

5. Implementation of this section is subject to authorization of funding for the purposes of this section by the legislative council.*

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 14, 1998

CHAPTER 1192

MINIMUM TERM OF INCARCERATION FOR FELONY DOMESTIC ABUSE ASSAULT

S.F. 2385

AN ACT relating to the mandatory minimum term of incarceration for felony domestic abuse assault.

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

Section 1. Section 708.2A, subsection 6, paragraph b, Code Supplement 1997, is amended to read as follows:

b. A person convicted of violating subsection 4 shall be sentenced as provided under section 902.9, subsection 4, committed to the custody of the director of the department of corrections, ~~shall serve a minimum of one year of the sentence imposed~~, and shall be assessed a fine of at least seven hundred fifty dollars. The person shall be denied parole or work release until the person has served a minimum of one year of the person's sentence. Notwithstanding section 901.5, subsection 3, and section 907.3, subsection 3, the ~~sentenee person~~ cannot ~~be receive a suspended or deferred sentence or a deferred judgment~~; however, the person sentenced shall receive credit for any time the person was confined in a jail or detention facility following arrest.

Approved May 14, 1998

CHAPTER 1193

SOLID WASTE — TONNAGE FEES AND STANDARDS AND CRITERIA FOR LANDFILLS

S.F. 2413

AN ACT relating to exemptions from and reductions in solid waste tonnage fees for certain persons and the installation and use of scales by sanitary disposal projects.

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

Section 1. Section 455B.304, subsection 15, Code Supplement 1997, is amended to read as follows:

15. The commission shall adopt rules which require all sanitary ~~landfills~~ disposal projects

* Funding authorized at the legislative council meeting held on June 23, 1998

in which the tonnage fee pursuant to section 455B.310 is imposed, to install scales ~~by January 1, 1994~~ and utilize these scales to calculate payment of the tonnage fee.

Sec. 2. Section 455B.310, subsections 1,* 2, 3, and 6, Code 1997, are amended to read as follows:

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.

2A. If a sanitary landfill required to pay a tonnage fee under this section has an updated comprehensive plan approved by the department, the sanitary landfill operator shall retain, in addition to the ninety-five cents retained pursuant to subsection 2B, twenty-five cents of the tonnage fee per ton of solid waste in the fiscal year beginning July 1, 1998, and every year thereafter. In the fiscal year beginning July 1, 1999, and every year thereafter, any planning area which meets the statewide average, as determined by the department on July 1, 1999, shall retain, in addition to the twenty-five cents retained pursuant to this subsection, ten cents of the tonnage fee per ton of solid waste regardless of whether the planning area subsequently fails to meet the statewide average. Any tonnage fees retained pursuant to this subsection shall be used for waste reduction, recycling, or small business pollution prevention purposes. Any tonnage fee retained pursuant to this subsection shall be taken from that portion of the tonnage fee which would have been allocated to funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (1).

2B. Of that amount, ninety-five ~~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~~ section 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 deposited in the solid waste account as established in section 455E.11, subsection 2, paragraph "a", to be used by the department for the regulation of these solid waste disposal facilities.

* Subsection 1 not amended

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

Sec. 3. Section 455D.3, subsection 3, Code 1997, is 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 fifty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310, ~~subsection 2~~. 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 funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (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. 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 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~~. This amount shall be in addition to any amount 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 to funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (1). Except for fees required under subsection 4, paragraph "a", a planning area failing to meet the fifty percent goal is not required to remit any additional tonnage fees to the department.

Sec. 4. The general assembly reiterates support for the fifty percent waste stream reduction goal stated in section 455D.3.

Sec. 5. The department of natural resources is requested to evaluate, assess, and suggest amendments to the design standards and criteria for nonmunicipal solid waste landfills.

Sec. 6. The environmental protection division of the department of natural resources is requested to implement a permitting fee schedule for the administration of permits to tonnage fee exempt foundry sand and coal combustion residue disposal sites.

Approved May 14, 1998