

**CHAPTER 79****EDUCATIONAL REQUIREMENTS FOR NURSES***H.F. 217*

AN ACT relating to education requirements for nurses.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 152.5, subsection 1, paragraphs c and d, Code 1995, are amended to read as follows:

c. Requires, for graduation of a registered nurse applicant, the completion of at least a two academic year course of study ~~or its equivalent which is integrated in theory and practice as prescribed by the board.~~

d. Requires, for graduation of a licensed practical nurse applicant, the completion of at least an one academic year course of study ~~or its equivalent in theory and practice as prescribed by the board.~~

Sec. 2. Section 152.7, subsections 3 and 4, Code 1995, are amended to read as follows:

3. ~~If to practice as a registered nurse, holds a diploma or degree resulting from the completion of a course of study in a program approved pursuant to section 152.5, subsection 1, paragraph "c".~~ Complete a course of study approved by the board pursuant to section 152.5.

Notwithstanding section 152.5, a person enrolled in an academic course of study for registered nurses on June 30, 1995, shall be allowed to apply for a license as a practical nurse which shall be issued after demonstrating completion of the equivalent of one academic year course of study in theory and practice as prescribed by the board. Applicants obtaining licenses under this subsection may be required to complete additional continuing education requirements as prescribed by the board.

4. ~~If to practice as a licensed practical nurse, holds a diploma resulting from the completion of a course of study in a program approved pursuant to section 152.5, subsection 1, paragraph "d" or has successfully completed at least one academic year of a course of study in a program approved pursuant to section 152.5, subsection 1, paragraph "c" and has successfully completed all theoretical and clinical training as is required for a licensed practical nurse.~~

Sec. 3. EVALUATION. The board shall complete a study by January 1, 1997, on the impact of modifications in the licensed practical nurse educational requirements on the availability of nursing personnel in Iowa. If the study demonstrates a significant reduction in the availability of nursing personnel, the board shall report these findings and make recommendations to the general assembly.

Approved April 25, 1995

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**CHAPTER 80****SOLID WASTE TONNAGE FEES***H.F. 289*

AN ACT relating to solid waste tonnage fees.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 455B.310, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

**455B.310 TONNAGE FEE IMPOSED – APPROPRIATIONS – EXEMPTIONS.**

1. Except as provided in subsection 3, the operator of a sanitary landfill shall pay a tonnage fee to the department for each ton or equivalent volume of solid waste received and disposed of at the sanitary landfill during the preceding reporting period. The department shall determine by rule the volume which is equivalent to a ton of waste.

2. The tonnage fee is four dollars and twenty-five cents per ton of solid waste. Of that amount, ninety-five cents of the tonnage fee shall be retained by a city, county, or public or private agency and used as follows:

a. To meet comprehensive planning requirements of section 455B.306, the development of a closure or postclosure plan, the development of a plan for the control and treatment of leachate including the preparation of facility plans and detailed plans and specifications, and the preparation of a financial plan.

b. Forty-five cents of the retained funds shall be used for implementing waste volume reduction and recycling requirements of comprehensive plans filed under section 455B.306. The funds shall be distributed to a city, county, or public agency served by the sanitary disposal project. Fees collected by a private agency which provides for the final disposal of solid waste shall be remitted to the city, county, or public agency served by the sanitary disposal project. However, if a private agency is designated to develop and implement the comprehensive plan pursuant to section 455B.306, fees under this paragraph shall be retained by the private agency.

c. For other environmental protection and compliance activities.

d. Each sanitary landfill owner or operator shall submit a return to the department identifying the use of all fees retained under this subsection including the manner in which the fees were distributed. The return shall be submitted concurrently with the return required under subsection 5.

3. Solid waste disposal facilities with special provisions which limit the site to disposal of construction and demolition waste, landscape waste, coal combustion waste, foundry sand, and solid waste materials approved by the department for lining or capping, or for construction berms, dikes, or roads in a sanitary disposal project or sanitary landfill are exempt from the tonnage fees imposed under this section. However, solid waste disposal facilities under this subsection are subject to the fees imposed pursuant to section 455B.105, subsection 11, paragraph "a". Notwithstanding the provisions of section 455B.105, subsection 11, paragraph "b", the fees collected pursuant to this subsection shall be used by the department for the regulation of these solid waste disposal facilities.

4. All tonnage fees received by the department under this section shall be deposited in the solid waste account of the groundwater protection fund created under section 455E.11.

5. Fees imposed by this section shall be paid to the department on a quarterly basis with payment due by no more than ninety days following the quarter during which the fees were collected. The payment shall be accompanied by a return which shall identify the amount of fees to be allocated to the landfill alternative financial assistance program, the amount of fees, in terms of cents per ton, retained for meeting waste reduction and recycling goals under section 455D.3, and additional fees imposed for failure to meet the twenty-five percent waste reduction and recycling goal under section 455D.3.

6. A person required to pay fees by this section who fails or refuses to pay the fees imposed by this section shall be assessed a penalty of two percent of the fee due for each month the fee is overdue. The penalty shall be paid in addition to the fee due.

7. Foundry sand used by a sanitary landfill as daily cover, road base, or berm material or for other purposes defined as beneficial uses by rule of the department is exempt from imposition of the tonnage fee under this section. Sanitary landfills shall use foundry sand as a replacement for earthen material, if the foundry sand is generated by a foundry located within the state and if the foundry sand is provided to the sanitary landfill at no cost to the sanitary landfill.

Sec. 2. Section 455D.3, subsections 3 and 4, Code 1995, are amended to read as follows:

3. DEPARTMENTAL MONITORING.

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

If at any time the department determines that a planning area has met or exceeded the twenty-five percent goal, a planning area shall subtract ~~twenty-five~~ fifty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310, subsection 2, ~~paragraph "a"~~. The reduction in tonnage fees pursuant to this paragraph shall be taken from that portion of the tonnage fees which would have been allocated for ~~landfill alternative grants~~ funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph ~~(9)~~ (1).

If the department determines that a planning area has failed to meet the July 1, 1994, twenty-five percent goal, the planning area shall, at a minimum, implement the solid waste management techniques as listed in subsection 4. Evidence of implementation of the solid waste management techniques shall be documented in subsequent comprehensive plans submitted to the department.

~~b. If at any time the department determines that a planning area has reduced the amount of materials in the waste stream, existing as of July 1, 1988, by thirty-eight percent, as indicated in a solid waste abatement table submitted by the planning area, the planning area shall subtract twenty-five cents from the total amount of the tonnage fee imposed pursuant to section 455B.310, subsection 2, paragraph "a". This amount shall be in addition to any amounts subtracted pursuant to paragraph "a" of this subsection. The reduction in tonnage fees pursuant to this paragraph shall be taken from that portion of the tonnage fees which would have been allocated for landfill alternative grants pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (9).~~

e. ~~b.~~ By October 31, 2000, a planning area shall submit to the department, a solid waste abatement table which is updated through June 30, 2000. By April 1, 2001, the department shall report to the general assembly on the progress that has been made by each planning area on attainment of the July 1, 2000, fifty percent goal.

If at any time the department determines that a planning area has met or exceeded the ~~twenty-five~~ fifty percent goal, the planning area shall subtract fifty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310, subsection 2, ~~paragraph "a"~~. This amount shall be in addition to any amounts subtracted pursuant to paragraphs "a" and "b" of this subsection. The reduction in tonnage fees pursuant to this paragraph shall be taken from that portion of the tonnage fees which would have been allocated to ~~landfill alternative grants~~ funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph ~~(9)~~ (1).

4. SOLID WASTE MANAGEMENT TECHNIQUES. A planning area that fails to meet the twenty-five percent goal shall implement the following solid waste management techniques:

a. Remit fifty cents per ton to the department, as of July 1, 1995. The funds shall be deposited in the solid waste account under section 455E.11, subsection 2, paragraph "a", to be used ~~in accordance with section 455E.11, subsection 2, paragraph "a", subparagraph (9)~~ for funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (1). Moneys under this paragraph shall be remitted until such time as evidence of attainment of the twenty-five percent goal is documented in subsequent comprehensive plans submitted to the department.

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

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

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

- (1) Targeted waste reduction and recycling education for residents, including multi-family dwelling complexes having five or more units.
- (2) An intensive one-day seminar for the commercial sector regarding the benefits of and opportunities for waste reduction and recycling.
- (3) Promotion of recycling through targeted community and media events.
- (4) Recycling notification and education packets to all new residential, commercial, and institutional collection service customers that include, at a minimum, the manner of preparation of materials for collection, and the reasons for separation of materials for recycling.

Sec. 3. Section 455E.11, subsection 2, paragraph a, Code 1995, is amended by striking the paragraph and inserting in lieu thereof the following:

a. A solid waste account. Moneys received from the tonnage fee imposed under section 455B.310 and from other sources designated for environmental protection purposes in relation to sanitary disposal projects shall be deposited in the solid waste account. Moneys shall be allocated as follows:

(1) One dollar and seventy-five cents of the tonnage fee shall be used for funding alternatives to landfills and shall be allocated as follows:

(a) Fifty thousand dollars to the department to implement the special waste authorization program.

(b) Sixty-five thousand dollars to the waste management assistance division of the department to be used for the by-products and waste search service at the university of northern Iowa.

(c) The remaining funds shall be used by the department to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(2) The remaining one dollar and fifty-five cents shall be used as follows:

(a) Forty-eight percent to the department to be used for the following purposes:

(i) Eight thousand dollars shall be transferred to the Iowa department of public health for departmental duties required under section 135.11, subsections 20 and 21, and section 139.35.

(ii) The administration and enforcement of a groundwater monitoring program and other required programs relating to solid waste management.

(iii) The development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301.

(iv) The waste management assistance division of the department.

(b) Sixteen percent to the university of northern Iowa to develop and maintain the Iowa waste reduction center for the safe and economic management of solid waste and hazardous substances.

(c) Six and one-half percent for the department to establish a program to provide competitive grants to regional coordinating councils for projects in regional economic development centers related to a by-products and waste exchange system. Grantees under this program shall coordinate activities with other available state or multistate waste exchanges, including but not limited to the by-products and waste search service at the university of northern Iowa. The department shall consult with the Iowa department of economic development and the waste reduction center at the university of northern Iowa in establishing criteria for and the awarding of grants under this program. The department shall expend not more than thirty thousand dollars of the moneys appropriated under this subparagraph subdivision to contract with the by-products and waste search service at the university of northern Iowa to provide training and other technical services to grantees under the program. If regional economic development centers cease to exist, the department shall

transfer existing contracts to one or more community colleges or councils of governments and shall revise the criteria and rules for this program to allow community colleges or councils of governments to be applicants for competitive grants.

(d) Nine and one-half percent to the department to establish permanent household hazardous waste collection sites so that both urban and rural populations are served and so that collection services are available to the public on a regular basis.

(e) Three percent to the department for payment of transportation costs related to household hazardous waste collection programs.

(f) Eight and one-half percent to the department to provide additional toxic cleanup days. Departmental rules adopted for implementation of toxic cleanup days shall provide sufficient flexibility to respond to the household hazardous material collection needs of both small and large communities.

(g) Three percent for the Iowa department of economic development to establish, in cooperation with the department of natural resources, a marketing initiative to assist Iowa businesses producing recycling or reclamation equipment or services, recyclable products, or products from recycled materials to expand into national markets. Efforts shall include the reuse and recycling of sawdust.

(h) Five and one-half percent to the department for the provision of assistance to public and private entities in developing and implementing waste reduction and minimization programs for Iowa industries.

Approved April 25, 1995

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## CHAPTER 81

### UNIFORM CITATION AND COMPLAINT

*H.F. 346*

**AN ACT** relating to the verification and defendant's signature required for uniform citations and complaints and to providing false information on a uniform citation and complaint and making an existing penalty applicable.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 805.3, Code 1995, is amended to read as follows:  
805.3 PROCEDURE.

Before the cited person is released, the person shall sign the citation, under penalty of providing false information under section 719.3, properly identifying the person cited. The person's signature shall also serve as a written promise to appear in court at the time and place specified. A copy of the citation shall be given to the person.

Sec. 2. Section 805.6, subsection 1, paragraph a, unnumbered paragraph 2, Code 1995, is amended to read as follows:

The uniform citation and complaint shall contain spaces for the parties' names; the address of the alleged offender; the registration number of the offender's vehicle; the information required by section 805.2; ~~a promise to appear as provided in section 805.3 and a place where the cited person may sign the promise to appear; a warning which states "I hereby swear and affirm that the information provided by me on this citation is true under penalty of providing false information"; and a statement that providing false information is a violation of section 719.3;~~ a list of the scheduled fines prescribed by section 805.8, either separately or by group, and a statement of the court costs payable in scheduled violation