

February 26, 1965
Passed on File. *Public Health 3/8*
amended + do pass 3/31
Appropriations do pass 4/22

House File 412

By GALLAGHER, SMITH of Linn,
KENNEDY, WILSON, UBAN,
BAKER, JACKSON of Black Hawk,
COHEN, REICHARDT, CRAIG,
ANDERSON, MAULE, FISCHER
of Grundy, NAGLE and LYNCH.

Passed House, Date 4/28
Vote: Ayes 85 Nays 23

Passed Senate, Date 5/25
Vote: Ayes 4 Nays 5

Approved.....

A BILL FOR

passed on file 5/3
public health 5/4
amended, do pass 5/11
reassigned Appropriations 5/17
do pass 5/25

An Act relating to water pollution control.

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

1 Section 1. Statement of Policy. Whereas the pollution of
2 the waters of this state constitutes a menace to public health
3 and welfare, creates public nuisances, is harmful to wildlife,
4 fish and aquatic life, and impairs domestic, agricultural,
5 industrial, recreational and other legitimate beneficial uses
6 of water, and whereas the problem of water pollution in this
7 state is closely related to the problem of water pollution in
8 adjoining states, it is hereby declared to be the public policy
9 of this state to conserve the waters of the state and to protect,
10 maintain and improve the quality thereof for public water
11 supplies, for the propagation of wildlife, fish and aquatic life,
12 and for domestic, agricultural, industrial, recreational and
13 other legitimate (beneficial) uses; to provide that no waste
14 be discharged into any waters of the state without first being
15 given the degree of treatment necessary to protect the legitimate
16 (beneficial) uses of such waters; to provide for the prevention,
17 abatement and control of new, increasing, potential, or existing
18 water pollution; and to cooperate with other agencies of the
19 state, agencies of other states and the federal government in

20 carrying out these objectives.

1 Sec. 2. When used in this Act:

2 1. "Sewage" means the water-carried waste products from
3 residences, public buildings, institutions, or other buildings,
4 including the bodily discharges from human beings or animals
5 together with such ground water infiltration and surface water
6 as may be present.

7 2. "Industrial waste" means any liquid, gaseous or solid
8 waste substance resulting from any process of industry,
9 manufacturing, trade or business or from the development of any
10 natural resource.

11 3. "Other waste" means garbage, municipal refuse, lime,
12 sand, ashes, offal, oil, tar, chemicals and all other substances
13 which are not sewage or industrial waste which may pollute the
14 waters of the state.

15 4. "Pollution" means the contamination of any waters of the
16 state so as to create a nuisance or render such waters unclean,
17 noxious or impure so as to be actually or potentially harmful,
18 detrimental or injurious to public health, safety or welfare, to
19 domestic, commercial, industrial, agricultural or recreational
20 use or to livestock, wild animals, birds, fish or other aquatic
21 life.

22 5. "Sewer system" means pipe lines or conduits, pumping
23 stations, force mains and all other constructions, devices and
24 appliances appurtenant thereto used for conducting sewage or
25 industrial waste or other wastes to a point of ultimate disposal.

26 6. "Treatment works" means any plant, disposal field, lagoon,
27 holding or flow regulating basin, pumping station, or other works

28 installed for the purpose of treating, stabilizing or disposing
29 of sewage, industrial waste or other wastes.

30 7. "Disposal system" means a system for disposing of sewage,
31 industrial waste and other wastes and includes sewer systems,
32 treatment works, and disposal systems.

33 8. "Waters of the state" means all streams, lakes, ponds,
34 marshes, watercourses, waterways, wells, springs, reservoirs,
35 aquifers, irrigation systems, drainage systems, and all other
36 bodies or accumulations of water, surface or underground,
37 natural or artificial, public or private, which are contained
38 within, flow through or border upon the state or any portion
39 thereof.

40 9. "Person" means the state or any agency or institution
41 thereof, any municipality, governmental subdivision, public or
42 private corporation, individual, partnership, or other entity
43 and includes any officer or governing or managing body of any
44 municipality, governmental subdivision or public or private
45 corporation.

46 10. "Commission" means the Iowa water pollution control
47 commission.

1 Sec. 3. There is hereby created and established the Iowa
2 water pollution control commission. The commission is estab-
3 lished as an agency of the state government to prevent, abate,
4 or control the pollution of the waters of the state.

1 Sec. 4. The commssion shall consist of nine (9) members as
2 follows:

- 3 1. The commissioner of public health.
- 4 2. The director of the state conservation commission.

5 3. The director of the Iowa natural resources council.

6 4. A member from the staff of one of the state universities
7 who has technical background, training and knowledge in the field
8 of water pollution.

9 5. The secretary of agriculture.

10 6. Four (4) electors of the state who shall be selected from
11 the state at large solely with regard to their qualifications and
12 fitness to discharge the duties of office without regard to their
13 political affiliation. Of these four (4), one (1) shall
14 represent industry, one (1) shall represent municipal government
15 and the remaining two (2) shall represent the public at large.

1 Sec. 5. The members of the commission not holding public
2 office shall be appointed by the governor for overlapping terms
3 of six (6) years. The members of the first commission not holding
4 public office shall be appointed for the following terms: two (2)
5 electors for a term to expire July 1, 1967; two (2) electors for
6 a term to expire July 1, 1969; and a member of one (1) of the
7 state universities for a term to expire July 1, 1971. Said terms
8 shall begin immediately upon the appointment. Thereafter the
9 term of each member of the commission shall be six (6) years.

1 Sec. 6. Any vacancy or vacancies on the commission which may
2 occur shall be filled by appointment by the governor for the
3 unexpired portion of the regular term.

4 The governor may remove any member of the commission for
5 malfeasance in office or for any cause that renders him ineligible
6 for membership or incapable or unfit to discharge the duties of
7 his office and his removal when so made shall be final.

1 Sec. 7. Each member of the commission, not otherwise in the

2 full-time employment of any public body, shall receive the sum of
3 twenty-five (25) dollars for each day actually and necessarily
4 employed in the discharge of official duties and each member of
5 the commission shall be entitled to receive the amount of his
6 traveling and other necessary expenses actually incurred while
7 engaged in the performance of any official duties when so
8 authorized by the commission. No member of the commission shall
9 have any direct financial interest in any of the operations of
10 the commission, nor may any member participate in making any
11 decision in which he may have a personal interest.

1 Sec. 8. The commission shall organize by the election of a
2 chairman and other officers deemed necessary and shall hold
3 quarterly regular meetings each calendar year on the last Monday
4 of each quarter and at such other times and places as it may
5 deem necessary. The chairman and other officers shall be elected
6 annually. Meetings may be called by the chairman at any time and
7 shall be called as soon as possible by the chairman on the written
8 request of four (4) members of the commission. The majority of
9 the commission shall constitute a quorum and the concurrence of
10 a majority of the commission in any matter within its duties shall
11 be required for its determination.

1 Sec. 9. The commission is hereby given and charged with the
2 following powers and duties:

3 1. The commission through the state department of health shall
4 have general supervision over administration and enforcement of
5 all laws relating to the pollution of any water of the state,
6 except as provided in section one hundred thirty-five point
7 eleven (135.11) of the Code.

- 8 2. To develop comprehensive plans and programs for the
9 prevention, control and abatement of new, increasing, potential,
10 or existing pollution of the waters of the state.
- 11 3. The commission shall cause the state department of health
12 to conduct investigations upon the written petition of :
- 13 a. The governing body of any city or town.
14 b. The local board of health.
15 c. The supervisors of any county.
16 d. Twenty-five (25) residents of the state.
17 e. Any state agency or agencies.
- 18 4. To adopt, modify, or repeal such reasonable quality
19 standards for any waters of the state in relation to the public
20 use to which they are or may be put as it shall deem necessary
21 for the purposes of this Act.
- 22 5. To require plans and specifications for disposal systems
23 or any part thereof to be submitted to them for approval or
24 disapproval by the state department of health.
- 25 6. To direct the state department of health to issue, revoke,
26 modify, or deny permits, under such conditions as it may prescribe
27 for the prevention or abatement of pollution, for the discharge
28 of sewage, industrial waste or other wastes or for the installation
29 or operation of disposal systems or parts thereof.
- 30 7. Existing permits shall be recognized by the commission for
31 the continuance of every disposal system now operating under
32 legal authority. However, the commission may modify or revoke
33 such permit in the same manner as other permits.
- 34 8. To prescribe rules and regulations for the conduct of the
35 commission and other matters within the scope of the powers

36 granted to and imposed upon it.

37 9. The commission shall cooperate with other state or
38 interstate water pollution control agencies in establishing
39 standards, objectives or criteria for quality of interstate
40 waters originating or flowing through this state.

41 10. To hold such hearings as it may deem advisable and
42 necessary for the discharge of its duties and to authorize any
43 member, employee or agent to hold such hearings.

1 Sec. 10. The state department of health shall conduct such
2 investigations as may be necessary to carry out the provisions of
3 this Act.

1 Sec. 11. The state department of health in accordance with
2 the direction and policies of the commission may issue, modify,
3 or revoke such orders as may be required for the prevention or
4 discontinuance of the discharge of sewage, industrial waste or
5 other wastes in any waters of the state resulting in pollution in
6 excess of the applicable quality standard established by the
7 commission.

1 Sec. 12. Whenever an investigation is made, it shall be full
2 and complete and may include such engineering studies,
3 bacteriological, biological, and chemical analyses of the water
4 and location and character of the source or sources of
5 contamination as may be necessary. If pollution is found to
6 exist, taking into consideration the criteria set forth in section
7 ten (10) of this Act, the commission shall make an order fixing
8 the time and place of hearing which shall be not later than
9 twenty (20) days thereafter. Such hearing shall be public and
10 shall be conducted so far as possible in the same manner as a

11 court hearing and every alleged offender shall have the right to
12 appear, be represented by counsel, present testimony and examine
13 witnesses.

1 Sec. 13. In adopting, modifying, or repealing quality
2 standards for any waters of the state, the commission shall give
3 consideration to:

4 1. The protection of the public health;

5 2. The size, depth, surface area covered, volume, direction
6 and rate of flow, stream gradient, and temperature of the water;

7 3. The character and uses of the land area bordering said
8 waters;

9 4. The uses which have been made, are being made, or may be
10 made of said waters for public, private, or domestic water
11 supplies, irrigation; livestock watering; propagation of
12 wildlife, fish, and other aquatic life; bathing, swimming,
13 boating, or other recreational activity; transportation; and
14 disposal of sewage and wastes;

15 5. The extent of contamination resulting from natural causes
16 including the mineral and chemical characteristics;

17 6. The extent to which floatable or settleable solids may be
18 permitted;

19 7. The extent to which suspended solids, colloids, or a
20 combination of solids with other suspended substances may be
21 permitted;

22 8. The extent to which bacteria and other biological organisms
23 may be permitted;

24 9. The amount of dissolved oxygen that is to be present and
25 the extent of the oxygen demanding substances which may be

26 permitted;

27 10. The extent to which toxic substances, chemicals or
28 deleterious conditions may be permitted;

29 11. The need for standards for effluents from disposal systems.

1 Sec. 14. The commission, its agents, and employees of the
2 state department of health may enter upon any lands or waters in
3 the state and bordering on the state, for the purpose of making
4 any investigation, examination, survey, or study concerning the
5 quality or pollution of such waters.

1 Sec. 15. When the commission or state department of health
2 conducts any hearing or investigation, any member of the
3 commission or any employee or agent authorized in writing by the
4 commission or employee of the state department of health
5 may administer oaths, examine witnesses and issue, in the name
6 of the commission, subpoenas requiring the attendance and
7 testimony of witnesses and the production of evidence relevant
8 to any matter involved in such hearing or investigation.

9 Witnesses shall receive the same fees and mileage as in civil
10 actions.

1 Sec. 16. If any person refuses to obey a subpoena issued
2 under this Act, the district court of the county where the
3 proceeding is pending shall have jurisdiction, upon application
4 of the commission or its authorized member, employee, or agent,
5 to issue to such person an order requiring him to appear and
6 testify or produce evidence and any failure to obey such order
7 of the court may be punished by said court as a contempt thereof.

1 Sec. 17. 1. Notice of the time and place of hearing shall
2 be served upon each alleged offender at least ten (10) days

3 before said hearing. Such notice shall be in the manner required
4 for the service of notice of the commencement of an ordinary
5 action in a court of record.

6 2. Notwithstanding the provisions of subsection one (1) the
7 commission or its director, when it has first been determined that
8 an emergency exists respecting any matter affecting or likely to
9 affect the public health, may make a final order without notice
10 and without hearing. A copy of such final order shall be served
11 as provided in subsection one (1). Any such final order entered
12 by the commission or its director, shall be binding and effective
13 immediately until such order is modified or reversed by the court.

14 3. After such hearing the commission may, if it finds the
15 alleged offender is guilty of the charges, enter an order directing
16 such person to desist in the practice found to be the cause of
17 such pollution, taking into account the use to which the water is
18 being or may be put or the commission upon the recommendation of
19 the state department of health may order a change in the method
20 of discharging sewage, industrial wastes and other wastes into
21 the water so that the same will not result in pollution and the
22 method shall be in compliance with the effluent or water quality
23 standards adopted by the commission.

24 4. If any such change is ordered, unless such practice is
25 rendering such water dangerous to the public health, a reasonable
26 time shall be granted to the offender in which to put in use the
27 method ordered.

28 5. The commission shall keep a complete record of such
29 proceedings, including all the evidence taken, and such record
30 shall be open to public inspection.

1 **Sec. 18.** An appeal may be taken by the aggrieved party from
2 any order entered in such proceedings to the district court of
3 the county in which the alleged offense was committed or such
4 final order was entered. Such appeal shall be perfected by
5 serving a written notice on the chairman of the commission within
6 thirty (30) days of the entry of such order. The hearing on
7 appeal shall be tried as a suit in equity and shall be de novo.
8 The court may receive additional testimony and may affirm, modify
9 or reverse the order of the commission. The setting aside of
10 such order by the court shall not preclude the commission from
11 again instituting proceedings against the same person if the
12 commission feels that the public health is endangered.

1 **Sec. 19.** Within thirty (30) days after an application for an
2 appeal is filed with the commission, it shall make, certify and
3 file in the office of the clerk of the court to which an appeal
4 is taken a full and complete transcript of all documents and
5 papers relating to the case including a copy of the order, rule,
6 regulation or decision appealed from and a copy of any findings
7 of fact, rulings or conclusions of law made by the commission in
8 the matter.

1 **Sec. 20.** Action of the commission shall not be stayed by an
2 appeal except by order of the court for good cause shown by the
3 appellant. The granting of a stay may be conditioned upon the
4 furnishing by the appellant of such reasonable security as the
5 court may direct. A stay may be vacated on application of the
6 commission or any other party after hearing by the court.

1 **Sec. 21.** In any appeal or other proceeding involving any
2 order, rule, regulation, or other decision of the commission, the

3 actions of the commission shall be prima facie reasonable and
4 valid and it shall be presumed that all requirements of law have
5 been complied with. All findings of fact made by the commission
6 shall be prima-facie evidence of the matters therein stated. The
7 burden of proving the contrary of any of the provisions of this
8 section shall rest upon the appellant or other party questioning
9 the action of the commission.

1 Sec. 22. If no appeal is taken from an order, rule,
2 regulation, or other decision of the commission as provided by
3 this Act, or if the action of the commission is affirmed on appeal,
4 the action of the commission in the matter involved shall be deemed
5 conclusive and the validity and reasonableness thereof shall not
6 be raised in any other action or proceeding, but this shall not
7 preclude the commission from modifying or rescinding its action.

1 Sec. 23. The first term after appeal is taken shall be the
2 trial term.

1 Sec. 24. Any person, firm, corporation, municipality, or any
2 officer or agent thereof causing pollution as defined in section
3 one (1) of this Act of any waters of the state or placing or
4 causing to be placed any sewage, industrial waste, or other wastes
5 in a location where they will probably cause pollution of any
6 waters of the state may be enjoined from continuing such action.

7 It shall be the duty of the attorney general, only upon the
8 request of the commission, to bring an action for an injunction
9 against any person, firm, corporation, municipality, or agent
10 thereof violating the provisions of this section. In any such
11 action, any previous findings of the commission after due notice
12 and hearing shall be prima-facie evidence of the fact or facts

13 found therein.

1 Sec. 25. Failure to obey any order issued under the provisions
2 of this Act made by the commission with reference to matters
3 pertaining to the pollution of waters of the state shall constitute
4 prima-facie evidence of contempt. In such event the commission
5 may certify to the district court of the county in which such
6 disobedience occurred the fact of such failure. The district
7 court shall then proceed to hear the matter and if it finds that
8 the order was lawful and reasonable it shall order the party to
9 comply with the order. If the person fails to comply with the
10 court order, he shall be punished for contempt. Each day of
11 noncompliance shall constitute a separate offense.

12 Any person, firm, corporation, or any officer or agent thereof
13 found guilty of contempt under this section shall be fined in a
14 sum not to exceed one thousand (1,000) dollars for each offense.
15 The penalties provided in this section shall be considered as
16 additional to any penalty which may be imposed under the law
17 relative to nuisances or any other statute relating to the
18 pollution of waters of the state and a conviction under this
19 section shall not be a bar to prosecution under any other penal
20 statute.

1 Sec. 26. 1. It shall be unlawful to carry on any of the
2 following activities without first securing a written permit
3 from the state department of health as may be required by the
4 commission for the disposal of all sewage, industrial waste, or
5 other wastes which are or may be discharged into the waters of
6 the state.

7 a. The construction, installation or modification of any

8 disposal system or part thereof or any extension or addition
9 thereto.

10 b. The construction or use of any new outlet for the
11 discharge of any sewage or wastes directly into the waters of
12 the state. However, no permit shall be required for any new
13 disposal system or extension or addition to any existing
14 disposal system that receives only domestic or sanitary sewage
15 from a building, housing or occupied by fifteen (15) persons or
16 less.

17 2. Plans and specifications for any waste disposal system
18 covered by subsection one (1) of this section shall be submitted
19 to the commission before a written permit may be issued and the
20 construction of any such waste disposal system shall be in
21 accordance with plans and specifications as approved by the state
22 department of public health. If it is necessary or desirable
23 to make material changes in such plans or specifications, revised
24 plans or specifications together with reasons for the proposed
25 changes must be submitted to the commission for a supplemental
26 written permit.

27 Any person convicted of violating this section shall be fined
28 in a sum not to exceed five thousand (5,000) dollars.

1 Sec. 27. The commission may require the owner of a waste
2 disposal system, discharging sewage or wastes into any of the
3 waters of the state to file with it complete plans of the whole
4 or any part of such system and any other information and records
5 concerning the installation and operation of such system.

1 Sec. 28. The commission and the state department of health
2 may request and receive from any department, division, board,

3 bureau, commission, public body, or agency of the state, or of
4 any political subdivision thereof, or from any organization,
5 incorporated or unincorporated, which has for its object the
6 control or use of any of the water resources of the state, such
7 assistance and data as will enable the commission or department
8 to properly carry out its activities and effectuate its purposes
9 under the provisions of this Act. The commission or department
10 shall reimburse such agencies for special expense resulting from
11 expenditures not normally a part of the operating expenses of
12 any such agency.

1 Sec. 29. No sewage, industrial waste or other wastes whether
2 treated or untreated shall be discharged directly into any
3 state-owned natural or artificial lake but this section shall
4 not be construed to prohibit the discharge of adequately treated
5 sewage or industrial wastes into a stream tributary to a lake upon
6 the written permission of the commission.

1 Sec. 30. Sections one hundred thirty-five point eighteen
2 (135.18), one hundred thirty-five point nineteen (135.19), one
3 hundred thirty-five point twenty (135.20), one hundred thirty-
4 five point twenty-one (135.21), one hundred thirty-five point
5 twenty-two (135.22), one hundred thirty-five point twenty-three
6 (135.23), one hundred thirty-five point twenty-four (135.24), one
7 hundred thirty-five point twenty-five (135.25), one hundred
8 thirty-five point twenty-six (135.26), one hundred thirty-five
9 point twenty-seven (135.27), one hundred thirty-five point
10 twenty-eight (135.28), and one hundred thirty-five point twenty-
11 nine (135.29), Code 1962, are hereby repealed.

1 Sec. 31. Section four hundred sixty-nine point six (469.6),

2 Code 1962, is hereby amended by striking from lines five (5) and
3 six (6) the words "state department of health" and inserting in
4 lieu thereof the words "Iowa water pollution control commission".

1 Sec. 32. Section four hundred sixty-nine point seven (469.7),
2 Code 1962, is hereby amended by striking from line five (5) the
3 words "department of health" and inserting in lieu thereof the
4 words "Iowa water pollution control commission".

1 Sec. 33. Section four hundred sixty-nine point eight (469.8),
2 Code 1962, is hereby amended by striking from lines one (1) and
3 two (2) the words "department of health" and inserting in lieu
4 thereof the words "Iowa water pollution control commission".

1 Sec. 34. Section two hundred sixty-three point eight (263.8),
2 Code 1962, is hereby amended by striking from line twelve (12)
3 the comma (,) and inserting in lieu thereof the words "or the
4 Iowa water pollution control commission".

1 Sec. 35. Section four hundred fifty-five A point twenty-five
2 (455A.25), Code 1962, is hereby amended by adding to subsection
3 three (3) of such section the following:

4 "No permit shall be issued under this subsection until the
5 approval of the Iowa water pollution control commission has been
6 obtained."

EXPLANATION OF HOUSE FILE 412

The purpose of this bill is to provide for the prevention, abatement and control of potential or existing water pollution and to cooperate with the other agencies of the state in carrying out these objectives.

HOUSE FILE 412

- 1 Amend House File 412 by striking all of section 21
- 2 and by renumbering the following sections.

Filed
May 18, 1965.

Adopted House concurred 5/26
By O'MALLEY and SHAFF.

HOUSE FILE 412

- 1 Amend House File 412, section 9, paragraph 3,
- 2 by striking from line 11 the word "shall" and substituting
- 3 the word "may".

Filed
May 18, 1965.

Adopted 5/25 House concurred 5/26
By O'MALLEY and SHAFF.

HOUSE FILE 412

- 1 Amend House File 412, section 2, paragraph 4,
- 2 by striking from line 17 the words "or potentially".

Filed
May 18, 1965.

Adopted 5/25 House concurred 5/24
By O'MALLEY and SHAFF.

HOUSE FILE 412

- 1 Amend House File 412 as follows:
- 2 1. By inserting a new section eighteen (18) immediately after
- 3 section seventeen (17), as follows and renumber the present
- 4 section eighteen (18) and subsequent sections:
- 5 "Any equipment specially installed or to be installed by any
- 6 person for the prevention or abatement of pollution, and any
- 7 disposal system installed or to be installed by any person for
- 8 the purpose of treating, stabilizing, or disposing of industrial
- 9 waste or other waste, pursuant to the order of the commission,
- 10 or under the requirements of this Act, shall be exempt from
- 11 any taxation of any kind or character."
- 12 2. Amend the title by striking the period (.) at the end thereof
- 13 and substituting a comma (,) and adding immediately thereafter
- 14 the following:
- 15 "and to provide for tax exemption of any equipment
- 16 specially installed for the prevention or abatement of pollution
- 17 or treatment of waste."

Filed
May 18, 1965.

ruled out of order 5/25
By MILLS.

HOUSE FILE 412

- 1 Amend House File 412, section 25, line 15, by striking
- 2 the words "one thousand (1,000)" and inserting in lieu
- 3 thereof the words "one hundred (100)".

Filed and adopted
May 25, 1965.

House concurred 5/24
By STANLEY.

HOUSE FILE 412

- 1 Amend House File 412 by striking from line 28 of Sec. 26 the
- 2 words and figures "five thousand (5,000)" and inserting in lieu
- 3 thereof the words and figures "One thousand (1,000)".

Filed and adopted
May 25, 1965.

House concurred 5/26
By SHAFF.

HOUSE FILE 412

- 1 Amend House File 412, section 25, line 15, by striking
- 2 the words "one thousand (1,000)" and inserting in lieu
- 3 thereof the words "one hundred (100)".

Filed and adopted
May 25, 1965.

By STANLEY.

HOUSE FILE 412

- 1 Amend House File 412 by striking from line 28 of Sec. 26 the
- 2 words and figures "five thousand (5,000)" and inserting in lieu
- 3 thereof the words and figures "One thousand (1,000)".

Filed and adopted
May 25, 1965.

House concurred 5/24
By SHAFF.

HOUSE FILE 412
(Committee Amendment)

5/25
withdrawn
adopted

- 1 Amend House File 412 as follows:
- 2 1. By striking from lines 11 and 12 of section 2 the words "lime,
- 3 sand".
- 4 2. By striking from lines 6, 7, 8, and 9 of section 21 the sentence
- 5 "The burden of proving the contrary of any of the provisions
- 6 of this section shall rest upon the appellant or other party
- 7 questioning the action of the commission."
- 8 3. By adding in line 5 of section 25 after the word "such" the word
- 9 "alleged".
- 10 4. By striking from lines 11 and 12 of section 25 the sentence
- 11 "Each day of noncompliance shall constitute a separate offense."

Filed *House concurred 5/26* May 14, 1965. By COMMITTEE ON PUBLIC HEALTH,
JOHN M. ELY, JR., Chairman.

HOUSE FILE 412

- 1 Amend House File 412 by striking all of section 21
- 2 and by renumbering the following sections.

Filed May 18, 1965. *House concurred 5/26*
By O'MALLEY and SHAFF.

HOUSE FILE 412

- 1 Amend House File 412, section 9, paragraph 3,
- 2 by striking from line 11 the word "shall" and substituting
- 3 the word "may".

Filed May 18, 1965. *Adopted 5/25*
By O'MALLEY and SHAFF.

HOUSE FILE 412

- 1 Amend House File 412, section 2, paragraph 4,
- 2 by striking from line 17 the words "or potentially".

Filed May 18, 1965. *House concurred 5/26*
By O'MALLEY and SHAFF.

HOUSE FILE 412

- 1 Amend House File 412 as follows:
- 2 1. By inserting a new section eighteen (18) immediately after
- 3 section seventeen (17), as follows and renumber the present
- 4 section eighteen (18) and subsequent sections:
- 5 "Any equipment specially installed or to be installed by any
- 6 person for the prevention or abatement of pollution, and any
- 7 disposal system installed or to be installed by any person for
- 8 the purpose of treating, stabilizing, or disposing of industrial
- 9 waste or other waste, pursuant to the order of the commission,
- 10 or under the requirements of this Act, shall be exempt from
- 11 any taxation of any kind or character."
- 12 2. Amend the title by striking the period (.) at the end thereof
- 13 and substituting a comma (,) and adding immediately thereafter
- 14 the following:
- 15 "and to provide for tax exemption of any equipment
- 16 specially installed for the prevention or abatement of pollution
- 17 or treatment of waste."

Filed May 18, 1965. *Adopted 5/25*
By MILLS.

HOUSE FILE 412

- 1 Amend House File 412, section four (4), by striking all
- 2 of line fifteen (15) and inserting in lieu thereof the following:
- 3 "one (1) shall be an owner-operator farmer and one (1) shall
- 4 represent the public at large."

Filed and adopted
April 28, 1965.

DEN HERDER of Sioux.

HOUSE FILE 412

- 1 Amend House File 412 as follows:
- 2 1. Amend section twenty-five (25), by inserting in line
- 3 seven (7), after the word "court" the following words "after
- 4 notice, as prescribed by the court, to the parties in interest".

Filed and adopted
April 28, 1965.

REDFERN of Lee.

HOUSE FILE 412

- 1 Amend House File 412 as follows:
- 2 Amend section two (2), subsection three (3), by
- 3 striking the words "lime," in line eleven (11) and
- 4 "sand," in line twelve (12).

Filed and lost
April 28, 1965.

MILLEN of Jefferson-Van Buren.
FISHER of Greene.

HOUSE FILE 412

- 1 Amend House File 412 as follows:
- 2 1. Amend section nine (9), subsection three (3), by
- 3 striking line sixteen (16).
- 4 2. By relettering subsection three (3) of section nine (9)
- 5 in accordance with this amendment.

Filed and lost
April 28, 1965.

REDFERN of Lee.

HOUSE FILE 412

1 Amend House File 412 as follows:

not adopted

- 2 1. Amend section four (4) by striking in line one (1) the word
- 3 and figure "nine (9)" and insert in lieu thereof the word and figure
- 4 "ten (10)".
- 5 2. Amend section four (4), subsection three (3) by striking
- 6 the period and adding the following: "and a member of the Iowa
- 7 development commission."
- 8 3. Amend section twelve (12) by inserting in line seven (7)
- 9 following the word "shall" the following: "first notify the alleged
- 10 offender and by informal negotiation attempt to resolve the problem
- 11 and failing to do so within fourteen (14) days, up to and during
- 12 which time neither the commission, nor any member of the commission,
- 13 nor its staff or employees shall make any public statement regarding
- 14 the firm or individual as an alleged offender, shall then".
- 15 4. Amend section seventeen (17), subsection two (2), by striking
- 16 in lines nine (9), ten (10) and eleven (11) the word "final" and
- 17 inserting in lieu thereof the word "temporary", and in line thirteen
- 18 (13) following the word "order" by inserting "is reviewed by a hearing
- 19 or".

Filed
April 19, 1965.

REDFERN of Lee.

HOUSE FILE 412

1 Amend House File 412 as follows:

adopted 4/28 lost adopted

- 2 1. By adding after section nine (9), subsection four (4) the
- 3 following:
- 4 "Provided that where the quality of water is inter-related to
- 5 the quantity of water the occurrence of the Iowa Natural Resources
- 6 Council shall be secured for the adoption, modification or repeal
- 7 of such standards, prior to the effective date thereof."
- 8 2. By adding after section seventeen (17) subsection three
- 9 (3) the following:
- 10 "No order shall be issued under the provisions of this sub-
- 11 section without the written approval of the Iowa Natural Resources
- 12 Council."
- 13 3. Amend section eighteen (18), line one (1) by striking the
- 14 word "the" and inserting in lieu thereof the word "any".

Filed
April 20, 1965.

GALLAGHER of Black Hawk.

HOUSE FILE 412

1 Amend House File 412 as follows:

- 2 1. Section seventeen (17) by adding the following after the
- 3 period in line thirty (30):
- 4 "However it shall be unlawful for any person in connection with
- 5 his duties or employment by the commission, to make public or give
- 6 any information relating to secret processes or methods of man-
- 7 ufacture or production at any public hearing or otherwise, and all
- 8 such information shall be kept strictly confidential."
- 9 2. Amend section seventeen (17), subsection two (2), line
- 10 twelve (12), by striking the words "its director," and inserting
- 11 in lieu thereof the words "the state department of health,".

Filed
April 26, 1965.

adopted 4/28

GALLAGHER of Black Hawk.

HOUSE FILE 412

not adopted 4/28 ruled not passed 4/28

1 Amend House File 412 as follows:

- 2 1. Strike all of subsection five (5), section nine (9).
- 3 2. Strike all of subsection two (2), section twenty-
- 4 six (26).
- 5 3. Insert a new section eighteen (18) immediately
- 6 after section seventeen (17), as follows and
- 7 renumber the present section eighteen (18) and
- 8 subsequent sections:
- 9 "Any equipment specially installed or to be
- 10 installed by any person for the prevention or
- 11 abatement of pollution, and any disposal system
- 12 installed or to be installed by any person for
- 13 the purpose of treating, stabilizing, or disposing
- 14 of industrial waste or other waste, pursuant to the
- 15 order of the commission, or under the requirements
- 16 of this Act, shall be exempt from any taxation of
- 17 any kind or character."

Filed
April 27, 1965.

JACKSON of Clinton.
VARNEY of Clinton.

HOUSE FILE 412

- 1 Amend House File 412 by striking from line seven (7) of section
- 2 twelve (12) the word and figures "ten (10)" and inserting in lieu
- 3 thereof the word and figures "thirteen (13)".

Filed *with drawn 4/28*
March 10, 1965.

GALLAGHER of Black Hawk.

HOUSE FILE 412

*removed
of side 4/28*

- 1 Amend House File 412 as follows:
- 2 1. Amend section four (4) by striking all of lines six (6),
- 3 seven (7) and eight (8) and inserting in lieu thereof "A member
- 4 of the Iowa development commission".
- 5 2. Amend section seven (7), line three (3), by striking the
- 6 word and figure "twenty-five (25)" and inserting in lieu thereof
- 7 the word and figure "thirty (30)".
- 8 3. Amend section twelve (12) by adding the following after the
- 9 period in line thirteen (13): "However neither the commission
- 10 nor any member of the commission, nor its staff, nor employees
- 11 shall make any public statement regarding the firm or individual
- 12 prior to the time of the investigation and not until fourteen
- 13 (14) days after the alleged offender has been notified of the
- 14 charge against him."

Filed
March 26, 1965.

BRINCK of Lee.

HOUSE FILE 412

- 1 Amend House File 412 as follows:
- 2 1. Amend section two (2), line thirty-two (32), by
- 3 striking the word "disposal" and inserting in lieu
- 4 thereof the word "dispersal".
- 5 2. Amend section four (4), line six (6), by striking
- 6 the word "state" and after the word "universities"
- 7 insert the words "or colleges of the state".
- 8 3. Amend section eight (8), by inserting after the
- 9 word "necessary" in line two (2) the words "and the
- 10 State Department of Health shall provide the services
- 11 of a technical secretary to the commission".
- 12 4. Amend section twelve (12), line seven (7), by
- 13 striking the word and figure "ten (10)" and inserting
- 14 in lieu thereof the word and figure "thirteen (13)".
- 15 5. Amend section seventeen (17), line seven (7),
- 16 by striking the words "its director" and inserting
- 17 in lieu thereof the words "State Department of Health".

Filed *adopted 4/28*
March 31, 1965.

PUBLIC HEALTH COMMITTEE,
MINNETTE F. DODERER, *Chairman.*

HOUSE FILE 412

- 1 Amend House File 412 as follows:
- 2 1. Amend the title by adding thereto after the word "control"
- 3 the words ", to establish the Iowa water pollution control com-
- 4 mission, and to make an appropriation therefor".
- 5 2. Further amend by adding the following new section:
- 6 "Sec. 36. There is hereby appropriated from the general fund
- 7 of the state to the Iowa water pollution control commission the
- 8 sum of five thousand (5,000) dollars for each year of the biennium
- 9 beginning July 1, 1965 and ending June 30, 1967, for the purpose
- 10 of paying all expenses authorized and incurred by commission
- 11 members necessary in administering and enforcing the provisions
- 12 of this Act. Chapter eight (8) of the Code shall apply to this
- 13 section."

Filed *adopted 4/28*
April 1, 1965.

GALLAGHER of Black Hawk.