

Reprint 3/8

MAR 2 1984

HOUSE FILE 2421

BY COMMITTEE ON ENERGY

Place On Calendar

(Formerly House File 2320)

Passed House, Date 3-6-84 (p. 738) Passed Senate, Date _____

Vote: Ayes 93 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the collection, transportation, storage,
2 and disposal of solid waste.

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

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HF 2421

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

10 Sec. 2. NEW SECTION. 28H.2 DEFINITION. As used in this
11 chapter, "recyclable materials" means those materials separated
12 by a person from solid waste incidental to the collection
13 of the solid waste for utilization as raw materials to be
14 manufactured into a new product.

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

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

35 1. Engage in, manage, own, operate, and regulate the

1 collection, transportation, storage, and disposal or diversion
2 of solid waste including, but not limited to, the designation
3 of a specific facility which must be used for the collection,
4 transportation, storage, and disposal or diversion of solid
5 waste within its jurisdiction or geographic area.

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

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

12 4. Require the use of the resource recovery facilities
13 by any person who can be effectively served by the facilities.

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

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

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

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

34 Sec. 9. NEW SECTION. 28H.9 NONAPPLICABILITY. Chapter
35 553 does not apply to a legal entity operating under this

1 chapter.

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EXPLANATION

This bill provides that if two or more local governments find that the only effective means of using solid waste as an energy source is the creation of a public service monopoly, they shall create a separate legal entity under chapter 28E to provide for the collection, transportation, storage, and disposal, or other diversion of solid waste as an energy source. The separate legal entity is given a monopoly over the solid waste collection and disposal function within its jurisdiction. The legal entity is authorized to issue bonds as provided in chapter 28F. The agreement creating the legal entity and its operations of solid waste management project are subject to review and approval of the department of water, air and waste management.

This bill creates a new chapter 28H.

This bill takes effect July 1 following its enactment.

HOUSE FILE 2421

H-5410

1 Amend House File 2421 as follows:

2 1. Page 1, by striking lines 10 through 14 and
3 inserting in lieu thereof the following:

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

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

11 2. "Public agency" means a public agency as defined
12 in section 28E.2.

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

15 2. Page 2, by inserting after line 13 the
16 following: "However, this subsection does not prohibit
17 a private agency or public agency from dumping or
18 depositing solid waste resulting from its own
19 residential, farming, manufacturing, mining or
20 commercial activities on land owned or leased by it
21 if the action does not violate any statute of this
22 state or rules promulgated by the water, air and waste
23 management commission or local boards of health or
24 local ordinances."

H-5410 FILED MARCH 5, 1984 BY GRONINGA of Cerro Gordo

*Adopted as amended by 5425
3/6 (p 732)*

HOUSE FILE 2421

H-5425

1 Amend amendment H-5410 to House File 2421 as follows:

2 1. Page 1, by striking lines 11 and 12.

3 2. Page 1, line 17, by striking the words "or
4 public agency".

H-5425 FILED MARCH 6, 1984 BY GRONINGA of Cerro Gordo

ADOPTED (p 738)

HOUSE FILE 2421

BY COMMITTEE ON ENERGY

(As Amended and Passed by the House

Passed House, Date 3-6-84 (p. 138) Passed Senate, Date 3-26-84 (p. 1042)

Vote: Ayes 73 Nays 0 Vote: Ayes 42 Nays 6

Approved April 10, 1984 (p. 1876)

A BILL FOR

- 1 An Act relating to the collection, transportation, storage,
- 2 and disposal of solid waste.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2421

S-5473

- 1 Amend House File 2421, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by inserting after line 11 the
- 4 following:
- 5 "Sec. . NEW SECTION. 28H.10 INTERCONNECTION.
- 6 Nothing in this chapter shall be construed to require
- 7 a public utility subject to chapter 476 to interconnect
- 8 with a resource recovery facility constructed pursuant
- 9 to this chapter, if the public utility was determined
- 10 to have excess electric generating capacity as defined
- 11 in section 476.53, Code Supplement 1983, in its most
- 12 recent rate case proceeding in which its electric
- 13 generating capacity level was at issue."
- 14 2. By numbering sections.

S-5473 FILED
MARCH 22, 1984

BY EDGAR H. HOLDEN

Out of order 3/26 (p. 1042)

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

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

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

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

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

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

1 which it is created. A legal entity operating under this
2 chapter may:

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

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

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

15 4. Require the use of the resource recovery facilities
16 by any person who can be effectively served by the facilities.
17 However, this subsection does not prohibit a private agency
18 from dumping or depositing solid waste resulting from its
19 own residential, farming, manufacturing, mining or commercial
20 activities on land owned or leased by it if the action does
21 not violate any statute of this state or rules promulgated
22 by the water, air and waste management commission or local
23 boards of health or local ordinances.

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

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

1 the water, air and waste management commission.

2 Sec. 7. NEW SECTION. 28H.7 OBLIGATIONS NOT EXCUSED.

3 This chapter does not exempt a legal entity from obtaining
4 any approval, permit or license otherwise required by ordinance
5 or state law.

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

9 Sec. 9. NEW SECTION. 28H.9 NONAPPLICABILITY. Chapter
10 553 does not apply to a legal entity operating under this
11 chapter.

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HOUSE FILE 2421

AN ACT

RELATING TO THE COLLECTION, TRANSPORTATION, STORAGE, AND
DISPOSAL OF SOLID WASTE.

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

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

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

1. "Recyclable materials" means those materials separated by a person from solid waste incidental to the collection of the solid waste for utilization as raw materials to be manufactured into a new product.
2. "Private agency" means a private agency as defined in section 28E.2.

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

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

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

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

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

4. Require the use of the resource recovery facilities by any person who can be effectively served by the facilities. However, this subsection does not prohibit a private agency from dumping or depositing solid waste resulting from its own residential, farming, manufacturing, mining or commercial activities on land owned or leased by it if the action does not violate any statute of this state or rules promulgated by the water, air and waste management commission or local boards of health or local ordinances.

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

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2421, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved 4-10, 1984

TERRY E. BRANSTAD
Governor