

(3) Priority shall be given to proposals that have the best local match, that are to be located where there is a very high number of travelers passing, and for which the department, after consultation with the departments of transportation, natural resources, and cultural affairs, considers the chances of success to be nearly perfect.

(4) The department shall select the sites by September 15, 1987.

Approved June 2, 1987

CHAPTER 179
CRUELTY TO ANIMALS
S.F. 17

AN ACT relating to the penalty for cruelty to animals.

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

Section 1. Section 717.2, Code 1987, is amended to read as follows:

717.2 CRUELTY TO ANIMALS.

A person who impounds or confines, in any place, a domestic animal or fowl, or an animal or fowl subject to section 109.60, or dog or cat, and fails to supply the animal during confinement with a sufficient quantity of food, and water, or who fails to provide a dog or cat with adequate shelter, or who tortures, torments, deprives of necessary sustenance, mutilates, overdrives, overloads, drives when overloaded, beats, or kills an animal by any means which cause unjustified pain, distress, or suffering, whether intentionally or negligently, is guilty of a simple misdemeanor commits the offense of cruelty to animals.

A person who commits the offense of cruelty to animals is guilty of a simple misdemeanor. A person who intentionally commits the offense of cruelty to animals which results in serious injury to or the death of an animal is guilty of a serious misdemeanor.

Approved June 2, 1987

CHAPTER 180
WASTE MANAGEMENT AUTHORITY
S.F. 396

AN ACT relating to the creation of a waste management authority within the department of natural resources, and providing for the management of solid, hazardous, and low-level radioactive wastes.

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

PART 9
WASTE MANAGEMENT AUTHORITY

Section 1. **NEW SECTION. 455B.479 SHORT TITLE.**

This part may be cited as the "Waste Management Authority Act".

Sec. 2. **LEGISLATIVE FINDINGS AND PURPOSE.**

The general assembly finds as follows:

1. A considerable volume of solid wastes, hazardous wastes, and low-level radioactive wastes are generated from modern agricultural, industrial, medical, educational, and research activities within the state.

2. The protection of the health, safety, and welfare of Iowans and the protection of the environment require the proper and safe management of these wastes.

3. Ensuring the proper and safe management of solid wastes, low-level radioactive wastes, and hazardous wastes is a fundamental duty of the state.

4. It is the obligation of the state government pursuant to the federal Low-Level Waste Management Policy Act of 1980 to provide for the proper and safe management of low-level radioactive wastes produced within its borders.

5. A proper and safe solid waste, low-level radioactive waste, and hazardous waste management program encourages public participation in all phases of the development of the waste management program, and encourages, to the greatest extent possible, the use of environmentally sound waste management practices which are alternatives to land disposal including waste recycling, compaction, incineration, and other methods which reduce the amount of wastes produced.

6. It is the purpose of this Act to establish a state planning and management authority as a division of the department of natural resources to provide for the proper and safe management of low-level radioactive wastes and hazardous wastes produced in the state, to encourage and facilitate new solid waste management concepts and alternative disposal methods, and to meet the state's obligations pursuant to the federal Low-Level Waste Management Policy Act of 1980 by:

a. Authorizing the state to encourage, promote, sponsor, and support the proper and safe management and disposition of solid, toxic, hazardous and low-level radioactive wastes generated within this state.

b. Authorizing the state to cooperate with local units of government, governments of other states, the government of the United States, and other persons to make provisions for the proper and safe management and disposition of solid, toxic, hazardous and low-level radioactive wastes generated in this state. Cooperative efforts may include provisions for regional and multistate management of wastes generated in this state or in other states.

c. Authorizing the state to acquire property, construct, own, and operate facilities within the state to be used for the proper and safe management and disposition of solid, toxic, hazardous, and low-level radioactive wastes generated within this state. These activities may be conducted in joint cooperation with local units of government, the governments of other states, the government of the United States, or other persons. Any facilities acquired, owned or operated by the state of Iowa under this part may be used for regional or multistate management and disposition of these wastes.

Sec. 3. NEW SECTION. 455B.480 WASTE MANAGEMENT POLICY.

The purpose of this part is to promote the proper and safe storage, treatment, and disposal of solid, hazardous, and low-level radioactive wastes in Iowa. The management of these wastes generated within Iowa is the responsibility of Iowans. It is the intent of the general assembly that Iowans assume this responsibility to the extent consistent with the protection of public health, safety, and the environment, and that Iowans insure that waste management practices, as alternatives to land disposal, including source reduction, recycling, compaction, incineration, and other forms of waste reduction, are employed.

It is also the intent of the general assembly that a comprehensive waste management plan be established by the waste management authority which includes: the determination of need and adequate regulatory controls prior to the initiation of site selection; the process for selecting a superior site determined to be necessary; the establishment of a process for a site community to submit or present data, views, or arguments regarding the selection of the operator and the technology that best ensures proper facility operation; the prohibition of shallow land burial of hazardous and low-level radioactive wastes; the establishment of a regulatory framework for a facility; and the establishment of provisions for the safe and orderly development, operation, closure, postclosure, and long-term monitoring and maintenance of the facility.

Sec. 4. NEW SECTION. 455B.481 DEFINITIONS.

As used in this part unless the context otherwise requires:

1. "Facilities" means land and improvements on land, buildings and other structures, and other appurtenances used for the management of solid, toxic, hazardous, or low-level radioactive wastes, including but not limited to waste collection sites, waste transfer stations, waste reclamation and recycling centers, waste processing centers, waste treatment centers, waste storage sites, waste reduction and compaction centers, waste incineration centers, waste detoxification centers, and waste disposal sites.

2. "Hazardous waste" means hazardous waste as defined in section 455B.411, subsection 4, and under section 455B.464.

3. "Low-level radioactive waste" means low-level radioactive waste as defined in section 8C.1, article II, paragraph "i", and as defined in the federal Low-Level Radioactive Waste Policy Amendments Act, 42 U.S.C. § 2021.

4. "Management of waste" means the storage, transportation, treatment, or disposal of waste.

5. "Person" means person as defined in section 4.1.

6. "Site" means the geographic location of a facility.

7. "Solid waste" means solid waste as defined in section 455B.301, subsection 5.

8. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands or any other territorial possession of the United States.

9. "Storage" means the temporary holding of waste for treatment or disposal.

10. "Treatment" means any method, technique, or process designed to change the physical, chemical, or biological characteristics or composition of any waste in order to render the waste safer for transport or management, amenable to recovery, convertible to another usable material, or reduced in volume.

11. "Disposal" means the isolation of waste from the biosphere in a permanent facility designed for that purpose.

12. "Regulatory agency" means a federal, state, or local agency that issues a license or permit required for the siting, construction, operation, or maintenance of a facility pursuant to federal or state statute or rule, or local ordinance or resolution.

13. "Waste management authority" means the waste management authority established within the department of natural resources.

14. "Waste" means solid waste, hazardous waste, and low-level radioactive waste as defined in this section.

15. "Long-term monitoring and maintenance" means the continued observation and care of a facility after closure in order to ensure that the site poses no threat to the public health, the groundwater, and the environment. In the case of a low-level radioactive waste facility, the time period constituting "long-term" is the number of years of monitoring and maintenance based upon the half-life properties of the wastes, and in the case of a hazardous waste facility is the number of years based upon the projected active toxicity of the waste.

Sec. 5. NEW SECTION. 455B.482 WASTE MANAGEMENT AUTHORITY CREATED.

A waste management authority is created within the department of natural resources for the purpose of carrying out the provisions of this part. The waste management authority is under the immediate direction and supervision of the director of the department of natural resources.

Sec. 6. NEW SECTION. 455B.483 DUTIES OF THE AUTHORITY.

The authority shall:

1. Recommend to the commission the adoption of rules necessary to implement this part.

2. Seek, receive, and accept funds in the form of appropriations, grants, awards, wills, bequests, endowments, and gifts for deposit into the waste management authority trust fund to be used for programs relating to the duties of the division under this part.

3. Administer and coordinate the waste management trust fund created under this part.
4. Enter into contracts and agreements, with the approval of the commission for contracts in excess of twenty-five thousand dollars, with local units of government, other state agencies, governments of other states, governmental agencies of the United States, other public and private contractors, and other persons as may be necessary or beneficial in carrying out its duties under this part.
5. Represent the state in all matters pertaining to plans, procedures, negotiations, and agreements for interstate compacts or public/private compacts relating to the ownership, operation, management, or funding of a facility. Any agreement is subject to the approval of the commission.
6. Review, propose, and recommend legislation relating to the proper and safe management of waste.
7. Establish a central repository and information clearinghouse within the state for the collection and dissemination of data and information pertaining to the proper and safe management of waste.
8. Develop, sponsor, and assist in the implementation of public education and information programs on proper and safe management of waste in cooperation with other public and private agencies as deemed appropriate.
9. Include in the annual report to the governor and the general assembly required by section 455A.4, subsection 1, paragraph "d", information outlining the activities of the authority in carrying out programs and responsibilities under this part, and identifying trends and developments in the management of waste.
10. Submit a report to the general assembly by January 1, 1988, regarding the feasibility and financial ramifications of limiting the type of waste accepted by a hazardous waste facility acquired or operated pursuant to this chapter.
11. Solicit proposals from public and private agencies to conduct hazardous waste research, and to develop and implement storage, treatment, and other hazardous waste management practices including but not limited to source reduction, recycling, compaction, incineration, fuel recovery, and other alternatives to land disposal of hazardous waste. In the acceptance of a proposal, preference shall be given to Iowa agencies pursuant to chapter 73.
12. Conduct a comprehensive study of the current availability of hazardous waste disposal methods and sites, the current and projected generation of hazardous waste including but not limited to the types of hazardous waste generated and the sources of hazardous waste generation; alternatives to land disposal of hazardous waste including but not limited to source reduction, recycling, compaction, incineration, and fuel recovery; and integrated approaches to pollution management to ensure that the problems associated with hazardous waste do not become air or water problems; and alternative management and financing approaches for a state hazardous waste site.
13. a. Develop a comprehensive plan for the establishment of a small business assistance center for the safe and economic management of solid and hazardous substances. The plan for establishing the center shall be presented to the general assembly on or before January 15, 1988. The plan shall provide that the center's program include:
 - (1) The provision of information regarding the safe use and economic management of solid and hazardous substances to small businesses which generate the substances.
 - (2) The dissemination of information to public and private agencies regarding state and federal solid and hazardous substances regulations, and assistance in achieving compliance with these regulations.
 - (3) Advisement and consultation regarding the proper storage, handling, treatment, reuse, recycling, and disposal methods of solid and hazardous substances. The center shall promote alternatives to land disposal of solid and hazardous substances including but not limited to source reduction, recycling, compaction, incineration, and fuel recovery.

(4) The identification of the advantages of proper substance management relative to liability and operational costs of a particular small business.

(5) Assistance in the providing of capital formation in order to comply with state and federal regulations.

b. Moneys appropriated from the oil overcharge account of the groundwater protection fund shall be used to develop the comprehensive plan for the small business assistance center for the safe and economic management of solid and hazardous substances.

c. In solicitation of proposals for the implementation of the comprehensive plan, the waste management authority shall give preference to cooperative proposals which incorporate and utilize the participation of the universities under the control of the state board of regents.

Sec. 7. NEW SECTION. 455B.484 POWERS AND DUTIES OF THE COMMISSION.

The commission shall:

1. Establish policy for the implementation of this part.

2. Adopt, modify, or repeal rules necessary to implement this part pursuant to chapter 17A.

3. Approve the budget request for the waste management authority prior to submission to the department of management. The commission may increase, decrease, or strike any proposed expenditure within the waste management authority budget request before granting approval.

4. Recommend legislative action which may be required for the safe and proper management of waste, for the acquisition or operation of a facility, for the funding of a facility, to enter into interstate agreements for the management of a facility, and to improve the operation of the waste management authority.

5. Approve all contracts and agreements, in excess of twenty-five thousand dollars, under this part between the waste management authority and other public or private persons or agencies.

Sec. 8. NEW SECTION. 455B.485 FACILITY SITING.

1. The authority shall identify and recommend to the commission suitable sites for locating facilities for the treatment, storage, or disposal of hazardous waste within this state. The authority shall use site selection criteria adopted by the environmental protection commission pursuant to section 455B.486 in identifying these sites. The commission shall accept or reject the recommendation of the authority. If the commission rejects the recommendation of the authority, the commission shall state its reasons for rejecting the recommendation.

2. The commission shall adopt rules establishing criteria for the identification of sites which are suitable for the operation of low-level radioactive waste disposal facilities. The authority shall apply these criteria, once adopted, to identify and recommend to the commission sites suitable for locating facilities for the disposal of low-level radioactive waste. The commission shall accept or reject the recommendation of the authority. If the commission rejects the recommendation of the authority, the commission shall state its reasons for rejecting the recommendation.

Sec. 9. NEW SECTION. 455B.486 FACILITY ACQUISITION AND OPERATION.

The commission shall adopt rules establishing criteria for the identification of land areas or sites which are suitable for the operation of facilities for the management of hazardous and low-level radioactive wastes. Upon request, the department shall assist in locating suitable sites for the location of a facility. The commission may purchase or condemn land to be leased or used for the operation of a facility subject to chapter 471. Consideration for a contract for purchase of land shall not be in excess of funds appropriated by the general assembly for that purpose. The commission may lease land purchased under this section to any person including the state or a state agency. This section authorizes the state to own or operate hazardous waste facilities and low-level radioactive waste facilities, subject to the approval of the general assembly.

The terms of the lease or contract shall establish responsibility for long-term monitoring and maintenance of the site. The commission shall require that the lessee or operator post bond or provide proof of sufficient insurance coverage, as determined by the commission to be reasonably necessary to protect the state against liabilities arising from the storage of wastes, abandonment of the facility, facility accidents, failure of the facility, or other liabilities which may arise.

The terms of the lease or contract shall also require that the lessee or operator of the facility pay an annual fee to the state, as established by the commission, to cover facility monitoring costs, and shall require that the lessee or operator establish a long-term monitoring and maintenance fund in which the lessee or operator shall deposit annually an amount specified by the commission. The fund shall be used to pay closure, long-term monitoring and maintenance, and contingency costs.

The lease agreement or contract shall provide for a local review and monitoring committee established by the county or municipal entity governing the jurisdiction in which the facility is located. Prior to the approval of a lease agreement or contract the local committee shall review the application of the prospective lessee or operator and shall determine the suitability of the proposed site for the facility. The local committee may inspect the facility during operation and may make recommendations regarding the operation and closure of the facility. The commission shall establish a surtax paid by the lessee or operator of a facility to the local governmental entity, and retained by the local governmental entity in which the facility is located. The lessee or operator of the facility shall provide funding for the implementation of the duties of the local committee.

The lessee or operator is subject to all applicable permit and licensing requirements. The leasehold interest, including improvements made to the property, shall be listed, assessed, and valued as any other real property as provided by law.

Facilities acquired or operated pursuant to this section shall comply with applicable federal and state statutes, local ordinances, and regulations adopted by regulatory agencies to the extent required by law.

The purchase, condemnation, use, or lease of land for the management of wastes, shall be approved by the general assembly prior to the purchase, condemnation, use, or lease of the land.

Facilities acquired or operated pursuant to this section may be used for regional, statewide or multistate management of wastes.

Facilities acquired or operated pursuant to this section shall not be used for the purpose of shallow land burial of wastes as a means of disposal.

An operator of a facility acquired or operated pursuant to this section shall require that a person, prior to the use of the facility, submit proof that reasonable and good faith measures have been taken to reduce the generation of waste.

A hazardous waste facility acquired or operated pursuant to this section shall be operated in accordance with the following schedule:

a. The initial fee paid by a person depositing hazardous waste at the facility shall be increased by ten percent per ton upon receipt of twenty-five percent of the waste capacity of the facility.

b. The initial fee paid by a person depositing hazardous waste at the facility shall be increased by twenty-five percent per ton upon receipt of fifty percent of the waste capacity of the facility.

c. Upon receipt of fifty percent of the waste capacity of the facility, the receipt of waste shall be limited to hazardous waste generated within the state of Iowa. If an agreement has been established between the owner or operator of the hazardous waste facility and an out-of-state generator of hazardous waste, this limitation is null and void.

Sec. 10. NEW SECTION. 455B.487 HOUSEHOLD HAZARDOUS WASTE COLLECTION AND DISPOSITION.

The authority shall develop, sponsor, and assist in conducting local, regional, or statewide programs for the receipt or collection and proper management of hazardous wastes from households and farms. In conducting such events the authority may establish limits on the types

and amounts of wastes that will be collected, and may establish a fee system for acceptance of wastes in quantities exceeding the limits established pursuant to this section.

Sec. 11. NEW SECTION. 455B.488 WASTE MANAGEMENT AUTHORITY FUND.

A waste management authority fund is created within the state treasury. Moneys received by the authority from fees, general revenue, federal funds, awards, wills, bequests, gifts, or other moneys designated shall be deposited in the state treasury to the credit of the fund. Any unexpended balance in the fund at the end of each fiscal year shall be retained in the fund. Any interest and earnings on investments from money in the fund shall be credited to the fund, section 453.7 notwithstanding.

Sec. 12. Section 455B.422, Code 1987, is repealed.

Approved June 2, 1987

CHAPTER 181
MEMBERSHIP CAMPGROUNDS
H.F. 520

AN ACT relating to the regulation of membership campgrounds, membership camping operators, and membership camping contracts, requiring registration and disclosures, providing for cancellation of membership camping contracts, providing remedies, providing penalties, and providing properly related matters.

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

Section 1. Section 502.102, subsection 2, paragraph a, Code 1987, is amended to read as follows:

a. Effecting transactions in a security exempted by section 502.202, subsection 1, 2, 3, 4, 6, 10, 11, ~~or 12~~, or 17, or a security issued by an industrial loan company licensed under chapter 536A;

Sec. 2. Section 502.202, Code 1987, is amended by adding the following new subsection:
NEW SUBSECTION. 17. Any security representing a membership camping contract which is registered pursuant to section 557B.2 or exempt under section 557B.4.

Sec. 3. Section 503.3, Code 1987, is amended by adding the following new subsection:
NEW SUBSECTION. 4. An association which sells membership camping contracts which are registered or exempt under chapter 557B.

Sec. 4. Section 537.3310, Code 1987, is amended by adding the following new subsection:
NEW SUBSECTION. 5. Subsections 1 through 4 do not apply to a membership camping contract which is subject to the requirements of chapter 557B.

Sec. 5. NEW SECTION. 557B.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Advertisement" means an attempt by publication, dissemination, solicitation, or circulation to induce directly or indirectly any person to enter into an obligation or acquire a title or interest in a membership camping contract.

2. "Affiliate" means any person who, directly or indirectly through one or more intermediaries, controls or is controlled by or is under common control with the person specified.

3. "Blanket encumbrance" means any mortgage, deed of trust, option to purchase, vendor's lien or interest under a contract or agreement of sale, judgment lien, federal or state tax lien, or any other material lien or encumbrance which secures or evidences the obligation to pay