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ENVIRONMENTAL PROTECTION

HOUSE FILE 2318

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

A BILL FOR

1 An Act relating to beverage container control laws and providing
2 a penalty.

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

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HF 2318

1 Section 1. Section 455C.1, subsection 2, Code 1999, is
2 amended to read as follows:

3 2. "Beverage container" means ~~any-sealed~~ a glass, plastic,
4 or metal bottle, can, jar, or carton other container sealed by
5 a manufacturer and containing a beverage.

6 Sec. 2. Section 455C.2, subsection 2, Code 1999, is
7 amended to read as follows:

8 2. In addition to the refund value provided in subsection
9 ~~1 of-this-section,~~ a dealer, or person operating a redemption
10 center who redeems empty beverage containers or a dealer agent
11 shall be reimbursed by the distributor required to accept the
12 empty beverage containers an amount which is one-cent two
13 cents per container. A dealer, dealer agent, or person
14 operating a redemption center may compact empty metal beverage
15 containers with the approval of the distributor required to
16 accept the containers.

17 Sec. 3. Section 455C.2, Code 1999, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 3. a. Beginning October 1, 2000, a
20 distributor shall pay a fee to the department equivalent to
21 one cent per container for every empty beverage container the
22 distributor was required to accept. Payments received by the
23 department under this subsection shall be deposited by the
24 department in the Robert D. Ray beautiful land fund
25 established in section 455C.18.

26 b. Fees imposed under this subsection shall be paid to the
27 department on a quarterly basis with payment due by no more
28 than ninety days following the quarter during which the
29 containers were accepted. The payment shall be accompanied by
30 a return which shall include information required by the
31 department.

32 c. A distributor required to pay fees under this
33 subsection who fails or refuses to pay the fees imposed by
34 this subsection or who fails or refuses to provide the return
35 required by this subsection shall be assessed a penalty of two

1 percent of the fee due for each month the fee or return is
2 overdue. The penalty shall be in addition to the fee due.

3 Sec. 4. Section 455C.3, Code 1999, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 6. A dealer who manufactures its own
6 beverage for exclusive sale by the dealer has the obligation
7 of a distributor under this section.

8 Sec. 5. Section 455C.4, subsection 3, Code 1999, is
9 amended by striking the subsection.

10 Sec. 6. Section 455C.16, Code 1999, is amended to read as
11 follows:

12 455C.16 BEVERAGE CONTAINERS -- DISPOSAL AT SANITARY
13 LANDFILL PROHIBITED.

14 ~~Beginning-July-17-1990,-the~~ The final disposal of beverage
15 containers by a dealer, distributor, or manufacturer, or
16 person operating a redemption center, in a sanitary landfill,
17 ~~is prohibited. Beginning-September-17-1992,-the-final~~
18 ~~disposal-of-beverage-containers-used-to-contain-alcoholic~~
19 ~~liquor-as-defined-in-section-123.37-subsection-8,-by-a-dealer,~~
20 ~~distributor,-or-manufacturer,-or-person-operating-a-redemption~~
21 ~~center-in-a-sanitary-landfill,-is-prohibited. A person~~
22 violating this section is guilty of a simple misdemeanor.

23 Sec. 7. NEW SECTION. 455C.17 MINIMUM RECYCLED CONTENT.

24 A beverage container sold or offered for sale in this state
25 shall have a minimum postconsumer recycled content of twenty-
26 five percent by weight.

27 Sec. 8. NEW SECTION. 455C.18 ROBERT D. RAY BEAUTIFUL
28 LAND FUND.

29 1. The Robert D. Ray beautiful land fund is established in
30 the office of the treasurer of state under the control of the
31 department. The fund shall consist of any moneys appropriated
32 by the general assembly for that purpose and any other moneys
33 available to and obtained or accepted by the department for
34 placement in the fund. The fund shall also include fees
35 received by the department pursuant to section 455C.2,

1 subsection 3.

2 2. Moneys in the fund are appropriated annually as
3 follows:

4 a. Two hundred fifty thousand dollars to the state
5 department of transportation to be used for purposes of the
6 adopt-a-highway program administered by the department.

7 b. Three hundred fifty thousand dollars to the state board
8 of regents for the Iowa waste reduction center for the safe
9 and economic management of solid waste and hazardous
10 substances established in section 268.4 for purposes of the
11 Iowa waste exchange.

12 c. Up to five hundred thousand dollars to the department
13 of natural resources for purposes of reimbursing distributors
14 pursuant to section 455C.19.

15 d. The remaining funds to the department of natural
16 resources to be used as follows:

17 (1) One-third of the remaining moneys shall be used to
18 provide financial assistance to cities, counties, or private
19 organizations for purposes of assisting adopt-a-place programs
20 designed to address litter collection and prevention.

21 (2) One-sixth of the remaining moneys shall be used to
22 provide grants to dealers, dealer agents, and persons
23 operating a redemption center for purposes of increasing the
24 effectiveness, efficiency, and convenience of redemption.

25 (3) One-sixth of the remaining moneys shall be used to
26 provide grants to cities, counties, or private organizations
27 for purposes of awareness, informational, or educational
28 programs designed to address litter and illegal dumping
29 issues.

30 (4) One-sixth of the remaining moneys shall be used to
31 provide grants to cities, counties, or private organizations
32 for purposes of awareness, informational, or educational
33 programs designed to address waste reduction, waste reuse, and
34 recycling issues.

35 (5) One-sixth of the remaining moneys shall be used to

1 provide no-interest loans to cities, counties, or public or
2 private organizations for purposes of developing end uses and
3 markets for recyclables in the state.

4 3. Notwithstanding section 8.33, all moneys in the Robert
5 D. Ray beautiful land fund which remain unexpended or
6 unobligated at the end of each fiscal year shall not revert to
7 the general fund of the state but shall remain available for
8 expenditure in subsequent fiscal years.

9 Sec. 9. NEW SECTION. 455C.19 REIMBURSEMENT TO
10 DISTRIBUTORS.

11 1. A distributor seeking reimbursement from the department
12 pursuant to this section shall maintain separate records and
13 accounting relating to the amount of refund value paid and
14 received by the distributor.

15 2. Beginning on October 1, 2000, and on a quarterly basis
16 thereafter, a distributor may submit an application to the
17 department requesting reimbursement if, during the previous
18 three months, the distributor paid a greater amount of refund
19 value than was received by the distributor. Reimbursement by
20 the department shall not exceed the difference between the
21 amount of refund value paid by the distributor and the amount
22 of refund value received by distributor.

23 3. A distributor submitting an application shall include
24 on the application all information required by the department
25 including, but not limited to, records relating to the amount
26 of refund value paid and received by the distributor.

27 EXPLANATION

28 This bill amends the beverage containers control laws in
29 Code chapter 455C.

30 The bill increases the per container reimbursement amount
31 from one cent to two cents that a dealer, dealer agent, or
32 person operating a redemption center receives from a
33 distributor for each empty beverage container accepted by the
34 distributor.

35 The bill provides that, beginning October 1, 2000, a

1 distributor shall pay a fee to the department of natural
2 resources of one cent for every empty beverage container the
3 distributor was required to accept. The bill provides that
4 the fees shall be paid on a quarterly basis and shall be
5 accompanied by a return. The bill provides penalties for
6 overdue fees and returns. The bill provides that the fees
7 paid by the distributors shall be deposited in the Robert D.
8 Ray beautiful land fund.

9 The bill creates the Robert D. Ray beautiful land fund and
10 provides the manner in which the moneys in the fund are to be
11 appropriated annually. The bill provides that \$250,000 of the
12 fund is appropriated to the state department of transportation
13 for purposes of the adopt-a-highway program, \$350,000 is
14 appropriated to the state board of regents for the Iowa waste
15 reduction center for purposes of the Iowa waste exchange, and
16 up to \$500,000 is appropriated to the department of natural
17 resources for purposes of reimbursing distributors as provided
18 in the bill. The bill provides that the remaining moneys are
19 appropriated to the department of natural resources to be used
20 as follows:

21 1. One-third to provide financial assistance for purposes
22 of assisting adopt-a-place programs designed to address litter
23 collection and prevention.

24 2. One-sixth to provide grants to dealers, dealer agents,
25 and persons operating a redemption center for purposes
26 increasing the effectiveness, efficiency, and convenience of
27 redemption.

28 3. One-sixth to provide grants for purposes of awareness,
29 informational, or educational programs designed to address
30 litter and illegal dumping issues.

31 4. One-sixth to provide grants for purposes of awareness,
32 informational, or educational programs designed to address
33 waste reduction, waste reuse, and recycling issues.

34 5. One-sixth to provide no interest loans for purposes of
35 developing end uses and markets for recyclables in the state.

1 The bill provides that a distributor may request
2 reimbursement from the department of natural resources if,
3 during the previous three months, the distributor paid a
4 greater amount of refund value than was received by the
5 distributor. The bill provides that reimbursement shall not
6 exceed the difference between the amount of refund value paid
7 by the distributor and the amount of refund value received by
8 the distributor.

9 The bill provides that a dealer that manufactures its own
10 beverage for exclusive sale by the dealer has the obligation
11 of a distributor for purposes of paying refund values.

12 The bill strikes the ability of a dealer or distributor to
13 refuse to accept and pay the refund value of an empty wine or
14 alcoholic liquor container which is marked to indicate that it
15 was sold by a state liquor store.

16 The bill provides that a dealer, distributor, manufacturer,
17 or redemption center operator violating the provision
18 prohibiting the final disposal beverage containers in a
19 landfill is guilty of a simple misdemeanor.

20 The bill provides that a beverage container sold or offered
21 for sale in this state shall have a minimum postconsumer
22 recycled content of 25 percent by weight.

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