

Reprinted

MAR 13 1995

Place On Calendar

HOUSE FILE 395

BY COMMITTEE ON ENVIRONMENTAL PROTECTION

(SUCCESSOR TO HSB 84)

(P. 1052)
 Passed House, Date 3-29-95 Passed Senate, Date _____
 Vote: Ayes 54 Nays 41 Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act relating to solid waste by removing wine and alcoholic
 2 liquor from the definition of beverage in the mandatory
 3 beverage container deposit law, requesting the allocation of
 4 landfill alternative grant moneys, and making encouragement of
 5 curbside recycling a public policy of the state.

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

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HOUSE FILE 395

H-3304

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1 Amend House File 395 as follows:

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2 1. Page 2, line 19, by striking the word "shall"

12

3 and inserting the following: "may".

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By GREINER of Washington
BRADLEY of Clinton

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H-3304 FILED MARCH 15, 1995

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adopted 3-29-95 (P. 1052)

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HF 395

1 Section 1. Section 455C.1, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. "Beverage" means ~~wine-as-defined-in-section-123.3,~~
4 ~~subsection-37,-alcoholic-liquor-as-defined-in-section-123.3,~~
5 ~~subsection-5,~~ beer as defined in section 123.3, subsection 7,
6 mineral water, soda water and similar carbonated soft drinks
7 in liquid form and intended for human consumption.

8 Sec. 2. Section 455C.3, subsection 2, Code 1995, is
9 amended to read as follows:

10 2. A distributor shall accept and pick up from a dealer
11 served by the distributor or a redemption center for a dealer
12 served by the distributor at least weekly, or when the
13 distributor delivers the beverage product if deliveries are
14 less frequent than weekly, any empty beverage container of the
15 kind, size and brand sold by the distributor, and shall pay to
16 the dealer or person operating a redemption center the refund
17 value of a beverage container and the reimbursement as
18 provided under section 455C.2 within one week following pickup
19 of the containers or when the dealer or redemption center
20 normally pays the distributor for the deposit on beverage
21 products purchased from the distributor if less frequent than
22 weekly. A distributor or employee or agent of a distributor
23 is not in violation of this subsection if a redemption center
24 is closed when the distributor attempts to make a regular
25 delivery or a regular pickup of empty beverage containers.
26 ~~This-subsection-does-not-apply-to-a-distributor-selling~~
27 ~~alcoholic-liquor-to-the-alcoholic-beverages-division-of-the~~
28 ~~department-of-commerce.~~

29 Sec. 3. Section 455C.3, subsection 5, Code 1995, is
30 amended by striking the subsection.

31 Sec. 4. Section 455C.4, subsections 3 and 4, Code 1995,
32 are amended by striking the subsections.

33 Sec. 5. Section 455C.5, subsection 2, paragraph a, Code
34 1995, is amended by striking the paragraph.

35 Sec. 6. Section 455C.16, Code 1995, is amended to read as

1 follows:

2 455C.16 BEVERAGE CONTAINERS -- DISPOSAL AT SANITARY
3 LANDFILL PROHIBITED.

4 Beginning July 1, 1990, the final disposal of beverage
5 containers by a dealer, distributor, or manufacturer, or
6 person operating a redemption center, in a sanitary landfill,
7 is prohibited. ~~Beginning September 17, 1992, the final~~
8 ~~disposal of beverage containers used to contain alcoholic~~
9 ~~liquor as defined in section 123.37, subsection 8, by a dealer,~~
10 ~~distributor, or manufacturer, or person operating a redemption~~
11 ~~center in a sanitary landfill, is prohibited.~~

12 Sec. 7. Section 455D.4, Code 1995, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 6. It is the policy of this state to
15 encourage unified, comprehensive waste collection and
16 recycling programs by encouraging the development of curbside
17 recycling programs for collection of household waste.

18 Sec. 8. DEPARTMENT OF NATURAL RESOURCES. The department
19 shall use landfill alternative grant moneys under section
20 455E.11 to provide incentives to a glass processing company to
21 locate a glass processing plant in a central location within
22 the state.

23 EXPLANATION

24 The bill removes wine and alcoholic liquor from the
25 definition of beverages so that containers containing these
26 beverages are no longer subject to the five cent mandatory
27 beverage container deposit.

28 The bill requests the department of natural resources to
29 use landfill alternative grant moneys to provide a grant to a
30 glass processing company to locate a glass processing plant in
31 a central Iowa location. Landfill alternative grant moneys
32 are allocated to the department from the solid waste account
33 of the groundwater protection fund under section 455E.11 and
34 are used to encourage alternatives to landfilling.

35 Finally, the bill establishes as a public policy of the

1 state, the encouragement of curbside recycling programs.

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HOUSE FILE 395

H-3554

- 1 Amend House File 395 as follows:
- 2 1. Page 2, by striking lines 18 through 22.
- 3 2. Title page, by striking lines 3 and 4 and
- 4 inserting the following: "beverage container deposit
- 5 law, and making encouragement of".
- 6 3. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-3554 FILED MARCH 29, 1995

OUT OF ORDER

(P. 1052)

HOUSE FILE 395

H-3556

- 1 Amend the amendment, H-3304, to House File 395 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "____. Page 2, by striking lines 19 through 21 and
- 6 inserting the following: "may use landfill
- 7 alternative financial assistance moneys under section
- 8 455E.11 to provide incentives with the goal of
- 9 locating an end manufacturer or processor for crushed
- 10 recycled glass in a central location within".
- 11 _____. Title page, line 4, by striking the word
- 12 "grant" and inserting the following: "financial
- 13 assistance".
- 14 2. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-3556 FILED MARCH 29, 1995

ADOPTED

(P. 1052)

HOUSE FILE 395

H-3552

- 1 Amend the amendment, H-3304, to House File 395 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "____. Page 2, by striking lines 19 through 21 and
- 6 inserting the following: "shall use landfill
- 7 alternative financial assistance moneys under section
- 8 455E.11 to provide incentives for locating an end
- 9 manufacturer for crushed recycled glass in a central
- 10 location within".
- 11 _____. Title page, line 3, by striking the word
- 12 "requesting" and inserting the following:
- 13 "requiring"."
- 14 2. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-3552 FILED MARCH 29, 1995

WITHDRAWN

(p.1051)

HOUSE FILE 395

H-3553

- 1 Amend House File 395 as follows:
- 2 1. Page 1, by striking lines 6 and 7 and
- 3 inserting the following: "low or nonalcoholic beers
- 4 and wines, wine coolers, mineral water, soda water and
- 5 similar carbonated soft drinks in liquid form or
- 6 noncarbonated soft drinks, waters, and juices packaged
- 7 in volumes of eight ounces or more but less than
- 8 thirty-two ounces and intended for human consumption."
- 9 2. Title page, line 2, by inserting after the
- 10 word "from" the following: "and adding additional
- 11 beverages to".

By SHOULTZ of Black Hawk

H-3553 FILED MARCH 29, 1995

OUT OF ORDER

(p.1052)

HOUSE FILE 395
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 84)

(As Amended and Passed by the House March 29, 1995)

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

A BILL FOR

1 An Act relating to solid waste by removing wine and alcoholic
2 liquor from the definition of beverage in the mandatory
3 beverage container deposit law, requesting the allocation of
4 landfill alternative financial assistance moneys, and making
5 encouragement of curbside recycling a public policy of the
6 state.

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

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House Amendments _____

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1 Section 1. Section 455C.1, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. "Beverage" means ~~wine-as-defined-in-section-123.3,~~
4 ~~subsection-37,-alcoholic-liquor-as-defined-in-section-123.3,~~
5 ~~subsection-5,~~ beer as defined in section 123.3, subsection 7,
6 mineral water, soda water and similar carbonated soft drinks
7 in liquid form and intended for human consumption.

8 Sec. 2. Section 455C.3, subsection 2, Code 1995, is
9 amended to read as follows:

10 2. A distributor shall accept and pick up from a dealer
11 served by the distributor or a redemption center for a dealer
12 served by the distributor at least weekly, or when the
13 distributor delivers the beverage product if deliveries are
14 less frequent than weekly, any empty beverage container of the
15 kind, size and brand sold by the distributor, and shall pay to
16 the dealer or person operating a redemption center the refund
17 value of a beverage container and the reimbursement as
18 provided under section 455C.2 within one week following pickup
19 of the containers or when the dealer or redemption center
20 normally pays the distributor for the deposit on beverage
21 products purchased from the distributor if less frequent than
22 weekly. A distributor or employee or agent of a distributor
23 is not in violation of this subsection if a redemption center
24 is closed when the distributor attempts to make a regular
25 delivery or a regular pickup of empty beverage containers.
26 ~~This-subsection-does-not-apply-to-a-distributor-selling~~
27 ~~alcoholic-liquor-to-the-alcoholic-beverages-division-of-the~~
28 ~~department-of-commerce.~~

29 Sec. 3. Section 455C.3, subsection 5, Code 1995, is
30 amended by striking the subsection.

31 Sec. 4. Section 455C.4, subsections 3 and 4, Code 1995,
32 are amended by striking the subsections.

33 Sec. 5. Section 455C.5, subsection 2, paragraph a, Code
34 1995, is amended by striking the paragraph.

35 Sec. 6. Section 455C.16, Code 1995, is amended to read as

1 follows:

2 455C.16 BEVERAGE CONTAINERS -- DISPOSAL AT SANITARY
3 LANDFILL PROHIBITED.

4 Beginning July 1, 1990, the final disposal of beverage
5 containers by a dealer, distributor, or manufacturer, or
6 person operating a redemption center, in a sanitary landfill,
7 is prohibited. ~~Beginning-September-17-1992,-the-final~~
8 ~~disposal-of-beverage-containers-used-to-contain-alcoholic~~
9 ~~liquor-as-defined-in-section-123.3,-subsection-8,-by-a-dealer,~~
10 ~~distributor,-or-manufacturer,-or-person-operating-a-redemption~~
11 ~~center-in-a-sanitary-landfill,-is-prohibited.~~

12 Sec. 7. Section 455D.4, Code 1995, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 6. It is the policy of this state to
15 encourage unified, comprehensive waste collection and
16 recycling programs by encouraging the development of curbside
17 recycling programs for collection of household waste.

18 Sec. 8. DEPARTMENT OF NATURAL RESOURCES. The department
19 may use landfill alternative financial assistance moneys under
20 section 455E.11 to provide incentives with the goal of
21 locating an end manufacturer or processor for crushed recycled
22 glass in a central location within the state.

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HOUSE FILE 395

S-3294

1 Amend House File 395 as follows:
2 1. Page 2, by inserting after line 22 the
3 following:
4 "Sec. ____ . CONDITIONAL EFFECTIVE DATE. Sections 1
5 through 6 of this Act do not take effect until at
6 least ninety percent of the domestic wine and
7 alcoholic liquor beverage containers offered for sale
8 within this state are made of clear glass, color-
9 coated clear glass, or other recyclable materials, as
10 determined by the department of natural resources.
11 For purposes of this section, "recyclable materials"
12 shall not include green or brown glass. The
13 department shall notify the secretary of state, the
14 Iowa Code editor, and other appropriate persons of its
15 determination under this section."
16 2. Title page, line 5, by inserting after the
17 word "state" the following: "and providing a
18 conditional effective date".

By BILL FINK

S-3294 FILED MARCH 29, 1995

HOUSE FILE 395

S-3296

1 Amend House File 395 as follows:
2 1. Page 2, by striking lines 18 through 22.
3 2. Title page, lines 3 and 4, by striking the
4 words "requesting the allocation of landfill
5 alternative grant moneys,".

By MARY LUNDBY
BILL FINK

S-3296 FILED MARCH 29, 1995

*Drake - Chr.
Greis
Shultz*

HSB 84

ENVIRONMENTAL PROTECTION

Succeeded

HOUSE FILE

395

BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL BY CHAIRPERSON GREINER)

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

A BILL FOR

1 An Act relating to solid waste by removing penalties for failure
2 to meet waste reduction and recycling goals, changing
3 provisions of the mandatory beverage container deposit law,
4 requesting the allocation of landfill alternative grant
5 moneys, and making encouragement of curbside recycling a
6 public policy of the state.

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

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1 Section 1. Section 455C.1, subsections 1 and 9, Code 1995,
2 are amended to read as follows:

3 1. "Beverage" means ~~wine-as-defined-in-section-123-37~~
4 ~~subsection-377--alcoholic-liquor-as-defined-in-section-123-37~~
5 ~~subsection-57~~ beer as defined in section 123.3, subsection 7,
6 mineral water, soda water and similar carbonated soft drinks
7 in liquid form and intended for human consumption.

8 9. "Distributor" means any person who engages in the sale
9 or distribution of beverages in beverage containers to a
10 dealer in this state, including any manufacturer who engages
11 in such sales or distribution.

12 Sec. 2. Section 455C.3, subsection 2, Code 1995, is
13 amended to read as follows:

14 2. A distributor shall accept and pick up from a dealer
15 served by the distributor or from a redemption center for a
16 dealer served by the distributor at least weekly, or when the
17 distributor delivers the beverage product if deliveries are
18 less frequent than weekly, any empty beverage container of the
19 kind, size and brand sold or distributed by the distributor,
20 and shall pay to the dealer or person operating a redemption
21 center the refund value of a beverage container and the
22 reimbursement as provided under section 455C.2 within one week
23 following pickup of the containers or when the dealer or
24 redemption center normally pays the distributor for the
25 deposit on beverage products purchased from the distributor if
26 less frequent than weekly. A distributor or employee or agent
27 of a distributor is not in violation of this subsection if a
28 redemption center is closed when the distributor attempts to
29 make a regular delivery or a regular pickup of empty beverage
30 containers. ~~This-subsection-does-not-apply-to-a-distributor~~
31 ~~selling-alcoholic-liquor-to-the-alcoholic-beverages-division~~
32 ~~of-the-department-of-commerce.~~

33 Sec. 3. Section 455C.3, subsection 5, Code 1995, is
34 amended by striking the subsection.

35 Sec. 4. Section 455C.4, subsections 3 and 4, Code 1995,

1 are amended by striking the subsections.

2 Sec. 5. Section 455C.5, subsection 2, paragraph a, Code
3 1995, is amended by striking the paragraph.

4 Sec. 6. Section 455C.16, Code 1995, is amended to read as
5 follows:

6 455C.16 BEVERAGE CONTAINERS -- DISPOSAL AT SANITARY
7 LANDFILL PROHIBITED.

8 Beginning July 1, 1990, the final disposal of beverage
9 containers by a dealer, distributor, or manufacturer, or
10 person operating a redemption center, in a sanitary landfill,
11 is prohibited. ~~Beginning-September-17-1992, the final~~
12 ~~disposal-of-beverage-containers-used-to-contain-alcoholic~~
13 ~~liquor-as-defined-in-section-123.37-subsection-8, by a dealer,~~
14 ~~distributor, or manufacturer, or person operating a redemption~~
15 ~~center-in-a-sanitary-landfill, is prohibited.~~

16 Sec. 7. Section 455D.3, subsection 4, Code 1995, is
17 amended to read as follows:

18 4. Solid waste management techniques. A planning area
19 that fails to meet the twenty-five percent goal shall
20 implement the following solid waste management techniques:

21 ~~a. --Remit-fifty-cents-per-ton-to-the-department, as-of-July~~
22 ~~17-1995. --The-funds-shall-be-deposited-in-the-solid-waste~~
23 ~~account-under-section-455E.11, subsection-2, paragraph-"a", to~~
24 ~~be-used-in-accordance-with-section-455E.11, subsection-2,~~
25 ~~paragraph-"a", subparagraph-(9). --Moneys-under-this-paragraph~~
26 ~~shall-be-remitted-until-such-time-as-evidence-of-attainment-of~~
27 ~~the-twenty-five-percent-goal-is-documented-in-subsequent~~
28 ~~comprehensive-plans-submitted-to-the-department.~~

29 ~~b. a.~~ Notify the public of the planning area's failure to
30 meet the waste volume reduction goals of this section,
31 utilizing standard language developed by the department for
32 that purpose.

33 ~~c. b.~~ Develop draft ordinances which shall be used by
34 local governments for establishing collection fees that are
35 based on volume or on the number of containers used for

1 disposal by residents.

2 d- c. Conduct an educational and promotional program to
3 inform citizens of the manner and benefits of reducing,
4 reusing, and recycling materials and the procurement of
5 products made with recycled content. The program shall
6 include the following:

7 (1) Targeted waste reduction and recycling education for
8 residents, including multifamily dwelling complexes having
9 five or more units.

10 (2) An intensive one-day seminar for the commercial sector
11 regarding the benefits of and opportunities for waste
12 reduction and recycling.

13 (3) Promotion of recycling through targeted community and
14 media events.

15 (4) Recycling notification and education packets to all
16 new residential, commercial, and institutional collection
17 service customers that include, at a minimum, the manner of
18 preparation of materials for collection, and the reasons for
19 separation of materials for recycling.

20 Sec. 8. Section 455D.4, Code 1995, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 6. It is the policy of this state to
23 encourage unified, comprehensive waste collection and
24 recycling programs by encouraging the development of curbside
25 recycling programs for collection of household waste.

26 Sec. 9. DEPARTMENT OF NATURAL RESOURCES. The department
27 shall use landfill alternative grant moneys under section
28 455E.11 to provide incentives to a glass processing company to
29 locate a glass processing plant in a central location within
30 the state.

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EXPLANATION

32 This bill amends section 455D.3, to provide that planning
33 areas that do not meet the July 1, 1994, waste reduction and
34 recycling goals are not required to remit an additional 50
35 cents per ton tonnage fee to the department of natural

1 resources.

2 The bill removes wine and alcoholic liquor from the
3 definition of beverages so that containers containing these
4 beverages are no longer subject to the five cent mandatory
5 beverage container deposit. In addition, the bill changes the
6 definition of distributor to include persons who sell or
7 distribute beverages to a retail outlet. This means that a
8 distributor must pay the one cent handling fee to a redemption
9 center for in-store brands of beverages that are distributed
10 to a retail outlet.

11 The bill requests the department of natural resources to
12 use landfill alternative grant moneys to provide a grant to a
13 glass processing company to locate a glass processing plant in
14 a central Iowa location. Landfill alternative grant moneys
15 are allocated to the department from the solid waste account
16 of the groundwater protection fund under section 455E.11 and
17 are used to encourage alternatives to landfilling.

18 Finally, the bill establishes as a public policy of the
19 state, the encouragement of curbside recycling programs.

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