

March 24, 1970

*Appropriations - Pass 2/31*

SENATE FILE 1232

By COMMITTEE ON ENVIRONMENTAL  
PRESERVATION  
(Committee on Environmental Preservation)  
(AS PASSED BY THE SENATE)

Passed Senate, Date *3/23/70* Passed House, Date *4-7-70*

Vote: Ayes *42* Nays *14* Vote: Ayes *95* Nays *21*

Approved.....

*Passed Senate as amended by House*

*4-10-70*

*aye 48, nays 4*

## A BILL FOR

- 1 An Act relating to the establishment of sanitary disposal
- 2 projects, authorizing a tax therefor, making an appropriation there-
- 3 for, and
- 4 providing penalties for violations thereof.
- 5 *Be It Enacted by the General Assembly of the State of Iowa:*
- 6 *Section 1. Purpose.*
- 7 *The purpose of this Act is to require cities, towns, and*
- 8 *counties to provide sanitary disposal projects for the final*
- 9 *disposition of solid wastes by their residents and, thereby,*
- 10 *protect citizens of this state from such hazards to their*
- 11 *health, safety and welfare that result from the uncontrolled*
- 12 *disposal of solid wastes.*
- 13 *Sec. 2. Definitions.*
- 14 *As used in this Act unless the context clearly indicates*
- 15 *a contrary intent:*
- 16 1. "Public agency" means a public agency as defined in
- 17 section twenty-eight E point two (28E.2) of the Code.
- 18 2. "Private agency" means a private agency as defined in
- 19 section twenty-eight E point two (28E.2) of the Code.
- 20 3. "Sanitary disposal project" means all facilities and
- 21 appurtenances including all real and personal property con-
- 22 nected with such facilities, which are acquired, purchased,
- 23 constructed, reconstructed, equipped, improved, extended, main-
- 24 tained, or operated to facilitate the final disposition of solid
- 25 waste without creating a significant hazard to the public health

1 or safety, and which are approved by the commissioner of public  
2 health.

3 4. "Solid waste" means garbage, refuse, rubbish, and  
4 other similar discarded solid or semisolid materials, includ-  
5 ing but not limited to such materials resulting from industrial,  
6 commercial, agricultural, and domestic activities. Solid waste  
7 may include vehicles, as defined by subsection one (1) of sec-  
8 tion three hundred twenty-one point one (321.1) of the Code.  
9 Nothing herein shall be construed as requiring that dirt, stone,  
10 brick or similar material used for fill, landscaping, excavation  
11 or grading be deposited in a sanitary disposal.

12 *Sec. 3. Mandatory Establishment of Sanitary Disposal*  
13 *Projects.*

14 Every city, town and county of this state shall provide  
15 for the establishment and operation of a sanitary disposal  
16 project for final disposal of solid waste by its residents not  
17 later than the first of July, 1975. Sanitary disposal projects  
18 may be established either separately or through cooperative  
19 efforts for the joint use of the participating public agencies  
20 as provided by law.

21 Cities, towns and counties may execute with public and pri-  
22 vate agencies contracts, leases, or other necessary instruments,  
23 purchase land and do all things necessary not prohibited by law  
24 for the collection of solid waste, establishment and operation  
25 of sanitary disposal projects, and general administration of  
26 the same. Any agreement executed with a private agency for the  
27 operation of a sanitary disposal project shall provide for the  
28 posting of a sufficient surety bond by the private agency con-  
29 ditioned upon the faithful performance of the agreement.

30 *Sec. 4. Commissioner of Public Health—Duties.*

31 The commissioner of public health shall administer the pro-  
32 visions of this Act, and the provisions of chapter one hundred  
33 thirty-five (135) of the Code shall be applicable to this Act.

34 Local boards of health shall cooperate in the enforcement  
35 of this Act and the commissioner of public health may seek

1 *their aid and delegate duties of the state department of health*  
2 *to local boards of health in the manner provided in chapter one*  
3 *hundred sixty-three (163), Acts of the Sixty-second General As-*  
4 *sembly.*

5 *Sec. 5. Rules and Regulations.*

6 *The commissioner of public health shall promulgate, adopt*  
7 *and enforce rules for the proper administration of this Act*  
8 *which shall reflect and accommodate insofar as is reasonably*  
9 *possible those current and generally accepted methods and tech-*  
10 *niques for treatment and disposition of solid waste which will*  
11 *serve the purposes of this Act, which shall take into consider-*  
12 *ation such factors, including others which it may deem proper,*  
13 *as existing physical conditions, topography, soils and geology,*  
14 *climate, transportation, and land use, such rules including but*  
15 *not limited to rules relating to the establishment and location*  
16 *of sanitary disposal projects, sanitary practices, inspection*  
17 *of sanitary disposal projects, collection of solid waste, dis-*  
18 *posal of solid waste, pollution controls, the issuance of per-*  
19 *mits, approved methods of private disposition of solid waste,*  
20 *the general operation and maintenance of sanitary disposal*  
21 *projects, and the implementation of this Act. Prior to issu-*  
22 *ance of rules and regulations or amendments thereto, the com-*  
23 *missioner of public health shall hold at least one public hear-*  
24 *ing on the proposed rules or amendments, and shall give notice*  
25 *of such hearing at least thirty days in advance by publishing notice*  
26 *in a newspaper of general circulation in the state.*

27 *The Iowa air pollution control commission and the Iowa water*  
28 *pollution control commission shall aid the commissioner of*  
29 *public health in the administration of this Act including the*  
30 *promulgation and adoption of rules and other duties which may*  
31 *be agreed upon by the commissioner of public health and the*  
32 *Iowa air pollution control commission and Iowa water pollution*  
33 *control commission. All rules promulgated shall be subject*  
34 *to the provisions of chapter seventeen A (17A) of the Code.*

35 *Sec. 6. Certification of Sanitary Disposal Projects.*

1     *The commissioner of public health shall certify if dis-*  
2     *posal projects operated or planned to be operated by or for*  
3     *cities, towns, counties and those operated by private agencies*  
4     *meet the standards provided for by this Act and the rules and*  
5     *regulations of the commissioner of public health, by issuing*  
6     *a permit for existing disposal projects which fully comply,*  
7     *and for planned sanitary disposal projects whose plans fully*  
8     *comply, with all provisions of this Act and rules and regula-*  
9     *tions issued pursuant thereto. Permits shall be issued for*  
10    *existing disposal sites which have not met all the provisions*  
11    *of this Act and rules and regulations issued pursuant thereto,*  
12    *if a comprehensive plan for compliance within the time limita-*  
13    *tions required by this Act is developed by a city, town, county*  
14    *or private agency and is approved by the commissioner of public*  
15    *health. Every city, town or county of this state and every*  
16    *private agency involved in the final disposal of solid waste*  
17    *shall qualify for a permit by the first of July, 1975 or be*  
18    *subject to such legal actions authorized by section ten (10)*  
19    *of this Act.*

20    *Permits shall be issued without fee by the commissioner*  
21    *of public health or at his direction, by a local board of health,*  
22    *for each sanitary disposal project operated in this state.*  
23    *Such permits shall be issued in the name of the city, town*  
24    *or county or, where applicable, in the name of the public or*  
25    *private agency operating such project. Each sanitary disposal*  
26    *project shall be inspected annually by the commissioner of*  
27    *public health or a local board of health. The permits issued*  
28    *pursuant to this section shall be in addition to any other*  
29    *licenses, permits or variances authorized or required by law.*  
30    *including, but not limited to, the provisions of chapter*  
31    *three hundred fifty-eight A (358A) of the Code. A permit*  
32    *may be suspended or revoked after notice and hearing before*  
33    *the commissioner of public health or his designee if a sani-*  
34    *tary disposal project is found not to meet the requirements*  
35    *of the provisions of this Act or rules and regulations issued*

1 pursuant thereto.

2 *Sec. 7. City, Town and County Sanitary Disposal Projects—*

3 *Compliance—Development of Plans.*

4 *Not later than thirty months from the effective date of*  
5 *this Act every city, town, county and every private agency*  
6 *operating or planning to operate a sanitary disposal project*  
7 *shall file with the commissioner of public health a plan de-*  
8 *tailing the method by which the city, town, county or private*  
9 *agency will comply with the provisions of this Act. The com-*  
10 *missioner of public health shall review each plan submitted*  
11 *and may reject, suggest modification, or approve the proposed*  
12 *plan. The commissioner of public health shall aid in the de-*  
13 *velopment of plans for compliance with the provisions of this*  
14 *Act. The commissioner of public health shall make available*  
15 *to each city, town, county and private agency appropriate forms*  
16 *for the submission of plans and may hold hearings for the pur-*  
17 *pose of implementing this Act.*

18 *Sec. 8. Financing of Sanitary Disposal Projects.*

19 *The board of supervisors of any county may, in lieu of the*  
20 *levy authorized by section three hundred thirty-two point thirty-*  
21 *two (332.32) of the Code, annually levy a tax not to exceed*  
22 *one-fourth mill on all taxable property in the county outside the*  
23 *incorporated limits of any city or town for the purpose of planning*  
24 *a sanitary disposal project or of paying the interest and principal*  
25 *of bonds issued pursuant to the provisions of section nineteen*  
26 *(19) of this Act as they become due.*

27 *Sec. 9. City and Town Financing of Sanitary Disposal Projects.*

28 *Chapter four hundred four (404), Code 1966, is amended by*  
29 *adding thereto the following new section:*

30 *“The governing body of any city or town may cause to be*  
31 *levied a tax on all taxable property within its corporate limits*  
32 *not to exceed one-quarter mill for the purpose of planning*  
33 *a sanitary disposal project and such tax shall not be subject*  
34 *to the thirty mill levy limitation contained in section four*  
35 *hundred four point two (404.2) of the Code, and shall be in*

1 addition to the taxes authorized by section four hundred four  
2 point two (404.2) of the Code and this provision shall not be  
3 construed to be a substitute for or a limitation upon any levy  
4 otherwise authorized by law. The tax herein authorized may  
5 be levied one time by each city and town in this state."

6 *Sec. 10. Prohibited Practices—Penalties—Enforcement.*

7 1. Commencing July 1, 1975 it shall be unlawful for any  
8 private agency or public agency to dump or deposit or permit  
9 the dumping or depositing of any solid waste at any place  
10 other than a sanitary disposal project approved by the  
11 commissioner of public health. This section shall not prohibit a  
12 private agency or public agency from dumping or depositing  
13 solid waste resulting from its own residential, farming  
14 manufacturing, mining or commercial activities on land  
15 owned or leased by it if such action does not violate any statute  
16 of this state or rules and regulations promulgated by the commis-  
17 sioner of public health or local boards of health, or local ordinances,  
18 or rules and regulations issued by the Iowa air pollution con-  
19 trol commission or Iowa water pollution control commission.  
20 A violation of this subsection shall be a misdemeanor.

21 2. The commissioner of public health may issue any order  
22 necessary to secure compliance with or prevent a violation of  
23 the provisions of this Act or the rules and regulations pro-  
24 mulgated pursuant thereto. The attorney general shall, on  
25 request of the commissioner of public health, institute any  
26 legal proceedings necessary in obtaining compliance with an  
27 order of the commissioner of public health or prosecuting any  
28 person for a violation of the provisions of this Act or rules  
29 and regulations issued pursuant thereto.

30 *Sec. 11. Orders of Commissioner of Public Health—Appeals.*

31 Any person aggrieved by an order of the commissioner of  
32 public health issued as provided in this Act may appeal the  
33 same by filing a written notice of appeal with the commissioner  
34 of public health within thirty days of the issuance of the  
35 order. The commissioner of public health shall schedule a

1 *hearing for the purpose of hearing the arguments of the ag-*  
2 *grieved person within thirty days of the filing of the notice*  
3 *of appeal. The hearing may be held before the commissioner of*  
4 *public health or his designee. A complete record shall be made*  
5 *of the proceedings. The commissioner of public health shall*  
6 *issue the findings in writing to the aggrieved person within*  
7 *thirty days of the conclusion of such hearing. If such person*  
8 *is not satisfied with the findings of the commissioner of pub-*  
9 *lic health, he may appeal such findings to the district court*  
10 *of the county wherein the acts in issue occurred. Such appeal*  
11 *shall be made within thirty days of the issuance of the find-*  
12 *ings of the commissioner of public health and a copy of the*  
13 *same shall be filed with the commissioner of public health.*  
14 *The court upon the filing of such appeal shall hear the appeal*  
15 *in equity.*

16 *Sec. 12. Section one hundred thirty-five point eleven*  
17 *(135.11), subsection seven (7), Code 1966, is hereby amended*  
18 *by inserting in line two (2) after the word "plants," the words*  
19 *"sanitary disposal projects,".*

20 *Sec. 13. Section one hundred thirty-six point three*  
21 *(136.3), subsection two (2), paragraph c, is hereby amended*  
22 *by inserting in line two (2) after the comma the words "sani-*  
23 *tary disposal projects,".*

24 *Sec. 14. Section three hundred sixty-eight point twenty-*  
25 *four (368.24), Code 1966, as amended by chapter three hundred*  
26 *fifteen (315), sections one (1) and two (2), Acts of the Sixty-*  
27 *second General Assembly, is further amended as follows:*

28 *1. By striking from line three (3) the words "garbage*  
29 *and refuse" and inserting in lieu thereof the words "garbage,*  
30 *refuse, and other solid waste,".*

31 *2. By inserting in line five (5) following the word*  
32 *"grounds" the words "and other sanitary disposal projects".*

33 *3. By striking from line ten (10) the words "refuse and*  
34 *garbage" and inserting in lieu thereof the words "refuse,*  
35 *garbage, and other solid waste".*

1 4. By inserting in line eleven (11) after the word "dump"  
2 the words ", sanitary disposal projects,".

3 5. By striking from line fourteen (14) the word "or" and  
4 inserting in lieu thereof the words ", sanitary disposal proj-  
5 ect, or other,".

6 6. By striking from line seventeen (17) the words "and  
7 refuse" and inserting in lieu thereof the words ", refuse, and  
8 other solid waste".

9 Sec. 15. Section four hundred four point nine (404.9),  
10 Code 1966, is hereby amended as follows:

11 1. By inserting in subsection three (3), line three (3),  
12 after the word "grounds" the words "and sanitary disposal  
13 projects".

14 2. By inserting in subsection five (5), line two (2),  
15 after the word "of" the words "solid waste,".

16 Sec. 16. Section four hundred seven point three (407.3),  
17 Code 1966, is hereby amended by striking subsection two (2).

18 Sec. 17. Section four hundred twenty point one hundred  
19 seventy-one (420.171), Code 1966, is hereby amended by insert-  
20 ing in line ten (10) after the word "garbage" the words "and  
21 other solid waste".

22 Sec. 18. Section four hundred eight A point seven (408A.7),  
23 Code 1966, is hereby amended by inserting in line four (4)  
24 after the word "viaducts" the words ", sanitary disposal proj-  
25 ects as defined in section two (2) of this Act".

26 Sec. 19. Chapter three hundred forty-six (346), Code  
27 1966, is amended by adding the following new section thereto:

28 "The boards of supervisors of counties are hereby autho-  
29 rized to contract indebtedness and to issue general obligation  
30 bonds of the county to provide funds to pay the cost of estab-  
31 lishing, constructing, acquiring, purchasing, equipping, im-  
32 proving, extending, reconstructing and repairing sanitary dis-  
33 posal projects as defined in section two (2) of this Act.

34 Such bonds shall be in denominations of not less than one  
35 hundred dollars nor more than ten thousand dollars, and shall

1 draw interest at a rate not to exceed seven percent per annum,  
2 payable annually or semiannually. Such bonds shall be due  
3 and payable in not more than twenty years from the date of  
4 issuance but may be made subject to redemption in such manner  
5 and upon such terms as is stated on the face thereof, shall  
6 be in such form as the board of supervisors shall by resolu-  
7 tion provide, and shall show on their face that they are county  
8 sanitary disposal bonds payable from the fund hereinafter pro-  
9 vided. Funds available pursuant to the levy authorized by section  
10 eight (8) of this Act shall be used to pay the interest and  
11 principal of such bonds as they become due. The millage  
12 limitation referred to in section eight (8) of this Act shall  
13 not limit the source of payment of bonds and interest but shall  
14 only restrict the amount of bonds which may be issued. The  
15 money arising from such levies shall be known as the sanitary  
16 disposal bond fund and shall be used for the payment of such  
17 bonds and interest thereon only; and the treasurer shall open  
18 and keep in his books a separate account thereof, which shall  
19 show the exact condition of such fund. Such bonds shall be  
20 sold at public sale and the county treasurer shall comply with  
21 and be governed by all provisions of chapter seventy-five (75)  
22 of the Code."

23 Sec. 20. Section four hundred four point nineteen (404.19),  
24 Code 1966, as amended by chapter ninety-three (93), Acts of the  
25 Sixty-second General Assembly, is hereby further amended by in-  
26 serting in line fifteen (15) after the word "of" the words "es-  
27 tablishing, constructing, acquiring, purchasing, equipping, im-  
28 proving, extending, reconstructing and repairing sanitary dis-  
29 posal projects as defined in section two (2) of this Act or".

30 Sec. 21. Section three hundred ninety-four point one (394.1),  
31 Code 1966, is hereby amended as follows:

32 1. By striking from line one (1) the words "and towns"  
33 and inserting in lieu thereof the words ", towns, counties,".

34 2. By striking lines five (5) and six (6) and inserting  
35 in lieu thereof the following: "powered to own, acquire,

1 establish, construct, purchase, equip, improve, extend,  
2 operate, maintain, reconstruct and repair within or without  
3 the corporate limits".

4 3. By striking from line seven (7) the words "or town  
5 sanitary districts" and inserting in lieu thereof the words  
6 ", town, county, or sanitary district".

7 4. By striking from line twelve (12) the words "or town,"  
8 and inserting in lieu thereof the words ", town, county, or  
9 sanitary district, including sanitary disposal projects as de-  
10 fined in section two (2) of this Act, ".

11 5. By striking from line seventeen (17) the words "or town"  
12 and inserting in lieu thereof the words ", town, county, ".

13 6. By striking from line eighteen (18) the word "dis-  
14 tricts" and inserting in lieu thereof the word "district".

15 7. By striking from line nineteen (19) the word "the"  
16 and inserting in lieu thereof the words "such sanitary dis-  
17 posal project or such".

18 8. By striking from line twenty (20) the words "or town"  
19 and inserting in lieu thereof the words ", town, county, or  
20 sanitary district".

21 9. By striking from line twenty-one (21) the words "the  
22 respective municipalities" and inserting in lieu thereof the  
23 word "them".

24 10. By striking from lines twenty-three (23) and twenty-  
25 four (24) the words "acquiring, purchasing or constructing"  
26 and inserting in lieu thereof the words "establishing, acquir-  
27 ing, purchasing, constructing, equipping, improving, extend-  
28 ing, reconstructing, repairing, operating, or maintaining".

29 11. By inserting in line twenty-four (24) after the word  
30 "such" the words "sanitary disposal project or such".

31 12. By striking from line twenty-six (26) the words "or  
32 town" and inserting in lieu thereof the words ", town, county,  
33 or sanitary district".

34 13. By inserting in line twenty-seven (27) after the  
35 word "the" the words "sanitary disposal project or".

1 14. By striking from line twenty-eight (28) the words  
2 "or town" and inserting in lieu thereof the words ", town,  
3 county, or sanitary district".

4 15. By striking from lines twenty-nine (29) and thirty  
5 (30) the words "by the respective municipalities".

6 16. By inserting in line thirty (30) after the period the  
7 following: "As used in this chapter the words 'works and  
8 facilities', 'works', or 'facilities' shall include but not  
9 be limited to sanitary disposal projects as defined in section  
10 two (2) of this Act."

11 Sec. 22. Section three hundred ninety-four point three  
12 (394.3), Code 1966, is hereby amended as follows:

13 1. By inserting in line six (6) after the word "docks"  
14 the words "sanitary disposal projects".

15 2. By striking from line nine (9) the words "or town, or  
16 in" and inserting in lieu thereof the words ", town, county,  
17 or sanitary district."

18 3. By striking lines ten (10) through fourteen (14),  
19 inclusive.

20 Sec. 23. Section three hundred ninety-four point four  
21 (394.4), Code 1966, is hereby repealed.

22 Sec. 24. Section three hundred ninety-four point five  
23 (394.5), Code 1966, is hereby amended as follows:

24 1. By striking from line two (2) the words "and towns  
25 may by" and inserting in lieu thereof the words ", towns,  
26 counties, and sanitary districts may by resolution or".

27 2. By striking from line three (3) the words "collection  
28 and" and inserting in lieu thereof the words "use of and the  
29 services and facilities to be rendered by the sanitary disposal  
30 project or for the collection and".

31 3. By striking from lines five (5) and six (6) the words  
32 "construction, extending, repairing, maintaining, and operating"  
33 and inserting in lieu thereof the words "establishing, acquir-  
34 ing, purchasing, constructing, equipping, improving, extending,  
35 reconstructing, repairing, maintaining, and operating sanitary

1 disposal projects,".

2 4. By inserting in line eight (8) after the word "such"  
3 the words "project or".

4 5. By inserting in line nine (9) after the word "such"  
5 the words "project or".

6 Sec. 25. Section three hundred ninety-four point six  
7 (394.6), Code 1966, is hereby amended as follows:

8 1. By striking from line one (1) the words "and towns"  
9 and inserting in lieu thereof the words ", towns, counties,".

10 2. By striking from line four (4) the word "the".

11 3. By striking lines five (5) through seven (7), inclusive,  
12 and inserting in lieu thereof the words "any of the purposes  
13 referred to in this chapter,".

14 4. By striking from line eight (8) the word "control,".

15 5. By striking from line eleven (11) the words "and  
16 towns" and inserting in lieu thereof the words ", towns,  
17 counties,".

18 6. By striking from line fifteen (15) the words "con-  
19 struction of any" and inserting in lieu thereof the words  
20 "costs of any of the projects or".

21 7. By striking from line seventeen (17) the words "and  
22 towns" and inserting in lieu thereof the words ", towns,  
23 counties,".

24 8. By striking from line twenty-two (22) the words "and  
25 towns" and inserting in lieu thereof the words ", towns,  
26 counties,".

27 9. By striking from lines twenty-four (24) and twenty-  
28 five (25) the words "construction of said" and inserting in  
29 lieu thereof the words "said projects or".

30 10. By striking from line twenty-six (26) the words "or  
31 towns" and inserting in lieu thereof the words ", town, county".

32 11. By inserting in line twenty-eight (28) after the  
33 word "such" the words "project or".

34 12. By striking from lines thirty-one (31) and thirty-  
35 two (32) the word "construction" and inserting in lieu thereof

- 1 the words "the project or improvement".
- 2 13. By striking from line thirty-eight (38) the word
- 3 "municipality" and inserting in lieu thereof the words "city
- 4 or town, the chairman of the board of supervisors and county
- 5 auditor of the county,".
- 6 14. By striking from line forty-five (45) the words "or
- 7 town" and inserting in lieu thereof the words ", town, county,".
- 8 15. By inserting in line fifty-three (53) after the word
- 9 "by" the words "resolution or".
- 10 16. By striking from line fifty-four (54) the words "and
- 11 towns" and inserting in lieu thereof the words ", towns,
- 12 counties, and sanitary districts".
- 13 17. By inserting in line fifty-seven (57) after the word
- 14 "acquiring" the words "sanitary disposal projects, or".
- 15 18. By striking from line sixty-two (62) the words "or
- 16 town" and inserting in lieu thereof the words ", town, county,
- 17 or sanitary district".
- 18 19. By inserting in line sixty-three (63) after the word
- 19 "such" the word "projects,".
- 20 20. By striking from line sixty-five (65) the words "or
- 21 town" and inserting in lieu thereof the words ", town, county,
- 22 or sanitary district".
- 23 21. By striking from lines sixty-five (65) and sixty-six
- 24 (66) the words "by the respective municipalities".
- 25 22. By inserting in line sixty-seven (67) after the word
- 26 "such" the words "sanitary disposal project, or".
- 27 23. By inserting in line sixty-nine (69) after the word
- 28 "its" the words "sanitary disposal project or".
- 29 Sec. 26. Section three hundred ninety-four point seven
- 30 (394.7), Code 1966, is hereby amended as follows:
- 31 1. By striking from line two (2) the word "and".
- 32 2. By striking lines three (3) and four (4) and inserting
- 33 in lieu thereof the words ", towns, counties, and sanitary dis-
- 34 tricts for any of the purposes referred to in this chapter, not-
- 35 withstanding".

1 3. By striking from lines five (5) and six (6) the words  
2 "for the construction of any such improvement".

3 Sec. 27. Section three hundred ninety-four point eight  
4 (394.8), Code 1966, is hereby amended as follows:

5 1. By striking from lines two (2) and three (3) the words  
6 "council of the municipality" and inserting in lieu thereof the  
7 words "governing body of the city, town, county or sanitary  
8 district".

9 2. By inserting in line three (3) after the word "by"  
10 the words "resolution or".

11 3. By inserting in line four (4) before the word "works"  
12 the words "sanitary disposal project or".

13 Sec. 28. Section three hundred ninety-four point nine  
14 (394.9), Code 1966, is hereby amended as follows:

15 1. By striking from line one (1) the words "city or town  
16 council" and inserting in lieu thereof the words "governing  
17 body of the city, town, county, or sanitary district".

18 2. By inserting in line two (2) after the word "ordinance"  
19 the words "or resolution".

20 3. By striking from line ten (10) everything after the  
21 word "works" and inserting in lieu thereof the following:  
22 ". The governing body of such city, town, county, or sanitary  
23 district may also by ordinance or resolution establish and  
24 maintain just and equitable rates or charges for the use of  
25 and the services and facilities rendered by a sanitary dis-  
26 posal project. Such governing body may readjust such rates  
27 or charges from time to time and may charge and collect rea-  
28 sonable rates and charges for landing, wharfage, dockage,  
29 swimming, and".

30 4. By striking lines eleven (11) through thirteen (13),  
31 inclusive.

32 5. By striking line seventeen (17) and inserting in lieu  
33 thereof the words "repair, maintenance, acquisition, purchase,  
34 construction, equipping, improving, and extension of the sani-  
35 tary disposal project or".

1 6. By inserting in line twenty-five (25) after the word  
2 "ordinance" the words "or resolution".

3 7. By inserting in line twenty-seven (27) after the word  
4 "such" the words "sanitary disposal project or".

5 Sec. 29. Section three hundred ninety-four point twelve  
6 (894.12), Code 1966, is hereby amended as follows:

7 1. By striking from line two (2) the words "and towns"  
8 and inserting in lieu thereof the words ", towns, counties,  
9 and sanitary districts".

10 2. By striking from line nine (9) the word "municipalities"  
11 and inserting in lieu thereof the words "city town, county, or  
12 sanitary district".

13 3. By striking from line ten (10) everything after the  
14 word "chapter" and inserting in lieu thereof a period.

15 4. By striking lines eleven (11) through sixteen (16),  
16 inclusive.

17 5. By inserting in line twenty-three (23) after the word  
18 "of" the words "such sanitary disposal project or".

19 6. By striking from line twenty-five (25) the words "or  
20 town" and inserting in lieu thereof the words ", town, county,  
21 or sanitary district".

22 Sec. 30. There is hereby appropriated from the general  
23 fund of the state to the state department of health the sum of  
24 fifty thousand (50,000) dollars, or so much thereof as may be  
25 necessary, for the fiscal year beginning July 1, 1970 and end-  
26 ing June 30, 1971, for salaries, support, maintenance, planning,  
27 and miscellaneous expenses incurred in administering the pro-  
28 visions of this Act.

29 Sec. 31. Chapter two hundred thirty-six (236), Acts of the  
30 Sixty-third General Assembly, First Session, is hereby amended  
31 by striking from line one hundred thirty-eight (138) the word  
32 "six" and inserting in lieu thereof the word "seven".

33 Sec. 32. This Act, being deemed of immediate importance,  
34 shall be in full force and effect from and after its passage  
35 and publication in the Globe-Gazette, a newspaper published

- 1 in *Mason City, Iowa, and The Des Moines Register,*
- 2 *published at Des Moines, Iowa.*

## EXPLANATION

This bill will provide for the mandatory establishment of sanitary disposal projects for the use of the entire population of this state by July 1, 1975. Cities, towns and counties may establish separate or joint sanitary disposal facilities or contract with private facilities to comply with this bill. The commissioner of public health is granted the authority to administer the bill and adopt rules pursuant thereto.

The bill requires that the local governments submit plans for compliance within thirty months after the effective date of the proposed Act. The local officials may seek the aid of the state department of health in developing such plans.

The establishment and operation of sanitary disposals may be financed by collection fees, user fees, the issuance of bonds, property tax levies or other taxes authorized by law. Counties are limited to a property tax levy up to one-fourth mill and cities and towns may levy a property tax not exceeding one-quarter mill. Counties may also levy a property tax not to exceed one-half mill for debt service on sanitary disposal projects.

The enforcement provisions provide a vehicle for criminal prosecution for violations of the proposed Act while at the same time making available proper civil remedies such as cease and desist orders, injunctions and writs of mandamus.

The bill will appropriate \$50,000 for the state department of health for administration expenses for fiscal year 1971.

- 1 Amend Senate File 1232, as reprinted, on page 2 by striking
- 2 lines 9 through 11, inclusive, and by inserting in lieu thereof
- 3 the following:
- 4 "Nothing herein shall be construed as prohibiting the use
- 5 of dirt, stone, brick, or similar inorganic material for fill,
- 6 landscaping, excavation or grading at places other than a sani-
- 7 tary disposal."

Filed - *Adopted 4/2/70*  
April 2, 1970

COCHRAN of Webster  
MILLER of Marshall

- 1 Amend Senate File 1232, as reprinted, as follows:
- 2 1. Page 3, line 28, by inserting after the word
- 3 "commission" the words ", or their successor agency,".
- 4 2. Page 3, line 33, by inserting after the word
- 5 "commission" the words ", or their successor agency".
- 6 3. Page 6, line 19, by inserting after the second word
- 7 "commission" the words ", or their successor agency".

*Adopted*  
*4/3*

Offered from the floor and adopted  
April 3, 1970

LAWSON of Cerro Gordo

HOUSE AMENDMENT TO SENATE FILE 1232

- 1 Amend Senate File 1232, as amended and passed by the
- 2 Senate and reprinted, as follows:
- 3 1. Page 2, by striking lines 9 through 11, inclusive, and
- 4 by inserting in lieu thereof the following:
- 5 "Nothing herein shall be construed as prohibiting the
- 6 use of dirt, stone, brick, or similar inorganic material
- 7 for fill, landscaping, excavation or grading at places other
- 8 than a sanitary disposal."
- 9 2. Page 3, line 28, by inserting after the word "commission"
- 10 the words ", or their successor agency,".
- 11 3. Page 3, line 33, by inserting after the word "commission"
- 12 the words ", or their successor agency".
- 13 4. Page 5, line 26, by inserting after the period the
- 14 following sentence: "The levy authorized by this section shall
- 15 be the only mill levy that the board of supervisors may
- 16 authorize for the purposes of this section, notwithstanding
- 17 the provisions of section three hundred forty-six point
- 18 eleven (346.11) of the Code or any other provision of law."
- 19 5. Page 6, line 19, by inserting after the second word
- 20 "commission" the words ", or their successor agency".

*Senate  
concerned  
4/10*

Received from the House  
April 8, 1970

*Senate*

- 
- 1 Amend Senate File 1232 as amended, passed, and reprinted
  - 2 by the Senate as follows:
  - 3 Page 3, after line 34, by adding the following:
  - 4 "In addition, such rules and regulations shall not go
  - 5 into effect until one hundred twenty days after they have
  - 6 been submitted by the commissioner of public health to the
  - 7 general assembly."

Filed - *last 4/7*  
April 3, 1970

SCHROEDER of Pottawattamie

- 
- 1 Amend Senate File 1232, as passed and reprinted by the
  - 2 Senate by inserting on page 5, line 26, after the period the
  - 3 following sentence: "The levy authorized by this section shall
  - 4 for the purposes of this section, notwithstanding the provisions
  - 5 of section three hundred forty-six point eleven (346.11) of the
  - 6 Code or any other provision of law."

Offered from the floor and adopted  
April 3, 1970

COCHRAN of Webster  
VARLEY of Adair-Madison

AMENDMENT TO EXPLANATION

Amend the explanation to Senate File 1232, by striking from lines 15 and 16 the following: "Counties may also levy a property tax not to exceed one-half mill for debt service on sanitary disposal projects."

SENATE FILE 1232

- 1 Amend the committee on environment preservation amendment  
2 to Senate File 1232 as follows:
- 3 1. By striking in line one hundred thirty-eight (138) the  
4 word "or" and inserting in lieu thereof the word "and".
- 5 2. By striking in line one hundred forty-two (142) all  
6 after the word "may" and all of lines one hundred forty-three (143),  
7 one hundred forty-four (144), one hundred forty-five (145) and  
8 one hundred forty-six (146), and inserting in lieu thereof the  
9 following: ", in lieu of the levy authorized by section three  
10 hundred thirty-two point thirty-two (332.32) of the Code, annually  
11 levy a tax not to exceed one-fourth mill on all taxable property  
12 in the county outside the incorporated limits of any city or town  
13 for the purpose of planning a sanitary disposal project or of  
14 paying the interest and principal of bonds issued pursuant to the  
15 provisions of section nineteen (19) of this Act as they become due."
- 16 3. By striking all of line one hundred forty-seven (147) and  
17 inserting in lieu thereof the following: "Sec. 9. City and Town  
Financing  
18 of Sanitary Disposal Projects. Chapter four hundred four (404),  
19 Code 1966, is amended by adding thereto the following new section:".
- 20 4. By adding in line one hundred sixty-two (162) following  
21 the word "disposal" the word "project".
- 22 5. By striking in line one hundred sixty-five (165) the word  
23 "their" and inserting in lieu thereof the word "its".
- 24 6. By striking in line one hundred sixty-seven (167) the  
25 word "them" and inserting in lieu thereof the word "it".
- 26 7. By striking all after the period in line 266, and  
27 all of lines 267 through 272, inclusive, and  
28 inserting in lieu thereof the following: "Funds available pursuant  
29 to the levy authorized by section eight (8) of this Act shall be  
30 used to pay the interest and principal of such bonds as they become  
31 due. The millage limitation referred to in section eight (8)  
32 of this Act shall".
- 33 8. By striking in line two hundred ninety-five (295) the  
34 word "equip" and inserting in lieu thereof the words "powered to  
35 own, acquire, establish, construct, purchase, equip".
- 36 9. By adding after line 497 the following new sections:  
37 "Chapter two hundred thirty-six (236), Laws of the Sixty-third  
General  
38 Assembly, First Session, is hereby amended by striking from line  
39 one hundred thirty-eight (138) the word 'six' and inserting in  
40 lieu thereof the word 'seven'".
- 41 "This Act, being deemed of immediate importance, shall be  
42 in full force and effect from and after its passage and publication  
43 in the Globe Gazette, a newspaper published in Mason City, Iowa,  
44 and The Des Moines Register, published at Des Moines, Iowa."

Filed and adopted  
March 23, 1970

By NEU

February 13, 1970

*Reprinted 3/24*

SENATE FILE 1232

Passed on File

*By the President 2-18-70 Page 3/4*  
*See " 3/26*

By COMMITTEE ON ENVIRONMENTAL  
PRESERVATION

(Committee on Environmental  
Preservation)

Passed Senate, Date *3/23/70* Passed House, Date .....

Vote: Ayes *42* Nays *14* Vote: Ayes..... Nays.....

Approved.....

## A BILL FOR

1 An Act relating to the establishment of sanitary disposals and  
2 providing penalties for violations thereof.

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

4 Section 1. **Definitions.**

5 As used in this Act unless the context clearly indicates  
6 a contrary intent:

7 1. "Public agency" means a public agency as defined in  
8 section twenty-eight E point two (28E.2) of the Code.

9 2. "Private agency" means a private agency as defined in  
10 section twenty-eight E point two (28E.2) of the Code.

11 3. "Sanitary disposal" means a method of disposing of solid  
12 waste without creating a hazard to public health or safety,  
13 approved by the commissioner of public health.

14 4. "Solid waste" means garbage, refuse, rubbish, and other  
15 similar discarded solid or semisolid materials, including but  
16 not limited to such materials resulting from industrial, com-  
17 mercial, agricultural, and domestic activities. Solid waste  
18 may include vehicles, as defined by subsection one (1) of sec-  
19 tion three hundred twenty-one point one (321.1) of the Code.

20 Sec. 2. **Mandatory Establishment of Sanitary Disposals.**

21 Every city, town and county of this state shall provide for  
22 the establishment and operation of a sanitary disposal for final  
23 disposal of solid waste by its residents not later than July 1,  
24 1975. The sanitary disposal may be established through coopera-  
25 tive efforts with any public agency for the joint use of the

1 participating public agencies and the provisions of chapter  
2 twenty-eight E (28E), sections three hundred thirty-two point  
3 thirty-three (332.23), three hundred thirty-two point thirty-  
4 four (332.34), and three hundred sixty-eight point twenty-four  
5 (368.24) of the Code, and any other statutory or constitutional  
6 provision providing for the establishment of sanitary disposals  
7 and the disposal of garbage or refuse may be applied for the  
8 purpose of carrying out the provisions of this Act. In addition,  
9 cities, towns and counties may establish sanitary disposals and  
10 do all things necessary thereto not expressly prohibited by stat-  
11 ute or the constitution of this state.

12 Cities, towns and counties may execute with public and pri-  
13 vate agencies contracts, leases, or purchase land or do all  
14 things necessary not prohibited by law for the collection of  
15 solid waste, establishment and operation of sanitary disposals,  
16 and general administration of the same. Any agreement exe-  
17 cuted with a private agency for the operation of a sanitary  
18 disposal shall provide for the posting of a surety bond by the  
19 private agency of not less than one thousand dollars.

20 **Sec. 3. Commissioner of Public Health—Duties.**

21 The commissioner of public health shall administer the pro-  
22 visions of this Act, and the provisions of chapter one hundred  
23 thirty-five (135) of the Code shall be applicable to this Act.

24 Local boards of health shall cooperate in the enforcement of  
25 this Act and the commissioner of public health may seek their  
26 aid and delegate duties of the state department of health to  
27 local boards of health in the manner provided in chapter one  
28 hundred sixty-three (163), Acts of the Sixty-second General  
29 Assembly.

30 **Sec. 4. Rules and Regulations.**

31 The commissioner of public health shall promulgate, adopt  
32 and enforce rules for the proper administration of this Act  
33 including, but not limited to, rules relating to the establish-  
34 ment and location of sanitary disposals, sanitary practices,  
35 inspection of sanitary disposals, collection of solid waste,

1 deposit of solid waste, pollution controls, and the issuance  
2 of permits, the general operation and maintenance of sanitary  
3 disposals, and the implementation of this Act. The Iowa air  
4 pollution control commission and the Iowa water pollution con-  
5 trol commission shall aid the commissioner of public health in  
6 the administration of this Act including the promulgation and  
7 adoption of rules and other duties which may be agreed upon by  
8 the commissioner of public health and the Iowa air pollution  
9 control commission and Iowa water pollution control commission.  
10 All rules promulgated shall be subject to the provisions of  
11 chapter seventeen A (17A) of the Code.

12 **Sec. 5. Certification of Sanitary Disposals—Temporary and**  
13 **Permanent.**

14 The commissioner of public health shall certify if sanitary  
15 disposals operated by or for cities, towns and counties meet  
16 the standards for sanitary disposals provided for by this Act  
17 and the rules and regulations of the commissioner of public  
18 health, by issuing a permit for such sanitary disposals. Per-  
19 manent permits shall be issued for city, town and county sani-  
20 tary disposals which fully comply with all provisions of this  
21 Act and rules and regulations issued pursuant thereto. Tempo-  
22 rary permits shall be issued for sanitary disposals operated  
23 by or for cities, towns and counties which have not met all the  
24 provisions of this Act and rules and regulations issued pursuant  
25 thereto, if a comprehensive plan for compliance within the time  
26 limitations required by this Act is developed by a city, town  
27 or county and is approved by the state health commissioner.  
28 Every city, town or county of this state shall qualify for a  
29 permanent permit by July 1, 1975 or be subject to such legal  
30 actions authorized by section eight (8) of this Act.

31 Temporary and permanent permits shall be issued without fee  
32 by the commissioner of public health or at his direction, a local  
33 board of health, for sanitary disposals operated by or for cities,  
34 towns and counties shall be issued in the name of the city, town  
35 or county. Such permits shall be renewed annually after inspec-

1 tion by the commissioner of public health or a local board of  
2 health. The permits issued pursuant to this section shall be  
3 in addition to any other licenses, permits or variances autho-  
4 rized by law. A permit may be suspended or revoked at any time  
5 a sanitary disposal is found not to meet the requirements of  
6 the provisions of this Act or rules and regulations issued pur-  
7 suant thereto.

8 **Sec. 6. City, Town and County Sanitary Disposals—Compliance**  
9 **—Development of Plans.**

10 Not later than thirty months from the effective date of this  
11 Act every city, town and county shall file with the commissioner  
12 of public health a plan detailing the method by which the city,  
13 town or county will comply with the provisions of this Act. The  
14 commissioner of public health shall review each plan submitted  
15 and may reject, suggest modification, or approve the proposed  
16 plan. The commissioner of public health shall aid in the de-  
17 velopment of plans for compliance with the provisions of this  
18 Act. The commissioner of public health shall make available to  
19 each city, town and county appropriate forms for the submission  
20 of plans and may hold hearings for the purpose of implementing  
21 this Act.

22 **Sec. 7. Financing of Sanitary Disposals.**

23 A city, town or county may finance the planning, construction,  
24 and operation of a sanitary disposal through the use of any of  
25 the following methods:

- 26 1. The imposition of a schedule of fees for:
  - 27 a. Collection or disposal of solid waste, or both such  
28 collection or disposal.
  - 29 b. The use of the sanitary disposal by any person.
- 30 2. The issuance of bonds as authorized by law.
- 31 3. The levying of taxes authorized by law.
- 32 4. The levying of not to exceed one-fourth mill authorized  
33 in section three hundred thirty-two point thirty-two (332.32)  
34 of the Code for counties and not to exceed one mill for cities  
35 and towns. The levy for cities and towns shall not be subject

1 to and is in addition to the bill levy limitation provided for  
2 in section four hundred four point two (404.2) of the Code.

3 5. Any combination of the methods herein authorized  
4 The provisions of sections three hundred sixty-eight point  
5 twenty-four (368.24), three hundred ninety-four point five  
6 (394.5), chapter four hundred four (404), section four hundred  
7 seven point three (407.3), subsection two (2) of the Code;  
8 chapter two hundred thirty-six (236), Acts of the Sixty-third  
9 General Assembly, First Session; and any other provision of  
10 law applicable to financing city, town or county facilities,  
11 not in conflict with the provisions of this Act, shall apply  
12 to the financing of sanitary disposals.

13 **Sec. 8. Prohibited Practices—Penalties—Enforcement.**

14 1. Commencing July 1, 1975 it shall be unlawful for any  
15 city, town, county, or other political subdivision, person,  
16 corporation, partnership, or other legal entity or their rep-  
17 resentative to dump or deposit or permit the dumping or depos-  
18 iting of any solid waste at any place other than a sanitary  
19 disposal approved by the commissioner of public health, or for  
20 which a permanent permit has been issued. This section shall  
21 not prohibit a natural person from dumping or depositing solid  
22 waste resulting from his own residential or farming activities  
23 on land owned or leased by him if such action does not violate  
24 any statute of this state or rules or regulations promulgated  
25 by the commissioner of public health, local boards of health,  
26 or rules and regulations issued by the Iowa air pollution con-  
27 trol commission or Iowa water pollution control commission.  
28 Any person violating this subsection shall be guilty of a mis-  
29 demeanor.

30 2. The commissioner of public health may issue any order  
31 necessary to secure compliance with or prevent a violation  
32 of the provisions of this Act or the rules and regulations  
33 promulgated pursuant thereto. The attorney general shall, on  
34 request of the commissioner of public health, institute any  
35 legal proceedings necessary in obtaining compliance with an

1 order of the commissioner of public health or prosecuting any  
2 person for a violation of the provisions of this Act or rules  
3 and regulations issued pursuant thereto.

4 **Sec. 9. Orders of Commissioner of Public Health—Appeals.**

5 Any person aggrieved by an order of the commissioner of  
6 public health may appeal the same by filing a written notice  
7 of appeal with the commissioner of public health within thirty  
8 days of the issuance of the order. The commissioner of public  
9 health shall schedule a hearing for the purpose of hearing the  
10 arguments of the aggrieved person within thirty days of the  
11 filing of the notice of appeal. The hearing may be held before  
12 the commissioner of public health or his designee. A complete  
13 record shall be made of the proceedings. The commissioner of  
14 public health shall issue the findings in writing to the aggrieved  
15 person within thirty days of the conclusion of such hearing. If  
16 such person is not satisfied with the findings of the commissioner  
17 of public health, he may appeal such findings to the district  
18 court of the county wherein the acts in issue occurred. Such  
19 appeal shall be made within thirty days of the issuance of the  
20 findings of the commissioner of public health and a copy of the  
21 same shall be filed with the commissioner of public health. The  
22 court upon the filing of such appeal shall hear the appeal in  
23 equity.

24 **Sec. 10.** Section one hundred thirty-five point eleven (135.11),  
25 subsection seven (7), Code 1966, is hereby amended by inserting  
26 in line two (2) after the word "plants," the words "sanitary  
27 disposals,".

28 **Sec. 11** Section one hundred thirty-six point three (136.3),  
29 subsection two (2), subdivision c, is hereby amended by insert-  
30 ing in line two (2) after the comma the words "sanitary dis-  
31 posals,".

32 **Sec. 12.** Section three hundred sixty-eight point twenty-  
33 four (368.24), Code 1966, as amended by chapter three hundred  
34 fifteen (315), sections one (1) and two (2), Acts of the Sixty-  
35 second General Assembly, is further amended as follows:

1 1. By inserting in line three (3) after the word "of" the  
2 words "solid waste,".

3 2. By inserting in line five (5) following the word "grounds"  
4 the words ", sanitary disposals,".

5 3. By inserting in line nine (9) after the words "collection  
6 of" the words "solid waste,".

7 4. By inserting in line eleven (11) after the word "dump"  
8 the words ", sanitary disposal,".

9 5. By inserting in line fourteen (14) after the word "dump"  
10 the words ", sanitary disposal,".

11 6. By inserting in line sixteen (16) after the word "of"  
12 the words "solid waste,".

13 Sec. 13. Section three hundred ninety-four point five (394.5),  
14 Code 1966, is hereby amended by inserting in line six (6) after  
15 the word "operating" the words "sanitary disposals,".

16 Sec. 14. Section four hundred four point nine (404.9), Code  
17 1966, is hereby amended as follows:

18 1. By inserting in subsection three (3), line three (3),  
19 after the word "grounds" the words "and sanitary disposals".

20 2. By inserting in subsection five (5), line two (2), after  
21 the word "of" the words "solid waste,".

22 Sec. 15. Section four hundred seven point three (407.3),  
23 subsection two (2), is hereby amended by inserting in line two  
24 (2) after the word "plants" the words "and sanitary disposals".

25 Sec. 16. Section four hundred twenty point one hundred  
26 seventy-one (420.171), Code 1966, is hereby amended by insert-  
27 ing in line ten (10) after the word "garbage" the words "and  
28 other solid waste".

29 Sec. 17. There is hereby appropriated from the general fund  
30 of the state to the state department of health the sum of fifty  
31 thousand (50,000) dollars, or so much thereof as may be neces-  
32 sary, for the fiscal year beginning July 1, 1970 and ending  
33 June 30, 1971, for salaries, support, maintenance, planning,  
34 and miscellaneous expenses incurred in administering the pro-  
35 visions of This Act.

## EXPLANATION

This bill will provide for the mandatory establishment of sanitary disposals for the use of the entire population of this state by July 1, 1975. Cities, towns and counties may establish separate or joint sanitary disposal facilities or contract with private facilities to comply with this bill. The commissioner of public health is granted the authority to administer the bill and adopt rules pursuant thereto.

The bill requires that the local governments submit plans for compliance within thirty months after the effective date of the proposed act. The local officials may seek the aid of the state department of health in developing such plans.

The establishment and operation of sanitary disposals may be financed by collection fees, user fees, the issuance of bonds, property tax levies or other taxes authorized by law. Counties are limited to a property tax levy up to one-fourth mill and cities and towns may levy a property tax not exceeding one mill.

The enforcement provisions provide a vehicle for criminal prosecution for violations of the proposed Act while at the same time making available proper civil remedies such as cease and desist orders, injunctions and writs of mandamus.

The bill will appropriate \$50,000 to the state department of health for administrative expenses for fiscal year 1971.

SENATE FILE 1232

1 Amend Senate File 1232 as follows:

2 1. By striking everything after the enacting clause and insert-  
3 ing in lieu thereof the following:

4 Section. 1. Purpose.

5 The purpose of this Act is to require cities, towns, and  
6 counties to provide sanitary disposal projects for the final  
7 disposition of solid wastes by their residents and, thereby,  
8 protect the citizens of this state from such hazards to their  
9 health, safety and welfare that result from the uncontrolled  
10 disposal of solid wastes.

11 Sec. 2. Definitions.

12 As used in this Act unless the context clearly indicates  
13 a contrary intent:

14 1. "Public agency" means a public agency as defined in  
15 section twenty-eight E point two (28E.2) of the Code

16 2. "Private agency" means a private agency as defined in  
17 section twenty-eight E point two (28E.2) of the Code.

18 3. "Sanitary disposal project" means all facilities and  
19 appurtenances including ~~all~~ real and personal property con-  
20 nected with such facilities, which are acquired, purchased,  
21 constructed, reconstructed, equipped, improved, extended, main-  
22 tained, or operated to facilitate the final disposition of solid  
23 waste without creating a significant hazard to the public health  
24 or safety, and which are approved by the commissioner of public

25 health.

26 4. "Solid waste" means garbage, refuse, rubbish, and  
27 other similar discarded solid or semisolid materials, includ-  
28 ing but not limited to such materials resulting from industrial,  
29 commercial, agricultural, and domestic activities. Solid waste  
30 may include vehicles, as defined by subsection one (1) of sec-  
31 tion three hundred twenty-one point one (321.1) of the Code.

32 Sec. 3. Mandatory Establishment of Sanitary Disposal  
33 Projects.

34 Every city, town and county of this state shall provide  
35 for the establishment and operation of a sanitary disposal  
36 project for final disposal of solid waste by its residents not  
37 later than the first of July, 1975. Sanitary disposal projects  
38 may be established either separately or through cooperative  
39 efforts for the joint use of the participating public agencies  
40 as provided by law.

41 Cities, towns and counties may execute with public and pri-  
42 vate agencies contracts, leases, or other necessary instruments,  
43 purchase land and do all things necessary not prohibited by law  
44 for the collection of solid waste, establishment and operation  
45 of sanitary disposal projects, and general administration of  
46 the same. Any agreement executed with a private agency for the  
47 operation of a sanitary disposal project shall provide for the  
48 posting of a sufficient surety bond by the private agency con-  
49 ditioned upon the faithful performance of the agreement.

50 Sec. 4. Commissioner of Public Health—Duties.

51 The commissioner of public health shall administer the pro-  
52 visions of this Act, and the provisions of chapter one hundred  
53 thirty-five (135) of the Code shall be applicable to this Act.

54 Local boards of health shall cooperate in the enforcement  
55 of this Act and the commissioner of public health may seek  
56 their aid and delegate duties of the state department of health  
57 to local boards of health in the manner provided in chapter one  
58 hundred sixty-three (163), Acts of the Sixty-second General As-  
59 sembly.

60 Sec. 5. Rules and Regulations.

61 The commissioner of public health shall promulgate, adopt  
62 and enforce rules for the proper administration of this Act  
63 which shall reflect and accommodate insofar as is reasonably  
64 possible those current and generally accepted methods and tech-  
65 niques for treatment and disposition of solid waste which will  
66 serve the purposes of this Act, which shall take into consider-  
67 ation such factors, including others which it may deem proper,  
68 as existing physical conditions, topography, soils and geology,  
69 climate, transportation, and land use, such rules including but  
70 not limited to rules relating to the establishment and location  
71 of sanitary disposal projects, sanitary practices, inspection  
72 of sanitary disposal projects, collection of solid waste, dis-  
73 posal of solid waste, pollution controls, the issuance of per-  
74 mits, approved methods of private disposition of solid waste,  
75 the general operation and maintenance of sanitary disposal  
76 projects, and the implementation of this Act. Prior to issu-

77 ance of rules and regulations or amendments thereto, the com-  
78 missioner of public health shall hold at least one public hear-  
79 ing on the proposed rules or amendments, and shall give notice  
80 of such hearing at least thirty days in advance by publishing  
81 notice in a newspaper of general circulation in the state.  
82 The Iowa air pollution control commission and the Iowa water  
83 pollution control commission shall aid the commissioner of  
84 public health in the administration of this Act including the  
85 promulgation and adoption of rules and other duties which may  
86 be agreed upon by the commissioner of public health and the  
87 Iowa air pollution control commission and Iowa water pollution  
88 control commission. All rules promulgated shall be subject  
89 to the provisions of chapter seventeen A (17A) of the Code.

90 Sec. 6. Certification of Sanitary Disposal Projects.

91 The commissioner of public health shall certify if dis-  
92 posal projects operated or planned to be operated by or for  
93 cities, towns, counties and those operated by private agencies  
94 meet the standards provided for by this Act and the rules and  
95 regulations of the commissioner of public health, by issuing  
96 a permit for existing disposal projects which fully comply,  
97 and for planned sanitary disposal projects whose plans fully  
98 comply, with all provisions of this Act and rules and regula-  
99 tions issued pursuant thereto. Permits shall be issued for  
100 existing disposal sites which have not met all the provisions  
101 of this Act and rules and regulations issued pursuant thereto,  
102 if a comprehensive plan for compliance within the time limita-  
103 tions required by this Act is developed by a city, town, county  
104 or private agency and is approved by the commissioner of public  
105 health. Every city, town or county of this state and every  
106 private agency involved in the final disposal of solid waste  
107 shall qualify for a permit by the first of July, 1975 or be  
108 subject to such legal actions authorized by section ten (10)  
109 of this Act.

110 Permits shall be issued without fee by the commissioner  
111 of public health or at his direction, by a local board of health,  
112 for each sanitary disposal project operated in this state.  
113 Such permits shall be issued in the name of the city, town  
114 or county or, where applicable, in the name of the public or  
115 private agency operating such project. Each sanitary disposal  
116 project shall be inspected annually by the commissioner of  
117 public health or a local board of health. The permits issued  
118 pursuant to this section shall be in addition to any other  
119 licenses, permits or variances authorized by law. A permit  
120 may be suspended or revoked after notice and hearing before  
121 the commissioner of public health or his designee if a sani-  
122 tary disposal project is found not to meet the requirements  
123 of the provisions of this Act or rules and regulations issued  
124 pursuant thereto.

125 Sec. 7. City, Town and County Sanitary Disposal Projects—  
126 Compliance—Development of Plans.

127 Not later than thirty months from the effective date of  
128 this Act every city, town, county and every private agency

129 operating or planning to operate a sanitary disposal project  
130 shall file with the commissioner of public health a plan de-  
131 tailing the method by which the city, town, county or private  
132 agency will comply with the provisions of this Act. The com-  
133 missioner of public health shall review each plan submitted  
134 and may reject, suggest modification, or approve the proposed  
135 plan. The commissioner of public health shall aid in the de-  
136 velopment of plans for compliance with the provisions of this  
137 Act. The commissioner of public health shall make available  
138 to each city, town, county or private agency appropriate forms  
139 for the submission of plans and may hold hearings for the pur-  
140 pose of implementing this Act.

141 Sec. 8. Financing of Sanitary Disposal Projects.

142 The board of supervisors of any county may annually levy  
143 a tax not to exceed one-fourth mill on all taxable property in  
144 the county outside the incorporated limits of any city or town  
145 for the purpose of planning, financing or operating a sanitary  
146 disposal project.

147 Sec. 9. City Financing of Sanitary Disposal Projects.

148 The governing body of any city or town may cause to be  
149 levied a tax annually on all taxable property within its cor-  
150 porate limits not to exceed one mill for the purpose of planning,  
151 financing or operating a sanitary disposal project and such tax  
152 shall not be subject to the thirty mill levy limitation contained  
153 in section four hundred four point two (404.2) of the Code, and  
154 shall be in addition to the taxes authorized by section four  
155 hundred four point two (404.2) of the Code and this provision  
156 shall not be construed to be a substitute for or a limitation  
157 upon any levy otherwise authorized by law.

158 Sec. 10. Prohibited Practices—Penalties—Enforcement.

159 1. Commencing July 1, 1975 it shall be unlawful for any  
160 private agency or public agency to dump or deposit or permit  
161 the dumping or depositing of any solid waste at any place  
162 other than a sanitary disposal approved by the commissioner  
163 of public health. This section shall not prohibit a private  
164 agency or public agency from dumping or depositing solid waste  
165 resulting from their own residential, farming, manufacturing,  
166 mining or commercial activities on land owned or leased by  
167 them if such action does not violate any statute of this state  
168 or rules and regulations promulgated by the commissioner of  
169 public health or local boards of health, or local ordinances,  
170 or rules and regulations issued by the Iowa air pollution con-  
171 trol commission or Iowa water pollution control commission.  
172 A violation of this subsection shall be a misdemeanor.

173 2. The commissioner of public health may issue any order  
174 necessary to secure compliance with or prevent a violation of  
175 the provisions of this Act or the rules and regulations pro-  
176 mulgated pursuant thereto. The attorney general shall, on  
177 request of the commissioner of public health, institute any  
178 legal proceedings necessary in obtaining compliance with an  
179 order of the commissioner of public health or prosecuting any  
180 person for a violation of the provisions of this Act or rules

181 and regulations issued pursuant thereto.

182 Sec. 11. Orders of Commissioner of Public Health—Appeals.

183 Any person aggrieved by an order of the commissioner of  
184 public health issued as provided in this Act may appeal the  
185 same by filing a written notice of appeal with the commissioner  
186 of public health within thirty days of the issuance of the  
187 order. The commissioner of public health shall schedule a  
188 hearing for the purpose of hearing the arguments of the ag-  
189 grieved person within thirty days of the filing of the notice  
190 of appeal. The hearing may be held before the commissioner of  
191 public health or his designee. A complete record shall be made  
192 of the proceedings. The commissioner of public health shall  
193 issue the findings in writing to the aggrieved person within  
194 thirty days of the conclusion of such hearing. If such person  
195 is not satisfied with the findings of the commissioner of pub-  
196 lic health, he may appeal such findings to the district court  
197 of the county wherein the acts in issue occurred. Such appeal  
198 shall be made within thirty days of the issuance of the find-  
199 ings of the commissioner of public health and a copy of the  
200 same shall be filed with the commissioner of public health.  
201 The court upon the filing of such appeal shall hear the appeal  
202 in equity.

203 Sec. 12. Section one hundred thirty-five point eleven  
204 (135.11), subsection seven (7), Code 1966, is hereby amended  
205 by inserting in line two (2) after the word "plants," the words  
206 "sanitary disposal projects,".

207 Sec. 13. Section one hundred thirty-six point three  
208 (136.3), subsection two (2), subdivision c, is hereby amended  
209 by inserting in line two (2) after the comma the words "sani-  
210 tary disposal projects,".

211 Sec. 14. Section three hundred sixty-eight point twenty-  
212 four (368.24), Code 1966, as amended by chapter three hundred  
213 fifteen (315), sections one (1) and two (2), Acts of the Sixty-  
214 second General Assembly, is further amended as follows:

215 1. By striking from line three (3) the words "garbage  
216 and refuse" and inserting in lieu thereof the words "garbage,  
217 refuse, and other solid waste,".

218 2. By inserting in line five (5) following the word  
219 "grounds" the words "and other sanitary disposal projects".

220 3. By striking from line ten (10) the words "refuse and  
221 garbage" and inserting in lieu thereof the words "refuse,  
222 garbage, and other solid waste".

223 4. By inserting in line eleven (11) after the word "dump"  
224 the words ", sanitary disposal project,".

225 5. By striking from line fourteen (14) the word "or" and  
226 inserting in lieu thereof the words ", sanitary disposal proj-  
227 ect, or other,".

228 6. By striking from line seventeen (17) the words "and  
229 refuse" and inserting in lieu thereof the words ", refuse, and  
230 other solid waste".

231 Sec. 15. Section four hundred four point nine (404.9),  
232 Code 1966, is hereby amended as follows:

233 1. By inserting in subsection three (3), line three (3),  
234 after the word "grounds" the words "and sanitary disposal  
235 projects".

236 2. By inserting in subsection five (5), line two (2),  
237 after the word "of" the words "solid waste,".

238 Sec. 16. Section four hundred seven point three (407.3),  
239 Code 1966, is hereby amended by striking subsection two (2).

240 Sec. 17. Section four hundred twenty point one hundred  
241 seventy-one (420.171). Code 1966, is hereby amended by insert-  
242 ing in line ten (10) after the word "garbage" the words "and  
243 other solid waste".

244 Sec. 18. Section four hundred eight A point seven (408A.7),  
245 Code 1966, is hereby amended by inserting in line four (4)  
246 after the word "viaducts" the words ", sanitary disposal proj-  
247 ects as defined in section two (2) of this Act".

248 Sec. 19. Chapter three hundred forty-six (346), Code  
249 1966, is amended by adding the following new section thereto:

250 "The boards of supervisors of counties are hereby autho-  
251 rized to contract indebtedness and to issue general obligation  
252 bonds of the county to provide funds to pay the cost of estab-  
253 lishing, constructing, acquiring, purchasing, equipping, im-  
254 proving, extending, reconstructing and repairing sanitary dis-  
255 posal projects as defined in section two (2) of this Act.

256 Such bonds shall be in denominations of not less than one  
257 hundred dollars nor more than ten thousand dollars, and shall  
258 draw interest at a rate not to exceed seven percent per annum,  
259 payable annually or semiannually. Such bonds shall be due  
260 and payable in not more than twenty years from the date of  
261 issuance but may be made subject to redemption in such manner  
262 and upon such terms as is stated on the face thereof, shall  
263 be in such form as the board of supervisors shall by resolu-  
264 tion provide, and shall show on their face that they are county  
265 sanitary disposal bonds payable from the fund hereinafter pro-  
266 vided. The board of supervisors shall cause to be assessed  
267 and levied each year upon all the taxable property in the  
268 county, which is not within an incorporated city or town, in  
269 addition to the levy authorized for other purposes, a suffi-  
270 cient sum to pay the interest and principal of such bonds as  
271 they become due. Such tax shall not exceed one-half mill in  
272 any one year. The millage limitation referred to herein shall  
273 not limit the source of payment of bonds and interest but shall  
274 only restrict the amount of bonds which may be issued. The  
275 money arising from such levies shall be known as the sanitary  
276 disposal bond fund and shall be used for the payment of such  
277 bonds and interest thereon only; and the treasurer shall open  
278 and keep in his books a separate account thereof, which shall  
279 show the exact condition of such fund. Such bonds shall be  
280 sold at public sale and the county treasurer shall comply with  
281 and be governed by all provisions of chapter seventy-five (75)  
282 of the Code."

283 Sec. 20. Section four hundred four point nineteen (404.19),  
284 Code 1966, as amended by chapter ninety-three (93), Acts of the

285 Sixty-second General Assembly, is hereby further amended by in-  
286 serting in line fifteen (15) after the word "of" the words "es-  
287 tablishing, constructing, acquiring, purchasing, equipping, im-  
288 proving, extending, reconstructing and repairing sanitary dis-  
289 posal projects as defined in section two (2) of this Act or".

290 Sec. 21. Section three hundred ninety-four point one  
291 (394.1), Code 1966, is hereby amended as follows:

292 1. By striking from line two (2) the words "and towns"  
283 and inserting in lieu thereof the words ", towns, counties,".

294 2. By striking lines five (5) and six (6) and inserting  
295 in lieu thereof the following: "equip, improve, extend,  
296 operate, maintain, reconstruct and repair within or without  
297 the corporate limits".

298 3. By striking from line seven (7) the words "or town  
299 or sanitary districts" and inserting in lieu thereof the words  
300 ", town, county, or sanitary district".

301 4. By striking from line twelve (12) the words "or town,"  
302 and inserting in lieu thereof the words ", town, county, or  
303 sanitary district, including sanitary disposal projects as de-  
304 fined in section two (2) of this Act,".

305 5. By striking from line seventeen (17) the words "or town"  
306 and inserting in lieu thereof the words ", town, county,".

307 6. By striking from line eighteen (18) the word "dis-  
308 tricts" and inserting in lieu thereof the word "district".

309 7. By striking from line nineteen (19) the word "the"  
310 and inserting in lieu thereof the words "such sanitary dis-  
311 posal project or such".

312 8. By striking from line twenty (20) the words "or town"  
313 and inserting in lieu thereof the word ", town, county, or  
314 sanitary district".

315 9. By striking from line twenty-one (21) the words "the  
316 respective municipalities" and inserting in lieu thereof the  
317 word "them".

318 10. By striking from lines twenty-three (23) and twenty-  
319 four (24) the words "acquiring, purchasing or constructing"  
320 and inserting in lieu thereof the words "establishing, acquir-  
321 ing, purchasing, constructing, equipping, improving, extend-  
322 ing, reconstructing, repairing, operating, or maintaining".

323 11. By inserting in line twenty-four (24) after the word  
324 "such" the words "sanitary disposal project or such".

325 12. By striking from line twenty-six (26) the words "or  
326 town" and inserting in lieu thereof the words ", town, county,  
327 or sanitary district".

328 13. By inserting in line twenty-seven (27) after the  
329 word "the" the words "sanitary disposal project or".

330 14. By striking from line twenty-eight (28) the words  
331 "or town" and inserting in lieu thereof the words ", town,  
332 county, or sanitary district".

333 15. By striking from lines twenty-nine (29) and thirty  
334 (30) the words "by the respective municipalities".

335 16. By inserting in line thirty (30) after the period the  
336 following: "As used in this chapter the words 'works and

337 facilities', 'work', or 'facilities' shall include but not  
338 be limited to sanitary disposal projects as defined in section  
339 two (2) of this Act."

340 Sec. 22. Section three hundred ninety-four point three  
341 (394.3), Code 1966, is hereby amended as follows:

342 1. By inserting in line three (3) after the word "any"  
343 the words "such sanitary disposal project or".

344 2. By striking from line nine (9) the words "or town, or  
345 in" and inserting in lieu thereof the words ", town, county,  
346 or sanitary district."

347 3. By striking lines ten (10) through fourteen (14),  
348 inclusive.

349 Sec. 23. Section three hundred ninety-four point four  
350 (394.4), Code 1966, is hereby repealed.

351 Sec. 24. Section three hundred ninety-four point five  
352 (394.5), Code 1966, is hereby amended as follows:

353 1. By striking from line two (2) the words "and towns  
354 may by" and inserting in lieu thereof the words ", towns,  
355 counties, and sanitary districts may by resolution or".

356 2. By striking from line three (3) the words "collection  
357 and" and inserting in lieu thereof the words "use of and the  
358 services and facilities to be rendered by the sanitary disposal  
359 project or for the collection and".

360 3. By striking from lines five (5) and six (6) the words  
361 "construction, extending, repairing, maintaining, and operating"  
362 and inserting in lieu thereof the words "establishing, acquir-  
363 ing, purchasing, constructing, equipping, improving, extending,  
364 reconstructing, repairing, maintaining, and operating sanitary  
365 disposal projects,".

366 4. By inserting in line eight (8) after the word "such"  
367 the words "project or".

368 5. By inserting in line nine (9) after the word "such"  
369 the words "project or".

370 Sec. 25. Section three hundred ninety-four point six  
371 (394.6), Code 1966, is hereby amended as follows:

372 1. By striking from line one (1) the words "and towns"  
373 and inserting in lieu thereof the words ", towns, counties,".

374 2. By striking from line four (4) the word "the".

375 3. By striking lines five (5) through seven (7), inclusive,  
376 and inserting in lieu thereof the words "any of the purposes  
377 referred to in this chapter,".

378 4. By striking from line eight (8) the word "control,".

379 5. By striking from line eleven (11) the words "and  
380 towns" and inserting in lieu thereof the words ", towns,  
381 counties,".

382 6. By striking from line fifteen (15) the words "con-  
383 struction of any" and inserting in lieu thereof the words  
384 "costs of any of the projects or".

385 7. By striking from line seventeen (17) the words "and  
386 towns" and inserting in lieu thereof the words ", towns,  
387 counties,".

388 8. By striking from line twenty-two (22) the words "and

389 towns" and inserting in lieu thereof the words ", towns,  
390 counties,".

391 9. By striking from lines twenty-four (24) and twenty-  
392 five (25) the words "construction of said" and inserting in  
393 lieu thereof the words "said projects or".

394 10. By striking from line twenty-six (26) the words "or  
395 town" and inserting in lieu thereof the words ", town, county".

396 11. By inserting in line twenty-eight (28) after the  
397 word "such" the words "project or".

398 12. By striking from lines thirty-one (31) and thirty-  
399 two (32) the word "construction" and inserting in lieu thereof  
400 the words "the project or improvement".

401 13. By striking from line thirty-eight (38) the word  
402 "municipality" and inserting in lieu thereof the words "city  
403 or town, the chairman of the board of supervisors and county  
404 auditor of the county,".

405 14. By striking from line forty-five (45) the words "or  
406 town" and inserting in lieu thereof the words ", town, county,".

407 15. By inserting in line fifty-three (53) after the word  
408 "by" the words "resolution or".

409 16. By striking from line fifty-four (54) the words "and  
410 towns" and inserting in lieu thereof the words ", towns,  
411 counties, and sanitary districts".

412 17. By inserting in line fifty-seven (57) after the word  
413 "acquiring" the words "sanitary disposal projects, or".

414 18. By striking from line sixty-two (62) the words "or  
415 town" and inserting in lieu thereof the words ", town, county,  
416 or sanitary district".

417 19. By inserting in line sixty-three (63) after the word  
418 "such" the word "projects,".

419 20. By striking from line sixty-five (65) the words "or  
420 town" and inserting in lieu thereof the words ", town, county,  
421 or sanitary district".

422 21. By striking from lines sixty-five (65) and sixty-six  
423 (66) the words "by the respective municipalities".

424 22. By inserting in line sixty-seven (67) after the word  
425 "such" the words "sanitary disposal project, or".

426 23. By inserting in line sixty-nine (69) after the word  
427 "its" the words "sanitary disposal project or".

428 Sec. 26. Section three hundred ninety-four point seven  
429 (394.7), Code 1966, is hereby amended as follows:

430 1. By striking from line two (2) the word "and".

431 2. By striking lines three (3) and four (4) and inserting  
432 in lieu thereof the words ", towns, counties, and sanitary dis-  
433 tricts for any of the purposes referred to in this chapter, not-  
434 withstanding".

435 3. By striking from lines five (5) and six (6) the words  
436 "for the construction of any such improvement".

437 Sec. 27. Section three hundred ninety-four point eight  
438 (394.8), Code 1966, is hereby amended as follows:

439 1. By striking from lines two (2) and three (3) the words  
440 "council of the municipality" and inserting in lieu thereof the

Senate 13

441 words "governing body of the city, town, county or sanitary  
442 district".

443 2. By inserting in line three (3) after the word "by"  
444 the words "resolution or".

445 3. By inserting in line four (4) before the word "works"  
446 the words "sanitary disposal project or".

447 Sec. 28. Section three hundred ninety-four point nine  
448 (394.9), Code 1966, is hereby amended as follows:

449 1. By striking from line one (1) the words "city or town  
450 council" and inserting in lieu thereof the words "governing  
451 body of the city, town, county, or sanitary district".

452 2. By inserting in line two (2) after the word "ordinance"  
453 the words "or resolution".

454 3. By striking from line ten (10) everything after the  
455 word "works" and inserting in lieu thereof the following:  
456 "The governing body of such city, town, county, or sanitary  
457 district may also by ordinance or resolution establish and  
458 maintain just and equitable rates or charges for the use of  
459 and the services and facilities rendered by a sanitary dis-  
460 posal project. Such governing body may readjust such rates  
461 or charges from time to time and may charge and collect rea-  
462 sonable rates and charges for landing, wharfage, dockage,  
463 swimming, and".

464 4. By striking lines eleven (11) through thirteen (13),  
465 inclusive.

466 5. By striking line seventeen (17) and inserting in lieu  
467 thereof the words "repair, maintenance, acquisition, purchase,  
468 construction, equipping, improving, and extension of the sani-  
469 tary disposal project or".

470 6. By inserting in line twenty-five (25) after the word  
471 "ordinance" the words "or resolution".

472 7. By inserting in line twenty-seven (27) after the word  
473 "such" the words "sanitary disposal project or".

474 Sec. 29. Section three hundred ninety-four point twelve  
475 (394.12), Code 1966, is hereby amended as follows:

476 1. By striking from line two (2) the words "and towns"  
477 and inserting in lieu thereof the words ", towns, counties,  
478 and sanitary districts".

479 2. By striking from line nine (9) the word "municipalities"  
480 and inserting in lieu thereof the words "city, town, county, or  
481 sanitary district".

482 3. By striking from line ten (10) everything after the  
483 word "chapter" and inserting in lieu thereof a period.

484 4. By striking lines eleven (11) through sixteen (16),  
485 inclusive.

486 5. By inserting in line twenty-three (23) after the word  
487 "of" the words "such sanitary disposal project or".

488 6. By striking from line twenty-five (25) the words "or  
489 town" and inserting in lieu thereof the words ", town, county,  
490 or sanitary district".

491 Sec. 30. There is hereby appropriated from the general  
492 fund of the state to the state department of health the sum of

493 fifty thousand (50,000) dollars, or so much thereof as may be  
494 necessary, for the fiscal year beginning July 1, 1970 and end-  
495 ing June 30, 1971, for salaries, support, maintenance, planning,  
496 and miscellaneous expenses incurred in administering the pro-  
497 visions of this Act.

498 2. Page 1, line 1, by striking the words "disposals and" and  
499 inserting in lieu thereof the words "disposal projects, autho-  
500 rizing a tax therefor, making an appropriation therefor, and".

*Adopted as amended 2/23*

COMMITTEE ON  
ENVIRONMENTAL PRESERVATION  
ARTHUR A. NEU, Chairman

#### EXPLANATION OF AMENDMENT

This bill will provide for the mandatory establishment of sanitary disposal projects for the use of the entire population of this state by July 1, 1975. Cities, towns and counties may establish separate or joint sanitary disposal facilities or contract with private facilities to comply with this bill. The commissioner of public health is granted the authority to administer the bill and adopt rules pursuant thereto.

The bill requires that the local governments submit plans for compliance within thirty months after the effective date of the proposed Act. The local officials may seek the aid of the state department of health in developing such plans.

The establishment and operation of sanitary disposals may be financed by collection fees, user fees, the issuance of bonds, property tax levies or other taxes authorized by law. Counties are limited to a property tax levy up to one-fourth mill and cities and towns may levy a property tax not exceeding one mill. Counties may also levy a property tax not to exceed one-half mill for debt service on sanitary disposal projects.

The enforcement provisions provide a vehicle for criminal prosecution for violations of the proposed Act while at the same time making available proper civil remedies such as cease and desist orders, injunctions and writs of mandamus.

The bill will appropriate \$50,000 for the state department of health for administrative expenses for fiscal year 1971.



1 Amend the committee on environmental preservation  
2 amendment to Senate File 1232, filed March 19, 1970, by  
3 adding the following new section after line 497:  
4 "Sec. 31. Every person, firm, or corporation, at the  
5 time of originally licensing and registering a motor vehicle  
6 within this state shall pay to the county treasurer, or  
7 licensing authority, in addition to all other fees and  
8 taxes required by law, an additional fee of five dollars.  
9 Such additional fee shall be paid in full even though such  
10 licensing and registration is only for part of a year or is  
11 pursuant to a proration agreement between this state and  
12 another. The county treasurer or licensing authority shall  
13 not issue any license plates or registration certificate  
14 until such fee is paid. The county treasurer or licensing  
15 authority shall thereafter remit such moneys to the treasurer  
16 of state at the time provided by law for the remittance of  
17 licensing fees. The treasurer shall place such moneys into a  
18 special fund to be known as the auto junk disposal fund. The  
19 office of planning and programming may allocate from such fund  
20 direct grants to a city, town, county, or a group of such  
21 governmental agencies who have entered into an intergovernmental  
22 agreement pursuant to chapter twenty-eight E (28E) of the  
23 Code for the purpose of establishing a sanitary land fill  
24 or other means for disposing of junk cars that is approved  
25 by the office of planning and programming."

Filed and lost

March 23, 1970

By DODERER, DAVIS and GAUDINEER

1 Amend the committee on environment preservation  
2 amendment, filed March 19, 1970, as follows:  
3 1. By striking on line 159 the words "commencing  
4 July 1, 1975" and capitalizing the letter "I" of the  
5 word "it".  
6 2. By striking on line 162 the word "approved"  
7 and inserting in lieu thereof the words "unless waived".  
8 3. By inserting on line 163 following the  
9 period (.) the following:  
10 "Such waiver may be granted upon application  
11 supported by evidence that diligent efforts have been  
12 and are being made to comply with this Act. The  
13 commissioner may grant such application for a period of  
14 not to exceed six (6) months, which may be renewable  
15 thereafter for additional like periods upon adequate  
16 showing as hereinabove provided."

Filed and lost

March 23, 1970

By GLENN

1 Amend Senate File 1232, page 1, by inserting in line 24  
2 after the date "1975" the following:  
3 " , except as otherwise provided in this Act".

Filed *W. Johnson 3/23*  
February 23, 1970

By ERSKINE

1 Amend the committee on environmental preservation amendment  
2 to Senate File 1232 as follows:  
3 1. By striking in line one hundred forty-nine (149) the  
4 word "annually".  
5 2. By striking in line one hundred fifty (150) the word  
6 "one" and inserting in lieu thereof the word "one-quarter".  
7 3. By striking in lines one hundred fifty (150) and one  
8 hundred fifty-one (151) the words "planning, financing or operating"  
9 and inserting in lieu thereof the word "planning".  
10 4. By adding in line one hundred fifty-seven (157) following  
11 the period the following new sentence: "The tax herein authorized  
12 may be levied one time by each city and town in this state."

Filed and adopted  
March 23, 1970

By NEU

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1 Amend the environmental preservation committee amendment  
2 filed March 19, 1970, line 31, by inserting after the word  
3 "Code." the following new sentence:  
4 "Nothing herein shall be construed as requiring that dirt,  
5 stone, brick or similar material used for fill, landscaping,  
6 excavation or grading be deposited in a sanitary disposal."

Filed and adopted  
March 23, 1970

By MOWRY

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1 Amend the committee on environmental preservation  
2 amendment to Senate File 1232, filed March 19, 1970, and  
3 found on pages 969-978 of the Senate Journal, by striking  
4 in line 119 thereof the words "by law." and inserting in  
5 lieu thereof the following:  
6 "or required by law, including, but not limited to,  
7 the provisions of chapter three hundred fifty-eight A (358A)  
8 of the Code."

Filed and adopted  
March 23, 1970

By SHIRLEY

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1 Amend the environmental preservation Committee amendment  
2 to Senate File 1232, filed March 19, 1970, as follows:  
3 1. Line 208, by striking the word "subdivision" and insert-  
4 ing in lieu thereof the word "paragraph".  
5 2. Line 292, by striking the word and figure "two (2)"  
6 and inserting in lieu thereof the figure "one (1)".

Filed and adopted  
March 23, 1970

By SHIRLEY

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