

JAN 24 2001

ENVIRONMENTAL PROTECTION

HOUSE FILE 94

BY RICHARDSON

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

A BILL FOR

1 An Act relating to the discarding of solid waste and providing a
2 penalty.

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

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HF 94

1 Section 1. Section 455B.307A, subsections 2 and 3, Code
2 2001, are amended to read as follows:

3 2. A person shall not discard or direct another person to
4 discard solid waste onto or in any water or land of the state,
5 onto private property, or into areas or receptacles provided
6 for such purposes which are under the control of or used by a
7 person who has not authorized the use of the receptacle by the
8 person discarding or directing the discarding of the solid
9 waste.

10 3. A person who violates this section ~~is subject to a~~
11 ~~civil penalty not to exceed five hundred dollars for each~~
12 violation commits an aggravated misdemeanor. All payments of
13 finest imposed for a violation of this section shall be
14 distributed to the county in which the violation occurred,
15 notwithstanding sections 602.8106 and 602.8108.

16 EXPLANATION

17 This bill amends Code section 455B.307A which currently
18 prohibits the discarding of solid waste onto or in any water
19 or land of the state, or the unauthorized discarding of solid
20 waste into other areas or receptacles. Under the current law,
21 a person violating the section is subject to a civil penalty
22 for each violation.

23 The bill adds private property as a location on which solid
24 waste shall not be discarded. The bill provides that a person
25 who violates the section or a person who directs another
26 person to violate the section commits an aggravated
27 misdemeanor. An aggravated misdemeanor is punishable by
28 confinement for no more than two years and a fine of at least
29 \$500 but not more than \$5,000. The bill provides that fines
30 are to be paid to the counties in which the violations occur.

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