this
20 Act, no dealer shall sell or offer for sale in
21 Iowa any beverage as defined in this Act unless
22 it is sold or offered for sale in a container
23 subject to a deposit of five cents."
24 3. By renumbering the sections to conform to
25 this amendment.

S-5159 FILED & WITHDRAWN
FEBRUARY 9, 1978

BY NORMAN RODGERS

S-5160

1 Amend the Committee on Energy Amendment, S-5003
2 to House File 187 as amended, passed, and reprinted by
3 the House as follows:
4 1. Page 4, line 45 by striking the word and
5 figure "January 1," and inserting in lieu thereof the
6 word and figure "August 31,".

S-5160 FILED
FEBRUARY 9, 1978
WITHDRAWN

BY LOWELL L. JUNKINS
FRED W. NOLTING
FORREST V. SCHWENGELS

HOUSE FILE 187

S-5161

1 Amend the Committee on Energy Amendment,
2 S-5003 to House File 187 as amended, passed and
3 reprinted by the House as follows:
4 1. Page 4, line 45 by striking the word
5 and figure "January 1," and inserting in lieu
6 thereof the word and figure "August 15,".

S-5161 FILED & ADOPTED (*p. 268*) BY LOWELL L. JUNKINS
FEBRUARY 9, 1978 FRED W. NOLTING
Motion to reconsider filed & withdrawn 2/9
(270) FORREST V. SCHWENGELS

HOUSE FILE 187

S-5162

1 Amend the Committee amendment, S-5003, to House
2 File 187 as amended, passed and reprinted by the
3 House as follows:
4 1. Page 4, line 33, by inserting after the word
5 "Code." the following: "The rules may include, but
6 are not limited to, an exemption for dealers who sell
7 beverages in beverage containers for consumption on
8 the premises only, from the collection or refund of
9 deposits on such beverage containers, and the condition
10 of empty beverage containers which must be accepted by
11 dealers, distributors, redemption centers or manufacturers."

S-5162 FILED & WITHDRAWN
FEBRUARY 9, 1978

BY NORMAN G. RODGERS
JOHN SCOTT
RICHARD R. RAMSEY
JAMES V. GALLAGHER

HOUSE FILE 187

S-5152

1 Amend the Committee on Energy Amendment, S-5003
2 to House File 187 as amended, passed and reprinted
3 by the House as follows:

4 1. Page 4, by inserting after line 28 the following
5 new section:

6 "Sec. ____ . NEW SECTION. STUDY BY DEPARTMENT
7 Commencing on the effective date of this Act the
8 department shall survey and analyze the current volume
9 of roadside litter in this state. The department
10 shall continuously study the effectiveness of this
11 Act, including but not limited to:

12 1. The effectiveness of the provisions of this
13 Act in reducing litter throughout the state.

14 2. The increase in volume of the materials
15 recycled as a result of this Act.

16 3. The reduction in energy use as a result of
17 this Act.

18 4. The reduction in the disposal of solid waste
19 onto the land, into the atmosphere, or into the
20 waters of the state as a result of this Act.

21 A report of the department's findings shall be submitted
22 to the governor and general assembly not later than
23 January 15, 1979, and annually thereafter."

24 2. By renumbering sections and internal
25 references to sections to conform to this amendment.

S-5152 FILED - *Lost 2/9 (p. 265)* BY FORREST V. SCHWENGELS
FEBRUARY 8, 1978

HOUSE FILE 187

S-5153

1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed and reprinted by the
3 House, as follows:

4 1. Page 4, line 33, by inserting after the word
5 "Code." the following: "The rules may include, but
6 are not limited to, an exemption for dealers who sell
7 beverages in beverage containers for consumption on
8 the premises only, from the collection or refund of
9 deposits on such beverage containers, and a standard
10 of cleanliness for empty beverage containers which
11 must be accepted by dealers, distributors, redemption
12 centers or manufacturers."

S-5153 FILED. *Adopted 2/9 (p. 265)* BY JOHN SCOTT
FEBRUARY 8, 1978 RICHARD R. RAMSEY
Reconsidered & withdrawn 2/9 (p. 272) JAMES V. GALLAGHER

S-5151

1 Amend the Committee on Energy Amendment, S-5003
 2 to House File 187 as amended, passed and reprinted by
 3 the House as follows:
 4 1. Page 4, by inserting after line 28 the following
 5 new section:

6 "Sec. ____ . NEW SECTION. STUDY BY INDEPENDENT
 7 RESEARCH FIRM.

8 Commencing on the effective date of this Act the
 9 department shall contract for a survey to be
 10 conducted analyzing the current volume of roadside
 11 litter in this state, including but not limited to:

12 1. The effectiveness of the provisions of this
 13 Act in reducing litter throughout the state.

14 2. The increase in volume of the materials
 15 recycled as a result of this Act.

16 3. The reduction in energy use as a result of
 17 this Act.

18 4. The reduction in the disposal of solid waste
 19 onto the land, into the atmosphere, or into the
 20 waters of the state as a result of this Act.

21 A report of the independent research firm's findings
 22 shall be submitted to the governor and the general
 23 assembly not later than January 15, 1980, and annually
 24 thereafter."

25 2. By renumbering sections and internal
 26 references to sections to conform to this amendment.

S-5151 FILED *H/D 2/9 (p. 265)* BY FORREST V. SCHWENGELS
 FEBRUARY 8, 1978

HOUSE FILE 187

S-5154

1 Amend the Committee amendment, S-5003, to House
 2 File 187, as amended, passed and reprinted by the
 3 House, as follows:

4 1. Page 4, by inserting after line 22 the
 5 following:

6 "Sec. ____ . NEW SECTION. UNAPPROVED REDEMPTION
 7 CENTERS. Any person may establish a redemption center
 8 which has not been approved by the department, at
 9 which a consumer may return empty beverage containers
 10 and receive payment of the refund value of the beverage
 11 containers. The establishment of an unapproved
 12 redemption center shall not relieve any dealer from
 13 the responsibility of redeeming any empty beverage
 14 containers of the kind and brand sold by the dealer."

15 2. By numbering the section.

S-5154 FILED - *Adopted 2/9 (p. 265)* BY ROLF V. CRAFT
 FEBRUARY 8 1978 LUCAS J. DE KOSTER

S-5145

1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed and reprinted by the
3 House, as follows:
4 1. Page 4, line 33, by inserting after the word
5 "Code." the following: "The rules shall include,
6 but are not limited to, an exemption for dealers who
7 sell beverages in beverage containers for consumption
8 on the premises only, from the collection or refund
9 of deposits on such beverage containers, and a standard
10 of cleanliness for empty beverage containers which
11 must be accepted by dealers, distributors, redemption
12 centers or manufacturers."

S-5145 FILED *4/8 2/9 (p. 265)*
FEBRUARY 7, 1978

BY JOHN SCOTT
RICHARD R. RAMSEY
JAMES GALLAGHER

HOUSE FILE 187

S-5146

- 1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed and reprinted by the
3 House as follows:
4 1. Page 3, by adding after line 19 the following
5 new subsection:
6 "_____. A dealer or a person operating a redemption
7 center may refuse to accept and to pay the refund
8 value of a glass beverage container if it is cracked,
9 chipped or broken, or of any can which has been completely
10 flattened."
11 2. By numbering the subsection.

S-5146 FILED - *Lat 2/9 (p. 265)* BY NORMAN RODGERS
FEBRUARY 8, 1978

HOUSE FILE 187

S-5147

- 1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed, and reprinted by the
3 House, as follows:
4 1. Page 3, by inserting after line 41 the following
5 new subsection:
6 "_____. A state liquor store shall be a redemption
7 center for any beverage container sold by the state.
8 If a redemption center is not established in a city
9 or part of a city in which a state liquor store is
10 located, the state liquor store may be designated
11 by the department as a redemption center for beverage
12 containers not sold by the state upon request of a
13 dealer located in the city or part of the city in
14 which the liquor store is located."
15 2. By renumbering the subsections to conform to
16 this amendment.

S-5147 FILED *4/15 2/9 (265)* BY BERL E. PRIEBE
FEBRUARY 8, 1978

HOUSE FILE 187

S-5142

1 Amend the Committee amendment, S-5003, to
2 House File 187, as amended, passed and reprinted
3 by the House, as follows:
4 1. By striking Page 3, lines 37 through 41,
5 and inserting in lieu thereof the following:
6 "person may establish a redemption center."

S-5142 FILED - *Last 2/8 (p. 257)* BY ROLF V. CRAFT
FEBRUARY 7, 1978

HOUSE FILE 187

S-5143

1 Amend S-5003, the Committee amendment to House
2 File 187, as amended, passed and reprinted by the House
3 as follows:
4 1. Page 1, line 50, by inserting after the word
5 "redeems" the word "non-refillable".
6 2. Page 2, line 1, by inserting after the words
7 "of the" the word "non-refillable".

S-5143 FILED - *Adopted 2/8 (p. 259)* BY BOB RUSH
FEBRUARY 7, 1978 CALVIN O. HULTMAN
Reconsidered and lost 2/9 (269) JAMES M. REDMOND

HOUSE FILE 187

S-5144

1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed and reprinted by the
3 House as follows:
4 1. Page 2, by inserting before line 7 the words
5 "A dealer or person operating a redemption center may
6 compact empty metal beverage containers with the
7 approval of the distributor required to accept such
8 containers."

S-5144 FILED - *Adopted 2/8 (p. 259)* BY NORMAN G. RODGERS
FEBRUARY 7, 1978 JAMES V. GALLAGHER

HOUSE FILE 187

S-5138

1 Amend the Committee amendment, S-5003, to
2 House File 187, as amended, passed and reprinted
3 by the House, as follows:
4 1. By striking Page 3, line 37 through Page
5 4, line 22, and inserting in lieu thereof the
6 following: "person may establish a redemption
7 center."

S-5138 FILED & WITHDRAWN
FEBRUARY 7, 1978

BY ROLF V. CRAFT

HOUSE FILE 187

S-5139

1 Amend the Committee amendment, S-5003, to
2 House File 187, as amended, passed and reprinted
3 by the House, as follows:
4 1. Page 1, line 50, by inserting after the
5 word "center," the words "for a period of two years
6 from the effective date of this statute,".

S-5139 FILED & LOST (*y. 242*)
FEBRUARY 7, 1978

BY ROLF V. CRAFT

HOUSE FILE 187

S-5141

1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed and reprinted by the
3 House, as follows:
4 1. Page 2, line 3, by striking the word
5 "twenty".
6 2. Page 2, by striking lines 4 through 6
7 and inserting in lieu thereof the following: "one
8 cent per container."

S-5141 FILED & ADOPTED (*y. 242*)
FEBRUARY 7, 1978

BY EARL M. WILLITS

Reconsidered & withdrawn 2/15 (318)

S-5140

1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed, and reprinted by the
3 House, as follows:

4 1. Page 1, by inserting after line 33 the
5 following:

6 "Sec. 2. NEW SECTION. FUND CREATED. There is
7 created in the general fund of the state a litter
8 control, recycling and resource recovery fund. Money
9 collected under section seven (7) of this Act and
10 any federal fund or private grants received to carry
11 out the purposes of section three (3) of this Act
12 shall be credited to the fund and are appropriated
13 for the purposes specified in section three (3) of
14 this Act.

15 Sec. 3. NEW SECTION. USE OF FUNDS. The proceeds
16 in the fund shall be expended by the department as
17 follows:

18 1. Twenty-five percent of the proceeds in the
19 fund shall be used for:

20 a. General administration of this Act as charged
21 by the director with the approval of the solid-waste
22 disposal commission.

23 b. Research and assistance for resource recovery
24 systems which the department may provide pursuant
25 to section four hundred fifty-five B point eighty
26 (455B.80) of the Code.

27 c. Grants to political subdivisions and private
28 agencies for the planning and design of resource
29 recovery systems.

30 d. Grants to political subdivisions and private
31 agencies for research and development for alternatives
32 to current solid waste disposal methods.

33 e. The department shall develop in cooperation
34 with other state agencies a youth litter corps for
35 hiring youths in seasonal and part-time litter pick
36 up programs.

37 2. Seventy-five percent of the proceeds in the
38 fund shall be expended by the department for grants
39 to political subdivisions and private agencies for
40 litter control and recycling programs including but
41 not limited to:

42 a. Clean-up activities.

43 b. Recycling programs.

44 c. Education programs.

45 d. Litter law enforcement.

46 e. Use and delivery of recoverable materials to
47 available markets.

48 f. Litter bags and receptacles.

49 Sec. 4. NEW SECTION. GRANT APPLICATION.

50 1. A public or private agency may apply to the

1 department for a grant available pursuant to section
2 three (3) of this Act. Application shall be made
3 on such forms and shall contain such information as
4 the department may by rule prescribe. The application
5 shall be accompanied by a plan for the use of funds.
6 The department may approve an application for funds
7 submitted by a public or private agency if the
8 department determines that the plan submitted by the
9 public or private agency is in accordance with the
10 policy and provisions of this Act.

11 2. It is the intent of the general assembly that
12 the money in the fund be substantially expended each
13 fiscal year. It is the intent of the general assembly
14 that grants made pursuant to this Act be used to
15 supplement and not replace existing funding for the
16 same purposes.

17 3. The department may require that a political
18 subdivision or private agency receiving a grant
19 pursuant to this section submit a report to the
20 department describing the use of the funds received.

21 Sec. 5. NEW SECTION. STUDY BY DEPARTMENT.
22 Commencing on the effective date of this Act the
23 department shall survey and analyze the current volume
24 of roadside litter in this state. The department
25 shall continuously study the effectiveness of this
26 Act, including but not limited to:

27 1. The effectiveness of the provisions of this
28 Act in reducing litter throughout the state.

29 2. The increase in volume of the materials recycled
30 as a result of this Act.

31 3. The reduction in energy use as a result of
32 this Act.

33 4. The reduction in the disposal of solid waste
34 onto the land, into the atmosphere, or into the waters
35 of the state as a result of this Act.

36 A report of the department's findings shall be
37 submitted to the governor and the general assembly
38 not later than January 15, 1979 and annually
39 thereafter.

40 Sec. 6. NEW SECTION. LICENSE REQUIRED.

41 1. Any distributor who is required to redeem empty
42 beverage containers for a retailer or person operating
43 a redemption center under this Act shall first make
44 application for and shall be issued a redemption
45 license for such purpose by the director of revenue.
46 The license shall expire at the end of one year from
47 the date of issuance and shall be renewed for a like
48 period upon application to the director of revenue
49 unless otherwise revoked for cause. Each application
50 shall be accompanied by a fee of two hundred dollars

1 payable to the department of revenue. The application
2 for a license shall contain such information as the
3 director of revenue may require by rule.

4 2. The director of revenue shall issue a redemption
5 license to any person who:

6 a. Submits a written application as required in
7 subsection one (1) of this section which shall state
8 under oath the name and place of residence of the
9 applicant and the location of the premises where the
10 applicant intends to operate the place of business.

11 b. Establishes that the premises where the
12 applicant intends to operate the place of business
13 conform to all applicable laws and health and fire
14 regulations.

15 c. Furnishes a bond in the amount of twenty-five
16 thousand dollars payable to the state in such form
17 as shall be prescribed and furnished by the department
18 of revenue with good and sufficient sureties approved
19 by the director of revenue conditioned on the faithful
20 observance of the provisions of sections six (6)
21 through ten (10) of this Act.

22 3. A person required to hold a redemption license
23 under this section shall obtain a separate license
24 for each place of business maintained by the person
25 where empty beverage containers are returned or stored.

26 4. Revenues derived from the license fee collected
27 pursuant to this section shall be deposited in the
28 general fund of the state.

29 Sec. 7. NEW SECTION. TAX IMPOSED. In addition
30 to the annual license fee to be paid by a redemption
31 licensee, there shall be levied and collected from
32 the licensee on each empty beverage container redeemed
33 from a dealer or person operating a redemption center,
34 a tax of ten percent of the refund value of each
35 beverage container required to be redeemed under this
36 Act. Revenue derived from the tax imposed and
37 collected under this section shall be remitted by
38 the director of revenue to the treasurer of state
39 who shall deposit the funds in the litter control,
40 recycling and resource recovery fund.

41 Sec. 8. NEW SECTION. TAX REMITTED. Every person
42 holding a redemption license shall on or before the
43 tenth day of each calendar month commencing on the
44 tenth day of the calendar month following the month
45 in which the person was issued a license make a report
46 under oath to the department of revenue on forms
47 furnished by the department of revenue showing the
48 exact number of beverage containers redeemed by the
49 licensee during the preceding calendar month. The
50 report shall contain such information as the director

1 of revenue may require and the licensee shall at the
2 time of filing the report remit to the department
3 of revenue the amount of tax due pursuant to the rate
4 prescribed in section seven (7) of this Act. A penalty
5 of ten percent of the amount of the tax due shall
6 be added to the tax if the report is not filed and
7 the tax paid within the time limitations prescribed
8 by this section.

9 Sec. 9. NEW SECTION. RECORD REQUIRED. Each
10 redemption licensee shall keep proper books of account
11 and records showing the amount of beverages sold by
12 the licensee. The books of account shall be open
13 at all times to inspection by the director of revenue
14 or an agent or inspector of the department of revenue.

15 Sec. 10. NEW SECTION. PENALTY. Any person
16 violating the provisions of sections six (6) through
17 ten (10) of this Act shall, upon conviction, be guilty
18 of a simple misdemeanor. A redemption licensee shall
19 have the license revoked by the department of revenue
20 upon conviction of two violations of sections six
21 (6) through ten (10) of this Act within a continuous
22 period of five years. A new license shall not be
23 issued to the person whose license was revoked for
24 one year following the revocation."

25 2. Page 2, line 3, by striking the word "twenty"
26 and inserting in lieu thereof the word "ten".

27 3. By renumbering sections and internal references
28 to sections.

29 4. Page 4, by striking line 48 and inserting in
30 lieu thereof the following: "and words "ainers,
31 to impose a tax on the refund value of empty beverage
32 containers for research and grants for litter control
33 and recycling programs,"."

S-5140 FILED *Withdrawn 2/9 (268)* BY FORREST V. SCHWENGELS
FEBRUARY 7, 1978

WILLIAM PALMER
C. JOSEPH COLEMAN
FRED W. NOLTING
RICHARD DRAKE
EDGAR H. HOLDEN

HOUSE FILE 187

S-5149

1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed and reprinted by the
3 House, as follows:
4 1. Page 1, line 12, by inserting after the word
5 "consumption." the words "Beverage shall also
6 include any soft drink, fruit or vegetable juice
7 dispensed in a metal container from a coin operated
8 vending machine. Departmental regulation shall
9 designate the return policy of the vending machines."

S-5149 FILED - *Let 2/9 (p. 267)* BY RAY TAYLOR
FEBRUARY 8, 1978

HOUSE FILE 187

S-5150

1 Amend the Committee on Energy Amendment, S-5003
2 to House File 187 as amended, passed and reprinted by
3 the House as follows:
4 1. Page 4, line 45 by striking "1979" and in-
5 serting in lieu thereof "1980".

S-5150 FILED *#12 2/9 (268)* BY LOWELL L. JUNKINS
FEBRUARY 8, 1978 FRED W. NOLTING

HOUSE FILE 187

S-5157

1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed, and reprinted by the
3 House, as follows:
4 1. Page 4, by inserting after line 45 the
5 following:
6 "Sec. _____. This Act is repealed effective January
7 1, 1982."
8 2. By numbering the section.

S-5157 FILED *#12 2/9 (268)* BY FRED W. NOLTING
FEBRUARY 8, 1978 FORREST V. SCHWENGELS

HOUSE FILE 187

S-5134

1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed and reprinted by the
3 House, as follows:

4 1. Page 3, by adding after line 19 the following new
5 subsection:

6 "_____. A dealer or a person operating a redemption
7 center may refuse to accept and to pay the refund
8 value of a reusable glass beverage container if it
9 is cracked, chipped or broken."

10 2. By numbering the subsection.

S-5134 FILED *2/D 2/9 (p. 264)*
FEBRUARY 7, 1978

BY NORMAN RODGERS

HOUSE FILE 187

S-5135

1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed and reprinted by the House,
3 as follows:

4 1. Page 3 by striking lines 9 through 13 and insert-
5 ing in lieu thereof the following:

6 "1. A dealer, a person operating a redemption center,
7 a distributor or a manufacturer may refuse to accept any
8 empty beverage container which does not have stated on
9 it a refund value as determined under section two (2)
10 of this Act."

11 2. Page 3, line 14 by inserting after the word
12 "dealer" the words "or a person operating a redemption
13 center".

14 3. Page 3, line 16 by inserting after the word
15 "dealer" the words "or of the person operating a
16 redemption center".

S-5135 FILED & ADOPTED (*p. 243*)
FEBRUARY 7, 1978

BY NORMAN RODGERS

HOUSE FILE 187

S-5137

1 Amend *the Committee amendment S-5003, to* House File 187, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 1, line 50, by inserting after the
4 word "center," the words "for a period of two years
5 from the effective date of this statute,".

S-5137 FILED & WITHDRAWN
FEBRUARY 7, 1978

BY ROLF V. CRAFT

HOUSE FILE 187

S-5130

- 1 Amend the Energy Committee amendment, S-5003, to
- 2 House File 187 as amended, passed and reprinted by
- 3 the House as follows:
- 4 1. Page 4, line 27 by striking the words
- 5 "without the aid".
- 6 2. Page 4, line 28 by striking the words "of
- 7 a can opener".

S-5130 FILED - *Adopted 2/3 (p. 257)* BY RICHARD R. RAMSEY
FEBRUARY 3, 1978 JOHN SCOTT

HOUSE FILE 187

S-5132

- 1 Amend the Committee amendment, S-5003, to House
- 2 File 187, as amended, passed and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 7, by inserting after the word
- 5 "means" the following: "alcoholic liquor as defined
- 6 in section one hundred twenty-three point three (123.3),
- 7 subsection eight (8) of the Code,".
- 8 2. Page 1, lines 9 and 10, by striking the words
- 9 "other alcoholic malt beverages and".
- 10 3. Page 1, line 35, by inserting after the figure
- 11 "1." the following:
- 12 "Except purchases of alcoholic liquor as defined in
- 13 section one hundred twenty-three point three (123.3),
- 14 subsection eight (8), of the Code by holders of Class
- 15 "A", "B" and "C" liquor control licenses,".
4. By renumbering the subsection.

S-5132 FILED - *Adopted 2/3 (p. 258)* BY EDGAR H. HOLDEN
FEBRUARY 3, 1978 C. W. HUTCHINS
CALVIN HULTMAN

HOUSE FILE 187

S-5133

- 1 Amend the Committee on Energy amendment, S-5003,
- 2 to House File 187 as amended, passed and reprinted by
- 3 the House as follows:
- 4 1. Page 4, by adding after line 44 the following
- 5 new section:
- 6 "Sec. ____ . Section four hundred fifty-five B point
- 7 ninety-seven (455B.97), Code 1977, is amended by
- 8 striking unnumbered paragraph two (2)."

S-5133 FILED - *Adopted 2/9 (266)* BY JAMES M. REDMOND
FEBRUARY 3, 1978 EUGENE M. HILL
ROLF V. CRAFT
JOHN S. MURRAY
WARREN E. CURTIS
BOB RUSH

HOUSE FILE 187

S-5123

1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed, and reprinted by the
3 House as follows:
4 1. Page 1, line 35, by inserting after the
5 figure "1." the following:
6 "Except purchases of alcoholic liquor as defined
7 in Section 123.3, subsection 8 of the Code by holders
8 of Class "A", "B" and "C" liquor control licenses,".

S-5123 FILED *4/5 2/8 (p. 258)* BY C. W. HUTCHINS
FEBRUARY 2, 1978

HOUSE FILE 187

S-5125

1 Amend S-5003 the Committee amendment to House
2 File 187, as amended, passed and reprinted by the
3 House as follows:
4 1. Page 1, by striking line 49 through page 2,
5 line 6.

S-5125 FILED - *Lost 2/7 (p. 241)* BY BOB RUSH
FEBRUARY 2, 1978
Motor to reconsider filed - withdrawn 2/9 (272)

HOUSE FILE 187

S-5126

1 Amend S-5003, the Committee amendment to House
2 File 187, as amended, passed and reprinted by the
3 House, as follows:
4 1. Page 4, by inserting after line 28 the follow-
5 ing new section:
6 "Sec. ____ . NEW SECTION. LITTERING PROHIBITED.
7 A person shall not discard any litter onto or in any
8 water or land of this state, except that nothing in
9 this section shall be construed to affect the
10 authorized collection and discarding of such litter
11 in or on areas or receptacles provided for such
12 purpose.
13 When litter is discarded from a motor vehicle,
14 the driver of the motor vehicle shall be responsible
15 for the act in any case where doubt exists as to which
16 occupant of the motor vehicle actually discarded the
17 litter. Any person violating the provisions of this
18 section shall, upon conviction, be guilty of a simple
19 misdemeanor. The court may, in lieu of or in addition
20 to any other sentence imposed, direct and supervise
21 a labor of litter gathering. The penalties prescribed
22 in this section for littering shall be prominently
23 posted throughout the state."
24 2. By renumbering the following sections to
25 conform to this amendment.

S-5126 FILED *4/5 2/8 (p. 257)* BY C. W. HUTCHINS
FEBRUARY 2, 1978

HOUSE FILE 187

S-5119

1 Amend the amendment, S-5116, to House File 187,
2 as amended, passed and reprinted by the House, as
3 follows:

4 1. Page 8, line 1, by inserting after the word
5 "containers" the words "including the establishment
6 of redemption centers,".

7 2. Page 8, line 5, by inserting after the word
8 "imposed." the following: "The rules shall provide
9 that if a redemption center is not established in
10 a city or part of a city in which a state liquor store
11 is located, the state liquor store shall be designated
12 as a redemption center by the department upon request
13 of a dealer located in the city or part of the city
14 in which the liquor store is located."

S-5119 FILED & ADOPTED (*p. 237*) BY BERL E. PRIEBE
FEBRUARY 2, 1978

HOUSE FILE 187

S-5120

1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed, and reprinted by the
3 House as follows:

4 1. Page 1, line 49, by striking the words
5 "dealer, or".

S-5120 FILED *4/2 2/7 (p. 241)* BY EUGENE M. HILL
FEBRUARY 2, 1978

HOUSE FILE 187

S-5121

1 Amend S-5003, committee amendment to House File
2 187 as amended, passed and rewritten by the House as
3 follows:

4 1. Page 3, by inserting after line 41 the
5 following new subsection:

6 "_____. If a redemption center is not established
7 in a city or part of a city in which a state liquor
8 store is located, the state liquor store shall be
9 designated as a redemption center by the department
10 upon request of a dealer located in the city or part of
11 the city in which the liquor store is located."

12 2. By renumbering the following subsections to
13 conform to this amendment.

S-5121 FILED *4/2 2/8 (p. 257)* BY BERL E. PRIEBE
FEBRUARY 2, 1978

S- 5116

1 Amend House File 187 as amended, passed and
2 reprinted by the House by striking everything after
3 the enacting clause and inserting in lieu thereof
4 the following:

5 "Section 1. NEW SECTION. LEGISLATIVE FINDINGS.

6 The general assembly finds that:

7 1. The people of Iowa have a fundamental need
8 for a healthful, clean and beautiful environment;
9 the proliferation and accumulation of improperly
10 discarded materials throughout the state impairs this
11 need; the proliferation and accumulation of litter
12 is statewide in scope and that uniform state action
13 rather than a piecemeal county, city, or regional
14 solution is necessary to accomplish effective litter
15 control; and that statewide uniformity in control
16 programs, including uniformity in litter bags,
17 receptacles, signs, symbols and regulations is
18 desirable and necessary to accomplish effective litter
19 control.

20 2. The burden placed on existing solid waste
21 disposal systems to collect littered products and
22 the need to reduce energy and other resource
23 consumption makes it imperative that recycling efforts
24 be intensified and that resource recovery systems
25 be developed to process discarded packaging materials,
26 as well as other energy rich components of solid
27 waste.

28 3. The protection of the public health, safety,
29 and well-being, the maintenance of the economic
30 productivity and environmental quality of the state,
31 and the conservation of natural resources require
32 the implementation of a comprehensive litter and waste
33 removal program throughout the state, and the rapid
34 development of technologically and economically
35 feasible, operational projects for the recovery of
36 energy and resources from litter and solid waste.

37 Sec. 2. NEW SECTION. TITLE. This Act shall be
38 known and may be cited as the "Litter Control,
39 Recycling and Resource Recovery Act of Iowa".

40 Sec. 3. NEW SECTION. DEFINITIONS. As used in
41 this Act unless the context otherwise requires:

42 1. "Department" as used in this Act means the
43 Iowa department of environmental quality.

44 2. "Director" means the executive director of
45 the department.

46 3. "Litter" means all improperly discarded waste
47 material, including, but not limited to, convenience
48 food packages, beverage containers, and other product
49 packages or containers constructed of steel, aluminum,
50 glass, paper, plastic, and other natural and synthetic

S-5029

- 1 Amend the Committee amendment, S-5003, to House
 2 file 187, as amended, passed and reprinted by the
 3 House, as follows:
 4 1. Page 2, line 6, by inserting after the word
 5 "consumer." the words "A dealer or person operating
 6 a redemption center may compact empty metal beverage
 7 containers with the approval of the distributor
 8 required to accept such containers."

S-5029 FILED - *Out of order with*
adoption of 5141 2/7 BY NORMAN G. RODGERS
 JANUARY 18, 1978 *(p. 242)*

HOUSE FILE 187

S-5030

- 1 Amend the Committee amendment, S-5003, to House
 2 File 187, as amended, passed and reprinted by the
 3 House, as follows:
 4 1. Page 1, line 35, by striking the word "five"
 5 and inserting in lieu thereof the word "ten".
 6 2. Page 1, line 40, by striking the word "three"
 7 and inserting in lieu thereof the word "five".

S-5030 FILED *H/D 2/3 (p. 223)* BY NORMAN G. RODGERS
 JANUARY 18, 1978

HOUSE FILE 187

S-5032

- 1 Amend the Committee on Energy amendment S-5003
 2 amending House File 187 as follows:
 3 1. Page 1, line 7, by inserting after the word
 4 "means" the following;
 5 "alcoholic liquor as defined in section one
 6 hundred twenty-three point three (123.3), subsection
 7 eight (8) of the Code,".
 8 2. Page 1, lines 9 and 10, by striking the words
 9 "other alcoholic malt beverages and mineral water,".

S-5032 FILED - *H/D 2/3 (p. 222)* BY EDGAR H. HOLDEN
 JANUARY 19, 1978 CALVIN O. HULTMAN

HOUSE FILE 187

S-5047

- 1 Amend the Committee amendment, S-5003, to House
 2 File 187, as amended, passed and reprinted by the
 3 House, as follows:
 4 1. Page 1, line 50, by striking the word "upon".
 5 2. Page 2, by striking lines 1 through 3 and
 6 inserting in lieu thereof the words "be reimbursed
 7 by the distributor required to accept the beverage
 8 containers an amount which is at least twenty".

S-5047 FILED - *Adopted 2/7 (p. 241)* BY JOHN R. SCOTT
 JANUARY 23, 1978 *Reconsidered & withdrawn 2/5 (p. 241)*

HOUSE FILE 187

S-5074

- 1 Amend the committee amendment S-5003 to House File
- 2 187, as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 2, by striking lines 44 through 50.
- 5 2. Page 3, by striking lines 1 through 7.
- 6 3. By renumbering sections and internal references
- 7 as necessary to conform to this amendment.

S-5074 FILED - *Last 2/7 (p. 243)* BY STEPHEN W. BIENIUS
JANUARY 25, 1978 *Motion to reconsider 2/8 (263) w/d 2/9 (270)*

HOUSE FILE 187

S-5036

- 1 Amend the Committee amendment, S-5003, to House
- 2 File 187, as amended, passed, and reprinted by the
- 3 House, as follows:
- 4 1. Page 1, by striking lines 37 through 42 and
- 5 inserting in lieu thereof the words "container sold
- 6 in this state by a dealer. Upon return of the
- 7 beverage".
- 8 2. Page 2, by striking lines 7 through 43,
- 9 inclusive.
- 10 3. Page 4, lines 36 and 37, by striking the words
- 11 "certification or withdrawal of certification of a
- 12 beverage container, or to".
- 13 4. By renumbering sections and internal references
- 14 to sections to conform to this amendment.

S-5036 FILED - *Adopted 2/3 (p. 223)* BY CLOYD ROBINSON
JANUARY 19, 1978 *Reconsidered and withdrawn 2/15 (318)* CLIFF BURROUGHS
LOWELL L. JUNKINS
RICHARD F. DRAKE

HOUSE FILE 187

S-5083

- 1 Amend the Committee amendment, S-5003, to House
- 2 File 187, as amended, passed and reprinted by the
- 3 House, as follows:
- 4 1. Page 1, line 12, by inserting after the word
- 5 "consumption." the words "Beverage shall also include
- 6 any soft drink dispensed in a metal container from
- 7 a coin-operated vending machine."

S-5083 FILED *11/20 2/9 (268)* BY RAY TAYLOR
JANUARY 26, 1978

1 materials, thrown or deposited on the lands and waters
2 of the state, but not including the properly discarded
3 waste of the primary processing of agriculture, mining,
4 logging, sawmilling, or manufacturing.

5 4. "Recycling" means the process of sorting,
6 cleansing, treating and reconstituting waste or other
7 discarded materials for the purpose of using the
8 altered form.

9 5. "Resource recovery system" means resource
10 recovery system as defined in subsection six (6) of
11 section four hundred fifty-five B point seventy-five
12 (455B.75) of the Code.

13 6. "Fund" means the litter control, recycling
14 and resource recovery fund created in section four
15 (4) of this Act.

16 7. "Beverage" means any carbonated soft drink
17 in liquid form intended for human consumption.

18 8. "Container" means any glass, or plastic bottle,
19 or metal can, jar or carton.

20 Sec. 4. NEW SECTION. FUND CREATED. There is
21 created in the general fund of the state a litter
22 control, recycling and resource recovery fund. Monies
23 collected pursuant to sections eleven (11), twelve
24 (12), and fourteen (14) of this Act and federal funds
25 and private grants shall be deposited in the fund
26 and are appropriated for the purposes prescribed in
27 section five (5) of this Act.

28 Sec. 5. NEW SECTION. USE OF FUNDS. The proceeds
29 in the fund shall be expended by the department as
30 follows:

31 1. Twenty-five percent of the proceeds in the
32 fund shall be used for:

33 a. General administration of this Act as charged
34 by the director with the approval of the solid-waste
35 disposal commission.

36 b. Research and assistance for resource recovery
37 systems which the department may provide pursuant
38 to section four hundred fifty-five B point eighty
39 (455B.80) of the Code.

40 c. Grants to political subdivisions and private
41 agencies for the planning and design of resource
42 recovery systems.

43 d. Grants to political subdivisions and private
44 agencies for research and development for alternatives
45 to current solid waste disposal methods.

46 e. The department shall develop in cooperation
47 with other state agencies a youth litter corps for
48 hiring youths in seasonal and part-time litter pick
49 up programs.

50 2. Seventy-five percent of the proceeds in the

1 fund shall be expended by the department for grants
2 to political subdivisions and private agencies for
3 litter control and recycling programs including but
4 not limited to:

- 5 a. Clean-up activities.
- 6 b. Recycling programs.
- 7 c. Education programs.
- 8 d. Litter law enforcement.
- 9 e. Use and delivery of recoverable materials to
10 available markets.
- 11 f. Litter bags and receptacles.

12 Sec. 6. NEW SECTION. GRANT APPLICATION.

13 1. A public or private agency may apply to the
14 department for a grant available pursuant to section
15 five (5) of this Act. Application shall be made on
16 such forms and shall contain such information as the
17 department may by rule prescribe. The application
18 shall be accompanied by a plan for the use of funds.
19 The department may approve an application for funds
20 submitted by a public or private agency if the
21 department determines that the plan submitted by the
22 public or private agency is in accordance with the
23 policy and provisions of this Act.

24 2. It is the intent of the general assembly that
25 the money in the fund be substantially expended each
26 fiscal year. It is the intent of the general assembly
27 that grants made pursuant to this Act be used to
28 supplement and not replace existing funding for the
29 same purposes.

30 3. The department may require that a political
31 subdivision or private agency receiving a grant
32 pursuant to this section submit a report to the
33 department describing the use of the funds received.

34 Sec. 7. NEW SECTION. STANDARDS FOR RECEPTACLES.
35 The commission shall by rule establish standards for
36 litter receptacles which shall be acceptable to the
37 department as to the size, shape, capacity and color
38 and standards for the marking of receptacles with
39 a state antilitter symbol developed by the commission.

40 Sec. 8. NEW SECTION. LITTERING PROHIBITED. A
41 person shall not discard any litter onto or in any
42 water or land of this state, except that nothing in
43 this section shall be construed to affect the
44 authorized collection and discarding of such litter
45 in or on areas or receptacles provided for such
46 purpose.

47 When litter is discarded from a motor vehicle,
48 the driver of the motor vehicle shall be responsible
49 for the act in any case where doubt exists as to which
50 occupant of the motor vehicle actually discarded the

1 litter. Any person violating the provisions of this
2 section shall, upon conviction, be guilty of a simple
3 misdemeanor. The court may, in lieu of or in addition
4 to any other sentence imposed, direct and supervise
5 a labor of litter gathering. The penalties prescribed
6 in this section for littering shall be prominently
7 posted throughout the state.

8 Sec. 9. NEW SECTION. SNAP TOP TABS PROHIBITED.
9 Effective January 1, 1980 a person shall not sell
10 or offer for sale at retail in this state any metal
11 beverage container which is so constructed that the
12 metal opener is designed to be completely detachable
13 from the container. Any person who violates the
14 provisions of this section shall upon conviction be
15 guilty of a simple misdemeanor.

16 Sec. 10. NEW SECTION. RULES. The director shall
17 promulgate rules pursuant to chapter seventeen A (17A)
18 of the Code to implement the provisions of sections
19 one (1) through nine (9) of this Act.

20 Sec. 11. NEW SECTION. TAX ON ALCOHOLIC BEVERAGES.
21 There is imposed a tax of three cents on each container
22 which contains an alcoholic liquor as defined in
23 section one hundred twenty-three point three (123.3)
24 subsection eight (8) of the Code sold by a state
25 liquor store as defined in section one hundred twenty-
26 three point three (123.3), subsection twenty-one (21)
27 of the Code. The proceeds from the tax imposed by
28 this section shall be remitted monthly by the
29 department of beer and liquor control to the treasurer
30 of state on such forms as the treasurer of state shall
31 by rule develop. The treasurer of state shall deposit
32 the funds collected in the litter control, recycling
33 and resource recovery fund created in section four
34 (4) of this Act.

35 Sec. 12. Section one hundred twenty-three point
36 one hundred thirty-six (123.136), unnumbered paragraph
37 one (1), is amended to read as follows:

38 In addition to the annual permit fee to be paid
39 by all class "A" permittees under the provisions of
40 this chapter there shall be levied and collected from
41 such permittees on all beer manufactured for sale
42 or sold in this state at wholesale and on all beer
43 imported into this state for sale at wholesale and
44 sold in this state at wholesale, a tax of four and
45 thirty-four hundredths dollars for every barrel
46 containing thirty-one gallons, and at a like rate
47 for any other quantity or for the fractional part
48 of a barrel. In addition, a litter tax of three cents
49 per gallon shall be added making the total tax to
50 be collected five and twenty-seven hundredths dollars

1 per barrel containing thirty-one gallons or an
2 equivalent rate for fractional parts of a barrel.
3 The litter tax shall not be considered a part of the
4 barrel tax accruing to the general fund of the state
5 but shall be separated by the department and remitted
6 to the treasurer of state for deposit in the fund.

7 However, no tax shall be levied or collected on beer
8 shipped outside this state by a class "A" permittee
9 or sold by one class "A" permittee to another class
10 "A" permittee.

11 Sec. 13. NEW SECTION. LICENSE REQUIRED. Any
12 manufacturer, bottler, importer or wholesaler of a
13 beverage or an agent thereof who brings a beverage
14 into this state for resale shall first make application
15 for and shall be issued a class "A" beverage license
16 for such purpose by the director of revenue. The
17 license shall expire at the end of one year from the
18 date of issuance and shall be renewed for a like
19 period upon application to the director of revenue
20 unless otherwise revoked for cause. Each application
21 shall be accompanied by a fee of two hundred dollars
22 payable to the department of revenue. The application
23 for a license shall be submitted on such forms and
24 shall contain such information as the director of
25 revenue may by rule require.

26 2. The director of revenue shall issue a class
27 "A" beverage license to any person who:

28 a. Submits a written application as required in
29 subsection one (1) of this section which shall state
30 under oath the name and place of residence of the
31 applicant and the location of the premises where the
32 applicant intends to operate the place of business.

33 b. Establishes that the premises where the
34 applicant intends to operate the place of business
35 conform to all applicable laws and health and fire
36 regulations.

37 c. Furnishes a bond in the amount of twenty-five
38 thousand dollars payable to the state in such form
39 as shall be prescribed and furnished by the department
40 of revenue with good and sufficient sureties approved
41 by the director of revenue conditioned on the faithful
42 observance of the provisions of sections thirteen
43 (13) through seventeen (17) of this Act.

44 3. A person required to hold a class "A" beverage
45 license under this section shall obtain a separate
46 license for each place of business maintained by the
47 person where beverages are manufactured, warehoused
48 or sold.

49 4. Revenues derived from the license fee collected
50 pursuant to this section shall be deposited in the

1 general fund of the state.

2 Sec. 14. NEW SECTION. TAX IMPOSED. In addition
3 the annual license fee to be paid by a class "A"
4 beverage licensee there shall be levied and collected
5 from the licensee on all beverages manufactured for
6 sale or sold in this state at wholesale and on all
7 beverages imported into this state at wholesale and
8 sold in this state at wholesale, a tax of five cents
9 per gallon or an equivalent rate for fractional parts
10 of a gallon. A tax shall not be levied or collected
11 on any beverage shipped outside this state by a class
12 "A" licensee or sold by one class "A" licensee to
13 another class "A" licensee. Revenue derived from
14 the tax imposed and collected pursuant to this section
15 shall be remitted by the director of revenue to the
16 treasurer of state who shall deposit the funds in
17 the litter control, recycling and resource recovery
18 fund.

19 Sec. 15. NEW SECTION. TAX REMITTED. Every person
20 holding a class "A" beverage license shall on or
21 before the tenth day of each calendar month commencing
22 on the tenth day of the calendar month following the
23 month in which the person was issued a license make
24 a report under oath to the department of revenue on
25 forms furnished by the department of revenue showing
26 the exact number of gallons of beverages or fractional
27 parts of gallons sold by the licensee during the
28 preceding calendar month. The report shall contain
29 such information as the director of revenue may require
30 and the licensee shall at the time of filing the
31 report remit to the department of revenue the amount
32 of tax due pursuant to the rate prescribed in section
33 fourteen (14) of this Act. A penalty of ten percent
34 of the amount of the tax due shall be added to the
35 tax if the report is not filed and the tax paid within
36 the time limitations prescribed by this section.

37 Sec. 16. NEW SECTION. RECORD REQUIRED. Each
38 class "A" beverage licensee shall keep proper books
39 of account and records showing the amount of beverages
40 sold by the licensee. The books of account shall
41 be open at all times to inspection by the director
42 of revenue or an agent or inspector of the department
43 of revenue.

44 Sec. 17. NEW SECTION. PENALTIES.

45 1. It shall be unlawful for any person holding
46 a retail sales tax permit to sell a beverage at retail
47 except a beverage purchased from a person holding
48 a class "A" beverage license issued in accordance
49 with the provisions of section thirteen (13) of this
50 Act and for which the tax imposed under section

1 fourteen (14) of this Act has been paid. The
2 provisions of this subsection shall not apply to sales
3 of beverages in railroad cars or aircraft engaged
4 in interstate commerce.

5 2. It shall be unlawful for any person not holding
6 a class "A" beverage license to import a beverage
7 into this state for sale or resale.

8 3. Any persons violating the provisions of sections
9 thirteen (13) through seventeen (17) of this Act shall
10 upon conviction be guilty of a simple misdemeanor.

11 A class "A" beverage licensee shall have the license
12 revoked by the department of revenue upon conviction
13 of two violations of sections thirteen (13) through
14 seventeen (17) of this Act within a continuous period
15 of five years. A new license shall not be issued
16 to the person whose license was revoked for one year
17 following the revocation.

18 Sec. 18. NEW SECTION. STUDY BY DEPARTMENT.

19 1. Commencing on the effective date of this Act
20 the department shall survey and analyze the current
21 volume of roadside litter in this state. The
22 department shall continuously study the effectiveness
23 of this Act, including but not limited to:

24 a. The effectiveness of the provisions of this
25 Act in reducing litter throughout the state.

26 b. The increase in volume of the materials recycled
27 as a result of this Act.

28 c. The reduction in energy use as a result of
29 this Act.

30 d. The reduction in the disposal of solid waste
31 onto the land, into the atmosphere, or into the waters
32 of the state as a result of this Act.

33 A report of the department's findings shall be
34 submitted to the governor and the general assembly
35 not later than January 15, 1979 and annually
36 thereafter.

37 2. If by January 15, 1983 the department finds
38 in its report submitted to the governor and the general
39 assembly that the provisions of this Act have had
40 no appreciable effect on the reduction of roadside
41 litter, energy savings and the collection of recyclable
42 materials, the department may promulgate rules
43 requiring a mandatory deposit on containers which
44 contain beer as defined in section one hundred twenty-
45 three point three (123.3), subsection nine (9) of
46 the Code, alcoholic liquors as defined in section
47 one hundred twenty-three point three (123.3),
48 subsection eight (8) of the Code and beverages as
49 defined in section three (3), subsection seven (7)
50 of this Act. The rules shall:

S-5116
Page 8

519- 1 a. Provide for the orderly redemption of containers
2 and payment of the redemption value by suppliers,
3 manufacturers, distributors and retailers selling
4 products in containers on which the mandatory deposit
5 is imposed.

6 b. Not exceed five cents for containers holding
7 alcoholic liquors and shall not exceed ten cents for
8 containers holding beer and beverages.

9 c. Be submitted to the general assembly with the
10 annual report required to be submitted to the general
11 assembly not later than January 15, 1983. The rules
12 shall be effective July 1, 1983 unless the general
13 assembly not later than sixty calendar days from the
14 date the rules are submitted adopts a concurrent
15 resolution disapproving of the rules.

16 3. Any person violating the provisions of a rule
17 effected pursuant to subsection two (2) of this section
18 shall upon conviction be guilty of a simple
19 misdemeanor.

20 Sec. 19. NEW SECTION. PREEMPTION. The provisions
21 of this Act shall supercede any other state law or
22 local ordinance or regulation which imposes a ban
23 or a mandatory deposit or refund value or similar
24 regulation on packages or containers covered by this
25 Act.

26 Sec. 20. Sections four hundred fifty-five B point
27 ninety-five (455B.95), four hundred fifty-five B point
28 ninety-six (455B.96), four hundred fifty-five B point
29 ninety-seven (455B.97) and four hundred fifty-five
30 B point ninety-nine (455B.99), Code 1977 and section
31 four hundred fifty-five B point ninety-eight (455B.98),
32 Code 1977 Supplement, are repealed.

33 Sec. 21. This Act is effective September 1, 1978.

34 Sec. 22. This Act is repealed July 1, 1983."

S-5116 FILED - *Lost 2/3 (p. 222)* BY
JANUARY 31, 1978

RICHARD F. DRAKE
WILLIAM D. PALMER
FORREST V. SCHWENGELS
CLIFF BURROUGHS
FRED W. NOLTING
ALVIN V. MILLER
C. JOSEPH COLEMAN
CHARLES P. MILLER
C. W. HUTCHINS
EDGAR H. HOLDEN

FEBRUARY 1, 1978
HOUSE FILE 187

S-5114

- 1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed, and reprinted by the
3 House, as follows:
4 1. Page 3, by inserting after line 19 the following
5 subsection:
6 "_____. A dealer, a person operating a redemption
7 center, a distributor, or a manufacturer may refuse to
8 redeem an empty beverage container which is not reason-
9 ably clean."
10 2. By numbering the subsection.

S-5114 FILED *W/O 2/7 (p. 243)* BY JOAN ORR
JANUARY 31, 1978

HOUSE FILE 187

S-5117

- 1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed, and reprinted by the
3 House, as follows:
4 1. Page 1, line 7, by inserting after the word
5 "means" the following: "alcoholic liquor as defined
6 in section one hundred twenty-three point three
7 (123.3), subsection eight (8), of the Code,".
8 2. Page 1, lines 9 and 10, by striking the words
9 "other alcoholic malt beverages and".
10 3. Page 3, by inserting after line 19 the following
11 subsection:
12 "_____. A beverage container purchased from a state
13 liquor store shall be redeemable only at a state
14 liquor store."
15 4. By numbering the subsection.

S-5117 FILED *W/O 2/8 (p. 258)* BY EDGAR H. HOLDEN
JANUARY 31, 1978 CALVIN O. HULTMAN

JANUARY 31, 1978

HOUSE FILE 187

S-5100

1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed and reprinted by the
3 House, as follows:
4 1. Page 4, by striking lines 24 through 28 and
5 inserting in lieu thereof the following: "Effective
6 January 1, 1980, a person shall not sell or offer
7 for sale at retail in this state any metal beverage
8 container which is so constructed that the metal
9 opener is designed to be completely detachable from
10 the container."

S-5100 FILED *1/29 2/9 (p. 268)* BY FRED W. NOLTING
JANUARY 30, 1978

HOUSE FILE 187

S-5101

1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed and reprinted by the
3 House, as follows:
4 1. Page 3, by inserting after line 19 the following
5 subsection:
6 "_____. A person operating a redemption center,
7 a dealer, a distributor, or a manufacturer may refuse
8 to redeem an empty beverage container which is not
9 clean."
10 2. By numbering the subsection.

S-5101 FILED - *Lost 2/7 (p. 243)* BY FRED W. NOLTING
JANUARY 30, 1978

S-5097

- 1 Amend the Committee amendment, S-5003, to House
 2 File 187, as amended, passed and reprinted by the
 3 House, as follows:
- 4 1. Page 3, by striking line 29 and inserting in
 5 lieu thereof the following:
 - 6 "2. No person shall import into this state or
 7 have in his or her possession any beverage container
 8 which does not have securely affixed to the container
 9 the refund value indication. This subsection shall
 10 only apply if the total capacity of the containers
 11 exceeds two hundred eighty-eight fluid ounces.
 - 12 3. The provisions of subsections one (1) and two
 13 (2) of this".
 - 14 2. Page 3, by inserting after line 33 the
 15 following:
 - 16 "4. Nothing in this section shall be interpreted
 17 to allow violation of chapter one hundred twenty-three
 18 point forty-seven (123.47) of the Code."

S-5097 FILED *H/O 2/8 (p. 252)*
 JANUARY 27, 1978

BY EDGAR H. HOLDEN

S-5128

- 1 Amend the Committee on Energy amendment, S-5003,
 2 to House File 187, as amended, passed and reprinted by
 3 the House, as follows:
- 4 1. Page 1, line 13, by inserting after the word
 5 "any" the word "sealed".
 - 6 2. Page 1, line 42, by inserting before the word
 7 "beverage" the word "empty".
 - 8 3. Page 1, line 44, by inserting before the word
 9 "beverage" the word "empty".
 - 10 4. Page 1, line 50, by inserting before the word
 11 "beverage" the word "empty".
 - 12 5. Page 2, line 1, by inserting before the word
 13 "beverage" the word "empty".

S-5128 FILED - *Adopted 2/3 (223)*
 FEBRUARY 2, 1978 *Rescind 2/15 (318)* BY RICHARD R. RAMSEY
 JOHN SCOTT

S-5003

1 Amend House File 187, as amended, passed and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 "Section 1. NEW SECTION. DEFINITIONS. As used
6 in this Act unless the context otherwise requires:

7 1. "Beverage" means beer as defined in section
8 one hundred twenty-three point three (123.3),
9 subsection nine (9) of the Code, other alcoholic malt
10 beverages and mineral water, soda water and similar
11 carbonated soft drinks in liquid form and intended
12 for human consumption.

13 2. "Beverage container" means any glass, plastic,
14 or metal bottle, can, jar or carton containing a
15 beverage.

16 3. "Consumer" means any person who purchases a
17 beverage in a beverage container for use or
18 consumption.

19 4. "Dealer" means any person who engages in the
20 sale of beverages in beverage containers to a consumer.

21 5. "Distributor" means any person who engages
22 in the sale of beverages in beverage containers to
23 a dealer, including any manufacturer who engages in
24 such sales.

25 6. "Manufacturer" means any person who bottles,
26 cans, or otherwise fills beverage containers for sale
27 to distributors or dealers.

28 7. "Director" means the executive director of
29 the department of environmental quality.

30 8. "Department" means the department of
31 environmental quality.

32 9. "Commission" means the solid waste disposal
33 commission of the department of environmental quality.

34 Sec. 2. NEW SECTION. REFUND VALUES.

35 1. A refund value of not less than five cents
36 shall be paid by the consumer on each beverage
37 container sold in this state by a dealer. However,
38 if a beverage container is certified by the department
39 as provided in section three (3) of this Act, a refund
40 value of not less than three cents shall be paid by
41 the consumer on each certified beverage container
42 sold in this state. Upon return of the beverage
43 container to the dealer or person operating a
44 redemption center and acceptance of the beverage
45 container by the dealer or person operating a
46 redemption center, the dealer or person operating
47 a redemption center shall return the amount of the
48 refund value to the consumer.

49 2. A dealer, or person operating a redemption
50 center, who redeems beverage containers shall upon } 5125

5117, 5032 -
5132

5132, 5117, 5032

5147, 5083 -

5186, 5128 -

5140

5132, 5123, 5030 -
5186

5030 -
5186, 5036 }
5128

5186, 5128 -

5120
5125, 5047 -
5143, 5131 }
5137, 5186

5143, 5128
5186 5047
5140
5125
5141
5164, 5166, 5144
1 return of the beverage containers to the manufacturer
2 or distributor be reimbursed by the manufacturer
3 or distributor in an amount which is at least twenty
4 percent more than the amount of the refund value
5 returned by the dealer or the person operating a
6 redemption center to the consumer.

7 Sec. 3. NEW SECTION. REQUIREMENTS FOR CERTIFICA-
8 TION.

9 1. The department shall certify a beverage
10 container if it is reusable as a beverage container
11 by more than one manufacturer in the ordinary course
12 of business and if more than one manufacturer will
13 accept in the ordinary course of business the beverage
14 container for reuse as a beverage container and pay
15 the refund value of the container.

16 2. A beverage container shall not be certified
17 by the department under this section if by reason
18 of its shape or design or by reason of words or symbols
19 permanently inscribed on the container, whether by
20 engraving, embossing, painting or other permanent
21 method, it is reusable as a beverage container in
22 the ordinary course of business only by a manufacturer
23 of a beverage sold under a specific brand name.

24 Sec. 4. NEW SECTION. ISSUANCE, REVIEW, AND
25 WITHDRAWAL OF CERTIFICATION.

26 1. If an application for certification under
27 section three (3) of this Act has not been denied
28 by the department within sixty days after the date
29 of application, the beverage container shall be deemed
30 certified.

31 2. The department may review the certification
32 of a beverage container at any time. If after such
33 review, with written notice and a hearing before the
34 commission afforded to the person who filed the
35 application for certification under section three
36 (3) of this Act, the commission determines the con-
37 tainer is no longer qualified for certification, the
38 certification shall be withdrawn.

39 3. The withdrawal of certification shall be
40 effective no earlier than thirty days after written
41 notice to the person who filed the application for
42 certification and to the manufacturers referred to
43 in section three (3) of this Act.

44 Sec. 5. NEW SECTION. PAYMENT OF REFUND VALUE.
45 Except as provided in section six (6) of this Act:

46 1. A dealer shall not refuse to accept from a
47 consumer any empty beverage container of the kind,
48 size and brand sold by the dealer, or refuse to pay
49 to the consumer the refund value of a beverage
50 container as determined under section two (2) of this

5186 5036

5074

5074 {
 5158 {
 1 Act.
 2 2. A distributor shall not refuse to accept from
 3 a dealer any empty beverage container of the kind,
 4 size and brand sold by the distributor, or refuse
 5 to pay the dealer the refund value of a beverage
 6 container as determined under section two (2) of this
 7 Act.

5135 {
 8 Sec. 6. NEW SECTION. REFUSAL TO ACCEPT CONTAINERS.
 9 1. A dealer may refuse to accept from a consumer
 10 and a distributor may refuse to accept from a dealer,
 11 any empty beverage container which does not have
 12 stated on it a refund value as determined under section
 13 two (2) of this Act.

14 2. A dealer may refuse to accept and to pay the
 15 refund value of any empty beverage container if the
 16 place of business of the dealer and the kind and brand
 17 of empty beverage containers are included in an order
 18 of the department approving a redemption center under
 19 section eight (8) of this Act.

5114, 5101
 5117, 5134,
 5146
 20 Sec. 7. NEW SECTION. REFUND VALUE STATED ON CON-
 21 TAINER.

5163-
 22 1. Each beverage container sold or offered for
 23 sale in this state by a dealer shall clearly indicate
 24 by embossing or by a stamp, label or other method
 25 securely affixed to the container, the refund value
 26 of the container. The department shall specify, by
 27 rule, the minimum size of the refund value indication
 28 on the beverage containers.

5097, 5095-
 29 2. The provisions of subsection one (1) of this
 30 section shall not apply to glass beverage containers
 31 having a brand name permanently marked on it which,
 32 on the effective date of this Act, has a refund value
 33 of not less than five cents.

5159, 5097, 5095-
 34 Sec. 8. NEW SECTION. REDEMPTION CENTERS.

5184
 5142 {
 35 1. To facilitate the return of empty beverage
 36 containers and to serve dealers of beverages, any
 37 person may establish a redemption center, subject
 38 to the approval of the department, at which consumers
 39 may return empty beverage containers and receive
 40 payment of the refund value of such beverage con-
 41 tainers.

5147, 5121
 5138 {
 42 2. An application for approval of a redemption
 43 center shall be filed with the department. The
 44 application shall state the name and address of the
 45 person responsible for the establishment and operation
 46 of the redemption center, the kind and brand names
 47 of the beverage containers which will be accepted
 48 at the redemption center, and the names and addresses
 49 of the dealers to be served by the redemption center.
 50 The application shall contain such other information

1 as the director may reasonably require.
 2 3. The department shall approve a redemption
 3 center if it finds that the redemption center will
 4 provide a convenient service to consumers for the
 5 return of empty beverage containers. The order of
 6 the department approving a redemption center shall
 7 state the dealers to be served by the redemption
 8 center and the kind and brand names of empty beverage
 9 containers which the redemption center must accept.
 10 The order may contain such other provisions to insure
 11 that the redemption center will provide a convenient
 12 service to the public as the director may determine.

5138a

13 4. The department may review the approval of any
 14 redemption center at any time. After written notice
 15 to the person responsible for the establishment and
 16 operation of the redemption center, and to the dealers
 17 served by the redemption center, the commission may,
 18 after hearing, withdraw approval of a redemption
 19 center if the commission finds there has not been
 20 compliance with the department's order approving the
 21 redemption center, or if the redemption center no
 22 longer provides a convenient service to the public.

5152

23 Sec. 9. NEW SECTION. SNAP-TOP CANS PROHIBITED.
 24 A person shall not sell or offer for sale at retail
 25 in this state any metal beverage container so designed
 26 and constructed that a part of the container is
 27 detachable in opening the container without the aid
 28 of a can opener.

5100

5150

5151, 5152, 5126, 5159

29 Sec. 10. NEW SECTION. RULES ADOPTED. The
 30 commission shall adopt, upon recommendation of the
 31 director, the rules necessary to carry out the
 32 provisions of this Act, subject to the provisions
 33 of chapter seventeen A (17A) of the Code.

5143, 5153, 5145, 5162

34 Sec. 11. NEW SECTION. APPEAL. Any person
 35 aggrieved by an order of the department relating to
 36 certification or withdrawal of certification of a
 37 beverage container, or to the approval or withdrawal
 38 of approval for a redemption center may seek judicial
 39 review of such order as provided in chapter seventeen
 40 A (17A) of the Code.

5036

41 Sec. 12. NEW SECTION. PENALTY. Any person
 42 violating the provisions of sections two (2), five
 43 (5), seven (7), and nine (9) of this Act shall be
 44 guilty of a simple misdemeanor.

5133

5161, 5160, 5150, 5151

45 Sec. 13. This Act is effective January 1, 1979."

46 2. Amend the title by striking lines 2 through
 47 5 and inserting in lieu thereof the partial word
 48 "tainers".

5142

S-5003 FILED - *Adopted 2/9 (p. 273)* BY JAMES V. GALLAGHER, CHAIRPERSON
 JANUARY 9, 1978 *as amended by* COMMITTEE ON ENERGY
5036, 5047, 5119, 5128, 5130, 5132
5133, 5141, 5135, 5144, 5154, 5161, 5164 *Reconsidered, 5036, 5047, 5128, 5141*
withdrawn. Further amended by
5186 and Adopted 3/15 (p. 318)

S-5095

1 Amend the Committee amendment, S-5003, to House
2 File 187, as amended, passed and reprinted by the
3 House, as follows:

4 1. Page 3, by striking line 29 and inserting in
5 lieu thereof the following:

6 "2. No person shall import into this state or
7 have in his or her possession any beverage container
8 which does not have securely affixed to the container
9 the refund value indication.

10 3. The provisions of subsections one (1) and two
11 (2) of this".

12 2. Page 3, by inserting after line 33 the
13 following:

14 "4. The provisions of subsection two (2) of this
15 section shall not apply if:

16 a. For beverage containers containing alcoholic
17 liquor as defined in section one hundred twenty-three
18 point three (123.3), subsection eight (8) of the Code,
19 the total capacity of the containers is not exceeding
20 one quart or, in the case of alcoholic liquor
21 personally obtained outside the United States, one
22 gallon.

23 b. For all other beverage containers, the total
24 capacity of the containers is not exceeding two hundred
25 eighty-eight fluid ounces.

26 5. Nothing in this section shall be interpreted
27 to allow violation of chapter one hundred twenty-three
28 point forty-seven (123.47) of the Code."

S-5095 FILED - *Let 2/9 (267)*
JANUARY 27, 1978

BY EDGAR H. HOLDEN

HOUSE FILE 187
AMENDMENT S-5003
FISCAL NOTE

Date: January 27, 1978
Requested by: Senator James Gallagher

In compliance with a written request received January 9, 1978, there is hereby submitted a Fiscal Note for House File 187, amendment S-5003, pursuant to Joint Rule 16. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

Amendment S-5003 establishes definitions, refund values, certification of beverage containers and redemption centers.

The following cost would be applicable for the first two years of operation:

1 staff year of effort, including salary, travel and related expenses	\$ 21,800
--	-----------

After the first two years the cost could decrease to zero.

The Department of Environmental Quality will not require any additional appropriation for enforcement of this proposal, but will program the implementation as a high priority and use present staff.

Source: Department of Environmental Quality
Gerry Rankin
Fiscal Director
Legislative Fiscal Bureau

HOUSE FILE 187
AMENDMENT S-5116
FISCAL NOTE

Date: January 30, 1978
Requested By: Senator Richard Drake

In compliance with a written request received January 27, 1978, there is hereby submitted a Fiscal Note for House File 187, Amendment S-5116 pursuant to Joint Rule 16. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

Section 11. Tax on Alcoholic Beverages

During Fiscal Year 1977, 24,500,000 bottles of liquor were sold by state liquor stores. Applying the \$.03 tax per bottle would generate revenue of.....\$ 735,000

Section 12. Tax on Beer

During Fiscal Year 1977, 2,157,000 barrels of beer were sold in Iowa. At a rate of 31.5 gallons per barrel and applying \$.03 tax per gallon, revenue generated would be.....\$2,038,365

Section 14. Soft Drink Tax

Assuming 112 million gallon (which is not possible to verify) and applying a \$.05 tax per gallon (11.5¢ per case of 12 oz. bottles), revenue generated would be\$5,600,000

TOTAL REVENUE GENERATED IN RECYCLING
AND RESOURCE RECOVERY FUND \$8,373,365

Section 13. Annual Permit Fee

Assuming 40 applications were received at \$200 per permit, the amount of revenue generated in the general fund would be\$ 8,000

Section 5. Provides that 25% of the proceeds in the recycling and resource recovery fund shall be used for general administration, research and assistance for resource recovery systems, grants, and the development of a youth litter corps. 75% of the proceeds are to be used for litter control and recycling programs.

Source: Dept. of Environmental Quality
Department of Revenue
Beer & Liquor Control Dept.

Gerald Rankin, Director
Legislative Fiscal Bureau

FILED JANUARY 31, 1978

Energy 5/6 Do Pass as amended by 5003

Sen. Kay o. Means 1/31 Without recommendation 7/31

HOUSE FILE 187

By O'HALLORAN, HOWELL, VARLEY,
EVANS, MIDDLESWART,
BRANSTAD, GRIFFEE, LIPSKY,
CRAWFORD, GENTLEMAN,
SMALLEY, KRAUSE, SMALL,
PATCHETT, WALTER, TAUKE,
DYRLAND, HINES, KREWSON,
RINAS and ANDERSON

(As Amended and Passed by the House)

Passed House, Date 3-1-78 (p. 748) Passed Senate, Date 2-9-78 (p. 273)

Vote: Ayes 74 Nays 14 Vote: Ayes 39 Nays 11

Approved 5-12-78

Reconsidered and Repassed 2-15-78 (319)
35-10

A BILL FOR

1 An Act to regulate the sale and use of certain beverage con-
2 tainers and relating to the control of litter,
3 authorizing the department of environmental quality
4 to establish and maintain a comprehensive
5 antilitter program, imposing a tax levy on products,
6 and providing penalties.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA: 11

Conference Committee appointed

9 *Representatives O'Halloran, chair; Averson, Middleswort, Miller, Krewson 2/30*
10 *Senators Scott, chair; Gallagher, Linley, Hultman, Ramsey 4/3 (p. 1269)*
11 *(p. 713)*

House Amendments _____

13 *Passed House per Conference*
Committee Report

14 4-6-78 (p. 1403)
15 83-12

Passed Senate per C. C. Report

16 4-11-78 (p. 822)
17 36-11

1 Section 1. NEW SECTION. LEGISLATIVE FINDINGS. Recognizing
2 that the people of the state of Iowa have a fundamental right
3 and need for a healthful, clean and beautiful environment
4 which preserves our natural resources; and recognizing that
5 the proliferation and accumulation of litter discards
6 throughout this state and the nation subvert this right,
7 impair this need and constitute a public health hazard.
8 Further recognizing the need to reduce wasteful uses of energy
9 and natural resources by recovering and recycling of
10 containers, the general assembly finds that there is an
11 imperative need to anticipate, plan for, and accomplish
12 effective recycling and litter control.

13 Sec. 2. NEW SECTION. LEGISLATIVE PURPOSE. The purpose
14 of this Act is to accomplish conservation of natural resources
15 through the use of a deposit on beverage containers and litter
16 control. This state through the cooperation of the department
17 of revenue, the department of environmental quality and the
18 beer and liquor control department with all other departments
19 of this state and its political subdivisions will preserve
20 and enhance the natural resources of this state. The intent
21 of this Act is to provide a healthful and beautiful environment
22 for all citizens.

23 Sec. 3. NEW SECTION. DEFINITIONS.

24 1. "Beverage" means beer as defined in section one hundred
25 twenty-three point three (123.3), subsection nine (9) of the
26 Code, other alcoholic malt beverages and mineral water, soda
27 water and similar carbonated soft drinks in liquid form and
28 intended for human consumption.

29 2. "Beverage container" means any glass, plastic, or metal
30 bottle, can, jar or carton containing a beverage.

31 3. "Consumer" means any person who purchases a beverage
32 in a beverage container for use or consumption.

33 4. "Dealer" means any person who engages in the sale of
34 beverages in beverage containers to a consumer.

35 5. "Distributor" means any person who engages in the sale

1 of beverages in beverage containers to a dealer, including
2 any manufacturer who engages in such sales.

3 6. "Manufacturer" means any person who bottles, cans,
4 or otherwise fills beverage containers for sale to distributors
5 or dealers.

6 7. "Department" means the Iowa beer and liquor control
7 department.

8 8. "Director" means the director of the Iowa beer and
9 liquor control department.

10 9. "Council" means the Iowa beer and liquor control
11 council.

12 10. "Executive director" means the executive director
13 of the department of environmental quality or his or her
14 designee.

15 11. "Litter" means all waste material including but not
16 limited to disposable packages or containers thrown or
17 deposited as prohibited by law, but not including the wastes
18 of the primary processes of mining, logging, sawmilling,
19 farming, or manufacturing.

20 12. "Litter bag" means a bag, sack, or other container
21 made of any material which is large enough to serve as a
22 receptacle for litter inside a vehicle or watercraft.

23 13. "Litter receptacle" means those containers adopted
24 by the department for the deposit of litter and which may
25 be standardized as to size, shape, capacity, and color.

26 14. "Public place" means any area that is used or held
27 out for use by the public whether owned or operated by public
28 or private interests.

29 Sec. 4. NEW SECTION. Alcoholic beverages defined in
30 section one hundred twenty-three point three (123.3) subsection
31 eight (8) of the Code shall be subject to the provisions of
32 this Act. However, this Act shall not apply to bottles
33 containing alcoholic liquor which are purchased from a state
34 liquor store by a holder of a liquor control license who is
35 required by section one hundred twenty-three point thirty-

1 three (123.33) of the Code to destroy such bottles immediately
2 after they are emptied.

3 Sec. 5. NEW SECTION. EXCEPTION TO TAXES. The taxes
4 imposed under this Act to be collected from a person selling
5 at wholesale, paper products, wrappings, packaging materials
6 and related containers shall not apply to any such person
7 whose gross sales of such products in this state does not
8 exceed thirty-five thousand dollars in any tax year. The
9 director of revenue shall adopt rules to administer and enforce
10 this section.

11 Sec. 6. NEW SECTION. TAX ON NEWSPRINT.

12 1. There is imposed a tax at a rate of three hundredths
13 of one percent of the sale price of all newsprint and other
14 paper products sold for the purpose of printing or reproducing
15 material for general public distribution.

16 2. The tax imposed under subsection one (1) of this section
17 shall be collected by the department of revenue from each
18 person engaged in the business of selling any of the tangible
19 personal property items specified in subsection one (1) of
20 this section to a person doing business in this state. The
21 amount of the tax shall be based on the value of such products
22 or the gross receipts of the sales of such tangible personal
23 property to the person. The tax collections shall be credited
24 to the litter control and resource recovery account.

25 3. The director of revenue shall provide, by rule, for
26 the administration of the tax imposed by this section. The
27 rules shall provide for the issuance of permits, the payment
28 of taxes, penalties for late payments, records, the filing
29 of tax returns, and such other procedures as deemed appropriate
30 by the director of revenue for the effective administration
31 of this section. The administration of this section shall
32 be based on the same procedures and requirements as provided
33 for the administration of the retail sales tax, as applicable.

34 4. The director of revenue may define, by rule, the
35 categories of property or products subject to the tax imposed

1 under subsection one (1) of this section. In making such
2 definitions, the director shall be guided by the following
3 standards:

4 a. It is the purpose of this Act to promote resource
5 recovery, recycling, and accomplish effective control of
6 litter within this state.

7 b. It is the purpose of this Act to impose a tax on
8 industries manufacturing or distributing at wholesale,
9 newsprint and paper products, which are reasonably related
10 to the litter problem in this state.

11 Sec. 7. NEW SECTION. PRIORITY USE OF TAX RECEIPTS. When
12 allocating the proceeds of the litter control and resource
13 recovery account, the department of environmental quality
14 shall first allocate sufficient funds from the account to
15 support the county in the establishment and operation of
16 litter control programs and redemption centers required under
17 this Act.

18 Sec. 8. NEW SECTION. REQUIREMENTS FOR CERTIFICATION.

19 1. The department shall certify a beverage container if
20 it is reusable as a beverage container by more than one
21 manufacturer in the ordinary course of business and if more
22 than one manufacturer will accept in the ordinary course of
23 business the beverage container for reuse as a beverage con-
24 tainer and pay the refund value of the container.

25 2. A beverage container shall not be certified by the
26 department under this section if by reason of its shape or
27 design or by reason of words or symbols permanently inscribed
28 on the container, whether by engraving, embossing, painting
29 or other permanent method, it is reusable as a beverage con-
30 tainer in the ordinary course of business only by a manufac-
31 turer of a beverage sold under a specific brand name.

32 Sec. 9. NEW SECTION. ISSUANCE, REVIEW, AND WITHDRAWAL
33 OF CERTIFICATION.

34 1. If an application for certification under section eight
35 (8) of this Act has not been denied by the department within

1 sixty days after the date of application, the beverage con-
2 tainer shall be deemed certified.

3 2. The department may review the certification of a bever-
4 age container at any time. If after such review, with writ-
5 ten notice and a hearing before the council afforded to the
6 person who filed the application for certification under sec-
7 tion eight (8) of this Act, the council determines the con-
8 tainer is no longer qualified for certification, the certifi-
9 cation shall be withdrawn.

10 3. The withdrawal of certification shall be effective
11 no earlier than thirty days after written notice to the per-
12 son who filed the application for certification and to the
13 manufacturers referred to in section eight (8) of this Act.

14 Sec. 10. NEW SECTION. REFUND VALUES.

15 1. A refund value of not less than ten cents shall be
16 paid by the consumer on each beverage container sold in this
17 state by a dealer including beverage containers which are
18 certified by the department as reusable pursuant to section
19 eight (8) of this Act. Upon return of the beverage container
20 to the dealer or person operating a redemption center and
21 acceptance of the beverage container by the dealer or person
22 operating a redemption center, the dealer or person operating
23 a redemption center shall return the amount of the refund
24 value to the consumer.

25 2. A dealer, or person operating a redemption center,
26 who redeems beverage containers shall upon return of the
27 beverage containers to the manufacturer or distributor be
28 reimbursed by the manufacturer or distributor in an amount
29 which is at least twenty percent more than the amount of the
30 refund value returned by the dealer or the person operating
31 a redemption center to the consumer.

32 Sec. 11. NEW SECTION. PAYMENT OF REFUND. Except as
33 provided in section twelve (12) of this Act;

34 1. A person operating a redemption center shall not
35 refuse to accept from a consumer any empty beverage container

1 having a refund value as provided in this Act, or refuse to
2 pay to the consumer for each beverage container accepted the
3 refund value of the beverage container as determined under
4 section ten (10) of this Act.

5 2. A distributor shall not refuse to accept from a person
6 operating a redemption center or a dealer any empty beverage
7 container of the kind, size and brand sold by the distributor,
8 or refuse to pay the redemption center or dealer the refund
9 value of the beverage container as determined under section
10 ten (10) of this Act.

11 Sec. 12. NEW SECTION. REFUSAL TO ACCEPT CONTAINERS.

12 1. A person operating a redemptpion center or a dealer
13 accepting empty beverage containers may refuse to accept from
14 a consumer and a distributor may refuse to accept from a
15 person operating a redemption center or a dealer, any empty
16 beverage container which does not have stated on it it the
17 word "Iowa" as required under section thirteen (13) of this
18 Act.

19 2. A person operating a redemption center, a distributor,
20 or a dealer may refuse to redeem an empty beverage container
21 which is not clean.

22 Sec. 13. NEW SECTION. PERMANENT LABELLING OF CONTAINER-
23 EXCEPTION.

24 1. Each beverage container sold or offered for sale in
25 this state by a dealer shall clearly indicate by embossing
26 or by a stamp, label or other method securely affixed to the
27 container, the word "Iowa". The department shall, by rule,
28 specify the minimum size, style or positioning of the word
29 "Iowa" on the beverage container.

30 2. The provisions of subsection one (1) of this section
31 shall not apply to a reusable container glass beverage having
32 a brand name permanently marked on it which has a refund value
33 of not less than ten cents.

34 Sec. 14. NEW SECTION. REDEMPTION CENTERS.

35 1. To facilitate the return of empty beverage containers

1 and to serve dealers of beverage, at least one redemption
2 center shall be established in each county at which consumers
3 may return empty beverage containers and receive payment of
4 the refund value of such beverage containers. If there are
5 no applicants approved to establish and operate a redemption
6 center in a county, the department of environmental quality
7 shall notify the board of supervisors of the county which
8 shall be responsible for the establishment and operation of
9 a redemption center. Each redemption center shall be
10 established and operated subject to the approval of the
11 department of environmental quality. A dealer may accept
12 and pay the refund value of any beverage container to a
13 consumer without approval of the department of environmental
14 quality.

15 2. An application for approval of a redemption center
16 shall be filed with the department of environmental quality.
17 The application shall state the name and address of the person
18 responsible for the establishment and operation of the
19 redemption center. The application shall contain such other
20 information as the executive director may reasonably require.

21 3. The department of environmental quality shall approve
22 a redemption center if it finds that the redemption center
23 will provide a convenient service to consumers for the return
24 of empty beverage containers. The department of environmental
25 quality may review the approval of any redemption center at
26 any time. After written notice to the person responsible
27 for the establishment and operation of the redemption center,
28 the department may, after hearing, withdraw approval of a
29 redemption center if the department finds there has not been
30 compliance with the department's order approving the redemption
31 center.

32 4. Each redemption center shall also meet the minimum
33 sanitary requirements for its operation as determined by the
34 local board of health.

35 5. The executive director shall adopt, with the approval

1 of the executive committee of the department of environmental
2 quality, the rules necessary to carry out the provisions of
3 this section.

4 6. Redemption center means any facility, approved by the
5 department of environmental quality, operated for the purpose
6 of redeeming reusable and nonreusable beverage containers
7 from consumers.

8 Sec. 15. NEW SECTION. DETACHABLE TOPS PROHIBITED.
9 Effective January 1, 1979, no person shall sell or offer for
10 sale at retail in this state any metal beverage container
11 which is so constructed that the metal opener is designed
12 to be completely detachable from the container.

13 Sec. 16. NEW SECTION. RULES ADOPTED. The director shall
14 adopt, with the approval of the council, the rules necessary
15 to carry out the provisions of this Act, subject to the
16 provisions of chapter seventeen A (17A) of the Code.

17 Sec. 17. NEW SECTION. APPEAL. Any person aggrieved by
18 an order of the department relating to certification or
19 withdrawal of certification of a beverage container, or to
20 the approval or withdrawal of approval for a redemption center
21 may seek judicial review of such order as provided in chapter
22 seventeen A (17A) of the Code.

23 Sec. 18. NEW SECTION. PENALTY. Any person violating
24 the provisions of sections ten (10), eleven (11), thirteen
25 (13) and fifteen (15) of this Act shall be guilty of a serious
26 misdemeanor.

27 Sec. 19. NEW SECTION. SURVEY.

28 1. Commencing July 1, 1978 the director shall cause a
29 study to be conducted of the effects of this Act. The study
30 shall include, but need not be limited to, an analysis of
31 the following:

32 a. The economic impact of this Act on persons engaged
33 in the business of manufacturing nonalcoholic beverages, on
34 persons engaged in the business of manufacturing beer and
35 other malt beverages, and on persons engaged in the business

1 of manufacturing beverage containers in compliance with the
2 provisions of this Act;

3 b. The problems, if any, incurred in the distribution,
4 sale, and return of beverage containers subject to the
5 provisions of this Act;

6 c. The effectiveness of the provisions of this Act in
7 reducing the incidence of littering of beverage containers
8 in this state;

9 d. The costs incurred in the enforcement of this Act;

10 e. The volume and importance of the recycled material
11 and an approximation of the energy saved as a result of this
12 Act;

13 f. The effect on consumer prices of beverages;

14 g. The degree of consumer acceptance of the program
15 established pursuant to this Act; and

16 h. The reduction in solid waste disposal cost.

17 2. On or before January 1, 1980, the director shall prepare
18 and submit to the general assembly a report of findings made
19 pursuant to subsection one (1) of this section and
20 recommendations with respect to any legislative proposals
21 considered by the director to be necessary as a result of
22 the study conducted pursuant to subsection one (1) of this
23 section.

24 Sec. 20. NEW SECTION. POWERS AND DUTIES OF THE EXECUTIVE
25 DIRECTOR.

26 1. In addition to his or her other powers and duties,
27 the executive director may propose and adopt pursuant to
28 chapter seventeen A (17A) of the Code, rules necessary to
29 carry out the provisions, purposes and intent of sections
30 twenty (20) through twenty-seven (27) of this Act.

31 2. The executive director may designate trained employees
32 of the department of environmental quality to be vested with
33 police powers to enforce and administer the provisions of
34 sections twenty (20) through twenty-seven (27) of this Act
35 and all rules adopted under sections twenty (20) through

1 twenty-seven (27) of this Act. The executive director may
2 contract with other state and local governmental agencies
3 having law enforcement capabilities for services and personnel
4 reasonably necessary to carry out the enforcement provisions
5 of sections twenty (20) through twenty-seven (27) of this
6 Act. In addition, Iowa highway safety patrol officers,
7 officers of the state conservation commission, sheriffs and
8 marshals and their deputies, police officers, and those
9 employees of the department of environmental quality vested
10 with police powers shall enforce the provisions of sections
11 twenty (20) through twenty-seven (27) of this Act and any
12 rules adopted under sections twenty (20) through twenty-seven
13 (27) of this Act and are empowered to issue citations to or
14 arrest without warrant persons violating any provisions of
15 sections twenty (20) through twenty-seven (27) of this Act
16 or any of the rules adopted under sections twenty (20) through
17 twenty-seven (27) of this Act. All of these enforcement
18 officers may serve and execute all warrants, citations and
19 other process issued by the courts in enforcing the provisions
20 of sections twenty (20) through twenty-seven (27) of this
21 Act and rules adopted under sections twenty (20) through
22 twenty-seven (27) of this Act. The mailing, by restricted
23 certified mail, of such warrant, citation or other process
24 to the last known place of residence of a person shall be
25 deemed personal service upon the person charged.

26 Sec. 21. NEW SECTION. LITTERING PROHIBITED--PENALTY.

27 1. A person shall not throw, drop, deposit, discard, or
28 otherwise dispose of litter upon any public property in the
29 state or upon private property in this state not owned by
30 him or her or in the waters of this state including, but not
31 limited to, any public highway, public park, beach, campground,
32 forest land, recreational area, trailer park, highway, road,
33 street or alley except:

34 a. When such property is designated by the state or by
35 any of its agencies or political subdivisions for the disposal

1 of garbage and refuse, and such person is authorized to use
2 such property for such purpose.

3 b. Into a litter receptacle in such a manner that the
4 litter will be prevented from being carried away or deposited
5 by the elements upon any private or public property or waters.

6 2. Any person violating the provisions of this section
7 shall be guilty of a misdemeanor and, upon conviction, shall
8 be subject to a fine of not less than ten dollars for each
9 offense and, in addition, in the discretion of any court in
10 which conviction is obtained, such person may be directed
11 by the court to pick up and remove from any public place or
12 any private property with prior permission of the legal owner
13 upon which it is established by competent evidence that such
14 person has deposited litter, any litter deposited by anyone
15 before the date of execution of sentence.

16 Sec. 22. NEW SECTION. POSTING OF ANTI-LITTERING
17 PROVISIONS. A summary of requirements of sections twenty
18 (20) through twenty-seven (27) of this Act shall be posted
19 along the public highways of this state and in all campgrounds
20 and trailer parks, at all entrances to state parks, forest
21 lands, and recreational areas, at all public beaches, and
22 at other public places in this state where persons are likely
23 to be informed of the existence and content of such provisions
24 and the penalties for violations.

25 Sec. 23. NEW SECTION. RESPONSIBILITY TO MAINTAIN LITTER
26 RECEPTACLES.

27 1. It shall be the responsibility of persons operating
28 any establishment or operating a public place to maintain
29 litter receptacles at their own expense on the premises in
30 accord with the rules adopted by the executive director.

31 2. Any person who fails to place litter receptacles on
32 the premises required by rule of the executive director in
33 violation of the provisions of this section or rules adopted
34 under this section shall be guilty of a misdemeanor and, upon
35 conviction, shall be subject to a fine of twenty-five dollars.

1 Each day of violation shall constitute a separate offense.

2 Sec. 24. NEW SECTION. LITTER TAX.

3 1. There is imposed a tax at a rate of three hundredths
4 of one percent of the sale price of any of the following
5 tangible personal properties, except for beverage containers
6 subject to the deposit requirements of this Act, sold to a
7 retailer within this state:

8 a. All products sold to a retailer in nonreusable packages
9 or containers for resale in the same nonreusable packages
10 or containers.

11 b. All products sold to a retailer for use in packaging
12 or containing other products sold by the retailer if the
13 packages or containers are nonreusable.

14 2. The tax imposed under subsection one (1) of this section
15 shall be collected by the department of revenue from each
16 person engaged in the business of selling any of the tangible
17 personal property items specified in subsection one (1) of
18 this section to a retailer doing business in this state.
19 The amount of the tax shall be based on the value of such
20 products or the gross receipts of the sales of such tangible
21 personal property to the retailer.

22 3. The director of revenue shall provide, by rule, for
23 the administration of the tax imposed by this section. The
24 rules shall provide for the issuance of permits, the payment
25 of taxes, penalties for late payments, records, the filing
26 of tax returns, and such other procedures as deemed appropriate
27 by the director of revenue for the effective administration
28 of this section. The administration of this section shall
29 be based on the same procedures and requirements as provided
30 for the administration of the retail sales tax, as applicable.

31 4. The director of revenue may define, by rule, the
32 categories of property or products subject to the tax imposed
33 under subsection one (1) of this section. In making such
34 definitions, the director shall be guided by the following
35 standards:

1 a. It is the purpose of sections twenty -20) through
2 twenty-seven (27) of this Act to promote resource recovery,
3 recycling, and accomplish effective control of litter within
4 this state.

5 b. It is the purpose of sections twenty (20) through
6 twenty-seven (27) of this Act to impose a tax on industries
7 manufacturing or distributing at wholesale, products and the
8 packages, wrapping or containers of such products which are
9 reasonably related to the litter problem in this state.

10 Sec. 25. NEW SECTION. PRODUCTS EXEMPT FROM TAXATION.

11 The tax imposed under section twenty-four (24) of this Act
12 shall not apply to the sales of beer made by the holder of
13 a class "A" beer permit as defined in section one hundred
14 twenty-three point one hundred twenty-four (123.124) of the
15 Code or to the value of products or the gross receipts from
16 the sale of any animal, bird, or insect or the milk, eggs,
17 wool, fur, meat, honey or other substance obtained from such
18 animal, bird, or insect if the seller is a person who performs
19 only the growing or raising function of such animal, bird,
20 or insect.

21 Sec. 26. NEW SECTION. ACCOUNT CREATED-DISPOSITION.

22 1. There is created in the general fund of the state a
23 litter control and resource recovery account, to which shall
24 be credited the receipts from the tax imposed under sections
25 twenty-four (24) and twenty-eight (28) of this Act. The
26 proceeds of the litter control and resource recovery account
27 are appropriated to the department of environmental quality
28 for the purpose of carrying out the provisions of subsections
29 two (2), three (3) and four (4) of this section.

30 2. The department of environmental quality shall expend
31 fifteen percent of the proceeds of the account to acquire,
32 prepare, and distribute such educational and informational
33 material through elementary and secondary schools, colleges,
34 universities and political subdivisions of this state, by
35 contract with corporations or associations, or by dissemination

1 through the public news media for the purpose of informing
2 the public of the purposes of sections twenty (20) through
3 twenty-seven (27) of this Act.

4 3. The department of environmental quality shall expend
5 thirty-five percent of the proceeds of the account for grants
6 to interested private or public agencies for research or
7 development of solid waste recovery or recycling programs,
8 including systems and facilities. A grant may be made only
9 if it is designed to provide regional or area-wide resource
10 recovery for cities and counties and provides an equitable
11 system for distributing the costs associated with the
12 construction, operation and maintenance of any resource
13 recovery system among the users of the system.

14 4. The department of environmental quality shall expend
15 fifty percent of the proceeds of the account to control and
16 remove litter. The executive director may enter into
17 agreements with public or private agencies, which agreements
18 shall contain such terms and conditions as deemed necessary
19 or desirable by the executive director to accomplish litter
20 control and removal. From the proceeds the executive director
21 shall provide the placement of litter receptacles along the
22 public highways of this state and at all parks, campgrounds,
23 trailer parks, drive-in restaurants, gasoline service stations,
24 tavern parking lots, shopping centers, grocery store parking
25 lots, parking lots of major industrial firms, marinas, boat
26 launching areas, boat moorage and fueling stations, public
27 and private piers, beaches and bathing areas, and such other
28 public places within this state as specified by rule of the
29 executive director. The number of such receptacles required
30 to be placed as specified in this section shall be determined
31 by a formula related to the need for such receptacles.
32 However, the executive director shall not provide payments
33 to private persons solely for the purpose of placing or
34 installing a litter receptacle on private property.

35 Sec. 27. NEW SECTION. ADDITIONAL DUTIES. In addition

1 to other powers and duties provided by law, the department
2 of environmental quality in carrying out litter control and
3 resource recovery responsibilities shall:

4 1. Serve as the coordinating agency between the various
5 industry organizations.

6 2. Recommend to the governing bodies of all local
7 governments that they adopt ordinances similar to the
8 provisions of this Act.

9 3. Cooperate with all state and local government agencies.

10 4. Encourage, organize, and coordinate all voluntary local
11 anti-litter campaigns seeking to focus the attention of the
12 public on the programs of this state to control and remove
13 litter.

14 Sec. 28. Section one hundred twenty-three point one hundred
15 thirty-six (123.136), unnumbered paragraph one (1), Code 1977,
16 is amended to read as follows:

17 In addition to the annual permit fee to be paid by all
18 class "A" permittees under the provisions of this chapter
19 there shall be levied and collected from such permittees on
20 all beer manufactured for sale or sold in this state at
21 wholesale and on all beer imported into this state for sale
22 at wholesale and sold in this state at wholesale, a tax of
23 four and thirty-four hundredths dollars for every barrel
24 containing thirty-one gallons, and at a like rate for any
25 other quantity or for the fractional part of a barrel. In
26 addition, a litter tax of one cent per gallon shall be added,
27 making the total tax to be collected four and sixty-five
28 hundreths dollars per barrel containing thirty-one gallons
29 or equivalent rate for fractional parts of a barrel. The
30 litter tax shall not be considered a part of the barrel tax
31 accruing to the state general fund, but it shall be separated
32 by the department of revenue and credited to the litter control
33 and resource recovery account in the state general fund.

34 However, no tax shall be levied or collected on beer shipped
35 outside this state by a class "A" permittee or sold by one

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class "A" permittee to another class "A" permittee.

Sec. 29. Sections four hundred fifty-five B point ninety-five (455B.95), four hundred fifty-five B point ninety-six (455B.96), four hundred fifty-five B point ninety-seven (455B.97), and four hundred fifty-five B point ninety-eight (455B.98), Code 1977, are repealed.

Sec. 30. Sections one (1), two (2), three (3), five through nine (9), sixteen (16), seventeen (17) and nineteen (19) through twenty-nine (29) of this Act shall be effective January 1, 1978. Sections four (4), ten (10) through fifteen (15), and eighteen (18) shall be effective on January 1, 1979.

H-3835

- 1 Amend the amendment, H-3526, to House File 187
 2 as follows:
 3 1. By striking page 1, line 2 through page 2,
 4 line 6 and inserting in lieu thereof the following:
 5 "_____. By striking page 1, line 1 through page
 6 5, line 12.
 7 _____ Amend the title, lines 1 and 2, by striking
 8 the words "to regulate the sale and use of certain
 9 beverage containers".
 10 2. By renumbering sections to conform to this
 11 amendment.

H-3835 FILED - *House* 4/28(1709) BY SCHNEKLOTH of Scott
 APRIL 28, 1977

HOUSE FILE 187

H-3855

- 1 Amend the amendment, H-3526, to House File 187
 2 as follows:
 3 1. Page 1, by inserting after line 1 the follow-
 4 ing:
 5 "_____. Page 1, by inserting after line 25 the
 6 following:
 7 "Sec. _____. NEW SECTION. EXCEPTION TO TAXES.
 8 The taxes imposed under this Act to be collected from
 9 a person selling at wholesale, paper products,
 10 wrappings, packaging materials and related containers
 11 shall not apply to any such person whose gross sales
 12 of such products in this state does not exceed thirty-
 13 five thousand dollars in any tax year. The director
 14 of revenue shall adopt rules to administer and enforce
 15 this section."
 16 2. By numbering sections to conform to this
 17 amendment.

H-3855 FILED - *Adopted* 4/28 BY LIPSKY of Linn
 APRIL 28, 1977 (*p. 1708*)

HOUSE FILE 187

H-3859

- 1 Amend amendment H-3526 to House File 187 as
 2 follows:
 3 1. Page 1, by inserting after line 3 the
 4 following:
 5 "Sec. _____. NEW SECTION. There shall be
 6 imposed a tax of three (3) cents for each copy
 7 of an amendment or amendment thereto to House
 8 File 187. This tax shall apply only to those
 9 copies which appear in the clip sheet or which
 10 are distributed on the floor of the House. The
 11 tax imposed shall be paid by the member or
 12 members proposing the amendment at the time of
 13 filing the amendment.
 14 Sec. _____. NEW SECTION. The receipts from
 15 the tax imposed under the above section shall be
 16 deposited in the Chief Clerk's coffee fund."
 17 Sec. _____. NEW SECTION. This amendment shall
 18 take effect immediately upon its passage and shall
 19 be retroactive to all amendments previously filed
 20 to House File 187."

H-3859 FILED - *Out of order* BY NEWHARD of Jones
 APRIL 28, 1977 4/28 (*p. 1711*) PELTON of Clinton
 GENTLEMAN of Polk

H-3860

- 1 Amend the amendment, H-3526, to House File 187
- 2 as follows:

Amendment not printed in Clip Sheet.
Copy in Numerical Index Notebook.

H-3860 FILED

& RULED NOT GERMANE p.1709 BY SCHROEDER of Pottawattamie
APRIL 28, 1977

HOUSE FILE 187

H-3875

- 1 Amend H-3788 to House File 187 as follows:
- 2 1. Page 1, line 10, by striking the word
- 3 "five" and inserting in lieu thereof the word
- 4 "ten".

H-3875 FILED ADOPTED BY PERKINS of Greene
APRIL 28, 1977 (1710)

1 Amend the amendment, H-3526, to House File 187
2 as follows:
3 1. Page 1, by inserting after line 1 the following:
4 "____. Page 1, by inserting after line 25 the
5 following:

6 "Sec. 23. NEW SECTION. TAX ON NEWSPRINT.

7 1. There is imposed a tax at a rate of three hun-
8 dredths of one percent of the sale price of all news-
9 print and other paper products sold for the purpose
10 of printing or reproducing material for general public
11 distribution.

12 2. The tax imposed under subsection one (1) of
13 this section shall be collected by the department
14 of revenue from each person engaged in the business
15 of selling any of the tangible personal property items
A 16 specified in subsection one (1) of this section to
17 a person doing business in this state. The amount
18 of the tax shall be based on the value of such products
19 or the gross receipts of the sales of such tangible
20 personal property to the person. The tax collections
21 shall be credited to the litter control and resource
22 recovery account.

23 3. The director of revenue shall provide, by rule,
24 for the administration of the tax imposed by this
25 section. The rules shall provide for the issuance
26 of permits, the payment of taxes, penalties for late
27 payments, records, the filing of tax returns, and
28 such other procedures as deemed appropriate by the
29 director of revenue for the effective administration
30 of this section. The administration of this section
31 shall be based on the same procedures and requirements
32 as provided for the administration of the retail sales
33 tax, as applicable.

34 4. The director of revenue may define, by rule,
35 the categories of property or products subject to
36 the tax imposed under subsection one (1) of this
37 section. In making such definitions, the director
38 shall be guided by the following standards:

39 a. It is the purpose of this Act to promote
40 resource recovery, recycling, and accomplish effective
41 control of litter within this state.

42 b. It is the purpose of this Act to impose a tax
43 on industries manufacturing or distributing at
44 wholesale, newsprint and paper products, which are
45 reasonably related to the litter problem in this
46 state.

47 Sec. 24. NEW SECTION. PRIORITY USE OF TAX

B 48 RECEIPTS. When allocating the proceeds of the litter
49 control and resource recovery account, the department
50 of environmental quality shall first allocate

1 sufficient funds from the account to support the
2 county in the establishment and operation of litter
3 control programs and redemption centers required
4 under this Act."

5 2. Page 1, line 11, by inserting after the word
6 "dealer" the words "or person operating a redemption
7 center".

8 3. Page 1, by striking line 12 and inserting in
9 lieu thereof the words "by the dealer or person
10 operating a redemption center, the dealer or person
11 operating a redemption center shall return the amount".

12 4. Page 1, line 20, by inserting after the word
13 "dealer" the words "or the person operating a
14 redemption center".

15 5. Page 1, by striking lines 21 through 40 and
16 inserting in lieu thereof the following:

17 "_____. By striking page 2, line 31 through page
18 3, line 18 and inserting in lieu thereof the following:

19 "Sec. 5. NEW SECTION. PAYMENT OF REFUND. Except
20 as provided in section six (6) of this Act:

21 1. A person operating a redemption center shall
22 not refuse to accept from a consumer any empty beverage
23 container having a refund value as provided in this
24 Act, or refuse to pay to the consumer for each beverage
25 container accepted the refund value of the beverage
26 container as determined under section two (2) of this
27 Act.

28 2. A distributor shall not refuse to accept from
29 a person operating a redemption center or a dealer
30 any empty beverage container of the kind, size and
31 brand sold by the distributor, or refuse to pay the
32 redemption center or dealer the refund value of the
33 beverage container as determined under section two
34 (2) of this Act.

35 Sec. 6. NEW SECTION. REFUSAL TO ACCEPT CON-
36 TAINERS.

37 1. A person operating a redemption center or a
38 dealer accepting empty beverage containers may refuse
39 to accept from a consumer and a distributor may refuse
40 to accept from a person operating a redemption center
41 or a dealer, any empty beverage container which does
42 not have stated on it the word "Iowa" as required
43 under section seven (7) of this Act.

44 2. A person operating a redemption center, a
45 distributor, or a dealer may refuse to redeem an empty
46 beverage container which is not clean."

47 6. Page 2, by inserting after line 6 the fol-
48 lowing:

49 "_____. By striking page 3, line 30 through page
50 4, line 29 and inserting in lieu thereof the follow-

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ing:

"Sec. 8. NEW SECTION. REDEMPTION CENTERS.

1. To facilitate the return of empty beverage containers and to serve dealers of beverage, at least one redemption center shall be established in each county at which consumers may return empty beverage containers and receive payment of the refund value of such beverage containers. If there are no applicants approved to establish and operate a redemption center in a county, the department of environmental quality shall notify the board of supervisors of the county which shall be responsible for the establishment and operation of a redemption center. Each redemption center shall be established and operated subject to the approval of the department of environmental quality. A dealer may accept and pay the refund value of any beverage container to a consumer without approval of the department of environmental quality.

2. An application for approval of a redemption center shall be filed with the department of environmental quality. The application shall state the name and address of the person responsible for the establishment and operation of the redemption center. The application shall contain such other information as the executive director may reasonably require.

3. The department of environmental quality shall approve a redemption center if it finds that the redemption center will provide a convenient service to consumers for the return of empty beverage containers. The department of environmental quality may review the approval of any redemption center at any time. After written notice to the person responsible for the establishment and operation of the redemption center, the department may, after hearing, withdraw approval of a redemption center if the department finds there has not been compliance with the department's order approving the redemption center.

4. Each redemption center shall also meet the minimum sanitary requirements for its operation as determined by the local board of health.

5. The executive director shall adopt, with the approval of the executive committee of the department of environmental quality, the rules necessary to carry out the provisions of this section.

6. Redemption center means any facility, approved by the department of environmental quality, operated for the purpose of redeeming reusable and nonreusable

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1 beverage containers from consumers.""
 2 7. Page 2, by striking lines 7 and 8 and insert-
 3 ing in lieu thereof the following:
 B 4 "____. Page 5, by striking line 13 and insert-
 5 ing in lieu thereof the following:
 6 "Sec. ____ Sections one (1), two (2), three (3),
 7 thirteen (13), fourteen (14), fifteen (15), sixteen
 8 (16), seventeen (17), eighteen (18), nineteen (19),
 9 twenty (20), twenty-one (21), twenty-two (22), twenty-
 10 three (23) and twenty-four (24) of this Act shall
 11 be effective January 1, 1978. Sections four (4),
 12 five (5), six (6), seven (7), eight (8), nine (9),
 13 ten (10), eleven (11) and twelve (12) of this Act
 14 shall be effective on January 1, 1979."
 15 8. By renumbering sections and internal references
 16 to sections to conform to this amendment.

H-3828 FILED (p. 1704) BY KOOGLER of Mahaska
 H-3828A ADOPTED; MOTION TO FITZGERALD of Webster
 RECONSIDER, ADOPTED; H-3828A (p. 1705) SMALLEY of Polk
 ADOPTED; H-3828B ADOPTED (p. 1707)
 APRIL 28, 1977

H-3826

Amend the amendment, H-3526, to House File 187

as follows:

1. Page 1, by inserting after line 1 the following:

"_____. Page 1, by striking lines 1 through 25,

and inserting in lieu thereof the following:

"DIVISION I

LITTER TAX

Section 1. NEW SECTION. LEGISLATIVE FINDINGS.

Recognizing that the people of the state of Iowa have a fundamental right and need for a healthful, clean and beautiful environment which preserves our natural resources; and recognizing that the proliferation and accumulation of litter discards throughout this state and the nation subvert this right, impair this need and constitute a public health hazard. Further recognizing the need to reduce wasteful uses of energy and natural resources by recovering and recycling of containers, the general assembly finds that there is an imperative need to anticipate, plan for, and accomplish effective recycling and litter control.

Sec. 2. NEW SECTION. LEGISLATIVE PURPOSE. The purpose of this Act is to accomplish conservation of natural resources through the use of a deposit on beverage containers and litter control. This state through the cooperation of the department of revenue, the department of environmental quality and the beer and liquor control department with all other departments of this state and its political subdivisions will preserve and enhance the natural resources of this state. The intent of this Act is to provide a healthful and beautiful environment for all citizens.

Sec. 3. NEW SECTION. DEFINITIONS. As used in division one (I) of this Act:

1. "Executive director" means the executive director of the department of environmental quality.

2. "Department" means the department of environmental quality.

3. "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as prohibited by law, but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing.

4. "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside a vehicle or watercraft.

5. "Litter receptacle" means those containers adopted by the department for the deposit of litter and which may be standardized as to size, shape,

1 capacity, and color.

2 6. "Public place" means any area that is used
3 or held out for use by the public whether owned or
4 operated by public or private interests.

5 Sec. 4. NEW SECTION. POWERS AND DUTIES OF THE
6 EXECUTIVE DIRECTOR.

7 1. In addition to his or her other powers and
8 duties, the executive director may propose and adopt
9 pursuant to chapter seventeen A (17A) of the Code,
10 rules necessary to carry out the provisions, purposes
11 and intent of division one (I) of this Act.

12 2. The executive director may designate trained
13 employees of the department of environmental quality
14 to be vested with police powers to enforce and
15 administer the provisions of division one (I) of this
16 Act and all rules adopted under division one (I) of
17 this Act. The executive director may contract with
18 other state and local governmental agencies having
19 law enforcement capabilities for services and personnel
20 reasonably necessary to carry out the enforcement
21 provisions of division one (I) of this Act. In ad-
22 dition, Iowa highway safety patrol officers, officers
23 of the state conservation commission, sheriffs and
24 marshals and their deputies, police officers, and
25 those employees of the department of environmental
26 quality vested with police powers shall enforce the
27 provisions of division one (I) of this Act and any
28 rules adopted under division one (I) of this Act and
29 are empowered to issue citations to or arrest with-
30 out warrant persons violating any provisions of
31 division one (I) of this Act or any of the rules
32 adopted under division one (I) of this Act. All of
33 these enforcement officers may serve and execute all
34 warrants, citations and other process issued by the
35 courts in enforcing the provisions of division one
36 (I) of this Act and rules adopted under division one
37 (I) of this Act. The mailing, by restricted certified
38 mail, of such warrant, citation or other process to
39 the last known place of residence of a person shall
40 be deemed personal service upon the person charged.

41 Sec. 5. NEW SECTION. LITTERING PROHIBITED--
42 PENALTY.

43 1. A person shall not throw, drop, deposit,
44 discard, or otherwise dispose of litter upon any
45 public property in the state or upon private property
46 in this state not owned by him or her or in the waters
47 of this state including, but not limited to, any
48 public highway, public park, beach, campground, forest
49 land, recreational area, trailer park, highway, road,
50 street or alley except:

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1 a. When such property is designated by the state
2 or by any of its agencies or political subdivisions
3 for the disposal of garbage and refuse, and such
4 person is authorized to use such property for such
5 purpose.

6 b. Into a litter receptacle in such a manner that
7 the litter will be prevented from being carried away
8 or deposited by the elements upon any private or
9 public property or waters.

10 2. Any person violating the provisions of this
11 section shall be guilty of a misdemeanor and, upon
12 conviction, shall be subject to a fine of not less
13 than ten dollars for each offense and, in addition,
14 in the discretion of any court in which conviction
15 is obtained, such person may be directed by the court
16 to pick up and remove from any public place or any
17 private property with prior permission of the legal
18 owner upon which it is established by competent
19 evidence that such person has deposited litter, any
20 litter deposited by anyone before the date of execution
21 of sentence.

22 Sec. 6. NEW SECTION. POSTING OF ANTI-LITTERING
23 PROVISIONS. A summary of requirements of division
24 one (I) of this Act shall be posted along the public
25 highways of this state and in all campgrounds and
26 trailer parks, at all entrances to state parks, forest
27 lands, and recreational areas, at all public beaches,
28 and at other public places in this state where persons
29 are likely to be informed of the existence and content
30 of such provisions and the penalties for violations.

31 Sec. 7. NEW SECTION. RESPONSIBILITY TO MAINTAIN
32 LITTER RECEPTACLES.

33 1. It shall be the responsibility of persons
34 operating any establishment or operating a public
35 place to maintain litter receptacles at their own
36 expense on the premises in accord with the rules
37 adopted by the executive director.

38 2. Any person who fails to place litter receptacles
39 on the premises required by rule of the executive
40 director in violation of the provisions of this section
41 or rules adopted under this section shall be guilty
42 of a misdemeanor and, upon conviction, shall be subject
43 to a fine of twenty-five dollars. Each day of
44 violation shall constitute a separate offense.

45 Sec. 8. NEW SECTION. LITTER TAX.

46 1. There is imposed a tax at a rate of four and
47 one-half hundredths of one percent of the sale price
48 of any of the following tangible personal properties,
49 except for beverage containers subject to the deposit
50 requirements of this Act:

1 a. All products sold to a retailer in nonreusable
2 packages or containers for resale in the same
3 nonreusable packages or containers.
4 b. All products sold to a retailer for use in
5 packaging or containing other products sold by the
6 retailer if the packages or containers are nonreusable.
7 c. All newsprint and other paper products sold
8 for the purposes of printing or reproducing material
9 for general public distribution.
10 2. The tax imposed under subsection one (1) of
11 this section shall be collected by the department
12 of revenue from each person engaged in the business
13 of selling any of the tangible personal property items
14 specified in subsection one (1) of this section to
15 a retailer doing business in this state. The amount
16 of the tax shall be based on the value of such products
17 or the gross receipts of the sales of such tangible
18 personal property to the retailer.
19 3. The director of revenue shall provide, by rule,
20 for the administration of the tax imposed by this
21 section. The rules shall provide for the issuance
22 of permits, the payment of taxes, penalties for late
23 payments, records, the filing of tax returns, and
24 such other procedures as deemed appropriate by the
25 director of revenue for the effective administration
26 of this section. The administration of this section
27 shall be based on the same procedures and requirements
28 as provided for the administration of the retail sales
29 tax, as applicable.
30 4. The director of revenue may define, by rule,
31 the categories of property or products subject to
32 the tax imposed under subsection one (1) of this
33 section. In making such definitions, the director
34 shall be guided by the following standards:
35 a. It is the purpose of division one (I) of this
36 Act to promote resource recovery, recycling, and
37 accomplish effective control of litter within this
38 state.
39 b. It is the purpose of division one (I) of this
40 Act to impose a tax on industries manufacturing or
41 distributing at wholesale, products and the packages,
42 wrapping or containers of such products which are
43 reasonably related to the litter problem in this
44 state.
45 Sec. 9. NEW SECTION. PRODUCTS EXEMPT FROM
46 TAXATION. The tax imposed under section eight (8)
47 of this Act shall not apply to the sales of beer made
48 by the holder of a class "A" beer permit as defined
49 in section one hundred twenty-three point one hundred
50 twenty-four (123.124) of the Code or to the value

1 of products or the gross receipts from the sale of
 2 any animal, bird, or insect or the milk, eggs, wool,
 3 fur, meat, honey or other substance obtained from
 4 such animal, bird, or insect if the seller is a person
 5 who performs only the growing or raising function
 6 of such animal, bird, or insect.

7 Sec. 10. NEW SECTION. ACCOUNT CREATED--
 8 DISPOSITION.

9 1. There is created in the general fund of the
 10 state a litter control and resource recovery account,
 11 to which shall be credited the receipts from the tax
 12 imposed under division one (I) of this Act. The
 13 proceeds of the litter control and resource recovery
 14 account are appropriated to the department of
 15 environmental quality for the purpose of carrying
 16 out the provisions of subsections two (2) and three
 17 (3) of this section.

18 2. The department shall expend fifteen percent
 19 of the proceeds of the account to acquire, prepare,
 20 and distribute such educational and informational
 21 material through elementary and secondary schools,
 22 colleges, universities and political subdivisions
 23 of this state, by contract with corporations or
 24 associations, or by dissemination through the public
 25 news media for the purpose of informing the public
 26 of the purposes of division one (I) of this Act.

27 3. The department shall expend eighty-five percent
 28 of the proceeds of the account to control and remove
 29 litter and for the operation of the redemption center
 30 required to be operated in each county of the state.
 31 The redemption center required to be operated in each
 32 county under division two (II) of this Act shall
 33 receive a minimum grant of five thousand dollars each
 34 year. If the department grants any sum of money in
 35 excess of the minimum grant to the required redemption
 36 center in the counties, the amount of the grants in
 37 excess of five thousand dollars shall be apportioned
 38 to each required redemption center on the basis that
 39 the population of each county bears to the total
 40 population of the state. The executive director may
 41 enter into agreements with public or private agencies,
 42 which agreements shall contain such terms and
 43 conditions as deemed necessary or desirable by the
 44 executive director to accomplish litter control and
 45 removal. From the proceeds the executive director
 46 shall provide the placement of litter receptacles
 47 along the public highways of this state and at all
 48 parks, campgrounds, trailer parks, drive-in
 49 restaurants, gasoline service stations, tavern parking
 50 lots, shopping centers, grocery store parking lots,

1 parking lots of major industrial firms, marinas, boat
2 launching areas, boat moorage and fueling stations,
3 public and private piers, beaches and bathing areas,
4 and such other public places within this state as
5 specified by rule of the executive director. The
6 number of such receptacles required to be placed as
7 specified in this section shall be determined by a
8 formula related to the need for such receptacles.
9 However, the executive director shall not provide
10 payments to private persons solely for the purpose
11 of placing or installing a litter receptacle on private
12 property. The department may make grants for research
13 or development of solid waste recovery or recycling
14 programs.

15 Sec. 11. NEW SECTION. ADDITIONAL DUTIES. In
16 addition to other powers and duties provided by law,
17 the department in carrying out litter control and
18 resource recovery responsibilities shall:

19 1. Serve as the coordinating agency between the
20 various industry organizations.

21 2. Recommend to the governing bodies of all local
22 governments that they adopt ordinances similar to
23 the provisions of this Act.

24 3. Cooperate with all state and local government
25 agencies.

26 4. Encourage, organize, and coordinate all
27 voluntary local anti-litter campaigns seeking to focus
28 the attention of the public on the programs of this
29 state to control and remove litter.

30 DIVISION II

31 REGULATION OF BEVERAGE CONTAINERS

32 Sec. 12. NEW SECTION. DEFINITIONS. As used in
33 division two (II) of this Act unless the context
34 otherwise requires:

35 1. "Beverage" means beer as defined in section
36 one hundred twenty-three point three (123.3),
37 subsection nine (9) of the Code, other alcoholic malt
38 beverages and mineral water, soda water and similar
39 liquid soft drinks whether carbonated or not.

40 2. "Beverage container" means any glass, plastic,
41 or metal bottle, can, jar or carton containing a
42 beverage.

43 3. "Consumer" means any person who purchases a
44 beverage in a beverage container for use or
45 consumption.

46 4. "Dealer" means any person who engages in the
47 sale of beverages in beverage containers to a consumer.

48 5. "Distributor" means any person who engages
49 in the sale of beverages in beverage containers to
50 a dealer, including any manufacturer who engages in

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- 1 such sales.
- 2 6. "Manufacturer" means any person who bottles,
3 cans, or otherwise fills beverage containers for sale
4 to distributors or dealers.
- 5 7. "Department" means the Iowa beer and liquor
6 control department.
- 7 8. "Director" means the director of the Iowa beer
8 and liquor control department.
- 9 9. "Council" means the Iowa beer and liquor control
10 council."
- 11 2. Page 1, line 4, by inserting after the word
12 "Sec." the number "13".
- 13 3. Page 1, by striking lines 21 through 40 and
14 inserting in lieu thereof the following:
15 "_____. By striking page 2, line 31 through page
16 3, line 18 and inserting in lieu thereof the following:
17 "Sec. 16. NEW SECTION. PAYMENT OF REFUND. Except
18 as provided in section seventeen (17) of this Act:
19 1. A person operating a redemption center shall
20 not refuse to accept from a consumer any empty beverage
21 container having a refund value as provided in this
22 Act, or refuse to pay to the consumer for each beverage
23 container accepted the refund value of the beverage
24 container as determined under division two (II) of
25 this Act.
26 2. A distributor shall not refuse to accept from
27 a person operating a redemption center or a dealer
28 any empty beverage container of the kind, size and
29 brand sold by the distributor, or refuse to pay the
30 redemption center or dealer the refund value of the
31 beverage container as determined under division two
32 (II) of this Act.
33 Sec. 17. NEW SECTION. REFUSAL TO ACCEPT CON-
34 TAINERS.
35 1. A person operating a redemption center or a
36 dealer accepting empty beverage containers may refuse
37 to accept from a consumer and a distributor may refuse
38 to accept from a person operating a redemption center
39 or a dealer, any empty beverage container which does
40 not have stated on it the word "Iowa" as required
41 under division two (II) of this Act.
42 2. A person operating a redemption center, a
43 distributor, or a dealer may refuse to redeem an empty
44 beverage container which is not clean."
- 45 4. Page 1, line 14, by striking the words "A dealer, or"
46 and inserting in lieu thereof the word "Any".
- 47 5. Page 2, by inserting after line 6, the following:
48 "_____. Page 3, line 19, by striking the number "7" and
49 insertign in lieu thereof the number "18".
50 "_____. By striking page 3, line 30 through page 4, line 29

1 and inserting in lieu thereof the following:
2 "Sec. 19. NEW SECTION. REDEMPTION CENTERS.
3 1. To facilitate the return of empty beverage
4 containers and to serve dealers of beverages, each
5 county shall establish at least one redemption center,
6 subject to the approval of the department of
7 environmental quality, at which consumers may return
8 empty beverage containers and receive payment of the
9 refund value of such beverage containers. The county
10 may provide, by agreement with any city, for the
11 operation of a redemption center. Any dealer may,
12 with consent of the county, make application to the
13 department of environmental quality for approval to
14 act as a redemption center.

15 2. An application for approval of a redemption
16 center shall be filed with the department of
17 environmental quality. The application shall state
18 the name and address of the person responsible for
19 the establishment and operation of the redemption
20 center. The application shall contain such other
21 information as the executive director may reasonably
22 require.

23 3. The department of environmental quality shall
24 approve a redemption center if it finds that the
25 redemption center will provide a convenient service
26 to consumers for the return of empty beverage
27 containers. The department of environmental quality
28 may review the approval of any redemption center at
29 any time. After written notice to the person
30 responsible for the establishment and operation of
31 the redemption center, the department may, after
32 hearing, withdraw approval of a redemption center
33 if the department finds there has not been compliance
34 with the department's order approving the redemption
35 center.

36 4. Each redemption center shall also meet the
37 minimum sanitary requirements for its operation as
38 determined by the local board of health.

39 5. The executive director shall adopt, with the
40 approval of the executive committee of the depart-
41 ment of environmental quality, the rules necessary
42 to carry out the provisions of this section."

43 "_____. Page 4, by striking lines 30 through 34
44 and inserting in lieu thereof the following:

45 "Sec. 20. NEW SECTION. SNAP TAB CANS PROHIBITED.

46 A person shall not sell or offer for sale at re-
47 tail in this state any metal beverage container which
48 is so constructed that the metal opener is designed
49 to be completely detachable from the container."

50 "_____. Page 5, line 2, by inserting after the

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1 word "of" the words "division two (II) of".
2 "_____. Page 5, lines 6 and 7, by striking the
3 words ", or to the approval or withdrawal of approval
4 for a redemption center".
5 "_____. Page 5, by striking lines 11 and 12 and
6 inserting in lieu thereof the following: "the provi-
7 sions of sections thirteen (13), eighteen (18), and
8 twenty (20) of this Act shall be guilty of a serious
9 misdemeanor."

10 "_____. Page 5, by inserting after line 12 the
11 following:

12 "DIVISION III
13 REPEALER

14 Sec. _____. Sections four hundred fifty-five B
15 point ninety-five (455B.95), four hundred fifty-five
16 B point ninety-six (455B.96), four hundred fifty-
17 five B point ninety-seven (455B.97), and four hun-
18 dred fifty-five B point ninety-eight (455B.98), Code
19 1977, are repealed effective January 1, 1978."

20 6. Page 2, by striking lines 7 and 8 and insert-
21 ing in lieu thereof the followig:

22 "_____. Page 5, by striking line 13 and insert-
23 ing in lieu thereof the following:

24 "Sec. _____. The provisions of division one (I)
25 of this Act are effective January 1, 1978 and the
26 provisions of division two (II) of this Act are
27 effective January 1, 1979."

28 7. By renumbering sections and internal references
29 to sections to conform to this amendment.

30 8. Amend the title, line 2, by inserting before
31 the word "and" the words "and relating to the control
32 of litter, imposing a litter tax on certain beverage
33 containers and products,".

H-3826 FILED - *Out of* BY KOOGLER of Mahaska
APRIL 27, 1977 *order 4/28* NORLAND of Worth
(1713) SMALLEY of Polk
WELLS of Linn
TAUKE of Dubuque
AVENSON of Fayette
HALVORSON of Clayton
PERKINS of Greene
FITZGERALD of Webster

H-3810

1 Amend the amendment, H-3526, to House File 187

2 as follows:

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

4 " Page 1, by striking lines 1 through 25,

5 and inserting in lieu thereof the following:

6 "DIVISION I

7 LITTER TAX

8 Section 1. NEW SECTION. LEGISLATIVE FINDINGS.

9 Recognizing that the people of the state of Iowa have
10 a fundamental right and need for a healthful, clean
11 and beautiful environment which preserves our natural
12 resources; and recognizing that the proliferation
13 and accumulation of litter discards throughout this
14 state and the nation subvert this right, impair this
15 need and constitute a public health hazard. Further
16 recognizing the need to reduce wasteful uses of energy
17 and natural resources by recovering and recycling
18 of containers, the general assembly finds that there
19 is an imperative need to anticipate, plan for, and
20 accomplish effective recycling and litter control.

21 Sec. 2. NEW SECTION. LEGISLATIVE PURPOSE. The
22 purpose of this Act is to accomplish conservation
23 of natural resources through the use of a deposit
24 on beverage containers and litter control. This state
25 through the cooperation of the department of revenue,
26 the department of environmental quality and the beer
27 and liquor control department with all other
28 departments of this state and its political
29 subdivisions will preserve and enhance the natural
30 resources of this state. The intent of this Act is
31 to provide a healthful and beautiful environment for
32 all citizens.

33 Sec. 3. NEW SECTION. DEFINITIONS. As used in
34 division one (I) of this Act:

35 1. "Executive director" means the executive
36 director of the department of environmental quality.

37 2. "Department" means the department of
38 environmental quality.

39 3. "Litter" means all waste material including
40 but not limited to disposable packages or containers
41 thrown or deposited as prohibited by law, but not
42 including the wastes of the primary processes of
43 mining, logging, sawmilling, farming, or manufacturing.

44 4. "Litter bag" means a bag, sack, or other
45 container made of any material which is large enough
46 to serve as a receptacle for litter inside a vehicle
47 or watercraft.

48 5. "Litter receptacle" means those containers
49 adopted by the department for the deposit of litter
50 and which may be standardized as to size, shape,

1 capacity, and color.

2 6. "Public place" means any area that is used
3 or held out for use by the public whether owned or
4 operated by public or private interests.

5 Sec. 4. NEW SECTION. POWERS AND DUTIES OF THE
6 EXECUTIVE DIRECTOR.

7 1. In addition to his or her other powers and
8 duties, the executive director may propose and adopt
9 pursuant to chapter seventeen A (17A) of the Code,
10 rules necessary to carry out the provisions, purposes
11 and intent of division one (I) of this Act.

12 2. The executive director may designate trained
13 employees of the department of environmental quality
14 to be vested with police powers to enforce and
15 administer the provisions of division one (I) of this
16 Act and all rules adopted under division one (I) of
17 this Act. The executive director may contract with
18 other state and local governmental agencies having
19 law enforcement capabilities for services and personnel
20 reasonably necessary to carry out the enforcement
21 provisions of division one (I) of this Act. In ad-
22 dition, Iowa highway safety patrol officers, officers
23 of the state conservation commission, sheriffs and
24 marshals and their deputies, police officers, and
25 those employees of the department of environmental
26 quality vested with police powers shall enforce the
27 provisions of division one (I) of this Act and any
28 rules adopted under division one (I) of this Act and
29 are empowered to issue citations to or arrest with-
30 out warrant persons violating any provisions of
31 division one (I) of this Act or any of the rules
32 adopted under division one (I) of this Act. All of
33 these enforcement officers may serve and execute all
34 warrants, citations and other process issued by the
35 courts in enforcing the provisions of division one
36 (I) of this Act and rules adopted under division one
37 (I) of this Act. The mailing, by restricted certified
38 mail, of such warrant, citation or other process to
39 the last known place of residence of a person shall
40 be deemed personal service upon the person charged.

41 Sec. 5. NEW SECTION. LITTERING PROHIBITED--
42 PENALTY.

43 1. A person shall not throw, drop, deposit,
44 discard, or otherwise dispose of litter upon any
45 public property in the state or upon private property
46 in this state not owned by him or her or in the waters
47 of this state including, but not limited to, any
48 public highway, public park, beach, campground, forest
49 land, recreational area, trailer park, highway, road,
50 street or alley except:

1 a. When such property is designated by the state
2 or by any of its agencies or political subdivisions
3 for the disposal of garbage and refuse, and such
4 person is authorized to use such property for such
5 purpose.

6 b. Into a litter receptacle in such a manner that
7 the litter will be prevented from being carried away
8 or deposited by the elements upon any private or
9 public property or waters.

10 2. Any person violating the provisions of this
11 section shall be guilty of a misdemeanor and, upon
12 conviction, shall be subject to a fine of not less
13 than ten dollars for each offense and, in addition,
14 in the discretion of any court in which conviction
15 is obtained, such person may be directed by the court
16 to pick up and remove from any public place or any
17 private property with prior permission of the legal
18 owner upon which it is established by competent
19 evidence that such person has deposited litter, any
20 litter deposited by anyone before the date of execution
21 of sentence.

22 Sec. 6. NEW SECTION. POSTING OF ANTI-LITTERING
23 PROVISIONS. A summary of requirements of division
24 one (I) of this Act shall be posted along the public
25 highways of this state and in all campgrounds and
26 trailer parks, at all entrances to state parks, forest
27 lands, and recreational areas, at all public beaches,
28 and at other public places in this state where persons
29 are likely to be informed of the existence and content
30 of such provisions and the penalties for violations.

31 Sec. 7. NEW SECTION. RESPONSIBILITY TO MAINTAIN
32 LITTER RECEPTACLES.

33 1. It shall be the responsibility of persons
34 operating any establishment or operating a public
35 place to maintain litter receptacles at their own
36 expense on the premises in accord with the rules
37 adopted by the executive director.

38 2. Any person who fails to place litter receptacles
39 on the premises required by rule of the executive
40 director in violation of the provisions of this section
41 or rules adopted under this section shall be guilty
42 of a misdemeanor and, upon conviction, shall be subject
43 to a fine of twenty-five dollars. Each day of
44 violation shall constitute a separate offense.

45 Sec. 8. NEW SECTION. LITTER TAX.

46 1. There is imposed a tax at a rate of four and
47 one-half hundredths of one percent of the sale price
48 of any of the following tangible personal properties,
49 except for beverage containers subject to the deposit
50 requirements of this Act:

1 a. All products sold to a retailer in nonreusable
2 packages or containers for resale in the same
3 nonreusable packages or containers.

4 b. All products sold to a retailer for use in
5 packaging or containing other products sold by the
6 retailer if the packages or containers are nonreusable.

7 c. All newsprint and other paper products sold
8 for the purposes of printing or reproducing material
9 for general public distribution.

10 2. The tax imposed under subsection one (1) of
11 this section shall be collected by the department
12 of revenue from each person engaged in the business
13 of selling any of the tangible personal property items
14 specified in subsection one (1) of this section to
15 a retailer doing business in this state. The amount
16 of the tax shall be based on the value of such products
17 or the gross receipts of the sales of such tangible
18 personal property to the retailer.

19 3. The director of revenue shall provide, by rule,
20 for the administration of the tax imposed by this
21 section. The rules shall provide for the issuance
22 of permits, the payment of taxes, penalties for late
23 payments, records, the filing of tax returns, and
24 such other procedures as deemed appropriate by the
25 director of revenue for the effective administration
26 of this section. The administration of this section
27 shall be based on the same procedures and requirements
28 as provided for the administration of the retail sales
29 tax, as applicable.

30 4. The director of revenue may define, by rule,
31 the categories of property or products subject to
32 the tax imposed under subsection one (1) of this
33 section. In making such definitions, the director
34 shall be guided by the following standards:

35 a. It is the purpose of division one (I) of this
36 Act to promote resource recovery, recycling, and
37 accomplish effective control of litter within this
38 state.

39 b. It is the purpose of division one (I) of this
40 Act to impose a tax on industries manufacturing or
41 distributing at wholesale, products and the packages,
42 wrapping or containers of such products which are
43 reasonably related to the litter problem in this
44 state.

45 Sec. 9. NEW SECTION. PRODUCTS EXEMPT FROM
46 TAXATION. The tax imposed under section eight (8)
47 of this Act shall not apply to the sales of beer made
48 by the holder of a class "A" beer permit as defined
49 in section one hundred twenty-three point one hundred
50 twenty-four (123.124) of the Code or to the value

1 of products or the gross receipts from the sale of
2 any animal, bird, or insect or the milk, eggs, wool,
3 fur, meat, honey or other substance obtained from
4 such animal, bird, or insect if the seller is a person
5 who performs only the growing or raising function
6 of such animal, bird, or insect.

7 Sec. 10. NEW SECTION. ACCOUNT CREATED--
8 DISPOSITION.

9 1. There is created in the general fund of the
10 state a litter control and resource recovery account,
11 to which shall be credited the receipts from the tax
12 imposed under division one (I) of this Act. The
13 proceeds of the litter control and resource recovery
14 account are appropriated to the department of
15 environmental quality for the purpose of carrying
16 out the provisions of subsections two (2) and three
17 (3) of this section.

18 2. The department shall expend fifteen percent
19 of the proceeds of the account to acquire, prepare,
20 and distribute such educational and informational
21 material through elementary and secondary schools,
22 colleges, universities and political subdivisions
23 of this state, by contract with corporations or
24 associations, or by dissemination through the public
25 news media for the purpose of informing the public
26 of the purposes of division one (I) of this Act.

27 3. The department shall expend eighty-five percent
28 of the proceeds of the account to control and remove
29 litter and for the operation of the redemption center
30 required to be operated in each county of the state.
31 The redemption center required to be operated in each
32 county under division two (II) of this Act shall
33 receive a minimum grant of five thousand dollars each
34 year. If the department grants any sum of money in
35 excess of the minimum grant to the required redemption
36 center in the counties, the amount of the grants in
37 excess of five thousand dollars shall be apportioned
38 to each required redemption center on the basis that
39 the population of each county bears to the total
40 population of the state. The executive director may
41 enter into agreements with public or private agencies,
42 which agreements shall contain such terms and
43 conditions as deemed necessary or desirable by the
44 executive director to accomplish litter control and
45 removal. From the proceeds the executive director
46 shall provide the placement of litter receptacles
47 along the public highways of this state and at all
48 parks, campgrounds, trailer parks, drive-in
49 restaurants, gasoline service stations, tavern parking
50 lots, shopping centers, grocery store parking lots,

1 parking lots of major industrial firms, marinas, boat
2 launching areas, boat moorage and fueling stations,
3 public and private piers, beaches and bathing areas,
4 and such other public places within this state as
5 specified by rule of the executive director. The
6 number of such receptacles required to be placed as
7 specified in this section shall be determined by a
8 formula related to the need for such receptacles.
9 However, the executive director shall not provide
10 payments to private persons solely for the purpose
11 of placing or installing a litter receptacle on private
12 property. The department may make grants for research
13 or development of solid waste recovery or recycling
14 programs.

15 Sec. 11. NEW SECTION. ADDITIONAL DUTIES. In
16 addition to other powers and duties provided by law,
17 the department in carrying out litter control and
18 resource recovery responsibilities shall:

19 1. Serve as the coordinating agency between the
20 various industry organizations.

21 2. Recommend to the governing bodies of all local
22 governments that they adopt ordinances similar to
23 the provisions of this Act.

24 3. Cooperate with all state and local government
25 agencies.

26 4. Encourage, organize, and coordinate all
27 voluntary local anti-litter campaigns seeking to focus
28 the attention of the public on the programs of this
29 state to control and remove litter.

30 DIVISION II

31 REGULATION OF BEVERAGE CONTAINERS

32 Sec. 12. NEW SECTION. DEFINITIONS. As used in
33 division two (II) of this Act unless the context
34 otherwise requires:

35 1. "Beverage" means beer as defined in section
36 one hundred twenty-three point three (123.3),
37 subsection nine (9) of the Code, other alcoholic malt
38 beverages and mineral water, soda water and similar
39 liquid soft drinks whether carbonated or not.

40 2. "Beverage container" means any glass, plastic,
41 or metal bottle, can, jar or carton containing a
42 beverage.

43 3. "Consumer" means any person who purchases a
44 beverage in a beverage container for use or
45 consumption.

46 4. "Dealer" means any person who engages in the
47 sale of beverages in beverage containers to a consumer.

48 5. "Distributor" means any person who engages
49 in the sale of beverages in beverage containers to
50 a dealer, including any manufacturer who engages in

- 1 such sales.
- 2 6. "Manufacturer" means any person who bottles,
3 cans, or otherwise fills beverage containers for sale
4 to distributors or dealers.
- 5 7. "Department" means the Iowa beer and liquor
6 control department.
- 7 8. "Director" means the director of the Iowa beer
8 and liquor control department.
- 9 9. "Council" means the Iowa beer and liquor control
10 council."
- 11 2. Page 1, line 4, by inserting after the word
12 "Sec." the number "13".
- 13 3. Page 1, by striking lines 21 through 40 and
14 inserting in lieu thereof the following:
15 "_____. By striking page 2, line 31 through page
16 3, line 18 and inserting in lieu thereof the following:
17 "Sec. 16. NEW SECTION. PAYMENT OF REFUND. Except
18 as provided in section seventeen (17) of this Act:
19 1. A person operating a redemption center shall
20 not refuse to accept from a consumer any empty beverage
21 container having a refund value as provided in this
22 Act, or refuse to pay to the consumer for each beverage
23 container accepted the refund value of the beverage
24 container as determined under division two (II) of
25 this Act.
26 2. A distributor shall not refuse to accept from
27 a person operating a redemption center or a dealer
28 any empty beverage container of the kind, size and
29 brand sold by the distributor, or refuse to pay the
30 redemption center or dealer the refund value of the
31 beverage container as determined under division two
32 (II) of this Act.
33 Sec. 17. NEW SECTION. REFUSAL TO ACCEPT CON-
34 TAINERS.
35 1. A person operating a redemption center or a
36 dealer accepting empty beverage containers may refuse
37 to accept from a consumer and a distributor may refuse
38 to accept from a person operating a redemption center
39 or a dealer, any empty beverage container which does
40 not have stated on it the word "Iowa" as required
41 under division two (II) of this Act.
42 2. A person operating a redemption center, a
43 distributor, or a dealer may refuse to redeem an empty
44 beverage container which is not clean."
45 4. Page 2, by inserting after line 6, the follow-
46 ing:
47 "_____. Page 3, line 19, by striking the number
48 "7" and inserting in lieu thereof the number "18".
49 "_____. By striking page 3, line 30 through page
50 4, line 29 and inserting in lieu thereof the follow-

ing:

"Sec. 19. NEW SECTION. REDEMPTION CENTERS.

1. To facilitate the return of empty beverage containers and to serve dealers of beverages, each county shall establish at least one redemption center, subject to the approval of the department of environmental quality, at which consumers may return empty beverage containers and receive payment of the refund value of such beverage containers. The county may provide, by agreement with any city, for the operation of a redemption center. Any dealer may, with consent of the county, make application to the department of environmental quality for approval to act as a redemption center.

2. An application for approval of a redemption center shall be filed with the department of environmental quality. The application shall state the name and address of the person responsible for the establishment and operation of the redemption center. The application shall contain such other information as the executive director may reasonably require.

3. The department of environmental quality shall approve a redemption center if it finds that the redemption center will provide a convenient service to consumers for the return of empty beverage containers. The department of environmental quality may review the approval of any redemption center at any time. After written notice to the person responsible for the establishment and operation of the redemption center, the department may, after hearing, withdraw approval of a redemption center if the department finds there has not been compliance with the department's order approving the redemption center.

4. Each redemption center shall also meet the minimum sanitary requirements for its operation as determined by the local board of health.

5. The executive director shall adopt, with the approval of the executive committee of the department of environmental quality, the rules necessary to carry out the provisions of this section."

"_____. Page 4, by striking lines 30 through 34 and inserting in lieu thereof the following:

"Sec. 20. NEW SECTION. SNAP TAB CANS PROHIBITED.

A person shall not sell or offer for sale at retail in this state any metal beverage container which is so constructed that the metal opener is designed to be completely detachable from the container."

"_____. Page 5, line 2, by inserting after the

1 word "of" the words "division two (II) of".
2 "_____. Page 5, lines 6 and 7, by striking the
3 words " , or to the approval or disapproval for a
4 redemption center".
5 "_____. Page 5, by striking lines 11 and 12 and
6 inserting in lieu thereof the following: "the provi-
7 sions of sections thirteen (13), eighteen (18), and
8 twenty (20) of this Act shall be guilty of a serious
9 misdemeanor."

10 "_____. Page 5, by inserting after line 12 the
11 following:

12 "DIVISION III
13 REPEALER

14 Sec. _____. Sections four hundred fifty-five B
15 point ninety-five (455B.95), four hundred fifty-five
16 B point ninety-six (455B.96), four hundred fifty-
17 five B point ninety-seven (455B.97), and four hun-
18 dred fifty-five B point ninety-eight (455B.98), Code
19 1977, are repealed effective January 1, 1978."

20 5. Page 2, by striking lines 7 and 8 and insert-
21 ing in lieu thereof the followig:

22 "_____. Page 5, by striking line 13 and insert-
23 ing in lieu thereof the followings:

24 "Sec. _____. The provisions of division one (I)
25 of this Act are effective January 1, 1978 and the
26 provisions of division two (II) of this Act are
27 effective January 1, 1979."

28 6. By renumbering sections and internal references
29 to sections to conform to this amendment.

30 7. Amend the title, line 2, by inserting before
31 the word "and" the words "and relating to the control
32 of litter, imposing a litter tax on certain beverage
33 containers and products,".

H-3810 FILED - *Out of order* BY KOOGLER of Mahaska
PARIL 27, 1977 4/28 (p. 1713) NORLAND of Worth
SMALLEY of Polk PERKINS of Greene
WELLS of Linn FITZGERALD of Webster
TAUKE of Dubuque
AVENSON of Fayette
HALVORSON of Clayton

HOUSE FILE 187

H-3808

1 Amend House File 187 as follows:
2 1. Page 1, by inserting after line 25, the
3 following new section:
4 "Sec. _____. NEW SECTION. Alcoholic beverages
5 defined in section one hundred twenty-three point
6 three (123.3) subsection eight (8) of the Code shall
7 be subject to the provisions of this Act. However,
8 this Act shall not apply to bottles containing
9 alcoholic liquor which are purchased from a state
10 liquor store by a holder of a liquor control license
11 who is required by section one hundred twenty-three
12 point thirty-three (123.33) of the Code to destroy
13 such bottles immediately after they are emptied."

H-3808 FILED - *Adopted* 4/28 BY PERKINS Of Greene
APRIL 27, 1977 (1714) SMALLEY of Polk
WOODS of Polk
SCHROEDER of Pottawattamie
HIGGINS of Scott

HOUSE FILE 187

H-3791

1 Amend House File 187 as follows:

2 1. Page 5, by inserting after line 12 the follow-
3 ing:

4 " NEW SECTION. SURVEY.

5 1. Commencing July 1, 1978 the director shall
6 cause a study to be conducted of the effects of this
7 Act. The study shall include, but need not be limited
8 to, an analysis of the following:

9 a. The economic impact of this Act on persons
10 engaged in the business of manufacturing nonalco-
11 holic beverages, on persons engaged in the business
12 of manufacturing beer and other malt beverages, and
13 on persons engaged in the business of manufacturing
14 beverage containers in compliance with the provi-
15 sions of this Act;

16 b. The problems, if any, incurred in the distri-
17 bution, sale, and return of beverage containers sub-
18 ject to the provisions of this Act;

19 c. The effectiveness of the provisions of this
20 Act in reducing the incidence of littering of bever-
21 age containers in this state;

22 d. The costs incurred in the enforcement of this
23 Act;

24 e. The volume and importance of the recycled
25 material and an approximation of the energy saved
26 as a result of this Act;

27 f. The effect on consumer prices of beverages;

28 g. The degree of consumer acceptance of the program
29 established pursuant to this Act; and

30 h. The reduction in solid waste disposal cost.

31 2. On or before January 1, 1980, the director
32 shall prepare and submit to the general assembly a
33 report of findings made pursuant to subsection one
34 (1) of this section and recommendations with respect
35 to any legislative proposals considered by the director
36 to be necessary as a result of the study conducted
37 pursuant to subsection one (1) of this section."

38 2. By renumbering sections in conformity with
39 this amendment.

H-3791 FILED - *Adopted 4/28* BY HARVEY of Scott
APRIL 27, 1977 *(1718)*

HOUSE FILE 187

H-3795

1 Amend the Committee on Energy amendment H-3526
2 to House File 187 as follows:

3 1. Page 1, line 1, by inserting after the word
4 "Amend" the words "the originally printed version
5 of".

6 2. By striking all of the amendment after page
7 1, line 1 and inserting in lieu thereof page 1,
8 lines 7 through 50, and pages 2 through 8 of amend-
9 ment H-3775.

H-3795 FILED, WITHDRAWN BY SCHROEDER of Pottawattamie
APRIL 27, 1977 *p. 1660*

HOUSE FILE 187

3792

1 Amend amendment H-3526 to House File 187 as
2 follows:

3 1. Page 1, by inserting after line 25 the
4 following:

5 "_____. Page 3, by inserting after line 2 the
6 following subsection:

7 _____ In lieu of accepting the cash refund
8 value of an empty beverage container of the kind,
9 size, and brand sold by a dealer, a consumer may
10 directly exchange or apply the refund value of
11 the empty beverage container returned to the
12 dealer toward the purchase of a beverage in a
13 beverage container sold by the dealer. The
14 provisions of section one hundred twenty-three
15 point forty-nine (123.49), subsection two (2),
16 paragraph b, of the Code shall not apply to sales
17 authorized in this subsection."

H-3792 FILED - *Richard L. LORBY* HARGRAVE of Johnson
APRIL 27, 1977 *4/27 J. 1674*

HOUSE FILE 187

H-3788

1 Amend House File 187 as follows:
2 1. Page 5, by inserting after line 12 the
3 following section:
4 "Sec. ____ Chapter one hundred twenty-three
5 (123), Code 1977, is amended by adding the following
6 new section:
7 NEW SECTION. No person shall import into Iowa
8 or have in his or her possession any beer beverage
9 container unless such container has a refund value
10 of not less than five cents as provided in this Act,
11 except that an individual of legal age may import
12 and have in his or her possession a beer beverage
13 container containing an amount of beer which does
14 not exceed seventy-two (72) fluid ounces for
15 personal consumption only."

H-3788 FILED - *Lost 4/28* BY PERKINS of Greene
APRIL 27, 1977 *(1717)*

HOUSE FILE 187

H-3789

1 Amend Amendment H-3526 to House File 187 as
2 follows:
3 1. Page 1, line 18, by striking the words "at
4 least twenty" and inserting in lieu thereof the words
5 "not more than ten".

H-3789 FILED - *Lost 4/27* BY KREWSON of Polk
APRIL 27, 1977 *p. 1673*

HOUSE FILE 187

H-3790

1 Amend House File 187, Amendment 3775 as
2 follows:
3 1. Page 2, line 13 by inserting after the
4 word "including" the word "newspapers".
5 2. Page 4, by inserting after line 42
6 the following:
7 "____". "All newspapers sold to a retailer."

H-3790 FILED - *Out of order* BY HARBOR of Mills
APRIL 27, 1977 *with adoption*
of 3775

HOUSE FILE 187

H-3796

1 Amend House File 187 as follows:
2 1. Page 4, by inserting after line 34 the
3 following:
4 "Sec. ____ NEW SECTION. Any litter receptacle
5 provided for in this Act shall be composed of
6 recycled materials."

H-3796 FILED - *Withdrawn* BY HARGRAVE of Johnson
APRIL 27, 1977 *4/28 (1715)*

H-3786

1 Amend the amendment, H-3526, to House File 187
2 as follows:

3 1. Page 1, by striking all after the numerals "187" in
4 line 1 and all of page 1 through page 2 line 8 and inserting
5 in lieu thereof the following: "in the following manner:"

6 "1. By striking everything after the enacting
7 clause and inserting in lieu thereof the following:

8 "Section 1. NEW SECTION. LEGISLATIVE FINDINGS.

9 Recognizing that the people of the state of Iowa have
10 a fundamental right and need for a healthful, clean
11 and beautiful environment; and recognizing that the
12 proliferation and accumulation of litter discards
13 throughout this state and the nation subvert this
14 right, impair this need and constitute a public health
15 hazard; and recognizing that the proliferation and
16 accumulation of litter is national in scope and that
17 uniform state action rather than a piecemeal state,
18 local, or regional solution is necessary to accomplish
19 effective litter control; and recognizing that
20 uniformity among local, regional and state governments
21 in control programs including signs, symbols and
22 regulations is desirable and necessary to accomplish
23 effective litter control; therefore, the general
24 assembly finds that there is an imperative need to
25 anticipate, plan for, and accomplish effective litter
26 control.

27 Sec. 2. NEW SECTION. LEGISLATIVE PURPOSE. The
28 purpose of this Act is to accomplish litter control
29 throughout this state by delegating to the department
30 of environmental quality the authority to conduct
31 a continuous program to control and remove litter
32 from this state to the maximum practical extent
33 possible. Every other department of state government
34 and all local governmental units and agencies of this
35 state shall cooperate with the department of
36 environmental quality in the administration and
37 enforcement of this Act. The intent of this Act is
38 to add to and to coordinate existing litter control
39 and resource recovery.

40 Sec. 3. NEW SECTION. TITLE. This Act shall be
41 known as the "State Litter Control and Resource
42 Recovery Act".

43 Sec. 4. NEW SECTION. DEFINITIONS. As used in this Act:

44 1. "Beverage" means beer as defined in section
45 one hundred twenty-three point three (123.3),
46 subsection nine (9) of the Code, beer containing more
47 than four percent alcohol by weight, mineral water,
48 soda water, pop and similar liquid soft drinks whether
49 carbonated or not.

50 2. "Department" means the department of

1 environmental quality.

2 3. "Executive director" means the executive
3 director of the department of environmental quality
4 or his or her designee.

5 4. "Litter" means all waste material including
6 but not limited to disposable packages or containers
7 thrown or deposited as prohibited by law, but not
8 including the wastes of the primary processes of
9 mining, logging, sawmilling, farming, or manufacturing.

10 5. "Litter bag" means a bag, sack, or other
11 container made of any material which is large enough
12 to serve as a receptacle for litter inside a vehicle
13 or watercraft.

14 6. "Litter receptacle" means those containers
15 adopted by the department for the deposit of litter
16 and which may be standardized as to size, shape,
17 capacity, and color.

18 7. "Watercraft" means any boat, ship, vessel,
19 barge, or other floating craft.

20 8. "Public place" means any area that is used
21 or held out for use by the public whether owned or
22 operated by public or private interests.

23 Sec. 5. NEW SECTION. POWERS AND DUTIES OF
24 EXECUTIVE DIRECTOR.

25 1. In addition to his or her other powers and
26 duties, the executive director may propose and adopt
27 pursuant to chapter seventeen A (17A) of the Code,
28 rules necessary to carry out the provisions, purposes
29 and intent of this Act.

30 2. The executive director may designate trained
31 employees of the department to be vested with police
32 powers to enforce and administer the provisions of
33 this Act and all rules adopted under this Act. The
34 executive director may contract with other state and
35 local governmental agencies having law enforcement
36 capabilities for services and personnel reasonably
37 necessary to carry out the enforcement provisions
38 of this Act. In addition, Iowa highway safety patrol
39 officers, officers of the state conservation
40 commission, sheriffs and marshals and their deputies,
41 police officers, and those employees of the depart-
42 ment of environmental quality vested with police
43 powers shall enforce the provisions of this Act and
44 any rules adopted under this Act and are empowered
45 to issue citations to or arrest without warrant persons
46 violating any provisions of this Act or any of the
47 rules adopted under this Act. All of these enforcement
48 officers may serve and execute all warrants, citations
49 and other process issued by the courts in enforcing
50 the provisions of this Act and rules adopted under

1 this Act. The mailing, by restricted certified mail,
2 of such warrant, citation or other process to the
3 last known place of residence of a person shall be
4 deemed personal service upon the person charged.

5 Sec. 6. NEW SECTION. LITTER RECEPTACLE--ANTI-
6 LITTER SYMBOL.

7 1. The executive director may design and shall
8 adopt by rule one or more types of litter receptacles
9 which are reasonably uniform as to size, shape,
10 capacity and color, for wide distribution throughout
11 the public places of this state. Such litter
12 receptacle may bear an anti-litter symbol as designed
13 and adopted by the executive director, as well as
14 a statement of the penalties which may be levied for
15 littering in this state. In addition, the litter
16 receptacles shall be designed to attract attention
17 and to encourage the depositing of litter. In
18 selecting the anti-litter symbol and the size, shape
19 and color for litter receptacles, the executive
20 director shall in the interest of national uniformity
21 and standardization, attempt to emulate the anti-
22 litter symbol and receptacles used by other states
23 which have litter laws or litter control programs
24 similar to this Act. The litter receptacles shall
25 be placed along the public highways of this state
26 and at all parks, campgrounds, trailer parks, drive-
27 in restaurants, gasoline service stations, tavern
28 parking lots, shopping centers, grocery store parking
29 lots, parking lots of major industrial firms, marinas,
30 boat launching areas, boat moorage and fueling
31 stations, public and private piers, beaches and bathing
32 areas, and such other public places within this state
33 as specified by rule of the executive director. The
34 number of such receptacles required to be placed as
35 specified in this section shall be determined by a
36 formula related to the need for such receptacles.

37 2. It shall be the responsibility of persons
38 operating any establishment or operating a public
39 place in which litter receptacles of the uniform
40 design are required by this section to procure and
41 place such receptacles at their own expense on the
42 premises in accord with the rules adopted by the
43 executive director.

44 3. Any person who fails to place such litter
45 receptacles on the premises in the numbers required
46 by rule of the executive director in violation of
47 the provisions of this section or rules adopted under
48 this section shall be guilty of a misdemeanor and,
49 upon conviction, shall be subject to a fine of twenty-
50 five dollars. Each day of violation shall constitute

1 a separate offense.

2 Sec. 7. NEW SECTION. LITTERING PROHIBITED--
3 PENALTY.

4 1. A person shall not throw, drop, deposit,
5 discard, or otherwise dispose of litter upon any
6 public property in the state or upon private property
7 in this state not owned by him or her or in the waters
8 of this state including, but not limited to, any
9 public highway, public park, beach, campground, forest
10 land, recreational area, trailer park, highway, road,
11 street or alley except:

12 a. When such property is designated by the state
13 or by any of its agencies or political subdivisions
14 for the disposal of garbage and refuse, and such
15 person is authorized to use such property for such
16 purpose.

17 b. Into a litter receptacle in such a manner that
18 the litter will be prevented from being carried away
19 or deposited by the elements upon any private or
20 public property or waters.

21 2. Any person violating the provisions of this
22 section shall be guilty of a misdemeanor and, upon
23 conviction, shall be subject to a fine of not less
24 than ten dollars for each offense and, in addition,
25 in the discretion of any court in which conviction
26 is obtained, such person may be directed by the court
27 to pick up and remove from any public place or any
28 private property with prior permission of the legal
29 owner upon which it is established by competent
30 evidence that such person has deposited litter, any
31 litter deposited by anyone before the date of execution
32 of sentence.

33 Sec. 8. NEW SECTION. LITTERING FROM MOTOR VEHICLE
34 OR WATERCRAFT--PENALTY. The operator of any motor
35 vehicle or watercraft who fails to keep and use a
36 litter bag in his or her vehicle or watercraft shall
37 be guilty of a misdemeanor and, upon conviction, shall
38 be subject to a fine of not less than ten dollars,
39 and at the discretion of the court, a labor of litter
40 gathering as provided in section seven (7), subsec-
41 tion two (2) of this Act.

42 Sec. 9. NEW SECTION. POSTING OF ANTI-LITTERING
43 PROVISIONS. A summary of requirements of this Act
44 shall be posted along the public highways of this
45 state and in all campgrounds and trailer parks, at
46 all entrances to state parks, forest lands, and
47 recreational areas, at all public beaches, and at
48 other public places in this state where persons are
49 likely to be informed of the existence and content
50 of such provisions and the penalties for violations.

1 Sec. 10. NEW SECTION. SERVICING OF LITTER
2 RECEPTACLES. The responsibility for the removal of
3 litter from litter receptacles placed at public parks,
4 beaches, campgrounds, trailer parks and other public
5 places shall be upon those state and local agencies
6 performing litter removal. The removal of litter
7 from litter receptacles placed on private property
8 which is used by the public shall be the responsibility
9 of the operator of such private property.

10 Sec. 11. NEW SECTION. TAX IMPOSED--ADMINISTRATION.

11 1. There is imposed a tax at a rate of three
12 hundredths of one percent of the sale price of any
13 of the following tangible personal properties sold
14 to a retailer for use, consumption or resale within
15 this state:

- 16 a. Groceries.
- 17 b. Cigarettes and tobacco products.
- 18 c. Soft drinks and carbonated waters.
- 19 d. Beer containing more than four percent alcohol
20 by weight.
- 21 e. Wine.
- 22 f. Liquor and other distilled alcohol beverages.
- 23 g. Newspapers and magazines.
- 24 h. Household paper and paper products.
- 25 i. Glass containers.
- 26 j. Metal containers.
- 27 k. Plastic or fiber containers made of synthetic
28 material.

- 29 l. Cleaning agents and toiletries.
- 30 m. Nondrug drugstore sundry products.
- 31 n. Prepared food for consumption off premise.
- 32 2. The tax imposed under subsection one (1) of
33 this section shall be collected by the department
34 of revenue from each person engaged in the business
35 of selling any of the tangible personal property items
36 specified in subsection one (1) of this section to
37 a retailer doing business in this state. The amount
38 of the tax shall be based on the value of such products
39 or the gross receipts of the sales of such tangible
40 personal property to the retailer.

- 41 3. The director of revenue shall provide, by rule,
42 for the administration of the tax imposed by this
43 section. The rules shall provide for the issuance
44 of permits, the payment of taxes, penalties for late
45 payments, records, the filing of tax returns, and
46 such other procedures as deemed appropriate by the
47 director of revenue for the effective administration
48 of this section. The administration of this section
49 shall be based on the same procedures and requirements
50 as provided for the administration of the retail sales

1 tax, as applicable.

2 4. The director of revenue may define, by rule,
3 the categories of property or products subject to
4 the tax imposed under subsection one (1) of this
5 section. In making such definitions, the director
6 shall be guided by the following standards:

7 a. It is the purpose of this Act to promote
8 resource recovery, recycling, and accomplish effective
9 control of litter within this state.

10 b. It is the purpose of this Act to impose a tax
11 on industries manufacturing or distributing at
12 wholesale, products and the packages, wrapping or
13 containers of such products which are reasonably
14 related to the litter problem in this state.

15 Sec. 12. NEW SECTION. PRODUCTS EXEMPT FROM
16 TAXATION. The tax imposed under section eleven (11)
17 of this Act shall not apply to the sales of beer made
18 by the holder of a class "A" beer permit as defined
19 in section one hundred twenty-three point one hundred
20 twenty-four (123.124) of the Code or to the value
21 of products or the gross receipts from the sale of
22 any animal, bird, or insect or the milk, eggs, wool,
23 fur, meat, honey or other substance obtained from
24 such animal, bird, or insect if the seller is a person
25 who performs only the growing or raising function
26 of such animal, bird, or insect.

27 Sec. 13. NEW SECTION. ACCOUNT CREATED--
28 DISPOSITION.

29 1. There is created in the general fund of the
30 state a litter control and resource recovery account,
31 to which shall be credited the receipts from the tax
32 imposed under sections eleven (11) and eighteen (18)
33 of this Act. The proceeds of the litter control and
34 resource recovery account are appropriated to the
35 department for the purpose of carrying out the
36 provisions of subsections two (2), three (3) and four
37 (4) of this section.

38 2. The department shall expend fifteen percent
39 of the proceeds of the account to acquire, prepare,
40 and distribute such educational and informational
41 material through elementary and secondary schools,
42 colleges, universities and political subdivisions
43 of this state, by contract with corporations or
44 associations, or by dissemination through the public
45 news media for the purpose of informing the public
46 of the purposes of this Act.

47 3. The department shall expend forty-five percent
48 of the proceeds of the account for grants to interested
49 private or public agencies for research or development
50 of solid waste recovery programs, including systems

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1 and facilities. A grant may be made only if it is
2 designed to provide regional or area-wide resource
3 recovery for cities and counties and provides an
4 equitable system for distributing the costs associated
5 with the construction, operation and maintenance of
6 any resource recovery system among the users of the
7 system.

8 4. The department shall expend forty percent of
9 the proceeds of the account to control and remove
10 litter. The executive director may enter into
11 agreements with public or private agencies, which
12 agreements shall contain such terms and conditions
13 as deemed necessary or desirable by the executive
14 director to accomplish litter control and removal.
15 However, an agreement shall not provide for making
16 payments to a private person solely for the purpose
17 of placing or installing a litter receptacle on private
18 property.

19 Sec. 14. NEW SECTION. ADDITIONAL DUTIES. In
20 addition to other powers and duties provided by law,
21 the department in carrying out litter control and
22 resource recovery responsibilities shall:

23 1. Serve as the coordinating agency between the
24 various industry organizations.

25 2. Recommend to the governing bodies of all local
26 governments that they adopt ordinances similar to
27 the provisions of this Act.

28 3. Cooperate with all state and local government
29 agencies.

30 4. Encourage, organize, and coordinate all
31 voluntary local anti-litter campaigns seeking to focus
32 the attention of the public on the programs of this
33 state to control and remove litter.

34 Sec. 15. NEW SECTION. SNAP TAB CANS PROHIBITED.
35 Effective January 1, 1979, a person shall not sell
36 or offer for sale at retail in this state any metal
37 beverage container which is so constructed that the
38 metal opener is designed to be completely detachable
39 from the container.

40 Sec. 16. NEW SECTION. UNIFORM APPLICATION. To
41 avoid the inequities of piecemeal or inconsistent
42 regulations or ordinances enacted by cities, counties
43 and other political subdivisions of this state, the
44 provisions of this Act shall supersede any regulation
45 or ordinance of a political subdivision of this state
46 relating to a tax, ban or mandatory deposit on the
47 manufacture or sale of convenience packages or
48 containers to the extent that such ordinance or
49 regulation is inconsistent with or duplicative of
50 this Act.

1 Sec. 17. NEW SECTION. GENERAL PENALTY. Any
2 person convicted of a violation of this Act for which
3 a penalty is not specifically provided shall be subject
4 to a fine of not more than ten dollars for each
5 violation.

6 Sec. 18. Section one hundred twenty-three point
7 one hundred thirty-six (123.136), unnumbered paragraph
8 one (1), Code 1977, is amended to read as follows:

9 In addition to the annual permit fee to be paid
10 by all class "A" permittees under the provisions of
11 this chapter there shall be levied and collected from
12 such permittees on all beer manufactured for sale
13 or sold in this state at wholesale and on all beer
14 imported into this state for sale at wholesale and
15 sold in this state at wholesale, a tax of four and
16 thirty-four hundredths dollars for every barrel
17 containing thirty-one gallons, and at a like rate
18 for any other quantity or for the fractional part
19 of a barrel. In addition, a litter tax of one cent
20 per gallon shall be added, making the total tax to
21 be collected four and sixty-five hundredths dollars
22 per barrel containing thirty-one gallons or equivalent
23 rate for fractional parts of a barrel. The litter
24 tax shall not be considered a part of the barrel tax
25 accruing to the state general fund, but it shall be
26 separated by the department of revenue and credited
27 to the litter control and resource recovery account
28 in the state general fund. However, no tax shall be
29 levied or collected on beer shipped outside this state
30 by a class "A" permittee or sold by one class "A"
31 permittee to another class "A" permittee.

32 Sec. 19. Sections four hundred fifty-five B point
33 ninety-five (455B.95), four hundred fifty-five B point
34 ninety-six (455B.96), four hundred fifty-five B point
35 ninety-seven (455B.97), and four hundred fifty-five
36 B point ninety-eight (455B.98), Code 1977, are
37 repealed.

38 Sec. 20. This Act is effective January 1, 1978."

39 2. Amend the title, lines 1 and 2, by striking
40 everything after the word "Act" and inserting in lieu
41 thereof the words "relating to the control of litter,
42 authorizing the department of environmental quality
43 to establish and maintain a comprehensive antilitter
44 program, imposing a tax levy on certain beverage con-
45 tainers and products, and providing penalties for
46 violations."

H-3786 FILED - Lost 4/27 BY MILLER of Buchanan

APRIL 27, 1977 p. 1660

Motion to reconsider p. 1675
is withdrawn 4/28 (1718)

HOUSE CLIP SHEET

Thursday, April 28, 1977

HOUSE FILE 187

H-3783

- 1 Amend House File 187 as follows:
- 2 1. Page 3, by inserting after line 18 the
- 3 following subsection:
- 4 "_____ . Any distributor may refuse to redeem
- 5 an empty beverage container which is not clean."

H-3783 FILED - *Out of order* BY PERKINS of Greene
APRIL 27, 1977 *4/28 (1713)*

HOUSE FILE 187

H-3784

- 1 Amend the amendment H-3775 to House File 187
- 2 as follows:
- 3 1. Page 1, by striking lines 33 and 34.
- 4 2. Page 1, line 35, by striking the words "sub-
- 5 section nine (9)" and inserting in lieu thereof the
- 6 following:
- 7 " 1. "Beverage" means alcoholic liquor and beer
- 8 as defined in section one hundred twenty-three point
- 9 three (123.3), subsections eight (8) and nine (9)".

H-3784 FILED - *Out of order* BY SMALLEY of Polk
APRIL 27, 1977 *with deletion of 3775 4/27 (1669)*

HOUSE FILE 187

H-3785

- 1 Amend House File 187 as follows:
- 2 1. Page 4, by striking lines 30 through 34 and
- 3 inserting in lieu thereof the following:
- 4 "Sec. 9. NEW SECTION. NONREUSABLE CONTAINERS
- 5 PROHIBITED. A person shall not sell or offer for
- 6 sale at retail in this state any nonreusable beverage
- 7 container. As used in this section, "nonreusable
- 8 beverage container" means a beverage container which
- 9 is not intended to be returned when empty to a manufac-
- 10 turer and refilled with a beverage."

H-3785 FILED - *Out of order* BY SPENCER of Clay
APRIL 27, 1977 *4/28 (1715)*

HOUSE FILE 187

H-3787

- 1 Amend House File 187 as follows:
- 2 1. Page 5, line 13, by striking the following:
- 3 "1978", and inserting in lieu thereof the following:
- 4 "1979".

H-3787 FILED - *Out of order* BY THOMPSON of Polk
APRIL 27, 1977 *4/28 (1715)*

HOUSE FILE 187

H-3782

- 1 Amend amendment H-3526, to House File 187, as
- 2 follows:
- 3 1. Page 1, line 38, by inserting after the
- 4 word "dealer" the word ",distributor".

H-3782 FILED-*adopted 4/27* BY PERKINS of Greene
APRIL 26, 1977 *p. 1674* KOOGLER of Mahaska

H-3780

1 Amend House File 187 as follows:

2 1. Page 1, by inserting before line 1 the follow-
3 ing sections:

4 "Sec. _____. NEW SECTION. LEGISLATIVE INTENT.

5 It is the intent of the Iowa general assembly, through
6 this Act, to implement a resource recovery program,
7 facilitate the recycling of reusable waste products,
8 and accomplish effective litter control in Iowa.

9 Sec. _____. NEW SECTION. TITLE. This Act shall
10 be known as the "Iowa Resource Recovery and Litter
11 Control Act".

12 2. Page 1, by inserting after line 25 the following
13 subsections:

14 "_____. "Executive director" means the executive
15 director of the Iowa department of environmental
16 quality or a designee.

17 "_____. "Litter" means all waste material including
18 but not limited to disposable packages or containers
19 thrown or deposited as prohibited by law, but not
20 including the wastes of the primary processes of
21 mining, logging, sawmilling, farming, or manufacturing.

22 "_____. "Litter bag" means a bag, sack, or other
23 container made of any material which is large enough
24 to serve as a receptacle for litter inside a vehicle
25 or watercraft.

26 "_____. "Litter receptacle" means those containers
27 adopted by the department for the deposit of litter
28 and which may be standardized as to size, shape,
29 capacity, and color.

30 "_____. "Watercraft" means any boat, ship, vessel,
31 barge, or other floating craft.

32 "_____. "Public place" means any area that is used
33 or held out for use by the public whether owned or
34 operated by public or private interests."

35 3. Page 5, by inserting after line 12 the following
36 sections:

37 "Sec. 13. NEW SECTION. POWERS AND DUTIES OF
38 EXECUTIVE DIRECTOR.

39 1. In addition to his or her other powers and
40 duties, the executive director may propose and adopt
41 pursuant to chapter seventeen A (17A) of the Code,
42 rules necessary to carry out the provisions, purposes
43 and intent of this Act.

44 2. The executive director may contract with other
45 state and local governmental agencies having law
46 enforcement capabilities for services and personnel
47 reasonably necessary to carry out the enforcement
48 provisions of this Act.

49 3. The executive director may design and shall
50 adopt by rule one or more types of litter receptacles

1 and implement their distribution and use as prescribed
2 in section fourteen (14) of this Act.

3 4. The executive director shall cause to have
4 a summary of the requirements and penalties of this
5 Act posted along the public highways of this state
6 and in all campgrounds and trailer parks, at all
7 entrances to state parks, forest lands, and
8 recreational areas, at all public beaches, and at
9 other public places in this state.

10 5. The executive director shall encourage and
11 assist in organizing and coordinating voluntary local
12 anti-litter campaigns throughout the state.

13 Sec. 14. NEW SECTION. LITTER RECEPTACLE--ANTI-
14 LITTER SYMBOL.

15 1. The executive director may design and shall
16 adopt by rule one or more types of litter receptacles
17 which are reasonably uniform as to size, shape,
18 capacity and color, for wide distribution throughout
19 the public places of this state. Such litter
20 receptacle may bear an anti-litter symbol as designed
21 and adopted by the executive director, as well as
22 a statement of the penalties which may be levied for
23 littering in this state. The litter receptacles shall
24 be placed along the public highways of this state
25 and at all parks, campgrounds, trailer parks, drive-
26 in restaurants, gasoline service stations, tavern
27 parking lots, shopping centers, grocery store parking
28 lots, parking lots of major industrial firms, marinas,
29 boat launching areas, boat moorage and fueling
30 stations, public and private piers, beaches and bathing
31 areas, and such other public places within this state
32 as specified by rule of the executive director. The
33 number of such receptacles required to be placed as
34 specified in this section shall be determined by a
35 formula related to the need for such receptacles.

36 2. It shall be the responsibility of persons
37 operating any establishment or operating a public
38 place in which litter receptacles of the uniform
39 design are required by this section to procure and
40 place such receptacles at their own expense on the
41 premises in accord with the rules adopted by the
42 executive director.

43 3. Any person who fails to place such litter
44 receptacles on the premises in the numbers required
45 by rule of the executive director in violation of
46 the provisions of this section or rules adopted under
47 this section shall be guilty of a simple misdemeanor.
48 Each day of violation shall constitute a separate
49 offense.

50 Sec. 15. NEW SECTION. SERVICING OF LITTER

1 RECEPTACLES. The responsibility for the removal of
2 litter from litter receptacles placed at public parks,
3 beaches, campgrounds, trailer parks and other public
4 places shall be upon those state and local agencies
5 performing litter removal. The removal of litter
6 from litter receptacles placed on private property
7 which is used by the public shall be the responsibility
8 of the operator of such private property.

9 Sec. 16. NEW SECTION. LITTERING PROHIBITED--
10 PENALTY.

11 1. A person shall not throw, drop, deposit,
12 discard, or otherwise dispose of litter upon any
13 public property in the state or upon private property
14 in this state not owned by him or her or in the waters
15 of this state including, but not limited to, any
16 public highway, public park, beach, campground, forest
17 land, recreational area, trailer park, highway, road,
18 street or alley except as provided in subsection two
19 (2) of this section.

20 2. A person may dispose of litter only into a
21 litter receptacle or bag or onto property so designated
22 by the state, its agencies, or political subdivisions
23 for the disposal of garbage or refuse upon proper
24 authorization.

25 3. Any person violating the provisions of this
26 section shall be guilty of a simple misdemeanor and,
27 in addition, in the discretion of any court in which
28 conviction is obtained, such person may be directed
29 by the court to pick up and remove from any public
30 place or any private property with prior permission
31 of the legal owner upon which it is established by
32 competent evidence that such person has deposited
33 litter, any litter deposited by anyone before the
34 date of execution of sentence.

35 Sec. 17. NEW SECTION. MOTOR VEHICLES AND
36 WATERCRAFT--LITTER BAGS. The operator or owner of
37 any motor vehicle or watercraft shall have a litter
38 bag in their vehicle or watercraft at all times the
39 vehicle or watercraft is in operation. When litter
40 is discarded from a motor vehicle, the driver of the
41 motor vehicle shall be responsible for the act in
42 any case where doubt exists as to which occupant of
43 the motor vehicle actually discarded the litter.
44 An owner or operator in violation of this section
45 shall be guilty of a simple misdemeanor.

46 Sec. 18. NEW SECTION. TAX IMPOSED--ADMINISTRATION.

47 1. There is imposed a tax at a rate of three
48 hundredths of one percent of the sale price of any
49 product which is or will become packaged or contained
50 in a glass, paper, metal, or plastic container sold

1 to a retailer for use, consumption or resale within
2 this state.

3 2. The tax imposed under subsection one (1) of
4 this section shall be collected by the department
5 of revenue from each person engaged in the business
6 of selling any such packaged or contained product
7 described in subsection one (1) of this section to
8 a retailer doing business in this state. The amount
9 of the tax shall be based on the gross receipts of
10 the sales of such packaged or contained products to
11 the retailer.

12 3. The director of revenue shall provide, by rule,
13 for the administration of the tax imposed by this
14 section. The rules shall provide for the issuance
15 of permits, the payment of taxes, penalties for late
16 payments, records, the filing of tax returns, and
17 such other procedures as deemed appropriate by the
18 director of revenue for the effective administration
19 of this section. The administration of this section
20 shall be based on the same procedures and requirements
21 as provided for the administration of the retail sales
22 tax, as applicable.

23 4. The director of revenue may define, by rule,
24 the categories of property or products subject to
25 the tax imposed under subsection one (1) of this
26 section. In making such definitions, the director
27 shall be guided by the following standards:

28 a. It is the purpose of this Act to promote
29 resource recovery, recycling, and accomplish effective
30 control of litter within this state.

31 b. It is the purpose of this Act to impose a tax
32 on industries manufacturing or distributing at
33 wholesale, products and the packages, wrapping or
34 containers of such products which are reasonably
35 related to the litter problem in this state.

36 Sec. 19. NEW SECTION. PRODUCTS EXEMPT FROM
37 TAXATION. The tax imposed under section eighteen
38 (18) of this Act shall not apply to the sales of beer
39 made by the holder of a class "A" beer permit as
40 defined in section one hundred twenty-three point
41 one hundred twenty-four (123.124) of the Code or to
42 the value of products or the gross receipts from the
43 sale of any animal, bird, or insect or the milk, eggs,
44 wool, fur, meat, honey or other substance obtained
45 from such animal, bird, or insect if the seller is
46 a person who performs only the growing or raising
47 function of such animal, bird, or insect.

48 Sec. 20. NEW SECTION. ACCOUNT CREATED--
49 DISPOSITION.

50 1. There is created in the general fund of the

1 state a litter control and resource recovery account,
2 to which shall be credited the receipts from the tax
3 imposed under sections eighteen (18) and twenty-two
4 (22) of this Act. The proceeds of the litter control
5 and resource recovery account are appropriated to
6 the department of environmental quality for the purpose
7 of carrying out the provisions of subsections two
8 (2), three (3) and four (4) of this section.

9 2. The department of environmental quality shall
10 expend fifteen percent of the proceeds of the account
11 to acquire, prepare, and distribute such educational
12 and informational material through elementary and
13 secondary schools, colleges, universities and political
14 subdivisions of this state, by contract with
15 corporations or associations, or by dissemination
16 through the public news media for the purpose of
17 informing the public of the purposes of this Act.

18 3. The department of environmental quality shall
19 expend forty-five percent of the proceeds of the
20 account for grants to interested private or public
21 agencies for research or development of solid waste
22 recovery programs, including systems and facilities.
23 A grant may be made only if it is designed to provide
24 regional or area-wide resource recovery for cities
25 and counties and provides an equitable system for
26 distributing the costs associated with the
27 construction, operation and maintenance of any resource
28 recovery system among the users of the system.

29 4. The department of environmental quality shall
30 expend forty percent of the proceeds of the account
31 to control and remove litter. The executive director
32 may enter into agreements with public or private
33 agencies, which agreements shall contain such terms
34 and conditions as deemed necessary or desirable by
35 the executive director to accomplish litter control
36 and removal. However, an agreement shall not provide
37 for making payments to a private person solely for
38 the purpose of placing or installing a litter
39 receptacle on private property.

40 Sec. 21. Manufacturers and distributors as defined
41 in section one (1) of this Act shall be subject to
42 the tax imposed in section eighteen (18) of this Act
43 only for a period of one year from the effective date
44 of this Act.

45 Sec. 22. Section one hundred twenty-three point
46 one hundred thirty-six (123.136), unnumbered paragraph
47 one (1), Code 1977, is amended to read as follows:

48 In addition to the annual permit fee to be paid
49 by all class "A" permittees under the provisions of
50 this chapter there shall be levied and collected from

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1 such permittees on all beer manufactured for sale
 2 or sold in this state at wholesale and on all beer
 3 imported into this state for sale at wholesale and
 4 sold in this state at wholesale, a tax of four and
 5 thirty-four hundredths dollars for every barrel
 6 containing thirty-one gallons, and at a like rate
 7 for any other quantity or for the fractional part
 8 of a barrel. In addition, a litter tax of one cent
 9 per gallon shall be added, making the total tax to
 10 be collected four and sixty-five hundredths dollars
 11 per barrel containing thirty-one gallons or equivalent
 12 rate for fractional parts of a barrel. The litter
 13 tax shall not be considered a part of the barrel tax
 14 accruing to the state general fund, but it shall be
 15 separated by the department of revenue and credited
 16 to the litter control and resource recovery account
 17 in the state general fund. The additional litter
 18 tax imposed herein shall apply only for a period of
 19 one year from the effective date of this Act. However,
 20 no tax shall be levied or collected on beer shipped
 21 outside this state by a class "A" permittee or sold
 22 by one class "A" permittee to another class "A"
 23 permittee.

24 Sec. 23. Sections four hundred fifty-five B point
 25 ninety-five (455B.95), four hundred fifty-five B point
 26 ninety-six (455B.96), four hundred fifty-five B point
 27 ninety-seven (455B.97), and four hundred fifty-five
 28 B point ninety-eight (455B.98), Code 1977, are
 29 repealed."

30 4. By renumbering the remaining sections and
 31 correcting internal references in accordance with
 32 this amendment.

33 5. Amend the title, line 2, by inserting before
 34 the word "and" the words ", to implement solid waste
 35 recovery, and to accomplish effective litter control
 36 by imposing a litter tax and providing penalties."

H-3780 FILED - *Withdrawn 4/26* BY PELTON of Clinton
 APRIL 26, 1977 (*p. 1714*)

HOUSE FILE 187

H-3781

1 Amend House File 187 as follows:

2 1. Page 4, by striking lines 30 through 34,
 3 and inserting in lieu thereof the following:

4 "Sec. 9. NEW SECTION. DETACHABLE TOPS PROHIBITED
 5 Effective January 1, 1979, no person shall sell or
 6 offer for sale at retail in this state any metal
 7 beverage container which is so constructed that
 8 the metal opener is designed to be completely
 9 detachable from the container."

10 2. Page 5, line 13, by striking the figure
 11 "1978" and inserting in lieu thereof the figure
 12 "1979".

H-3781 FILED A- *Adopted* BY PERKINS of Greene
 APRIL 26, 1977 B- *Withdrawn 4/28* (*p. 1715*)

H-3775

- 1 Amend the amendment, H-3526, to House File 187
2 as follows:
- 3 1. Page 1, by inserting after line 1 the following:
4 "_____. By striking everything after the enacting
5 clause to and including page 1, line 25, and inserting
6 in lieu thereof the following:
- 7 "Section 1. NEW SECTION. LEGISLATIVE FINDINGS.
8 Recognizing that the people of the state of Iowa have
9 a fundamental right and need for a healthful, clean
10 and beautiful environment which preserves our natural
11 resources; and recognizing that the proliferation
12 and accumulation of litter discards throughout this
13 state and the nation subvert this right, impair this
14 need and constitute a public health hazard. Further
15 recognizing the need to reduce wasteful uses of energy
16 and natural resources by recovering and recycling
17 of containers, the general assembly finds that there
18 is an imperative need to anticipate, plan for, and
19 accomplish effective recycling and litter control.
- 20 Sec. 2. NEW SECTION. LEGISLATIVE PURPOSE. The
21 purpose of this Act is to accomplish conservation
22 of natural resources through the use of a deposit
23 on beverage containers and litter control. This state
24 through the cooperation of the department of revenue,
25 the department of environmental quality and the beer
26 and liquor control department with all other
27 departments of this state and its political
28 subdivisions will preserve and enhance the natural
29 resources of this state. The intent of this Act is
30 to provide a healthful and beautiful environment for
31 all citizens.
- 32 Sec. 3. NEW SECTION. DEFINITIONS.
- 33 1. "Beverage" means beer as defined in section
34 one hundred twenty-three point three (123.3),
35 subsection nine (9) of the Code, other alcoholic malt
36 beverages and mineral water, soda water and similar
37 carbonated soft drinks in liquid form and intended
38 for human consumption.
- 39 2. "Beverage container" means any glass, plastic,
40 or metal bottle, can, jar or carton containing a
41 beverage.
- 42 3. "Consumer" means any person who purchases a
43 beverage in a beverage container for use or
44 consumption.
- 45 4. "Dealer" means any person who engages in the
46 sale of beverages in beverage containers to a consumer.
- 47 5. "Distributor" means any person who engages
48 in the sale of beverages in beverage containers to
49 a dealer, including any manufacturer who engages in
50 such sales.

7

1 6. "Manufacturer" means any person who bottles,
2 cans, or otherwise fills beverage containers for sale
3 to distributors or dealers.

4 7. "Department" means the Iowa beer and liquor
5 control department.

6 8. "Director" means the director of the Iowa beer
7 and liquor control department.

8 9. "Council" means the Iowa beer and liquor control
9 council.

10 10. "Executive director" means the executive
11 director of the department of environmental quality
12 or his or her designee.

13 11. "Litter" means all waste material including
14 but not limited to disposable packages or containers
15 thrown or deposited as prohibited by law, but not
16 including the wastes of the primary processes of
17 mining, logging, sawmilling, farming, or manufacturing.

18 12. "Litter bag" means a bag, sack, or other
19 container made of any material which is large enough
20 to serve as a receptacle for litter inside a vehicle
21 or watercraft.

22 13. "Litter receptacle" means those containers
23 adopted by the department for the deposit of litter
24 and which may be standardized as to size, shape,
25 capacity, and color.

26 14. "Public place" means any area that is used
27 or held out for use by the public whether owned or
28 operated by public or private interests."

29 2. Page 2, by inserting after line 6, the
30 following:

31 "_____. Page 5, by inserting after line 12 the
32 following:

33 "Sec. 13. NEW SECTION. POWERS AND DUTIES OF THE
34 EXECUTIVE DIRECTOR.

35 1. In addition to his or her other powers and
36 duties, the executive director may propose and adopt
37 pursuant to chapter seventeen A (17A) of the Code,
38 rules necessary to carry out the provisions, purposes
39 and intent of sections thirteen (13) through twenty
40 (20) of this Act.

41 2. The executive director may designate trained
42 employees of the department of environmental quality
43 to be vested with police powers to enforce and
44 administer the provisions of sections thirteen (13)
45 through twenty (20) of this Act and all rules adopted
46 under sections thirteen (13) through twenty (20) of
47 this Act. The executive director may contract with
48 other state and local governmental agencies having
49 law enforcement capabilities for services and personnel
50 reasonably necessary to carry out the enforcement

1 provisions of sections thirteen (13) through twenty
2 (20) of this Act. In addition, Iowa highway safety
3 patrol officers, officers of the state conservation
4 commission, sheriffs and marshals and their deputies,
5 police officers, and those employees of the depart-
6 ment of environmental quality vested with police
7 powers shall enforce the provisions of sections
8 thirteen (13) through twenty (20) of this Act and
9 any rules adopted under sections thirteen (13) through
10 twenty (20) of this Act and are empowered to issue
11 citations to or arrest without warrant persons
12 violating any provisions of sections thirteen (13)
13 through twenty (20) of this Act or any of the rules
14 adopted under sections thirteen (13) through twenty
15 (20) of this Act. All of these enforcement officers
16 may serve and execute all warrants, citations and
17 other process issued by the courts in enforcing the
18 provisions of sections thirteen (13) through twenty
19 (20) of this Act and rules adopted under sections
20 thirteen (13) through twenty (20) of this Act. The
21 mailing, by restricted certified mail, of such warrant,
22 citation or other process to the last known place
23 of residence of a person shall be deemed personal
24 service upon the person charged.

25 Sec. 14. NEW SECTION. LITTERING PROHIBITED--
26 PENALTY.

27 1. A person shall not throw, drop, deposit,
28 discard, or otherwise dispose of litter upon any
29 public property in the state or upon private property
30 in this state not owned by him or her or in the waters
31 of this state including, but not limited to, any
32 public highway, public park, beach, campground, forest
33 land, recreational area, trailer park, highway, road,
34 street or alley except:

35 a. When such property is designated by the state
36 or by any of its agencies or political subdivisions
37 for the disposal of garbage and refuse, and such
38 person is authorized to use such property for such
39 purpose.

40 b. Into a litter receptacle in such a manner that
41 the litter will be prevented from being carried away
42 or deposited by the elements upon any private or
43 public property or waters.

44 2. Any person violating the provisions of this
45 section shall be guilty of a misdemeanor and, upon
46 conviction, shall be subject to a fine of not less
47 than ten dollars for each offense and, in addition,
48 in the discretion of any court in which conviction
49 is obtained, such person may be directed by the court
50 to pick up and remove from any public place or any

1 private property with prior permission of the legal
2 owner upon which it is established by competent
3 evidence that such person has deposited litter, any
4 litter deposited by anyone before the date of execution
5 of sentence.

6 Sec. 15. NEW SECTION. POSTING OF ANTI-LITTERING
7 PROVISIONS. A summary of requirements of sections
8 thirteen (13) through twenty (20) of this Act shall
9 be posted along the public highways of this state
10 and in all campgrounds and trailer parks, at all
11 entrances to state parks, forest lands, and
12 recreational areas, at all public beaches, and at
13 other public places in this state where persons are
14 likely to be informed of the existence and content
15 of such provisions and the penalties for violations.

16 Sec. 16. NEW SECTION. RESPONSIBILITY TO MAINTAIN
17 LITTER RECEPTACLES.

18 1. It shall be the responsibility of persons
19 operating any establishment or operating a public
20 place to maintain litter receptacles at their own
21 expense on the premises in accord with the rules
22 adopted by the executive director.

23 2. Any person who fails to place litter receptacles
24 on the premises required by rule of the executive
25 director in violation of the provisions of this section
26 or rules adopted under this section shall be guilty
27 of a misdemeanor and, upon conviction, shall be subject
28 to a fine of twenty-five dollars. Each day of
29 violation shall constitute a separate offense.

30 Sec. 17. NEW SECTION. LITTER TAX.

31 1. There is imposed a tax at a rate of three
32 hundredths of one percent of the sale price of any
33 of the following tangible personal properties, except
34 for beverage containers subject to the deposit
35 requirements of this Act, sold to a retailer within
36 this state:

37 a. All products sold to a retailer in nonreusable
38 packages or containers for resale in the same
39 nonreusable packages or containers.

40 b. All products sold to a retailer for use in
41 packaging or containing other products sold by the
42 retailer if the packages or containers are nonreusable.

43 2. The tax imposed under subsection one (1) of
44 this section shall be collected by the department
45 of revenue from each person engaged in the business
46 of selling any of the tangible personal property items
47 specified in subsection one (1) of this section to
48 a retailer doing business in this state. The amount
49 of the tax shall be based on the value of such products
50 or the gross receipts of the sales of such tangible

1 personal property to the retailer.
2 3. The director of revenue shall provide, by rule,
3 for the administration of the tax imposed by this
4 section. The rules shall provide for the issuance
5 of permits, the payment of taxes, penalties for late
6 payments, records, the filing of tax returns, and
7 such other procedures as deemed appropriate by the
8 director of revenue for the effective administration
9 of this section. The administration of this section
10 shall be based on the same procedures and requirements
11 as provided for the administration of the retail sales
12 tax, as applicable.

13 4. The director of revenue may define, by rule,
14 the categories of property or products subject to
15 the tax imposed under subsection one (1) of this
16 section. In making such definitions, the director
17 shall be guided by the following standards:

18 a. It is the purpose of sections thirteen (13)
19 through twenty (20) of this Act to promote resource
20 recovery, recycling, and accomplish effective control
21 of litter within this state.

22 b. It is the purpose of sections thirteen (13)
23 through twenty (20) of this Act to impose a tax on
24 industries manufacturing or distributing at wholesale,
25 products and the packages, wrapping or containers
26 of such products which are reasonably related to the
27 litter problem in this state.

28 Sec. 18. NEW SECTION. PRODUCTS EXEMPT FROM
29 TAXATION. The tax imposed under section seventeen
30 (17) of this Act shall not apply to the sales of beer
31 made by the holder of a class "A" beer permit as
32 defined in section one hundred twenty-three point
33 one hundred twenty-four (123.124) of the Code or to
34 the value of products or the gross receipts from the
35 sale of any animal, bird, or insect or the milk, eggs,
36 wool, fur, meat, honey or other substance obtained
37 from such animal, bird, or insect if the seller is
38 a person who performs only the growing or raising
39 function of such animal, bird, or insect.

40 Sec. 19. NEW SECTION. ACCOUNT CREATED—
41 DISPOSITION.

42 1. There is created in the general fund of the
43 state a litter control and resource recovery account,
44 to which shall be credited the receipts from the tax
45 imposed under sections seventeen (17) and twenty-one
46 (21) of this Act. The proceeds of the litter control
47 and resource recovery account are appropriated to
48 the department of environmental quality for the purpose
49 of carrying out the provisions of subsections two
50 (2), three (3) and four (4) of this section.

2. The department of environmental quality shall expend fifteen percent of the proceeds of the account to acquire, prepare, and distribute such educational and informational material through elementary and secondary schools, colleges, universities and political subdivisions of this state, by contract with corporations or associations, or by dissemination through the public news media for the purpose of informing the public of the purposes of sections thirteen (13) through twenty (20) of this Act.

3. The department of environmental quality shall expend thirty-five percent of the proceeds of the account for grants to interested private or public agencies for research or development of solid waste recovery or recycling programs, including systems and facilities. A grant may be made only if it is designed to provide regional or area-wide resource recovery for cities and counties and provides an equitable system for distributing the costs associated with the construction, operation and maintenance of any resource recovery system among the users of the system.

4. The department of environmental quality shall expend fifty percent of the proceeds of the account to control and remove litter. The executive director may enter into agreements with public or private agencies, which agreements shall contain such terms and conditions as deemed necessary or desirable by the executive director to accomplish litter control and removal. From the proceeds the executive director shall provide the placement of litter receptacles along the public highways of this state and at all parks, campgrounds, trailer parks, drive-in restaurants, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, parking lots of major industrial firms, marinas, boat launching areas, boat moorage and fueling stations, public and private piers, beaches and bathing areas, and such other public places within this state as specified by rule of the executive director. The number of such receptacles required to be placed as specified in this section shall be determined by a formula related to the need for such receptacles. However, the executive director shall not provide payments to private persons solely for the purpose of placing or installing a litter receptacle on private property.

Sec. 20. NEW SECTION. ADDITIONAL DUTIES. In addition to other powers and duties provided by law, the department of environmental quality in carrying

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Page 7

1 out litter control and resource recovery
2 responsibilities shall:

3 1. Serve as the coordinating agency between the
4 various industry organizations.

5 2. Recommend to the governing bodies of all local
6 governments that they adopt ordinances similar to
7 the provisions of this Act.

8 3. Cooperate with all state and local government
9 agencies.

10 4. Encourage, organize, and coordinate all
11 voluntary local anti-litter campaigns seeking to focus
12 the attention of the public on the programs of this
13 state to control and remove litter.

14 Sec. 21. Section one hundred twenty-three point
15 one hundred thirty-six (123.136), unnumbered paragraph
16 one (1), Code 1977, is amended to read as follows:

17 In addition to the annual permit fee to be paid
18 by all class "A" permittees under the provisions of
19 this chapter there shall be levied and collected from
20 such permittees on all beer manufactured for sale
21 or sold in this state at wholesale and on all beer
22 imported into this state for sale at wholesale and
23 sold in this state at wholesale, a tax of four and
24 thirty-four hundredths dollars for every barrel
25 containing thirty-one gallons, and at a like rate
26 for any other quantity or for the fractional part
27 of a barrel. In addition, a litter tax of one cent
28 per gallon shall be added, making the total tax to
29 be collected four and sixty-five hundredths dollars
30 per barrel containing thirty-one gallons or equivalent
31 rate for fractional parts of a barrel. The litter
32 tax shall not be considered a part of the barrel tax
33 accruing to the state general fund, but it shall be
34 separated by the department of revenue and credited
35 to the litter control and resource recovery account
36 in the state general fund. However, no tax shall be
37 levied or collected on beer shipped outside this state
38 by a class "A" permittee or sold by one class "A"
39 permittee to another class "A" permittee.

40 Sec. 22. Sections four hundred fifty-five B point
41 ninety-five (455B.95), four hundred fifty-five B point
42 ninety-six (455B.96), four hundred fifty-five B point
43 ninety-seven (455B.97), and four hundred fifty-five
44 B point ninety-eight (455B.98), Code 1977, are
45 repealed."

46 3. Page 2, by inserting after 8, the following:

47 " _____. Amend the title, line 2, by inserting after
48 the word "containers" the following: "and relating
49 to the control of litter, authorizing the department
50 of environmental quality to establish and maintain

- 1 a comprehensive antilitter program, imposing a tax
- 2 levy on products,."
- 3 4. By renumbering sections and internal references
- 4 to sections to conform to this amendment.

H-3775 FILED - *Adopted 4/27* BY O'HALLORAN of Black Hawk
 APRIL 26, 1977 *p. 1669* BRUNOW of Appanoose
Motion to reconsider p. 1674 HALVORSON of Clayton
" withdrawn 4/28 p. 1695, 1718 HINKHOUSE of Cedar
 ANDERSON of Jasper
 EVANS of Grundy
 HARGRAVE of Johnson
 DIELEMAN of Marion
 TAUKE of Dubuque
 HOWELL of Floyd
 JOCHUM of Dubuque
 TOFTE of Winneshiek
 LAGESCHULTE of Bremer
 KOOGLER of Mahaska
 EGENES of Story
 CLARK of Cerro Gordo
 CLARK of Lee
 KREWSON of Polk
 SHIMANEK of Jones
 BRANDT of Black Hawk

HOUSE FILE 187

H-3772

- 1 Amend amendment H-3565 to House File 187
- 2 as follows:
- 3 1. Page 7, line 8, by striking the words "or
- 4 private agencies" and inserting in lieu thereof
- 5 the following: "public agencies or the private
- 6 sector".

H-3772 FILED - *Out of order* BY PELLETT of Cass
 APRIL 26, 1977 *4/28 (p. 1713)*
 HOUSE FILE 187

H-3776

- 1 Amend the amendment, H-3526, to House File 187
- 2 as follows:
- 3 1. Page 1, line 5, by striking the word "five"
- 4 and inserting in lieu thereof the word "ten".
- 5 2. Page 2, by inserting after line 6 the follow-
- 6 ing:
- 7 "____. Page 3, line 29, by striking the word
- 8 "five" and inserting in lieu thereof the word "ten"."

H-3776 FILED - *Adopted 4/27* BY HALVORSON of Clayton
 APRIL 26, 1977 *p. 1673*
Motion to reconsider p. 1675
" withdrawn 4/28 (1697)

H-3738

1 Amend House File 187 as follows:

2 1. Page 1, by inserting after line 25 the following
3 subsection:

4 "_____. "Dislocated worker" means an individual
5 who suffers a loss of employment which is directly
6 related to or caused by the provisions of this Act."

7 2. Page 5, by inserting after line 9 the following
8 sections:

9 "Sec. 12. NEW SECTION. FUND CREATED. There is
10 created in the office of the treasurer of state a
11 dislocation allowance fund. The fund shall be used
12 to make payments to dislocated workers pursuant to
13 section thirteen (13) of this Act. The general
14 assembly shall appropriate sufficient moneys to the
15 dislocation allowance fund to administer the fund
16 and meet the obligations of the fund to provide such
17 payments.

18 Sec. 13. NEW SECTION. DISLOCATION ALLOWANCE.
19 A dislocated worker shall be entitled to a dislocation
20 allowance equal to seventy-five percent of the worker's
21 average weekly wage. The dislocation allowance shall
22 be reduced by the amount of unemployment compensation
23 benefits to which the dislocated worker is entitled
24 under the provisions of chapter ninety-six (96) of
25 the Code. A dislocation allowance shall not be paid
26 to any dislocated worker for more than two years
27 following the date of unemployment.

28 Sec. 14. NEW SECTION. FILING AND ELIGIBILITY
29 REQUIREMENTS.

30 1. A dislocated worker shall apply to the
31 department of job service for a dislocation allowance
32 upon a form prescribed by the department. Upon receipt
33 of an application, the department shall determine
34 whether the individual is a dislocated worker, as
35 defined in section one (1) of this Act, entitled to
36 a dislocation allowance.

37 2. Before applying for a dislocation allowance,
38 a dislocated worker shall apply for unemployment
39 compensation benefits under chapter ninety-six (96)
40 of the Code and shall meet the eligibility requirements
41 of section ninety-six point four (96.4) of the Code
42 as a condition of receipt of the dislocation allowance.

43 3. The department of job service shall provide
44 reemployment assistance services to a dislocated
45 worker who is determined eligible for a dislocation
46 allowance under subsection one (1) of this section.

47 Sec. 15. Section ninety-six point five (96.5),
48 subsection five (5), Code 1977, is amended by adding
49 the following unnumbered paragraph:

50 NEW UNNUMBERED PARAGRAPH. Provided that this

1 subsection shall not be interpreted to reduce Iowa
2 unemployment compensation benefits for dislocated
3 workers receiving a dislocation allowance pursuant
4 to section thirteen (13) of this Act."

5 3. By renumbering the remaining sections and
6 correcting internal references in accordance with
7 this amendment.

H-3738 FILED - *Lost 4/28*
APRIL 25, 1977 *p. 1700*

BY CONNORS of Polk
PAVICH of Pottawattamie
MILLER Of Buchanan
JOCHUM of Dubuque
HORN of Linn
BYERLY of Polk

H-3697

- 1 Amend the amendment, H-3526, to House File 187
2 as follows:
- 3 1. Page 1, by inserting after line 1 the follow-
4 ing:
5 "_____. Page 1, by inserting after line 25 the
6 following subsection:
7 "_____. "Redemption center" means a sanitary dis-
8 posal project as defined in section four hundred
9 fifty-five B point seventy-five (455B.75), subsection
10 three (3), of the Code."
11 2. Page 1, by striking lines 10 through 20 and
12 inserting in lieu thereof the following: "of this
13 Act. Upon return of a reusable beverage container
14 to the dealer and acceptance of the reusable beverage
15 container by the dealer or upon the return of a
16 nonreusable beverage container to a person operating
17 a redemption center, the dealer or the person operating
18 the redemption center shall return the amount of the
19 refund value to the consumer.
20 2. A dealer or a person operating a redemption
21 center shall upon return of the beverage containers
22 to the manufacturer or distributor be reimbursed by
23 the manufacturer or distributor in an amount which
24 is at least twenty percent more than the amount of
25 the refund value returned by the dealer or the person
26 operating the redemption center to the consumer."
27 3. Page 1, by inserting after line 20 the follow-
28 ing:
29 "_____. Page 2, line 34, by inserting after the
30 word "any" the word "reusable"."
31 4. Page 1, by inserting after line 25 the follow-
32 ing:
33 "_____. Page 3, by inserting after line 2 the follow-
34 ing subsections:
35 "_____. A person operating a redemption center shall
36 not refuse to accept from a consumer any nonreasonable
37 beverage container or refuse to pay to the consumer
38 the refund value of the beverage container as
39 determined under section two (2) of this Act."
40 "_____. Page 3, line 4, by inserting before the word
41 "any" the words "or a person operating a redemption
42 center"."
43 5. Page 1, by striking lines 27 and 28 and insert-
44 ing in lieu thereof the word "dealer" the words "or
45 person who operates a redemption center for each
46 beverage container accepted".
47 6. Page 1, by inserting after line 30 the follow-
48 ing:
49 "_____. Page 3, line 9, by inserting after the word
50 "dealer" the words "or person operating a redemption

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Page 2

- 1 center".
- 2 _____. Page 3, line 10, by inserting after the word
- 3 "dealer" the words "or a person operating a redemption
- 4 center".
- 5 7. Page 1, by inserting after line 35, the follow-
- 6 ing:
- 7 "_____. Page 3, by striking lines 14 through 18
- 8 and inserting in lieu thereof the following: "value
- 9 of any nonreusable empty beverage container.""
- 10 8. Page 2, by inserting after line 6 the follow-
- 11 ing:
- 12 "_____. By striking page 3, line 31 through page
- 13 4, line 29 and inserting in lieu thereof the follow-
- 14 ing:
- 15 "Each sanitary disposal project shall act as a
- 16 redemption center to accept from a consumer and pay
- 17 the refund value to the consumer of any nonreusable
- 18 beverage container which is labeled as provided in
- 19 section seven (7) of this Act."
- 20 _____. Page 5, lines 6 and 7, by striking the words
- 21 ", or to the approval or withdrawal of approval for
- 22 a redemption center".
- 23 9. By renumbering sections and subsections to
- 24 conform to this amendment.

H-3697 FILED - *Last 4/27* BY HUSAK of Tama
APRIL 20, 1977 *P. 1671*

HOUSE FILE 187

H-3620

- 1 Amend House File 187 as follows:
- 2 1. Page 3, line 2, by inserting after the word
- 3 "Act." the following: "However, a dealer shall not
- 4 be required to accept or to pay refunds on empty
- 5 beverage containers in excess of the number of beverage
- 6 containers that the dealer sells in the normal course
- 7 of business."

H-3620 FILED - *Out of order* BY WYCKOFF of Benton
APRIL 18, 1977 *4/28 (1713)*

H-3565

1 Amend House File 187 as follows:

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

4 "Section 1. NEW SECTION. LEGISLATIVE FINDINGS.

5 Recognizing that the people of the state of Iowa have
6 a fundamental right and need for a healthful, clean
7 and beautiful environment; and recognizing that the
8 proliferation and accumulation of litter discards
9 throughout this state and the nation subvert this
10 right, impair this need and constitute a public health
11 hazard; and recognizing that the proliferation and
12 accumulation of litter is national in scope and that
13 uniform state action rather than a piecemeal state,
14 local, or regional solution is necessary to accomplish
15 effective litter control; and recognizing that
16 uniformity among local, regional and state governments
17 in control programs including signs, symbols and
18 regulations is desirable and necessary to accomplish
19 effective litter control; therefore, the general
20 assembly finds that there is an imperative need to
21 anticipate, plan for, and accomplish effective litter
22 control.

23 Sec. 2. NEW SECTION. LEGISLATIVE PURPOSE. The
24 purpose of this Act is to accomplish litter control
25 throughout this state by delegating to the department
26 of environmental quality the authority to conduct
27 a continuous program to control and remove litter
28 from this state to the maximum practical extent
29 possible. Every other department of state government
30 and all local governmental units and agencies of this
31 state shall cooperate with the department of
32 environmental quality in the administration and
33 enforcement of this Act. The intent of this Act is
34 to add to and to coordinate existing litter control
35 and resource recovery.

36 Sec. 3. NEW SECTION. TITLE. This Act shall be
37 known as the "State Litter Control and Resource
38 Recovery Act".

39 Sec. 4. NEW SECTION. DEFINITIONS. As used in
40 this Act:

41 1. "Beverage" means beer as defined in section
42 one hundred twenty-three point three (123.3),
43 subsection nine (9) of the Code, beer containing more
44 than four percent alcohol by weight, mineral water,
45 soda water, pop and similar liquid soft drinks whether
46 carbonated or not.

47 2. "Department" means the department of
48 environmental quality.

49 3. "Executive director" means the executive
50 director of the department of environmental quality

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1 or his or her designee.

2 4. "Litter" means all waste material including
3 but not limited to disposable packages or containers
4 thrown or deposited as prohibited by law, but not
5 including the wastes of the primary processes of
6 mining, logging, sawmilling, farming, or manufacturing.

7 5. "Litter bag" means a bag, sack, or other
8 container made of any material which is large enough
9 to serve as a receptacle for litter inside a vehicle
10 or watercraft.

11 6. "Litter receptacle" means those containers
12 adopted by the department for the deposit of litter
13 and which may be standardized as to size, shape,
14 capacity, and color.

15 7. "Watercraft" means any boat, ship, vessel,
16 barge, or other floating craft.

17 8. "Public place" means any area that is used
18 or held out for use by the public whether owned or
19 operated by public or private interests.

20 Sec. 5. NEW SECTION. POWERS AND DUTIES OF
21 EXECUTIVE DIRECTOR.

22 1. In addition to his or her other powers and
23 duties, the executive director may propose and adopt
24 pursuant to chapter seventeen A (17A) of the Code,
25 rules necessary to carry out the provisions, purposes
26 and intent of this Act.

27 2. The executive director may designate trained
28 employees of the department to be vested with police
29 powers to enforce and administer the provisions of
30 this Act and all rules adopted under this Act. The
31 executive director may contract with other state and
32 local governmental agencies having law enforcement
33 capabilities for services and personnel reasonably
34 necessary to carry out the enforcement provisions
35 of this Act. In addition, Iowa highway safety patrol
36 officers, officers of the state conservation
37 commission, sheriffs and marshals and their deputies,
38 police officers, and those employees of the depart-
39 ment of environmental quality vested with police
40 powers shall enforce the provisions of this Act and
41 any rules adopted under this Act and are empowered
42 to issue citations to or arrest without warrant persons
43 violating any provisions of this Act or any of the
44 rules adopted under this Act. All of these enforcement
45 officers may serve and execute all warrants, citations
46 and other process issued by the courts in enforcing
47 the provisions of this Act and rules adopted under
48 this Act. The mailing, by restricted certified mail,
49 of such warrant, citation or other process to the
50 last known place of residence of a person shall be

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1 deemed personal service upon the person charged.

2 Sec. 6. NEW SECTION. LITTER RECEPTACLE--ANTI-
3 LITTER SYMBOL.

4 1. The executive director may design and shall
5 adopt by rule one or more types of litter receptacles
6 which are reasonably uniform as to size, shape,
7 capacity and color, for wide distribution throughout
8 the public places of this state. Such litter
9 receptacle may bear an anti-litter symbol as designed
10 and adopted by the executive director, as well as
11 a statement of the penalties which may be levied for
12 littering in this state. In addition, the litter
13 receptacles shall be designed to attract attention
14 and to encourage the depositing of litter. In
15 selecting the anti-litter symbol and the size, shape
16 and color for litter receptacles, the executive
17 director shall in the interest of national uniformity
18 and standardization, attempt to emulate the anti-
19 litter symbol and receptacles used by other states
20 which have litter laws or litter control programs
21 similar to this Act. The litter receptacles shall
22 be placed along the public highways of this state
23 and at all parks, campgrounds, trailer parks, drive-
24 in restaurants, gasoline service stations, tavern
25 parking lots, shopping centers, grocery store parking
26 lots, parking lots of major industrial firms, marinas,
27 boat launching areas, boat moorage and fueling
28 stations, public and private piers, beaches and bathing
29 areas, and such other public places within this state
30 as specified by rule of the executive director. The
31 number of such receptacles required to be placed as
32 specified in this section shall be determined by a
33 formula related to the need for such receptacles.

34 2. It shall be the responsibility of persons
35 operating any establishment or operating a public
36 place in which litter receptacles of the uniform
37 design are required by this section to procure and
38 place such receptacles at their own expense on the
39 premises in accord with the rules adopted by the
40 executive director.

41 3. Any person who fails to place such litter
42 receptacles on the premises in the numbers required
43 by rule of the executive director in violation of
44 the provisions of this section or rules adopted under
45 this section shall be guilty of a misdemeanor and,
46 upon conviction, shall be subject to a fine of twenty-
47 five dollars. Each day of violation shall constitute
48 a separate offense.

49 Sec. 7. NEW SECTION. LITTERING PROHIBITED--
50 PENALTY.

1 1. A person shall not throw, drop, deposit,
2 discard, or otherwise dispose of litter upon any
3 public property in the state or upon private property
4 in this state not owned by him or her or in the waters
5 of this state including, but not limited to, any
6 public highway, public park, beach, campground, forest
7 land, recreational area, trailer park, highway, road,
8 street or alley except:

9 a. When such property is designated by the state
10 or by any of its agencies or political subdivisions
11 for the disposal of garbage and refuse, and such
12 person is authorized to use such property for such
13 purpose.

14 b. Into a litter receptacle in such a manner that
15 the litter will be prevented from being carried away
16 or deposited by the elements upon any private or
17 public property or waters.

18 2. Any person violating the provisions of this
19 section shall be guilty of a misdemeanor and, upon
20 conviction, shall be subject to a fine of not less
21 than ten dollars for each offense and, in addition,
22 in the discretion of any court in which conviction
23 is obtained, such person may be directed by the court
24 to pick up and remove from any public place or any
25 private property with prior permission of the legal
26 owner upon which it is established by competent
27 evidence that such person has deposited litter, any
28 litter deposited by anyone before the date of execution
29 of sentence.

30 Sec. 8. NEW SECTION. LITTERING FROM MOTOR VEHICLE
31 OR WATERCRAFT--PENALTY. The operator of any motor
32 vehicle or watercraft who fails to keep and use a
33 litter bag in his or her vehicle or watercraft shall
34 be guilty of a misdemeanor and, upon conviction, shall
35 be subject to a fine of not less than ten dollars,
36 and at the discretion of the court, a labor of litter
37 gathering as provided in section seven (7), subsec-
38 tion two (2) of this Act.

39 Sec. 9. NEW SECTION. POSTING OF ANTI-LITTERING
40 PROVISIONS. A summary of requirements of this Act
41 shall be posted along the public highways of this
42 state and in all campgrounds and trailer parks, at
43 all entrances to state parks, forest lands, and
44 recreational areas, at all public beaches, and at
45 other public places in this state where persons are
46 likely to be informed of the existence and content
47 of such provisions and the penalties for violations.

48 Sec. 10. NEW SECTION. SERVICING OF LITTER
49 RECEPTACLES. The responsibility for the removal of
50 litter from litter receptacles placed at public parks,

1 beaches, campgrounds, trailer parks and other public
2 places shall be upon those state and local agencies
3 performing litter removal. The removal of litter
4 from litter receptacles placed on private property
5 which is used by the public shall be the responsibility
6 of the operator of such private property.

7 Sec. 11. NEW SECTION. TAX IMPOSED--ADMINISTRATION.

8 1. There is imposed a tax at a rate of three
9 hundredths of one percent of the sale price of any
10 of the following tangible personal properties sold
11 to a retailer for use, consumption or resale within
12 this state:

- 13 a. Groceries.
- 14 b. Cigarettes and tobacco products.
- 15 c. Soft drinks and carbonated waters.
- 16 d. Beer containing more than four percent alcohol
17 by weight.
- 18 e. Wine.
- 19 f. Liquor and other distilled alcohol beverages.
- 20 g. Newspapers and magazines.
- 21 h. Household paper and paper products.
- 22 i. Glass containers.
- 23 j. Metal containers.
- 24 k. Plastic or fiber containers made of synthetic
25 material.
- 26 l. Cleaning agents and toiletries.
- 27 m. Nondrug drugstore sundry products.
- 28 n. Prepared food for consumption off premise.

29 2. The tax imposed under subsection one (1) of
30 this section shall be collected by the department
31 of revenue from each person engaged in the business
32 of selling any of the tangible personal property items
33 specified in subsection one (1) of this section to
34 a retailer doing business in this state. The amount
35 of the tax shall be based on the value of such products
36 or the gross receipts of the sales of such tangible
37 personal property to the retailer.

38 3. The director of revenue shall provide, by rule,
39 for the administration of the tax imposed by this
40 section. The rules shall provide for the issuance
41 of permits, the payment of taxes, penalties for late
42 payments, records, the filing of tax returns, and
43 such other procedures as deemed appropriate by the
44 director of revenue for the effective administration
45 of this section. The administration of this section
46 shall be based on the same procedures and requirements
47 as provided for the administration of the retail sales
48 tax, as applicable.

49 4. The director of revenue may define, by rule,
50 the categories of property or products subject to

1 the tax imposed under subsection one (1) of this
2 section. In making such definitions, the director
3 shall be guided by the following standards:

4 a. It is the purpose of this Act to promote
5 resource recovery, recycling, and accomplish effective
6 control of litter within this state.

7 b. It is the purpose of this Act to impose a tax
8 on industries manufacturing or distributing at
9 wholesale, products and the packages, wrapping or
10 containers of such products which are reasonably
11 related to the litter problem in this state.

12 Sec. 12. NEW SECTION. PRODUCTS EXEMPT FROM
13 TAXATION. The tax imposed under section eleven (11)
14 of this Act shall not apply to the sales of beer made
15 by the holder of a class "A" beer permit as defined
16 in section one hundred twenty-three point one hundred
17 twenty-four (123.124) of the Code or to the value
18 of products or the gross receipts from the sale of
19 any animal, bird, or insect or the milk, eggs, wool,
20 fur, meat, honey or other substance obtained from
21 such animal, bird, or insect if the seller is a person
22 who performs only the growing or raising function
23 of such animal, bird, or insect.

24 Sec. 13. NEW SECTION. ACCOUNT CREATED--
25 DISPOSITION.

26 1. There is created in the general fund of the
27 state a litter control and resource recovery account,
28 to which shall be credited the receipts from the tax
29 imposed under sections eleven (11) and eighteen (18)
30 of this Act. The proceeds of the litter control and
31 resource recovery account are appropriated to the
32 department for the purpose of carrying out the
33 provisions of subsections two (2), three (3) and four
34 (4) of this section.

35 2. The department shall expend fifteen percent
36 of the proceeds of the account to acquire, prepare,
37 and distribute such educational and informational
38 material through elementary and secondary schools,
39 colleges, universities and political subdivisions
40 of this state, by contract with corporations or
41 associations, or by dissemination through the public
42 news media for the purpose of informing the public
43 of the purposes of this Act.

44 3. The department shall expend forty-five percent
45 of the proceeds of the account for grants to interested
46 private or public agencies for research or development
47 of solid waste recovery programs, including systems
48 and facilities. A grant may be made only if it is
49 designed to provide regional or area-wide resource
50 recovery for cities and counties and provides an

7

1 equitable system for distributing the costs associated
2 with the construction, operation and maintenance of
3 any resource recovery system among the users of the
4 system.

5 4. The department shall expend forty percent of
6 the proceeds of the account to control and remove
7 litter. The executive director may enter into
8 agreements with public or private agencies, which
9 agreements shall contain such terms and conditions
10 as deemed necessary or desirable by the executive
11 director to accomplish litter control and removal.
12 However, an agreement shall not provide for making
13 payments to a private person solely for the purpose
14 of placing or installing a litter receptacle on private
15 property.

16 Sec. 14. NEW SECTION. ADDITIONAL DUTIES. In
17 addition to other powers and duties provided by law,
18 the department in carrying out litter control and
19 resource recovery responsibilities shall:

20 1. Serve as the coordinating agency between the
21 various industry organizations.

22 2. Recommend to the governing bodies of all local
23 governments that they adopt ordinances similar to
24 the provisions of this Act.

25 3. Cooperate with all state and local government
26 agencies.

27 4. Encourage, organize, and coordinate all
28 voluntary local anti-litter campaigns seeking to focus
29 the attention of the public on the programs of this
30 state to control and remove litter.

31 Sec. 15. NEW SECTION. SNAP TAB CANS PROHIBITED.
32 Effective January 1, 1979, a person shall not sell
33 or offer for sale at retail in this state any metal
34 beverage container which is so constructed that the
35 metal opener is designed to be completely detachable
36 from the container.

37 Sec. 16. NEW SECTION. UNIFORM APPLICATION. To
38 avoid the inequities of piecemeal or inconsistent
39 regulations or ordinances enacted by cities, counties
40 and other political subdivisions of this state, the
41 provisions of this Act shall supersede any regulation
42 or ordinance of a political subdivision of this state
43 relating to a tax, ban or mandatory deposit on the
44 manufacture or sale of convenience packages or
45 containers to the extent that such ordinance or
46 regulation is inconsistent with or duplicative of
47 this Act.

48 Sec. 17. NEW SECTION. GENERAL PENALTY. Any
49 person convicted of a violation of this Act for which
50 a penalty is not specifically provided shall be subject

1 to a fine of not more than ten dollars for each
2 violation.

3 Sec. 18. Section one hundred twenty-three point
4 one hundred thirty-six (123.136), unnumbered paragraph
5 one (1), Code 1977, is amended to read as follows:

6 In addition to the annual permit fee to be paid
7 by all class "A" permittees under the provisions of
8 this chapter there shall be levied and collected from
9 such permittees on all beer manufactured for sale
10 or sold in this state at wholesale and on all beer
11 imported into this state for sale at wholesale and
12 sold in this state at wholesale, a tax of four and
13 thirty-four hundredths dollars for every barrel
14 containing thirty-one gallons, and at a like rate
15 for any other quantity or for the fractional part
16 of a barrel. In addition, a litter tax of one cent
17 per gallon shall be added, making the total tax to
18 be collected four and sixty-five hundredths dollars
19 per barrel containing thirty-one gallons or equivalent
20 rate for fractional parts of a barrel. The litter
21 tax shall not be considered a part of the barrel tax
22 accruing to the state general fund, but it shall be
23 separated by the department of revenue and credited
24 to the litter control and resource recovery account
25 in the state general fund. However, no tax shall be
26 levied or collected on beer shipped outside this state
27 by a class "A" permittee or sold by one class "A"
28 permittee to another class "A" permittee.

29 Sec. 19. Sections four hundred fifty-five B point
30 ninety-five (455B.95), four hundred fifty-five B point
31 ninety-six (455B.96), four hundred fifty-five B point
32 ninety-seven (455B.97), and four hundred fifty-five
33 B point ninety-eight (455B.98), Code 1977, are
34 repealed.

35 Sec. 20. This Act is effective January 1, 1978."

36 2. Amend the title, lines 1 and 2, by striking
37 everything after the word "Act" and inserting in lieu
38 thereof the words "relating to the control of litter,
39 authorizing the department of environmental quality
40 to establish and maintain a comprehensive antilitter
41 program, imposing a tax levy on certain beverage con-
42 tainers and products, and providing penalties for
43 violations."

Amend House File 187 as follows:

1. Page 1, by striking lines 26 through 34 and inserting in lieu thereof the following section:

"Sec. _____. NEW SECTION. REFUND VALUES.

1. A refund value of not less than five cents shall be paid by the consumer on each beverage container sold in this state by a dealer including beverage containers which are certified by the department as reusable pursuant to section three (3) of this Act. Upon return of the beverage container to the dealer and acceptance of the beverage container by the dealer, the dealer shall return the amount of the refund value to the consumer.

2. A dealer, or person operating a redemption center, who redeems beverage containers shall upon return of the beverage containers to the manufacturer or distributor be reimbursed by the manufacturer or distributor in an amount which is at least twenty percent more than the amount of the refund value returned by the dealer to the consumer."

2. Page 2, line 35, by inserting after the word "consumer" the words "for each beverage container accepted".

3. Page 3, line 1, by striking the word "a" and inserting in lieu thereof the word "the".

4. Page 3, line 5, by inserting after the word "dealer" the words "for each beverage container accepted".

5. Page 3, line 6, by striking the word "a" and inserting in lieu thereof the word "the".

6. Page 3, line 11, by striking the words "a refund".

7. Page 3, by striking line 12 and inserting in lieu thereof the words "the word "Iowa" as required under section seven (7) of this Act."

8. Page 3, by inserting after line 18 the following subsection:

"_____. A dealer or person operating a redemption center may refuse to redeem an empty beverage container which is not clean."

9. Page 3, line 19, by striking the words "REFUND VALUE STATED ON CONTAINER." and inserting in lieu thereof the word "PERMANENT LABELLING OF CONTAINER-EXCEPTION."

10. Page 3, by striking lines 23 through 25 and inserting in lieu thereof the words "container, the word "Iowa". The department shall, by rule, specify the minimum size, style or positioning of the word "Iowa" on the beverage container."

11. Page 3, line 27, by inserting after the word "to" the words "a reusable".

12. Page 3, line 27, by striking the word "containers" and inserting in lieu thereof the word "container".

13. Page 3, lines 28 and 29 by striking the words ", on the effective date of this Act,".

14. Page 5, line 13, by striking the word "January" and inserting in lieu thereof the word "July".

Page 2

HOUSE FILE 187

H-3468

- 1 Amend House File 187 as follows:
- 2 1. Page 3, by inserting after line 18 the following
- 3 new subsection:
- 4 "_____. A dealer may refuse to accept and to pay
- 5 the refund value of any empty metal beverage container
- 6 if the dealer does not sell or offer for sale beverages
- 7 in metal beverage containers at his or her place of
- 8 business for off premise consumption."
- 9 2. By renumbering subsections to conform to this
- 10 amendment.

H-3468 FILED - *Out of order* BY SPENCER of Clay
APRIL 1, 1977 *4/28 (1713)*

HOUSE FILE 187

H-3483

- 1 Amend House File 187 as follows:
- 2 1. Page 1, by striking lines 3 and 4 and in-
- 3 serting in lieu thereof the following:
- 4 "1. "Beverage" means alcoholic liquor and beer
- 5 as defined in section one hundred twenty-three point
- 6 three (123.3), subsections eight (8) and nine (9)".

H-3483 FILED - *Withdrawn 4/28* BY SMALLEY of Polk
APRIL 4, 1977 *p. 1697*

HOUSE FILE 187

H-3512

- 1 Amend House File 187 as follows:
- 2 1. Page 3, by inserting after line 2 the following
- 3 subsection:
- 4 "_____. A person operating a redemption center
- 5 shall not refuse to accept from a consumer any empty
- 6 beverage container or refuse to pay to the consumer
- 7 for beverage containers accepted the refund value
- 8 of the beverage containers as determined under section
- 9 two (2) of this Act.
- 10 2. Page 3, line 9, by inserting after the word
- 11 "dealer" the words "or person operating a redemption
- 12 center".
- 13 3. Page 3, line 34, by inserting after the word
- 14 "return" the word "any"
- 15 4. Page 4, lines 5, 6, and 7, by striking the
- 16 words "the kind and brand names of the beverage
- 17 containers which will be accepted at the redemption
- 18 center,".
- 19 5. Page 4, lines 16 and 17, by striking the words
- 20 "and the kind and brand names of empty beverage
- 21 containers which the redemption center must accept".

H-3512 FILED - *Out of order* BY VARLEY of Adair
APRIL 5, 1977 *4/28 (p. 1713)*

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 187, a bill for an Act to regulate the sale and use of certain beverage containers and providing penalties, respectfully submit the following recommendations:

1. That the House recede from its amendment to the Senate amendment.
2. That the Senate amendment to House File 187, received from the Senate on February 16, 1978, be amended as follows:
 - a. Page 1, line 24, by inserting after the word "dealer" the words "in this state".
 - b. Page 1, line 42, by inserting after the word "dealer" the words "for consumption off the premises".
 - c. Page 1, line 43, by inserting after the word "container" the words "upon which a refund value has been paid".
 - d. Page 1, line 49, by striking the word "A" and inserting in lieu thereof the words "In addition to the refund value provided in subsection one (1) of this section, a".
 - e. Page 2, lines 2 and 3, by striking the words "at least".
 - f. Page 2, line 17, by striking the word "determined" and inserting in lieu thereof the word "provided".
 - g. Page 2, by striking lines 19 through 24 and inserting in lieu thereof the following:

"2. A distributor shall accept and pick up from a dealer served by the distributor or a redemption center for a dealer served by the distributor any empty beverage container of the kind, size and brand sold by the distributor, and shall pay to the dealer or person operating a redemption center the refund value of a beverage container and the reimbursement as provided under section two (2) of this Act. This subsection shall not apply to a distributor selling alcoholic liquor to the Iowa beer and liquor control department."

h. Page 2, line 26, by striking the word "A" and inserting in lieu thereof the words "Except as provided in section five (5), subsection two (2), of this Act, a".

i. Page 2, line 29, by striking the word "determined" and inserting in lieu thereof the word "provided".

j. Page 2, lines 31 and 32, by striking the words "or a person operating a redemption center".

k. Page 2, lines 34 and 35, by striking the words "or of the person operating a redemption center".

l. Page 2, line 49, by inserting after the word "to" the word "refillable".

m. Page 2, line 50, by striking the words "it which," and inserting in lieu thereof the words "them which".

n. Page 3, line 1, by striking the words "on the effective date of this Act, has" and inserting in lieu thereof the word "have".

o. Page 3, line 2, by inserting after the word "cents" the words "or a refillable beverage container which has a five cent deposit on it and which may be exempted by the director in accordance with rules adopted by the commission".

p. Page 3, by inserting after line 41 the following:

"5. All approved redemption centers shall meet applicable health standards."

q. Page 4, by inserting after line 15 the following section:

"Sec. ____ . NEW SECTION. ANNUAL APPROPRIATION. For the fiscal year commencing July 1, 1979, and each fiscal year thereafter, there is appropriated from the beer and liquor control fund to the Iowa department of substance abuse the sum of one hundred thousand (100,000) dollars, or so much thereof as may be available, which appropriation shall be made only from the difference between the funds collected from the deposit required on beverage containers containing alcoholic liquor and the funds dispersed in the payment of the refund value on such beverage containers. The Iowa department of substance abuse shall use the appropriated funds only for the care, maintenance and treatment of alcoholics under chapter one hundred twenty-five (125) of the Code."

r. Page 4, by striking line 23 and inserting in lieu thereof the following section:

"Sec. ____ . EFFECTIVE DATES.

1. This Act shall be effective May 1, 1979 for beverage containers purchased from state liquor stores in this state.

2. This Act shall be effective July 1, 1979 for all beverage containers sold in this state except as provided in subsection one (1) of this section."

s. Page 4, by striking lines 24 through 26 and inserting in lieu thereof the following:

"2. Amend the title by striking lines 1 through 6 and inserting in lieu thereof the words "An Act relating to the

control of litter, by regulating the sale and use of certain beverage containers; striking a provision relating to the responsibility for discarding litter from a motor vehicle; and providing a penalty for violations." "

t. By renumbering sections to conform to this amendment.

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

Mary O'Halloran, Chair
Donald Avenson
James I. Middleswart
Floyd H. Millen
Lyle R. Krewson

John R. Scott, Chair
James V. Gallagher
Geroge R. Kinley
Calvin O. Hultman
Richard R. Ramsey

FILED, ADOPTED (p. 1402)
APRIL 6, 1978

Adopted
April 11, 1978 (p. 821)

ANALYSIS OF HOUSE FILE 187
RELATING TO THE MANDATORY DEPOSIT ON BEVERAGE CONTAINERS
AND IMPOSING A TAX ON LITTER

SENATE COMMITTEE ON ENERGY

August 1, 1977

Section 1. LEGISLATIVE FINDINGS.

This section is a statement of legislative findings relating to the proliferation and accumulation of litter discards which constitute a public health hazard.

Section 2. LEGISLATIVE PURPOSE.

This section contains a statement of legislative intent to accomplish the conservation of natural resources and reduce litter through the use of deposit on beverage containers and litter control.

Section 3. DEFINITIONS.

This section contains definitions relating to the imposition of mandatory deposits on beverage containers and the taxation of packaging and container material which commonly becomes litter.

Section 4. ALCOHOLIC BEVERAGE CONTAINERS.

This section provides that all alcohol in beverage containers are to be subject to the provisions of this Act. It appears to be the intent of this section that beverage containers containing alcoholic beverages be included in the mandatory deposit provisions of the Act. The section exempts containers containing alcoholic liquor which are purchased by the holder of a liquor control license who is required to destroy the container when empty. The intent of this section should be clarified by including the term "alcoholic beverages" within the definition of beverage in section 3 of this Act.

Section 5. EXCEPTION TO TAXES.

This section is intended to exempt persons selling at wholesale paper products, wrappings, packaging materials whose gross sales in this state do not exceed \$35,000 per year from the tax on litter. The intent of this section is to exempt those wholesalers from the litter tax when the cost of administering and enforcing the tax collection is more than the amount of tax to be collected.

Section 6. TAX ON NEWSPRINT.

This section imposes a tax at the rate of three hundredths of one percent of the sale price of all newsprint and other paper products sold for the purpose of printing or reproducing material for general public distribution. This section also contains provisions relating to the administration and collection of the tax by the Department of Revenue. For bill drafting purposes, this section should be consolidated with section 24 which imposes a litter tax on packaging materials and nonreusable packages.

Section 7. PRIORITY USE OF TAX RECEIPTS.

This section provides a priority use of the litter tax for the support of the counties in establishing and operating litter control programs and redemption centers. For bill drafting purposes, this section should be consolidated with section 26 which provides for the creation of a litter control and resource recovery account and the disposition of funds from the litter tax.

Section 8. REQUIREMENTS FOR CERTIFICATION.

This section provides that the Iowa Beer and Liquor Control Department shall certify a beverage container which is reusable as a beverage container by more than one beverage manufacturer. The section also prohibits the certification of a beverage container which is designed or permanently inscribed for the sale of beverages by a specific manufacturer under a brand name.

Section 9. ISSUANCE, REVIEW, AND WITHDRAWAL OF CERTIFICATION.

This section provides procedures for the certification of reusable beverage containers by the Iowa Beer and Liquor Control Department. The section provides for automatic certification of a beverage container after sixty days from the date of application if no action is taken by the Department. The Department may review certification at any time and, after written notice and a hearing, the Iowa Beer and Liquor Control Department may withdraw certification.

Section 10. REFUND VALUES.

This section provides that a refund value of not less than ten cents shall be paid by a consumer on each beverage container sold in this state. This includes beverage containers whether the container is reusable or not. Upon return of a beverage container to the dealer or a person operating a redemption center and acceptance of the beverage container, the consumer is entitled to the refund value of the container. The section also provides that a manufacturer or distributor of a beverage container having a

refund value must redeem the beverage container from the dealer or person operating a redemption center in the amount which is at least twenty percent more than the refund value.

Section 11. PAYMENT OF REFUND.

Except as provided in section 12 of this Act, a person operating a redemption center is prohibited from refusing to accept an empty beverage container from a consumer or refuse to pay the consumer the refund value of the beverage container. Likewise, a distributor is prohibited from refusing to accept from a redemption center or dealer any empty beverage container of the kind, size and brand sold by the distributor or refuse to pay the redemption center or dealer the refund value of the beverage container as determined under section 10, subsection 2 of this Act.

Section 12. REFUSAL TO ACCEPT CONTAINERS.

This section authorizes redemption centers, dealers and distributors to refuse to accept beverage containers which do not have a permanent label containing the word "Iowa" on it or if the empty beverage container is not clean. Reusable brand name glass containers need not have the "Iowa" label.

Section 13. PERMANENT LABELING OF CONTAINERS.

This section prohibits the sale of beverage containers in this state which are not clearly embossed, stamped, or labeled with the word "Iowa". An exception to this requirement is made for reusable glass beverage containers having a brand name permanently marked on the container if the container has a refund value of not less than ten cents.

Section 14. REDEMPTION CENTERS.

This section provides for the establishment of at least one redemption center in each county to facilitate the return of empty beverage containers and the payment of refunds. If no person applies to establish and operate a redemption center in a county, the Board of Supervisors is required to provide for the establishment and operation of a center. The section also provides for the Department of Environmental Quality to approve applications for redemption centers which must meet certain sanitary requirements as required by the local board of health and provide a convenient service to the consumer. The Department of Environmental Quality may withdraw approval, after hearing, if the redemption center does not operate in compliance with the Department's order approving the redemption center. The section also provides a definition of redemption center which should be included in section 3 with the other definitions.

Section 15. DETACHABLE TOPS PROHIBITED.

This section prohibits the sale of metal beverage containers which are so constructed that the metal opener is designed to be completely detachable from the container after January 1, 1979.

Section 16. RULES ADOPTED.

This section provides that the director of the Iowa Beer and Liquor Control Department adopt the rules necessary to carry out the provisions of this Act under Chapter 17A of the Code. This section should be clarified to recognize the separate administrative responsibilities of the Department of Revenue, the Iowa Beer and Liquor Control Department, and the Department of Environmental Quality.

Section 17. APPEAL.

This section provides that any person aggrieved by an order of the Iowa Beer and Liquor Control Department relating to certification or decertification of a beverage container or to the approval or disapproval of a redemption center may seek judicial review of the order under Chapter 17A of the Code. This section should be clarified because certification or decertification of a beverage container is the responsibility of the Iowa Beer and Liquor Control Department and the approval or disapproval of the redemption center is the responsibility of the Department of Environmental Quality.

Section 18. PENALTY.

This section provides that any person violating provisions of the Act relating to refund values, the payment of refunds, the permanent labeling of containers, and the sale of metal beverage containers with detachable tops is guilty of a serious misdemeanor.

Section 19. SURVEY.

This section directs the Director of the Iowa Beer and Liquor Control Department to conduct a study of the economic impact, problems, effectiveness, enforcement costs, beverage prices, consumer acceptance, and reduction in solid waste disposal costs as a result of the mandatory deposit on beverage containers. The study is to be submitted to the General Assembly not later than January 1, 1980.

Section 20. POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR.

This section outlines the powers and responsibilities of the Executive Director of the Department of Environmental Quality relating to the enforcement and administration of litter control

provisions of the Act. The section authorizes the appointment of trained employees of the Department of Environmental Quality to be vested with police powers to enforce litter control laws as specified in sections 21 through 27 of the Act. The section also places enforcement duties on Iowa Highway Safety Patrol, sheriffs, police and conservation officers.

Section 21. LITTERING PROHIBITED--PENALTY.

This section prohibits any person from throwing, dropping, depositing, discarding, or otherwise disposing of litter in any public area or upon private property not owned by the person or in the waters of the state including, but not limited to, any public highway, public park, beach, campground, forest land, recreation area, trailer park, highway, road, street, or alley. This section provides exceptions to the prohibition of discarding litter with regard to solid waste disposal areas and in litter receptacles provided for that purpose. The section provides that a violation constitutes a misdemeanor and this term should be clarified in light of the new Criminal Code. The intent appears to be that a violation should constitute a simple misdemeanor.

Sec. 22. POSTING OF ANTI-LITTERING PROVISIONS.

This section provides that a summary of the anti-littering provisions of the Act including the penalty for violations are to be posted along public highways, in campgrounds and trailer parks and in other public recreational areas of the state. This section should be clarified as to what requirements should be summarized and posted and which public agencies should be responsible for posting the information.

Sec. 23. RESPONSIBILITY TO MAINTAIN LITTER RECEPTACLES.

This section provides that persons operating an establishment or a public place to maintain litter receptacles at the operator's expense on premises in accordance with rules adopted by the Executive Director of the Department of Environmental Quality. Any person failing to place the litter receptacles as required by the Executive Director's rules is guilty of a misdemeanor. The term "misdemeanor" undoubtedly means "simple misdemeanor" under the new Criminal Code.

Sec. 24. LITTER TAX.

This section imposes a tax at the rate of three hundredths of one percent of the sale price of any products sold to a retailer in nonreusable packages or containers for resale in the same nonreusable package or container and to products sold to a retailer for use in packaging or containing other products sold by the retailer if the packages or containers are nonreusable. Beverage containers having a refund value as provided in the Act are exempt

from the litter tax. The section also contains authority for the Director of Revenue to administer and collect the tax.

Sec. 25. PRODUCTS EXEMPT FROM TAXATION.

This section exempts sales of beer made by a holder of a class "A" beer permit and the value of products or the gross receipts from the sale of any animal, bird, or insect or the milk, eggs, wool, fur, meat, honey, or other substance obtained from such animals, birds, or insects if the seller is a person who performs only the growing or raising function. The sales of beer made by a holder of a class "A" beer permit are to be taxed separately as provided in section 28 of this Act.

Sec. 26. ACCOUNT CREATED--DISPOSITION.

This section creates in the general fund of the state a litter control and resource recovery account to which all receipts from the litter tax under sections 6, 24, and 28 of the Act are to be credited. These funds are appropriated to the Department of Environmental Quality for the purposes of carrying out the following responsibilities:

1. Fifteen percent shall be expended to acquire, prepare, and distribute such educational and informational materials through various schools, colleges, and political subdivisions as deemed necessary to inform the public of the purposes and requirements of litter control provisions of the Act.

2. Thirty-five percent of the funds are to be expended to provide grants to interested private and public agencies for research and development of solid waste recovery and recycling programs. The grants are to be made only if the grant proposal is designed to provide regional or areawide resource recovery for cities and counties and the grant provides an equitable system for distributing the costs associated with the construction, operation and maintenance of the resource recovery system.

3. Fifty percent of the funds are to be expended for the control and removal of litter. This directive may be accomplished through agreements with public or private agencies and funds shall be expended to provide the placement of litter receptacles in public areas. The funds are not to be used for payments to private persons solely for the purpose of placing or installing litter receptacles on private property.

Sec. 27. ADDITIONAL DUTIES.

This section outlines additional duties of the Department of Environmental Quality relating to litter control and resource recovery. The duties include:

1. Serving as a coordinating agency between various industrial organizations.

2. Recommending to local governments that they adopt ordinances similar to the provisions of this Act.

3. Cooperating with all state and local government agencies.

4. Encouraging, organizing, and coordinating all voluntary anti-litter campaigns.

Sec. 28. BARREL TAX ON BEER.

This section amends section 123.136, unnumbered paragraph 1, of the Code by adding a litter tax of one cent per gallon to the current barrel tax on beer paid by class "A" permittees. This tax is included in lieu of the litter tax provided in section 24 of this Act.

Sec. 29. REPEALS CERTAIN EXISTING ANTI-LITTER LAWS.

This section repeals sections 455B.95 through 455B.98 of the Code which relate to existing responsibilities of the Department of Environmental Quality relating to litter control and penalties.

Sec. 30. EFFECTIVE DATES.

This section provides separate effective dates for the litter control and litter tax provisions of the Act and the mandatory deposit on beverage container provisions of the Act. The mandatory deposit provisions would be effective one year after the litter control and tax provisions. Two sections of the mandatory deposit provisions are incorrectly included with litter control and litter tax provisions.

SUMMARY

House File 187, originally a mandatory deposit proposal for certain beverage containers, was amended by the House to include additional litter control provisions and a tax on items most commonly found as litter. The major provisions of the litter control and litter tax proposal were passed as separate amendments to the House Committee on Energy's amendment to the original bill. As a result, the two major amendments to the amendment could not be drafted to coordinate and consolidate similar provisions between the two amendments or to separate the mandatory deposit provisions from the litter control provisions.

From a purely technical standpoint, the bill should be completely rewritten to provide separate divisions for the proposals presented in it. As an example, Division I could include the sections dealing with legislative findings and intent, Division II the sections relating to mandatory deposits on beverage containers, Division III the sections on litter control and

taxation, and Division IV the corresponding amendments, repealers, and effective dates. In addition, a number of the sections can be consolidated as noted in the context of the analysis and the definition section can be divided and each definition included as a part of the division to which it pertains.

FISCAL NOTE
HOUSE FILE 187

Date Prepared April 27, 1977

Requested by Representative K. Miller

Prepared in regard to H.F. 187, Amendment H-3565, An Act to regulate the sale and use of certain beverage containers and providing penalties. Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16:

The estimate of cost of Section 19 for the first year is \$235,605. There would also be undertermined administrative costs of the Department of Revenue for expenses incurred in the collection of the tax indicated above. The proposed amendment includes provisions for a tax at the rate of three hundredths of one percent (.0003) of the sale price of certain classes of products which are sold to a retailer doing business in the state. According to the amendment, the tax would be imposed on the value of the taxable products or the gross receipts of such tangible personal property sold for use in the state. Sales of specified agricultural products would be exempt from taxation if sold by a person who performs only the growing or raising of such products.

Estimation of the possible revenue effects of this proposed gross receipts tax is complicated by several factors. First, the proposal is currently constructed in general terms as to the products which would be subject to taxation. Under the proposal the Department would be required to develop regulations interpreting the proposal and defining the taxability of various classes of products. Secondly, there is an absence of a data as to the sales of the products of this type, even assuming broad interpretation of the definitions, which are made to retailers in this state for use, consumption or resale in the state. Retailers are not required to report to the Department the cost of products purchased nor the breakdown of purchases by product type. Third, analysis of the revenue potential of the tax based on experience in other states is restricted due to the unique nature the proposed gross receipts tax would have in the Iowa tax structure. Furthermore, due to the fact that the Iowa gross receipts tax would be imposed on businesses not currently remitting retail sales tax to the state, it is not possible to project the rate of compliance which would initially occur following adoption of the tax. For these reasons, an estimate of the revenue effect of the proposed gross receipts tax cannot be provided.

Additionally, a litter tax of one cent per gallon would be imposed on beer subject to taxation under Section 123.136 of the Iowa Code.

Such a proposal would increase the total tax due on a 31 gallon barrel of beer to \$4.65. Based on data obtained from the Iowa Beer and Liquor Control Commission as to the beer tax collected in fiscal year ending June 30, 1976, it is estimated that the effect of this proposal would be to increase revenue by about \$600,000 per year.

It is not possible to estimate the cost of the enforcement provision of this proposal.

Source: Department of Revenue
Department of Environmental Quality
GERRY D. RANKIN
LEGISLATIVE FISCAL BUREAU

LED
APRIL 27, 1977

FISCAL NOTE
HOUSE FILE 187

Date Prepared April 27, 1977

Requested by Representative Fitzgerald

Prepared in regard to H.F. 187, Fitzgerald Amendment to Amendment H-3565, An Act to regulate the sale and use of certain beverage containers and providing penalties. Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16:

The estimate of cost of Section 19 for the first year is \$235,605. There would also be undetermined administrative costs of the Department of Revenue for expenses incurred in the collection of the tax indicated above. The proposed amendment includes provisions for a tax at the rate of four point five hundredths of one percent (.00045) of the sale price of certain classes of products which are sold to a retailer doing business in the state. According to the amendment, the tax would be imposed on the value of the taxable products or the gross receipts of such tangible personal property sold for use in the state. Sales of specified agricultural products would be exempt from taxation if sold by a person who performs only the growing or raising of such products.

Estimation of the possible revenue effects of this proposed gross receipts tax is complicated by several factors. First, the proposal is currently constructed in general terms as to the products which would be subject to taxation. Under the proposal the Department would be required to develop regulations interpreting the proposal and defining the taxability of various classes of products. Secondly, there is an absence of a data as to the sales of the products of this type, even assuming broad interpretation of the definitions, which are made to retailers in this state for use, consumption or resale in the state. Retailers are not required to report to the Department the cost of products purchased nor the breakdown of purchases by product type. Third, analysis of the revenue potential of the tax based on experience in other states is restricted due to the unique nature the proposed gross receipts tax would have in the Iowa tax structure. Furthermore, due to the fact that the Iowa gross receipts tax would be imposed on businesses not currently remitting retail sales tax to the state, it is not possible to project the rate of compliance which would initially occur following adoption of the tax. For these reasons, an estimate of the revenue effect of the proposed gross receipts tax cannot be provided.

It is not possible to estimate the cost of the enforcement provision of this proposal.

Source: Department of Revenue
Department of Environmental Quality

FILED
APRIL 27, 1977

GERRY D. RANKIN
LEGISLATIVE FISCAL BUREAU

FISCAL NOTE
HOUSE FILE 187

Date Prepared April 27, 1977

Requested by Representative O'Halloran

Prepared in regard to H.F. 187, amendment H-3775, An Act to regulate the sale and use of certain beverage containers and providing penalties. Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16:

The estimate of cost of Section 19 for the first year is \$235,605. There would also be undetermined administrative costs of the Dept. of Revenue for expenses incurred in the collection of the tax indicated above. The proposed amendment includes provisions for a tax at the rate of three hundredths of one percent (.003) of the sale price of certain classes of products which are sold to a retailer doing business in the state. According to the amendment, the tax would be imposed on the value of the taxable products or the gross receipts of such tangible personal property sold for use in the state. Sales of specified agricultural products would be exempt from taxation if sold by a person who performs only the growing or raising of such products.

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Additionally, a litter tax of one cent per gallon would be imposed on beer subject to taxation under Section 123.136 of the Iowa Code.

Such a proposal would increase the total tax due on a 31 gallon barrel of beer to \$4.65. Based on data obtained from the Iowa Beer and Liquor Control Commission as to the beer tax collected in fiscal year ending June 30, 1976, it is estimated that the effect of this proposal would be in increase revenue by about \$600,000 per year.

Source: Department of Revenue
Department of Environmental Quality
GERRY D. RANKIN
LEGISLATIVE FISCAL BUREAU

FILED
APRIL 27, 1977

HOUSE FILE 187

AN ACT

RELATING TO THE CONTROL OF LITTER, BY REGULATING THE SALE AND USE OF CERTAIN BEVERAGE CONTAINERS; STRIKING A PROVISION RELATING TO THE RESPONSIBILITY FOR DISCARDING LITTER FROM A MOTOR VEHICLE; AND PROVIDING A PENALTY FOR VIOLATIONS.

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

Section 1. NEW SECTION. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. "Beverage" means alcoholic liquor as defined in section one hundred twenty-three point three (123.3), subsection eight (8) of the Code, beer as defined in section one hundred twenty-three point three (123.3), subsection nine (9) of the Code, mineral water, soda water and similar carbonated soft drinks in liquid form and intended for human consumption.
2. "Beverage container" means any sealed glass, plastic, or metal bottle, can, jar or carton containing a beverage.
3. "Consumer" means any person who purchases a beverage in a beverage container for use or consumption.
4. "Dealer" means any person who engages in the sale of beverages in beverage containers to a consumer.
5. "Distributor" means any person who engages in the sale of beverages in beverage containers to a dealer in this state, including any manufacturer who engages in such sales.
6. "Manufacturer" means any person who bottles, cans, or otherwise fills beverage containers for sale to distributors or dealers.
7. "Director" means the executive director of the department of environmental quality.
8. "Department" means the department of environmental quality.

9. "Commission" means the solid waste disposal commission of the department of environmental quality.

Sec. 2. NEW SECTION. REFUND VALUES.

1. Except purchases of alcoholic liquor as defined in section one hundred twenty-three point three (123.3), subsection eight (8), of the Code by holders of class "A", "B" and "C" liquor control licenses, a refund value of not less than five cents shall be paid by the consumer on each beverage container sold in this state by a dealer for consumption off the premises. Upon return of the empty beverage container upon which a refund value has been paid to the dealer or person operating a redemption center and acceptance of the empty beverage container by the dealer or person operating a redemption center, the dealer or person operating a redemption center shall return the amount of the refund value to the consumer.

2. In addition to the refund value provided in subsection one (1) of this section, a dealer, or person operating a redemption center, who redeems empty beverage containers shall be reimbursed by the distributor required to accept the empty beverage containers an amount which is one cent per container. A dealer or person operating a redemption center may compact empty metal beverage containers with the approval of the distributor required to accept such containers.

The provisions of this subsection shall apply for two years from the effective date of this Act and thereafter the amount shall be one-half cent per container.

Sec. 3. NEW SECTION. PAYMENT OF REFUND VALUE. Except as provided in section four (4) of this Act:

1. A dealer shall not refuse to accept from a consumer any empty beverage container of the kind, size and brand sold by the dealer, or refuse to pay to the consumer the refund value of a beverage container as provided under section two (2) of this Act.
2. A distributor shall accept and pick up from a dealer

served by the distributor or a redemption center for a dealer served by the distributor any empty beverage container of the kind, size and brand sold by the distributor, and shall pay to the dealer or person operating a redemption center the refund value of a beverage container and the reimbursement as provided under section two (2) of this Act. This subsection shall not apply to a distributor selling alcoholic liquor to the Iowa beer and liquor control department.

Sec. 4. NEW SECTION. REFUSAL TO ACCEPT CONTAINERS.

1. Except as provided in section five (5), subsection two (2), of this Act, a dealer, a person operating a redemption center, a distributor or a manufacturer may refuse to accept any empty beverage container which does not have stated on it a refund value as provided under section two (2) of this Act.

2. A dealer may refuse to accept and to pay the refund value of any empty beverage container if the place of business of the dealer and the kind and brand of empty beverage containers are included in an order of the department approving a redemption center under section six (6) of this Act.

Sec. 5. NEW SECTION. REFUND VALUE STATED ON CONTAINER.

1. Each beverage container sold or offered for sale in this state by a dealer shall clearly indicate by embossing or by a stamp, label or other method securely affixed to the container, the refund value of the container. The department shall specify, by rule, the minimum size of the refund value indication on the beverage containers.

2. The provisions of subsection one (1) of this section shall not apply to refillable glass beverage containers having a brand name permanently marked on them which have a refund value of not less than five cents or a refillable beverage container which has a five cent deposit on it and which may be exempted by the director in accordance with rules adopted by the commission.

Sec. 6. NEW SECTION. REDEMPTION CENTERS.

1. To facilitate the return of empty beverage containers and to serve dealers of beverages, any person may establish a redemption center, subject to the approval of the department, at which consumers may return empty beverage containers and receive payment of the refund value of such beverage containers.

2. An application for approval of a redemption center shall be filed with the department. The application shall state the name and address of the person responsible for the establishment and operation of the redemption center, the kind and brand names of the beverage containers which will be accepted at the redemption center, and the names and addresses of the dealers to be served by the redemption center. The application shall contain such other information as the director may reasonably require.

3. The department shall approve a redemption center if it finds that the redemption center will provide a convenient service to consumers for the return of empty beverage containers. The order of the department approving a redemption center shall state the dealers to be served by the redemption center and the kind and brand names of empty beverage containers which the redemption center must accept. The order may contain such other provisions to insure that the redemption center will provide a convenient service to the public as the director may determine.

4. The department may review the approval of any redemption center at any time. After written notice to the person responsible for the establishment and operation of the redemption center, and to the dealers served by the redemption center, the commission may, after hearing, withdraw approval of a redemption center if the commission finds there has not been compliance with the department's order approving the redemption center, or if the redemption center no longer provides a convenient service to the public.

5. All approved redemption centers shall meet applicable

health standards.

Sec. 7. NEW SECTION. UNAPPROVED REDEMPTION CENTERS.

Any person may establish a redemption center which has not been approved by the department, at which a consumer may return empty beverage containers and receive payment of the refund value of the beverage containers. The establishment of an unapproved redemption center shall not relieve any dealer from the responsibility of redeeming any empty beverage containers of the kind and brand sold by the dealer.

Sec. 8. NEW SECTION. SNAP-TOP CANS PROHIBITED. A person shall not sell or offer for sale at retail in this state any metal beverage container so designed and constructed that a part of the container is detachable in opening the container.

Sec. 9. NEW SECTION. RULES ADOPTED. The commission shall adopt, upon recommendation of the director, the rules necessary to carry out the provisions of this Act, subject to the provisions of chapter seventeen A (17A) of the Code.

Sec. 10. NEW SECTION. APPEAL. Any person aggrieved by an order of the department relating to the approval or withdrawal of approval for a redemption center may seek judicial review of such order as provided in chapter seventeen A (17A) of the Code.

Sec. 11. NEW SECTION. ANNUAL APPROPRIATION. For the fiscal year commencing July 1, 1979, and each fiscal year thereafter, there is appropriated from the beer and liquor control fund to the Iowa department of substance abuse the sum of one hundred thousand (100,000) dollars, or so much thereof as may be available, which appropriation shall be made only from the difference between the funds collected from the deposit required on beverage containers containing alcoholic liquor and the funds dispersed in the payment of the refund value on such beverage containers. The Iowa department of substance abuse shall use the appropriated funds only for the care, maintenance and treatment of alcoholics under chapter one hundred twenty-five (125) of the Code.

Sec. 12. NEW SECTION. PENALTY. Any person violating the provisions of sections two (2), three (3), five (5), and eight (8) of this Act shall be guilty of a simple misdemeanor.

Sec. 13. Section four hundred fifty-five B point ninety-seven (455B.97), Code 1977, is amended by striking unnumbered paragraph two (2).

Sec. 14. EFFECTIVE DATES.

1. This Act shall be effective May 1, 1979 for beverage containers purchased from state liquor stores in this state.

2. This Act shall be effective July 1, 1979 for all beverage containers sold in this state except as provided in subsection one (1) of this section.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 187, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved _____, 1978

ROBERT D. RAY
Governor