

CHAPTER 1039
AGREEMENTS FOR DISPOSAL OF SOLID WASTE
H.F. 2421

AN ACT relating to the collection, transportation, storage, and disposal of solid waste.

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

Section 1. NEW SECTION. 28H.1 PURPOSE. The purpose of this chapter is to allow two or more local governments to form a public service monopoly when they find that a public service monopoly is an effective means to protect the public health and welfare through adequate solid waste collection, transportation, storage and disposal practices and is the only effective means of allowing the construction and utilization of a resource recovery facility for the recycling of solid waste for use as an energy source.

Sec. 2. NEW SECTION. 28H.2 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Recyclable materials" means those materials separated by a person from solid waste incidental to the collection of the solid waste for utilization as raw materials to be manufactured into a new product.

2. "Private agency" means a private agency as defined in section 28E.2.

Sec. 3. NEW SECTION. 28H.3 CREATION OF PUBLIC SERVICE MONOPOLY. If two or more local governments find that the only effective means of allowing the construction and utilization of a resource recovery facility for the recycling of solid waste for use as an energy source is to create a public service monopoly, a legal entity shall be created pursuant to chapter 28E by agreement of two or more local governments to displace competition with regulation and monopoly of a public service for the collection, transportation, storage, and disposal, or diversion of solid waste to the extent reasonably necessary to carry out these functions. The agreement is subject to approval of the water, air and waste management commission before it becomes effective.

Sec. 4. NEW SECTION. 28H.4 POWERS OF ENTITY. A legal entity created pursuant to chapter 28E and operating under this chapter has all the rights, powers, privileges, and immunities of local governments relating to the purpose for which it is created. A legal entity operating under this chapter may:

1. Engage in, manage, own, operate, and regulate the collection, transportation, storage, and disposal or diversion of solid waste including, but not limited to, the designation of a specific facility which must be used for the collection, transportation, storage, and disposal or diversion of solid waste within its jurisdiction or geographic area.

2. Grant permits, licenses, or franchises, exclusive or nonexclusive, or a combination of exclusive or nonexclusive franchises, to solid waste management services.

3. Enter into contracts for construction and may contract, license, or permit the construction of resource recovery facilities for recycling of solid waste for an energy source.

4. Require the use of the resource recovery facilities by any person who can be effectively served by the facilities. However, this subsection does not prohibit a private agency from

dumping or depositing solid waste resulting from its own residential, farming, manufacturing, mining or commercial activities on land owned or leased by it if the action does not violate any statute of this state or rules promulgated by the water, air and waste management commission or local boards of health or local ordinances.

Sec. 5. NEW SECTION. 28H.5 REVENUE BONDS. A legal entity operating under this chapter may issue bonds as provided under chapter 28F for the planning, design, acquisition, construction, reconstruction, improvement, equipping, and furnishing of a solid waste management project as authorized under this chapter.

Sec. 6. NEW SECTION. 28H.6 ANNUAL REPORT. A legal entity created pursuant to chapter 28E and operating under this chapter shall report annually to the department of water, air and waste management. The report shall include information on permits, licenses or franchises granted by the legal entity, contracts entered into, and other information requested by the water, air and waste management commission.

Sec. 7. NEW SECTION. 28H.7 OBLIGATIONS NOT EXCUSED. This chapter does not exempt a legal entity from obtaining any approval, permit or license otherwise required by ordinance or state law.

Sec. 8. NEW SECTION. 28H.8 LIMITATION ON POWERS. A legal entity operating under this chapter shall not require the incineration of recyclable materials.

Sec. 9. NEW SECTION. 28H.9 NONAPPLICABILITY. Chapter 553 does not apply to a legal entity operating under this chapter.

Approved April 10, 1984

CHAPTER 1040

LEVEE OR DRAINAGE DISTRICT TRUSTEES

H.F. 80

AN ACT relating to eligibility to serve on the board of trustees of a levee or drainage district.

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

Section 1. NEW SECTION. 459.13 TRUSTEE CONTROL. A district formed pursuant to this chapter, under the control of a city council, may be placed under the control and management of a board of trustees as provided in chapter 462. Each trustee shall be a citizen of the United States not less than eighteen years of age and a bona fide owner of benefited land in the district for which the trustee is elected. If the owner is a family farm corporation as defined by section 172C.1, subsection 8, a business corporation organized and existing under chapter 491, 494, or 496A, or a partnership, a stockholder or officer authorized by the corporation or a general partner may be elected as a trustee of the district.

Approved April 10, 1984