

FILED MAR 03 2006

SENATE FILE 2319  
BY COMMITTEE ON NATURAL RESOURCES  
AND ENVIRONMENT

(SUCCESSOR TO SF 2089)

Passed Senate, Date 3-20-06 Passed House, Date 4-18-06

Vote: Ayes 48 Nays 0 Vote: Ayes 97 Nays 0

*Re-passed*  
*4-18-06 50-0* Approved April 26, 2006

A BILL FOR

1 An Act relating to littering and illegal discarding of solid  
2 waste and increasing fines and penalties and making  
3 appropriations.

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

5

SENATE FILE 2319

S-5100

- 1 Amend Senate File 2319 as follows:
- 2 1. By striking page 1, line 14, through page 2,
- 3 line 14.
- 4 2. Title page, by striking lines 1 through 3 and
- 5 inserting the following: "An Act relating to the
- 6 illegal discarding of solid waste and increasing
- 7 penalties and making appropriations."

By JOE BOLKCOM

S-5100 FILED MARCH 20, 2006  
WITHDRAWN

SF 2319

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1 Section 1. Section 455B.307A, subsection 3, Code 2005, is  
2 amended to read as follows:

3 3. A person who violates this section is subject to a  
4 civil penalty not to exceed five-hundred one thousand dollars  
5 for each violation. The revenue from the penalty provided in  
6 this subsection shall be remitted to the treasurer of state  
7 for deposit in the general fund of the state. Fifty percent  
8 of such moneys are appropriated to the state department of  
9 transportation for purposes of the cleanup of litter and  
10 illegally discarded solid waste. The remaining fifty percent  
11 of such moneys are appropriated to the department of natural  
12 resources for purposes of the solid waste alternatives  
13 program.

14 Sec. 2. Section 602.8108, subsection 2, Code Supplement  
15 2005, is amended to read as follows:

16 2. Except as otherwise provided, the clerk of the district  
17 court shall report and submit to the state court  
18 administrator, not later than the fifteenth day of each month,  
19 the fines and fees received during the preceding calendar  
20 month. Except as provided in subsections 3, 4, 5, 7, 8, and  
21 9, and 11, the state court administrator shall deposit the  
22 amounts received with the treasurer of state for deposit in  
23 the general fund of the state. The state court administrator  
24 shall report to the legislative services agency within thirty  
25 days of the beginning of each fiscal quarter the amount  
26 received during the previous quarter in the account  
27 established under this section.

28 Sec. 3. Section 602.8108, Code Supplement 2005, is amended  
29 by adding the following new subsection:

30 NEW SUBSECTION. 11. The state court administrator shall  
31 allocate fifty percent of all of the fines attributable to  
32 littering citations issued pursuant to sections 321.369,  
33 321.370, and 461A.43 to the treasurer of state for deposit in  
34 the general fund of the state and such moneys are appropriated  
35 to the state department of transportation for purposes of the

1 cleanup of litter and illegally discarded solid waste.

2 Sec. 4. Section 805.8A, subsection 14, paragraph d, Code  
3 Supplement 2005, is amended to read as follows:

4 d. LITTER AND DEBRIS VIOLATIONS. For violations under  
5 sections 321.369 and 321.370, the scheduled fine is ~~thirty-~~  
6 five seventy dollars.

7 Sec. 5. Section 805.8B, subsection 6, paragraph b, Code  
8 2005, is amended to read as follows:

9 b. For violations under sections 461A.40, ~~461A.43,~~  
10 461A.46, and 461A.49, the scheduled fine is fifteen dollars.

11 Sec. 6. Section 805.8B, subsection 6, Code 2005, is  
12 amended by adding the following new paragraph:

13 NEW PARAGRAPH. e. For violations under section 461A.43,  
14 the scheduled fine is thirty dollars.

15 | EXPLANATION

16 This bill relates to littering and illegal discarding of  
17 solid waste and increases fines and penalties and makes  
18 appropriations.

19 The bill increases the maximum civil penalty for the  
20 illegal discarding of solid waste from \$500 to \$1,000. The  
21 bill increases the scheduled fines for littering and placing  
22 debris on public highways from \$35 to \$70 and increases the  
23 scheduled fine for littering in a state park or preserve from  
24 \$15 to \$30.

25 The bill provides that the civil penalties attributable to  
26 illegal discarding of solid waste shall be deposited in the  
27 general fund of the state with 50 percent of the moneys  
28 appropriated to the state department of transportation for  
29 purposes of the cleanup of litter and illegally discarded  
30 solid waste and the remaining 50 percent appropriated to the  
31 department of natural resources for purposes of the solid  
32 waste alternatives program.

33 The bill provides that 50 percent of fines attributable to  
34 littering shall be deposited in the general fund of the state  
35 and shall be appropriated to the state department of

1 transportation for purposes of the cleanup of litter and  
2 illegally discarded solid waste.

**SENATE FILE 2319**

H-8515

1 Amend the amendment, H-8508, to Senate File 2319,  
2 as passed by the Senate, as follows:  
3 1. Page 1, line 6, by inserting after the word  
4 "occurred" the following: "to be used exclusively for  
5 the clean up and prevention of illegal dumping".

By PETTENGILL of Benton

H-8515 FILED APRIL 6, 2006

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**SENATE FILE 2319**

H-8508

1 Amend Senate File 2319, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by striking lines 11 through 13 and  
4 inserting the following: "of such moneys shall be  
5 deposited in the general fund of the county in which  
6 the violation occurred."

By PETTENGILL of Benton  
MERTZ of Kossuth

H-8508 FILED APRIL 5, 2006

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**HOUSE AMENDMENT TO  
SENATE FILE 2319**

S-5202

1 Amend Senate File 2319, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by striking lines 11 through 13 and  
4 inserting the following: "of such moneys shall be  
5 deposited in the general fund of the county in which  
6 the violation occurred to be used exclusively for the  
7 clean up and prevention of illegal dumping."

RECEIVED FROM THE HOUSE

S-5202 FILED APRIL 18, 2006  
CONCURRED

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**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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SF 2319 - Illegal Dumping Fines (LSB 5431 SV.1)  
Analyst: Debra Kozel (Phone: [515] 281-6767) ([deb.kozel@legis.state.ia.us](mailto:deb.kozel@legis.state.ia.us))  
Fiscal Note Version – SF 2319, as Amended by House Amendment S-5202

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**Description**

Senate File 2319, as Amended by House Amendment S-5202, increases the fines for littering and the illegal disposal of solid waste and specifies how the increased fine revenue will be deposited. Fine increases include:

- Increases the civil penalty for illegally discarding solid waste from \$500 to \$1,000.
- Increases the fine for littering or highway littering from \$35 to \$70.
- Increases the fine for littering grounds from \$15 to \$30.

The House Amendment changes the distribution of the civil penalty for discarding solid waste. Originally, the civil penalty fines would be deposited into the General Fund with 50.0% appropriated to the Department of Transportation (DOT) for cleaning up litter and 50.0% to the Department of Natural Resources (DNR) for the Solid Waste Alternatives Program. The Amendment appropriates 50.0% to the Department of Transportation (DOT) for cleaning up litter and 50.0% to the general fund of the county where the violation occurred.

The littering penalty fines will be deposited into the General Fund with 50.0% appropriated to the DOT for cleaning up litter and 50.0% will remain in the General Fund.

**Assumptions**

1. The DNR reported \$88,000 was assessed in civil penalties for illegal dumping during FY 2005, and \$30,000 was collected.
2. The Criminal and Juvenile Justice Planning Division in the Department of Human Rights reported there were 270 convictions for littering, 53 convictions for ground littering, and three convictions for highway littering.

**Correctional Impact**

The correctional impact of SF 2319, as Amended, is expected to be minimal.

**Fiscal Impact**

Based on the FY 2005 convictions, the estimated fiscal impact of SF 2319, as Amended by House Amendment S-5202, is an increase of approximately \$49,000 per year to the DOT and \$44,000 per year to the counties, and a decrease of \$93,000 to the General Fund.

**Sources**

Attorney General  
Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Transportation  
Department of Natural Resources

/s/ Holly M. Lyons

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April 18, 2006

**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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SF 2319 - Illegal Dumping Fines (LSB 5431 SV)  
Analyst: Debra Kozel (Phone: (515) 281-6767) ([deb.kozel@legis.state.ia.us](mailto:deb.kozel@legis.state.ia.us))  
Fiscal Note Version – Senator Doug Shull

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**Description**

Senate File 2319 increases the fines for littering and the illegal disposal of solid waste and specifies how the increased fine revenue will be deposited. Fine increases include:

- Increases the civil penalty for illegally discarding solid waste from \$500 to \$1,000.
- Increases the fine for littering or highway littering from \$35 to \$70.
- Increases the fine for littering grounds from \$15 to \$30.

The civil penalty fines will be deposited into the General Fund with 50.0% appropriated to the Department of Transportation (DOT) for cleaning up litter and 50.0% to the Department of Natural Resources (DNR) for the Solid Waste Alternatives Program.

The littering penalty fines will be deposited into the General Fund with 50.0% appropriated to the DOT for cleaning up litter and 50.0% will remain in the General Fund.

**Assumptions**

1. The DNR reported \$88,000 was assessed in civil penalties for illegal dumping during FY 2005, and \$30,000 was collected.
2. The Criminal and Juvenile Justice Planning Division in the Department of Human Rights reported there were 270 convictions for littering, 53 convictions for ground littering, and three convictions for highway littering.

**Correctional Impact**

The correctional impact of SF 2319 is expected to be minimal.

**Fiscal Impact**

Based on the FY 2005 convictions, the estimated fiscal impact of SF 2319 is an increase of approximately \$49,000 per year to the DOT and \$44,000 per year to the DNR, and a decrease of \$93,000 to the General Fund.

**Sources**

Attorney General  
Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Transportation  
Department of Natural Resources

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/s/ Holly M. Lyons

March 6, 2006

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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SENATE FILE 2319

AN ACT

RELATING TO LITTERING AND ILLEGAL DISCARDING OF SOLID WASTE  
AND INCREASING FINES AND PENALTIES AND MAKING APPROPRIATIONS.

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

Section 1. Section 455B.307A, subsection 3, Code 2005, is amended to read as follows:

3. A person who violates this section is subject to a civil penalty not to exceed five-hundred one thousand dollars for each violation. The revenue from the penalty provided in this subsection shall be remitted to the treasurer of state for deposit in the general fund of the state. Fifty percent of such moneys are appropriated to the state department of transportation for purposes of the cleanup of litter and illegally discarded solid waste. The remaining fifty percent of such moneys shall be deposited in the general fund of the

county in which the violation occurred to be used exclusively for the cleanup and prevention of illegal dumping.

Sec. 2. Section 602.8108, subsection 2, Code Supplement 2005, is amended to read as follows:

2. Except as otherwise provided, the clerk of the district court shall report and submit to the state court administrator, not later than the fifteenth day of each month, the fines and fees received during the preceding calendar month. Except as provided in subsections 3, 4, 5, 7, 8, and 9, and 11, the state court administrator shall deposit the amounts received with the treasurer of state for deposit in the general fund of the state. The state court administrator shall report to the legislative services agency within thirty days of the beginning of each fiscal quarter the amount received during the previous quarter in the account established under this section.

Sec. 3. Section 602.8108, Code Supplement 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 11. The state court administrator shall allocate fifty percent of all of the fines attributable to littering citations issued pursuant to sections 321.369, 321.370, and 461A.43 to the treasurer of state for deposit in the general fund of the state and such moneys are appropriated to the state department of transportation for purposes of the cleanup of litter and illegally discarded solid waste.

Sec. 4. Section 805.8A, subsection 14, paragraph d, Code Supplement 2005, is amended to read as follows:

d. LITTER AND DEBRIS VIOLATIONS. For violations under sections 321.369 and 321.370, the scheduled fine is thirty-five seventy dollars.

Sec. 5. Section 805.8B, subsection 6, paragraph b, Code 2005, is amended to read as follows:

b. For violations under sections 461A.40, ~~461A.43~~ 461A.46, and 461A.49, the scheduled fine is fifteen dollars.

Sec. 6. Section 805.8B, subsection 6, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. For violations under section 461A.43,  
the scheduled fine is thirty dollars.

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JEFFREY M. LAMBERTI  
President of the Senate

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CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and  
is known as Senate File 2319, Eighty-first General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2006

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THOMAS J. VILSACK  
Governor