

**House Study Bill 74 - Introduced**

HOUSE FILE \_\_\_\_\_

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

**A BILL FOR**

1 An Act relating to recycling by repealing beverage container  
2 control laws, increasing littering fines, changing waste  
3 volume reduction goals, and making penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

BOTTLE BILL REPEAL

Section 1. Section 123.24, subsection 5, Code 2011, is amended to read as follows:

5. Notwithstanding subsection 4, the division shall assess a bottle surcharge to be included in the price of alcoholic liquor in an amount sufficient, ~~when added to the amount not refunded to class "E" liquor control licensees pursuant to section 455C.2,~~ to pay the costs incurred by the division for collecting and properly disposing of the liquor containers. The amount collected pursuant to this subsection, ~~in addition to any amounts not refunded to class "E" liquor control licensees pursuant to section 455C.2,~~ shall be deposited in the beer and liquor control fund established under section 123.53.

Sec. 2. Section 123.26, Code 2011, is amended to read as follows:

**123.26 Restrictions on sales — seals — labeling.**

Alcoholic liquor shall not be sold by a class "E" liquor control licensee except in a sealed container with identifying markers as prescribed by the administrator and affixed in the manner prescribed by the administrator, and no such container shall be opened upon the premises of a state warehouse. ~~The division shall cooperate with the department of natural resources so that only one identifying marker or mark is needed to satisfy the requirements of this section and section 455C.5, subsection 1.~~ Possession of alcoholic liquors which do not carry the prescribed identifying markers is a violation of this chapter except as provided in section 123.22.

Sec. 3. Section 123.187, subsection 4, paragraph b, Code 2011, is amended by striking the paragraph.

Sec. 4. Section 423.6, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. Any tangible personal property including containers which it is intended shall, by means of fabrication, compounding, manufacturing, or germination, become an integral part of other

1 tangible personal property intended to be sold ultimately at  
2 retail, ~~and containers used in the collection, recovery, or~~  
3 ~~return of empty beverage containers subject to chapter 455C.~~

4 Sec. 5. Section 455A.4, subsection 1, paragraph b, Code  
5 2011, is amended to read as follows:

6 b. Provide overall supervision, direction, and coordination  
7 of functions to be administered by the administrators under  
8 chapters 321G, 321I, 455B, ~~455C~~, 456, 456A, 456B, 457A, 458A,  
9 459, 459A, 459B, 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,  
10 483A, 484A, and 484B.

11 Sec. 6. Section 455A.6, subsection 6, paragraphs a, b, and  
12 d, Code 2011, are amended to read as follows:

13 a. Establish policy for the department and adopt rules,  
14 pursuant to chapter 17A, necessary to provide for the effective  
15 administration of chapter 455B, ~~455C~~, or 459.

16 b. Hear appeals in contested cases pursuant to chapter 17A  
17 on matters relating to actions taken by the director under  
18 chapter ~~455C~~, 458A, 464B, or 473.

19 d. Approve the budget request prepared by the director  
20 for the programs authorized by chapters 455B, ~~455C~~, 455E,  
21 455F, 455H, and 459, subchapters II and III. The commission  
22 shall approve the budget request prepared by the director for  
23 programs subject to the rulemaking authority of the commission.  
24 The commission may increase, decrease, or strike any item  
25 within the department budget request for the specified programs  
26 before granting approval.

27 Sec. 7. Section 455B.313, subsection 1, Code 2011, is  
28 amended to read as follows:

29 1. A distributor ~~as defined in section 455C.1, subsection~~  
30 ~~9~~, shall not sell or offer to sell any beverage container  
31 if the beverage container is connected to another beverage  
32 container by a device constructed of a material which is  
33 not biodegradable or photodegradable. For purposes of this  
34 section, "distributor" means any person who engages in the sale  
35 of beverages in beverage containers to a dealer in this state,

1 including any manufacturer who engages in such sales.

2 Sec. 8. NEW SECTION. 455D.17 Beverage containers —  
3 disposal at sanitary landfill prohibited.

4 The final disposal of beverage containers, as defined in  
5 section 455B.301, in a sanitary landfill is prohibited.

6 Sec. 9. REPEAL. Chapter 455C, Code 2011, is repealed.

7 DIVISION II

8 LITTERING FINES — LITTER CLEANUP GRANTS

9 Sec. 10. NEW SECTION. 455B.326 Litter cleanup grant fund.

10 1. A litter cleanup grant fund is created in the state  
11 treasury under the control of the department consisting of  
12 moneys deposited in the fund pursuant to section 602.8108,  
13 subsection 9, moneys appropriated by the general assembly, and  
14 any other money available to and obtained or accepted by the  
15 department for placement in the fund.

16 2. Moneys in the fund are appropriated to the department  
17 for purposes of providing grants to nonprofit organizations for  
18 litter cleanup activities in neighborhoods and along highways.

19 3. Moneys credited to the fund are not subject to section  
20 8.33. Notwithstanding section 12C.7, interest or earnings on  
21 moneys in the fund shall be credited to the fund.

22 Sec. 11. Section 602.8108, subsection 9, Code 2011, is  
23 amended to read as follows:

24 9. The state court administrator shall allocate fifty one  
25 hundred percent of all of the fines attributable to littering  
26 citations issued pursuant to sections 321.369, 321.370, and  
27 461A.43 to the treasurer of state for deposit in the general  
28 fund of the state ~~and~~. Fifty percent of such moneys are  
29 appropriated to the ~~state~~ department of transportation for  
30 purposes of the cleanup of litter and illegally discarded solid  
31 waste and fifty percent of such moneys are appropriated to  
32 the department of natural resources for deposit in the litter  
33 cleanup grant fund created in section 455B.326.

34 Sec. 12. Section 805.8A, subsection 14, paragraph d, Code  
35 2011, is amended to read as follows:

1 *d. Litter and debris violations.* For violations under  
2 sections 321.369 and 321.370, the scheduled fine is seventy one  
3 hundred fifty dollars.

4 Sec. 13. Section 805.8B, subsection 6, paragraph e, Code  
5 2011, is amended to read as follows:

6 *e.* For violations under section 461A.43, the scheduled fine  
7 is thirty seventy-five dollars.

8 DIVISION III

9 WASTE REDUCTION GOALS

10 Sec. 14. Section 455B.310, subsection 4, unnumbered  
11 paragraph 1, Code 2011, is amended to read as follows:

12 If a planning area achieves the fifty sixty percent waste  
13 reduction goal provided in section 455D.3, ninety-five cents of  
14 the tonnage fee shall be retained by a city, county, or public  
15 or private agency. If the fifty sixty percent waste reduction  
16 goal has not been met, one dollar and twenty cents of the  
17 tonnage fee shall be retained by a city, county, or public or  
18 private agency. Moneys retained by a city, county, or public  
19 or private agency shall be used as follows:

20 Sec. 15. Section 455B.310, subsection 4, paragraph b, Code  
21 2011, is amended to read as follows:

22 *b.* If a planning area achieves the fifty sixty percent waste  
23 reduction goal provided in section 455D.3, forty-five cents of  
24 the retained funds shall be used for implementing waste volume  
25 reduction and recycling requirements of comprehensive plans  
26 filed under section 455B.306. If the fifty sixty percent waste  
27 reduction goal has not been met, seventy cents of the retained  
28 funds shall be used for implementing waste volume reduction  
29 and recycling requirements of comprehensive plans filed under  
30 section 455B.306. The funds shall be distributed to a city,  
31 county, or public agency served by the sanitary disposal  
32 project. Fees collected by a private agency which provides  
33 for the final disposal of solid waste shall be remitted to the  
34 city, county, or public agency served by the sanitary disposal  
35 project. However, if a private agency is designated to develop

1 and implement the comprehensive plan pursuant to section  
2 455B.306, fees under this paragraph shall be retained by the  
3 private agency.

4 Sec. 16. Section 455B.310, subsection 7, Code 2011, is  
5 amended to read as follows:

6 7. Fees imposed by this section shall be paid to the  
7 department on a quarterly basis with payment due by no more  
8 than ninety days following the quarter during which the fees  
9 were collected. The payment shall be accompanied by a return  
10 which shall identify the amount of fees to be allocated to  
11 the landfill alternative financial assistance program, the  
12 amount of fees, in terms of cents per ton, retained for meeting  
13 waste reduction and recycling goals under section 455D.3, and  
14 additional fees imposed for failure to meet the ~~twenty-five~~  
15 fifty percent waste reduction and recycling goal under section  
16 455D.3. Sanitary landfills serving more than one planning area  
17 shall submit separate reports for each planning area.

18 Sec. 17. Section 455D.3, Code 2011, is amended to read as  
19 follows:

20 **455D.3 Goals for waste stream reduction — procedures —**  
21 **reductions and increases in fees.**

22 1. *Year ~~1994~~ 2016 and ~~2000~~ 2021 goals.*

23 *a.* The goal of the state is to reduce the amount of  
24 materials in the waste stream, existing as of July 1, ~~1988~~  
25 2011, ~~twenty-five~~ fifty percent by July 1, ~~1994~~ 2016, and ~~fifty~~  
26 sixty percent by July 1, ~~2000~~ 2021, through the practice of  
27 waste volume reduction at the source and through recycling.  
28 For the purposes of this section, "waste stream" means the  
29 disposal of solid waste as "solid waste" is defined in section  
30 455B.301.

31 *b.* Notwithstanding section 455D.1, subsection 6, facilities  
32 which employ combustion of solid waste with energy recovery  
33 and refuse-derived fuel, which are included in an approved  
34 comprehensive plan, may include these processes in the  
35 definition of recycling for the purpose of meeting the state

1 goal if at least thirty-five percent of the waste reduction  
2 goal, required to be met by July 1, ~~2000~~ 2021, pursuant to  
3 this section, is met through volume reduction at the source  
4 and recycling and reuse, as established pursuant to section  
5 455B.301A, subsection 1, paragraphs "a" and "b".

6     2. *Projected waste stream — year ~~2000~~ 2021.* A planning  
7 area may request the department to allow the planning area to  
8 project the planning area's waste stream for the year ~~2000~~  
9 2021 for purposes of meeting the year ~~2000~~ fifty 2021 sixty  
10 percent waste volume reduction and recycling goals required  
11 by this section. The department shall make a determination  
12 of the eligibility to use this option based upon the annual  
13 tonnage of solid waste processed by the planning area and  
14 the population density of the area the planning area serves.  
15 If the department agrees to allow the planning area to make  
16 year ~~2000~~ 2021 waste stream projections, the planning area  
17 shall calculate the year ~~2000~~ 2021 projections and submit the  
18 projections to the department for approval. The planning area  
19 shall use data which is current as of July 1, ~~1994~~ 2011, and  
20 shall take into account population, employment, and industrial  
21 changes and documented diversions due to existing programs.  
22 The planning area shall use the departmental methodology to  
23 calculate the tonnage necessary to be diverted from landfills  
24 in order to meet the year ~~2000~~ fifty 2021 sixty percent waste  
25 volume reduction and recycling goals required by this section.  
26 Once the department approves the year ~~2000~~ 2021 projections,  
27 the projections shall not be changed prior to the year ~~2001~~  
28 2022.

29     3. *Departmental monitoring.*

30     a. (1) By October 31, ~~1994~~ 2016, a planning area shall  
31 submit to the department a solid waste abatement table which is  
32 updated through June 30, ~~1994~~ 2016. By April 1, ~~1995~~ 2017, the  
33 department shall report to the general assembly on the progress  
34 that has been made by each planning area on attainment of the  
35 July 1, ~~1994~~, twenty-five 2016, fifty percent goal.

1     (2) If at any time the department determines that a planning  
2 area has met or exceeded the ~~twenty-five~~ fifty percent goal,  
3 but has not met or exceeded the ~~fifty~~ sixty percent goal, a  
4 planning area shall subtract sixty cents from the total amount  
5 of the tonnage fee imposed pursuant to section 455B.310. If at  
6 any time the department determines that a planning area has met  
7 or exceeded the ~~fifty~~ sixty percent goal, a planning area shall  
8 subtract fifty cents from the total amount of the tonnage fee  
9 imposed pursuant to section 455B.310. The reduction in tonnage  
10 fees pursuant to this paragraph shall be taken from that  
11 portion of the tonnage fees which would have been allocated for  
12 funding alternatives to landfills pursuant to section 455E.11,  
13 subsection 2, paragraph "a", subparagraph (1).

14     (3) If the department determines that a planning area  
15 has failed to meet the July 1, ~~1994,~~ 2016, ~~twenty-five~~ fifty  
16 percent goal, the planning area shall, at a minimum, implement  
17 the solid waste management techniques as listed in subsection  
18 4. Evidence of implementation of the solid waste management  
19 techniques shall be documented in subsequent comprehensive  
20 plans submitted to the department.

21     *b.* (1) By October 31, ~~2000~~ 2021, a planning area shall  
22 submit to the department, a solid waste abatement table which  
23 is updated through June 30, ~~2000~~ 2021. By April 1, ~~2001~~ 2022,  
24 the department shall report to the general assembly on the  
25 progress that has been made by each planning area on attainment  
26 of the July 1, ~~2000,~~ 2021, ~~fifty~~ sixty percent goal.

27     (2) If at any time the department determines that a planning  
28 area has met or exceeded the ~~fifty~~ sixty percent goal, the  
29 planning area shall subtract fifty cents from the total amount  
30 of the tonnage fee imposed pursuant to section 455B.310. This  
31 amount shall be in addition to any amount subtracted pursuant  
32 to paragraph "a" of this subsection. The reduction in tonnage  
33 fees pursuant to this paragraph shall be taken from that  
34 portion of the tonnage fees which would have been allocated to  
35 funding alternatives to landfills pursuant to section 455E.11,



1 subsection 2, paragraph "a", subparagraph (1). Except for fees  
2 required under subsection 4, paragraph "a", a planning area  
3 failing to meet the ~~fifty~~ sixty percent goal is not required to  
4 remit any additional tonnage fees to the department.

5 4. *Solid waste management techniques.* A planning area  
6 that fails to meet the ~~twenty-five~~ fifty percent goal shall  
7 implement the following solid waste management techniques:  
8 a. Remit fifty cents per ton to the department, as of July  
9 1, 1995. The funds shall be deposited in the solid waste  
10 account under section 455E.11, subsection 2, paragraph "a",  
11 to be used for funding alternatives to landfills pursuant to  
12 section 455E.11, subsection 2, paragraph "a", subparagraph (1).  
13 Moneys under this paragraph shall be remitted until such time  
14 as evidence of attainment of the ~~twenty-five~~ fifty percent goal  
15 is documented in subsequent comprehensive plans submitted to  
16 the department.

17 b. Notify the public of the planning area's failure to meet  
18 the waste volume reduction goals of this section, utilizing  
19 standard language developed by the department for that purpose.

20 c. Develop draft ordinances which shall be used by local  
21 governments for establishing collection fees that are based  
22 on volume or on the number of containers used for disposal by  
23 residents.

24 d. Conduct an educational and promotional program to inform  
25 citizens of the manner and benefits of reducing, reusing, and  
26 recycling materials and the procurement of products made with  
27 recycled content. The program shall include the following:

28 (1) Targeted waste reduction and recycling education for  
29 residents, including multifamily dwelling complexes having five  
30 or more units.

31 (2) An intensive one-day seminar for the commercial sector  
32 regarding the benefits of and opportunities for waste reduction  
33 and recycling.

34 (3) Promotion of recycling through targeted community and  
35 media events.

1 (4) Recycling notification and education packets to all new  
2 residential, commercial, and institutional collection service  
3 customers that include, at a minimum, the manner of preparation  
4 of materials for collection, and the reasons for separation of  
5 materials for recycling.

6 5. *Environmental management systems.* A planning area  
7 designated as an environmental management system pursuant to  
8 section 455J.7 is exempt from the waste stream reduction goals  
9 of this section.

10 6. By November 1 of each year, the department shall submit  
11 a report to the governor and the general assembly regarding the  
12 progress of planning areas in meeting the waste reduction goals  
13 of this section.

14 EXPLANATION

15 This bill relates to recycling by repealing beverage  
16 container control laws, increasing littering fines, changing  
17 waste volume reduction goals, and making penalties applicable.  
18 The bill is organized by divisions.

19 BOTTLE BILL REPEAL. This division repeals Code chapter 455C  
20 relating to the control of beverage containers, more commonly  
21 known as the bottle bill. The division prohibits the final  
22 disposal of beverage containers in a sanitary landfill. The  
23 division makes conforming amendments.

24 LITTERING FINES — LITTER CLEANUP GRANTS. The division  
25 increases the scheduled fines for littering and placing  
26 debris on public highways from \$70 to \$150 and increases the  
27 scheduled fine for littering in a state park or preserve from  
28 \$30 to \$75. Currently, 50 percent of both scheduled fines  
29 are deposited in the general fund and appropriated to the  
30 department of transportation for purposes of litter cleanup.  
31 The division provides that 100 percent of both scheduled fines  
32 are to be deposited in the general fund, with 50 percent of the  
33 moneys appropriated to the department of transportation for  
34 litter cleanup and 50 percent appropriated to the department  
35 of natural resources for deposit in the newly created litter

1 cleanup grant fund. The division creates a litter cleanup  
2 grant fund to be administered by the department for purposes of  
3 providing grants to nonprofit organizations for litter cleanup  
4 activities in neighborhoods and along highways.

5 WASTE REDUCTION GOALS. Currently, waste stream reduction  
6 goals for the state are to reduce the waste stream by 25  
7 percent by July 1, 1994, and by 50 percent by July 1, 2000,  
8 based on the waste stream existing as of July 1, 1988. The  
9 tonnage fee paid by a planning area is, in part, determined by  
10 the waste volume reduction goals that are met by the planning  
11 area.

12 The division creates new waste volume reduction goals. The  
13 goals are to reduce the waste stream by 50 percent by July 1,  
14 2016, and by 60 percent by July 1, 2021, based on the waste  
15 stream existing as of July 1, 2011. The division replaces the  
16 old goal levels with the new goal levels in the computation of  
17 the tonnage fees paid by planning areas.