

contamination from the sanitary disposal project. The commission may extend the twenty-year monitoring period on a site-specific basis by adopting rules specifically addressing additional monitoring requirements for each sanitary disposal project for which the monitoring period is to be extended.

NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules which may require the installation of shafts to relieve the accumulation of gas in a sanitary disposal project.

Approved May 2, 1986

CHAPTER 1175
SANITARY LANDFILLS
H.F. 2397

AN ACT relating to sanitary landfills.

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

Section 1. Section 455B.301, subsection 4, Code Supplement 1985, is amended by striking the subsection and inserting the following:

4. "Sanitary landfill" means a sanitary disposal project where solid waste is buried between layers of earth.

Sec. 2. Section 455B.305, Code 1985, is amended to read as follows:

455B.305 CERTIFICATION OF PLANS BY DIRECTOR.

1. The executive director shall issue, revoke, suspend, modify, or deny permits for the construction and operation of sanitary disposal projects.

A permit shall be issued by the executive director or at the executive director's direction, by a local board of health, for each sanitary disposal project operated in this state. The permit shall be issued in the name of the city or county or, where applicable, in the name of the public or private agency operating the project. Each sanitary disposal project shall be inspected annually by the department or a local board of health. The permits issued pursuant to this section shall be in addition to any other licenses, permits or variances authorized or required by law, including, but not limited to, the provisions of chapter 358A. A permit may be suspended or revoked by the executive director if a sanitary disposal project is found not to meet the requirements of part 1 of this division or rules issued under part 1 of this division. The suspension or revocation of a permit may be appealed to the commission.

2. Beginning July 1, 1988, the executive director shall not issue a permit for the construction or operation of a new sanitary landfill unless the permit applicant has filed a plan as required by section 455B.306.

3. Beginning July 1, 1988, the executive director shall not renew or reissue a permit which had been initially issued prior to that date for a sanitary landfill, unless the permit applicant has filed a plan as required by section 455B.306.

4. Beginning July 1, 1994, the executive director shall not renew or reissue a permit which had been initially issued or renewed prior to that date for a sanitary landfill, unless and until the permit applicant documents that steps are being taken to begin implementing the plan filed pursuant to section 455B.306. However, a permit may be issued for the construction and operation of a new sanitary landfill in accordance with subsection 2.

5. Beginning July 1, 1997, the executive director shall not renew or reissue a permit which had been renewed or reissued prior to that date for a sanitary landfill, unless and until the permit applicant documents that alternative methods of solid waste disposal other than use of a sanitary landfill have been implemented as set forth in the plan filed pursuant to section

455B.306. However, the executive director may issue a permit for the construction and operation of a new sanitary landfill in accordance with subsection 2 and a permit may be renewed or reissued for a sanitary landfill which had received an initial permit but the permit had not been previously renewed or reissued prior to July 1, 1997 in accordance with subsection 3.

Sec. 3. Section 455B.306, Code 1985, is amended to read as follows:

455B.306 PLANS FILED.

1. Every A city, county and every a private agency operating or planning to operate a sanitary disposal project shall file with the executive director a plan detailing the method by which the city, county or private agency will comply with the provisions of this part 1 of division IV. The executive director shall review each plan submitted and may reject, suggest modification, or approve the proposed plan. The executive director shall aid in the development of plans for compliance with the provisions of said this part. The executive director shall make available to each a city, county and private agency appropriate forms for the submission of plans and may hold hearings for the purpose of implementing the provisions of said this part. The executive director and governmental agencies with primary responsibility for the development and conservation of energy resources shall provide research and assistance, when cities and counties operating or planning to operate sanitary disposal projects request aid in planning and implementing resource recovery systems.

2. The plan required by subsection 1 shall be filed with the department at the time of initial application for the construction and operation of a sanitary landfill and shall be updated and refiled with the department at the time of each subsequent application for renewal or reissuance of a previously issued permit.

3. A plan filed pursuant to this section in conjunction with an application for issuance, renewal, or reissuance of a permit for a sanitary landfill shall address all of the following:

a. The extent to which solid waste is or can be recycled.

b. The economic and technical feasibility of using other existing sanitary disposal project facilities in lieu of initiating or continuing the sanitary landfill for which the permit is being sought.

c. The expected environmental impact of alternative solid waste disposal methods, including the use of sanitary landfills.

d. A specific plan and schedule for implementing technically and economically feasible solid waste disposal methods that will result in minimal environmental impact.

Sec. 4. Section 455B.309, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. An amount equal to fifty percent of the annual receipts to the groundwater fund derived from the landfill tonnage fee imposed pursuant to section 455B.310 shall be reserved for the purpose of providing grants to cities and counties required to provide for sanitary disposal projects under section 455B.302 for the purpose of developing or updating plans required to be filed under section 455B.306. Grants shall be governed by section 455B.311.

Sec. 5. Section 455B.310, subsection 3, Code Supplement 1985, is amended to read as follows:

3. Solid waste disposal facilities with special provisions which limit the site to the disposal of construction and demolition waste and solid waste materials approved by the department for lining or capping or for construction berms, dikes or roads in a sanitary disposal project or sanitary landfill or which limit the site to the disposal of excess fly ash used in the reclamation of strip mined land are exempt from the tonnage fees imposed under this section.

Sec. 6. NEW SECTION. 455B.311 GRANTS.

The executive director, with the approval of the commission, may make grants to cities, counties, or central planning agencies representing cities and counties or combinations of

cities, counties, or central planning agencies from funds reserved under and for the purposes specified in section 455B.309, subsection 3, subject to all of the following conditions:

1. Application for grants shall be in a form and contain information as prescribed by rule of the department.

2. Grants shall only be awarded to a city or a county; however, a grant may be made to a central planning agency representing more than one city or county or combination of cities or counties for the purpose of planning and implementing regional solid waste management facilities.

3. Grants shall be awarded only for an amount determined by the department to be reasonable and necessary to conduct the work as set forth in the grant application. Grants for less than a county-wide planning area shall be limited to twenty-five percent state funds, for a single-county planning area the state funds shall be limited to fifty percent, and for a two-county planning area the state funds shall be limited to seventy-five percent. For each additional county above a two-county planning area, the maximum allowable state funds shall be increased by an additional five percent, up to a maximum of ninety percent state funds.

4. A city, county, or central planning agency on behalf of a city or county may not receive more than one grant under this section in any three-year period.

5. The executive director, with the approval of the commission, may deny a grant application if in the judgment of the executive director the applicant could not reasonably be expected to adequately and properly complete the plan for which the grant is requested or the applicant could not reasonably be expected to implement a planned sanitary disposal project.

Approved May 2, 1986

CHAPTER 1176

SEXUAL EXPLOITATION OF CHILDREN

H.F. 732

AN ACT relating to the sexual exploitation of children, and providing penalties.

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

Section 1. Section 728.12, subsection 1, Code 1985, is amended to read as follows:

1. A person commits a class "C" felony when the person employs, uses, persuades, induces, entices, coerces, knowingly permits, or otherwise causes a child to engage in a prohibited sexual act or in the simulation of a prohibited sexual act if the person knows, has reason to know, or intends that the act or simulated act may be photographed, filmed, or otherwise preserved in a negative, slide, book, magazine, or other print or visual medium. Notwithstanding section 902.9, the court may assess a fine of not more than fifty thousand dollars for each offense under this subsection in addition to imposing any other authorized sentence.

Sec. 2. Section 728.12, subsection 2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A person commits a class "D" felony when the person knowingly promotes any material visually depicting a live performance of a child engaging in a prohibited sexual act or in the simulation of a prohibited sexual act. Notwithstanding section 902.9, the court may assess a fine of not more than twenty-five thousand dollars for each offense under this subsection in addition to imposing any other authorized sentence.

Sec. 3. Section 728.12, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A person who knowingly purchases any negative, slide, book, magazine or other print or visual medium depicting a child engaging in a prohibited sexual act or the simulation of a prohibited sexual act commits a serious misdemeanor.

Approved May 2, 1986