

*See Title Revisions 4/14 Ho pass 4/22 (p. 1187)*

HOUSE FILE 490

Natural Resources  
Bergman, Chairperson  
Junkans  
Slater

1977

HOUSE FILE 490

By COMMITTEE ON NATURAL  
RESOURCES

(Formerly Study Bill 137)

Place On Calendar

Passed House, Date 4-5-77 (p. 1220) Passed Senate, Date 4-26-77 (p. 1201)

Vote: Ayes 28 Nays 3 Vote: Ayes 27 Nays 1

Approved 7/7/77

*Written to recommend (p. 1242) H.D. 4/15  
Proposed House as amended by Senate (3743)  
and further amended (3935) by House  
5-4-77 (p. 1895)  
91-0*

*Proposed Senate as amended by House (3257)  
5-12-77 (p. 1508)  
43-0*

# A BILL FOR

1 An Act relating to the control, abatement and prevention  
2 of hazardous conditions by the department of environ-  
3 mental quality, and providing a penalty.

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

5 *Request returned 5/11*

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490

1 Section 1. NEW SECTION. DEFINITIONS. As used in this  
2 Act unless the context otherwise requires:

3 1. "Hazardous substance" means any substance or mixture  
4 of substances that presents a danger to the public health  
5 or safety and includes, but is not limited to, a substance  
6 that is toxic, corrosive, or flammable, or that is an irritant  
7 or that generates pressure through decomposition, heat, or  
8 other means. "Hazardous substance" may include any hazardous  
9 waste identified or listed by the administrator of the United  
10 States environmental protection agency under the Solid Waste  
11 Disposal Act as amended by the Resource Conservation and  
12 Recovery Act of 1976, or any toxic pollutant listed under  
13 section three hundred seven (307) of the federal Water  
14 Pollution Control Act as amended to January 1, 1977 or any  
15 hazardous substance designated under section three hundred  
16 eleven (311) of the federal Water Pollution Control Act as  
17 amended to January 1, 1977, or any hazardous material  
18 designated by the secretary of transportation under the  
19 Hazardous Materials Transportation Act.

20 2. "Hazardous condition" means any situation involving  
21 the actual or probable spillage, leakage, or release of a  
22 hazardous substance onto the land, into a water of the state  
23 or into the atmosphere which creates an immediate or poten-  
24 tial danger to the public health or safety.

25 3. "Toxic" means causing or producing a dangerous physio-  
26 logical, anatomic, or biochemical change in a biological  
27 system.

28 4. "Corrosive" means causing or producing visible destruc-  
29 tion or irreversible alterations in human skin tissue at the  
30 site of contact, or in the case of leakage of a hazardous  
31 substance from its packaging, causing or producing a severe  
32 destruction or erosion of other materials through chemical  
33 processes.

34 5. "Irritant" means a substance causing or producing dan-  
35 gerous or intensely irritating fumes upon contact with fire

1 or when exposed to air.

2 6. "Department" means the department of environmental  
3 quality.

4 7. "Commission" means the solid waste disposal commission  
5 of the department.

6 8. "Executive director" means the executive director of  
7 the department of environmental quality or a designee.

8 Sec. 2. NEW SECTION. ADMINISTRATIVE AGENCY. The de-  
9 partment shall be the agency of the state to prevent, abate,  
10 and control the exposure of the citizens of the state to  
11 hazardous conditions as defined in this Act.

12 Sec. 3. NEW SECTION. POWERS AND DUTIES OF COMMISSION.  
13 The commission shall:

14 1. Establish such rules pursuant to the provisions of  
15 chapter seventeen A (17A) of the Code as are necessary to  
16 protect the public from unnecessary exposure to hazardous  
17 substances.

18 2. Develop a comprehensive plan for the prevention,  
19 abatement and control of hazardous conditions within the  
20 state.

21 Sec. 4. NEW SECTION. POWERS AND DUTIES OF THE EXECUTIVE  
22 DIRECTOR. The executive director shall:

23 1. Provide technical advice and assistance to other state  
24 agencies, to political subdivisions of the state and to other  
25 persons upon request for the control, abatement, and prevention  
26 of hazardous conditions.

27 2. Collect and disseminate such information, publish  
28 such guidelines or reports, and conduct such educational  
29 programs deemed necessary to implement the provisions of this  
30 Act. Educational programs may be conducted in cooperation  
31 with other public or private agencies through agreements con-  
32 cluded pursuant to chapter twenty-eight E (28E) of the Code.

33 3. Exercise such other powers consistent with the Code  
34 and the provisions of this Act as the commission may direct.

35 Sec. 5. NEW SECTION. STATE HAZARDOUS CONDITION CON-

1 CONTINGENCY PLAN. All public agencies, as defined in chapter  
2 twenty-eight E (28E) of the Code, shall cooperate in the de-  
3 velopment and implementation of a state hazardous condition  
4 contingency plan. The plan shall detail the manner in which  
5 public agencies shall participate in the response to a hazar-  
6 dous condition. The department may enter into agreements,  
7 subject to section four hundred fifty-five B point seven  
8 (455B.7) of the Code, with any state agency or unit of local  
9 government or with the federal government, as necessary to  
10 develop and implement the plan. The plan shall be coordinated  
11 with the office of disaster services and any joint county-  
12 municipal disaster services and emergency planning  
13 administrations established pursuant to chapter twenty-nine  
14 C (29C) of the Code.

15 Sec. 6. NEW SECTION. NOTIFICATION OF SPILLS. Any person  
16 manufacturing, storing, handling, transporting, or disposing  
17 of a hazardous substance shall notify the department or the  
18 office of the sheriff of the affected county of the occurrence  
19 of a hazardous condition as soon as possible but not later  
20 than six hours after the onset of the hazardous condition  
21 or discovery of the hazardous condition. A sheriff who has  
22 been notified of a hazardous condition shall immediately  
23 notify the department. Persons violating this section shall  
24 be subject to a civil penalty of not more than five hundred  
25 dollars.

26 Sec. 7. NEW SECTION. REMOVAL OF HAZARDOUS SUBSTANCES.

27 1. When any hazardous condition exists, the executive  
28 director may remove or provide for the removal and disposal  
29 of the hazardous substance at any time, unless the executive  
30 director determines such removal will be properly and promptly  
31 accomplished by the owner or operator of the vessel, vehicle,  
32 container, pipeline or other facility.

33 2. The executive director may use any resources avail-  
34 able under the hazardous condition contingency plan to provide  
35 for the removal of hazardous substances. If the executive

1 director finds that public agencies cannot provide the  
2 necessary labor or equipment or if the executive director  
3 determines that emergency conditions exist, the executive  
4 director may contract with any private person or agency for  
5 removal of the hazardous substance. In those cases where  
6 equipment or services are obtained from any public or private  
7 person or agency under emergency conditions, section four  
8 hundred fifty-five B point seven (455B.7), subsection five  
9 (5) of the Code shall not apply.

10 Sec. 8. NEW SECTION. INJUNCTIONS AND EMERGENCY ORDERS.

11 1. If it is determined by the executive director that  
12 an emergency exists respecting any matter affecting or likely  
13 to affect the public health, the executive director may issue  
14 any order necessary to terminate the emergency without notice  
15 and without hearing. Any such order shall be binding and  
16 effective immediately and until such order is modified or  
17 vacated at a contested case hearing before the commission  
18 or by a court.

19 2. The executive director or the commission may request  
20 that the attorney general institute legal proceedings for  
21 a temporary or permanent injunction pursuant to section eleven  
22 (11) of this Act for purposes of enforcing an emergency or-  
23 der.

24 Sec. 9. NEW SECTION. JUDICIAL REVIEW. Judicial review  
25 of any order or other action of the commission or of the  
26 executive director may be sought in accordance with the terms  
27 of chapter seventeen A (17A) of the Code. Notwithstanding  
28 the provisions of chapter seventeen A (17A) of the Code,  
29 petitions for judicial review may be filed in the district  
30 court of the county in which the alleged hazardous condition  
31 occurred.

32 Sec. 10. NEW SECTION. JURISDICTION LIMITED. Nothing  
33 contained in this Act shall be deemed to grant to the depart-  
34 ment any authority or jurisdiction under this Act with respect  
35 to the following:

1 1. Hazardous conditions existing solely within and which  
2 will probably continue to exist solely within commercial and  
3 industrial plants, works, or shops under the jurisdiction  
4 of chapters eighty-eight (88) and ninety-one (91) of the Code.

5 2. Relations between employers and employees with respect  
6 to hazardous conditions except that where such hazardous con-  
7 ditions extend to or affect areas within the scope of the  
8 authority granted by this Act, the department may take any  
9 action consistent with this Act to abate such hazardous con-  
10 dition.

11 3. The storage, transportation, handling, or use of  
12 inflammable liquids, combustibles and explosives control over  
13 which is exercised by the state fire marshal under chapter  
14 one hundred (100) of the Code.

15 4. Pesticide applicators under the jurisdiction of the  
16 department of agriculture under chapter two hundred six (206)  
17 of the Code, except that when such pesticides are spilled,  
18 rather than properly applied, the provisions of this Act shall  
19 apply.

20 5. The storage, transportation, handling, or use of  
21 fertilizers regulated by the secretary of agriculture under  
22 chapter two hundred (200) of the Code, except that when these  
23 materials produce or contribute to a hazardous condition the  
24 department may take any action consistent with this Act to  
25 abate such hazardous condition.

26 6. Hazardous air contaminants under the jurisdiction of  
27 the air quality commission under division two (II) of chapter  
28 four hundred fifty-five B (455B) of the Code and toxic  
29 pollutants and hazardous substances under the jurisdiction  
30 of the water quality commission under division three (III)  
31 of chapter four hundred fifty-five B (455B) of the Code.

32 Sec. 11. NEW SECTION. DUTIES OF ATTORNEY GENERAL.

33 1. The attorney general shall, at the request of the  
34 department, institute any legal proceedings, including an  
35 action for an injunction or temporary injunction, necessary

1 to obtain compliance with the provisions of this Act. In  
2 any legal proceedings any previous findings of fact of the  
3 executive director or the commission after due notice and  
4 hearing shall be conclusive if supported by substantial  
5 evidence in the record when the record is viewed as a whole.

6 2. The attorney general shall, at the request of the  
7 executive director, take appropriate action against the owner  
8 or operator of any vehicle, storage or manufacturing facility,  
9 vessel, or other source of a hazardous substance to recover  
10 funds expended by the department for the elimination of a  
11 hazardous condition. All such moneys collected shall be  
12 credited to the general fund of the state.

13 Sec. 12. The Code editor shall codify this Act as a new  
14 part in division four (IV) of chapter four hundred fifty-five  
15 B (455B) of the Code.

16 EXPLANATION

17 This bill provides the department of environmental quality  
18 with specific statutory authority to respond to situations  
19 which involve spills of toxic or hazardous materials. The  
20 bill requires the department to develop in conjunction with  
21 other state, local and federal agencies a hazardous condition  
22 contingency plan detailing the roles of the various parties  
23 in a hazardous condition situation. The bill further provides  
24 for reporting of spills by the responsible party.

25 The bill allows the department to direct cleanup of a spill  
26 or to do the actual cleanup if necessary.

27 Costs may be recovered at a later time if the party re-  
28 sponsible for the spill is identified.

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HOUSE FILE 490

H-3492

- 1 Amend House File 490 as follows:
- 2 1. Page 1, line 25, by striking the words "causing
- 3 or producing" and inserting in lieu thereof the words
- 4 "the ability to cause or produce".
- 5 2. Page 1, line 28, by striking the words "causing
- 6 or producing" and inserting in lieu thereof the words
- 7 "the ability to cause or produce".
- 8 3. Page 1, line 31, by striking the words "causing
- 9 or producing" and inserting in lieu thereof the words
- 10 "to cause or produce".

H-3492 FILED, ADOPTED; *(215)* BY EVANS of Grundy  
MOTION TO RECONSIDER, ADOPTED;  
H-3492 WITHDRAWN *(p. 12-2)*  
APRIL 5, 1977

HOUSE FILE 490

H-3497

- 1 Amend House File 490 as follows:
- 2 1. Page 3, line 17, by inserting after the
- 3 word "department" the following: ", the local
- 4 police department,".
- 5 2. Page 3, line 21, by inserting after the
- 6 word "sheriff" the words "or police chief".

H-3497 FILED, ADOPTED *(215)* BY DOYLE of Woodbury  
APRIL 5, 1977

PAGE 3 HOUSE FILE 490

H-3498

- 1 Amend House File 490 as follows:
- 2 1. Page 1, line 21, by inserting after the
- 3 word "actual" the following: ", imminent".

H-3498 FILED, ADOPTED BY BY WYCKOFF of Benton  
UNANIMOUS CONSENT; MOTION TO  
RECONSIDER, ADOPTED; MOTION TO  
WITHDRAW, LOST; H-3498 ADOPTED  
APRIL 5, 1977 *(p. 215)*

HOUSE FILE 490

H-3500

- 1 Amend House File 490 as follows:
- 2 1. Page 1, line 21, by striking the words
- 3 "or probable" and inserting the following: "or
- 4 the probability of imminent".

H-3500 FILED, RULED BY WYCKOFF of Benton  
OUT OF ORDER *with motion*  
APRIL 5, 1977 *of 3497 415 (1220)*

S-3436

1 Amend House File 490 as amended and passed  
 2 by the House as follows:  
 3 1. Page 5, by striking lines 15 through 19  
 4 and inserting in lieu thereof the following:  
 5 "4. The storage, transportation, handling  
 6 or use of pesticides over which control is exercised  
 7 by the state secretary of agriculture under chapter  
 8 206 of the Code."  
 9 2. Page 5, by striking lines 20 through 25  
 10 and inserting in lieu thereof the following:  
 11 "5. The storage, transportation, handling  
 12 or use of fertilizers over which control is exer-  
 13 cised by the state secretary of agriculture under  
 14 chapter 200 of the Code."

S-3436 FILED & ADOPTED (p. 1220) BY ALVIN V. MILLER  
 APRIL 26, 1977 MERLIN D. HULSE  
 DALE L. TIEDEN  
 MILO MERRITT

SENATE AMENDMENT TO  
 HOUSE FILE 490

H-3793

1 Amend House File 490 as amended and passed  
 2 by the House as follows:  
 3 1. Page 5, by striking lines 15 through 19  
 4 and inserting in lieu thereof the following:  
 5 "4. The storage, transportation, handling  
 6 or use of pesticides over which control is exercised  
 7 by the state secretary of agriculture under chapter  
 8 two hundred six (206) of the Code."  
 9 2. Page 5, by striking lines 20 through 25  
 10 and inserting in lieu thereof the following:  
 11 "5. The storage, transportation, handling  
 12 or use of fertilizers over which control is exer-  
 13 cised by the state secretary of agriculture under  
 14 chapter two hundred (200) of the Code."

H-3793 FILED  
 RECEIVED FROM SENATE  
 APRIL 27, 1977

*[Handwritten signature and date]*

HOUSE FILE 490

H-3858

- 1 Amend the Senate amendment H-3793 to House
- 2 File 490 as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "Code" the words ", except when the state secretary of
- 5 agriculture requests the assistance of the department".
- 6 2. Page 1, line 14, by inserting after the word
- 7 "Code" the words ", except when the state secretary of
- 8 agriculture requests the assistance of the department".

H-3858 FILED - *Withdrawn* BY EVANS of Grundy  
APRIL 28, 1977 *5/4 (p. 1344)* MIDDLESWART of Warren  
BENNETT of Ida  
SCHEELHAASE of Woodbury  
PELLETT of Cass  
WYCKOFF of Benton

House Amendment to Senate Amendment

to House File 490

S-3559

- 1 Amend the Senate amendment H-3793 to House File
- 2 490 as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "Code" the words ", except when spillage of pesticides
- 5 creates a hazardous condition".
- 6 2. Page 1, line 14, by inserting after the word
- 7 "Code" the words ", except when spillage of fertilizers
- 8 creates a hazardous condition".

S-3559 FILED RECEIVED FROM THE HOUSE  
MAY 11, 1977 *Senate amendment 5/13 (p. 1507)*

HOUSE FILE 490

H-3938

- 1 Amend the Senate amendment H-3793 to House File
- 2 490 as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "Code" the words ", except when spillage of pesticides
- 5 creates a hazardous condition".
- 6 2. Page 1, line 14, by inserting after the word
- 7 "Code" the words ", except when spillage of fertilizers
- 8 creates a hazardous condition".

H-3938 FILED - *Adopted 5/4* BY EVANS of Grundy  
MAY 3, 1977 *(p. 1894)* MIDDLESWART of Warren  
BENNETT of Ida  
SCHEELHAASE of Woodbury  
PELLETT of Cass  
WYCKOFF of Benton

HOUSE FILE 490

AN ACT

RELATING TO THE CONTROL, ABATEMENT AND PREVENTION OF HAZARDOUS CONDITIONS BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY, AND PROVIDING A PENALTY.

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

Section 1. NEW SECTION. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. "Hazardous substance" means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. "Hazardous substance" may include any hazardous waste identified or listed by the administrator of the United States environmental protection agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section three hundred seven (307) of the federal Water Pollution Control Act as amended to January 1, 1977 or any hazardous substance designated under section three hundred eleven (311) of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act.

2. "Hazardous condition" means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state or into the atmosphere which creates an immediate or potential danger to the public health or safety.

3. "Toxic" means causing or producing a dangerous physiological, anatomic, or biochemical change in a biological system.

4. "Corrosive" means causing or producing visible destruc-

tion or irreversible alterations in human skin tissue at the site of contact, or in the case of leakage of a hazardous substance from its packaging, causing or producing a severe destruction or erosion of other materials through chemical processes.

5. "Irritant" means a substance causing or producing dangerous or intensely irritating fumes upon contact with fire or when exposed to air.

6. "Department" means the department of environmental quality.

7. "Commission" means the solid waste disposal commission of the department.

8. "Executive director" means the executive director of the department of environmental quality or a designee.

Sec. 2. NEW SECTION. ADMINISTRATIVE AGENCY. The department shall be the agency of the state to prevent, abate, and control the exposure of the citizens of the state to hazardous conditions as defined in this Act.

Sec. 3. NEW SECTION. POWERS AND DUTIES OF COMMISSION. The commission shall:

1. Establish such rules pursuant to the provisions of chapter seventeen A (17A) of the Code as are necessary to protect the public from unnecessary exposure to hazardous substances.

2. Develop a comprehensive plan for the prevention, abatement and control of hazardous conditions within the state.

Sec. 4. NEW SECTION. POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR. The executive director shall:

1. Provide technical advice and assistance to other state agencies, to political subdivisions of the state and to other persons upon request for the control, abatement, and prevention of hazardous conditions.

2. Collect and disseminate such information, publish such guidelines or reports, and conduct such educational programs deemed necessary to implement the provisions of this Act. Educational programs may be conducted in cooperation with

other public or private agencies through agreements concluded pursuant to chapter twenty-eight E (28E) of the Code.

3. Exercise such other powers consistent with the Code and the provisions of this Act as the commission may direct.

Sec. 5. NEW SECTION. STATE HAZARDOUS CONDITION CONTINGENCY PLAN. All public agencies, as defined in chapter twenty-eight E (28E) of the Code, shall cooperate in the development and implementation of a state hazardous condition contingency plan. The plan shall detail the manner in which public agencies shall participate in the response to a hazardous condition. The department may enter into agreements, subject to section four hundred fifty-five B point seven (455B.7) of the Code, with any state agency or unit of local government or with the federal government, as necessary to develop and implement the plan. The plan shall be coordinated with the office of disaster services and any joint county-municipal disaster services and emergency planning administrations established pursuant to chapter twenty-nine C (29C) of the Code.

Sec. 6. NEW SECTION. NOTIFICATION OF SPILLS. Any person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the department, the local police department, or the office of the sheriff of the affected county of the occurrence of a hazardous condition as soon as possible but not later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. A sheriff or police chief who has been notified of a hazardous condition shall immediately notify the department. Persons violating this section shall be subject to a civil penalty of not more than five hundred dollars.

Sec. 7. NEW SECTION. REMOVAL OF HAZARDOUS SUBSTANCES.

1. When any hazardous condition exists, the executive director may remove or provide for the removal and disposal of the hazardous substance at any time, unless the executive director determines such removal will be properly and promptly accomplished by the owner or operator of the vessel, vehicle, container, pipeline or other facility.

2. The executive director may use any resources available under the hazardous condition contingency plan to provide for the removal of hazardous substances. If the executive director finds that public agencies cannot provide the necessary labor or equipment or if the executive director determines that emergency conditions exist, the executive director may contract with any private person or agency for removal of the hazardous substance. In those cases where equipment or services are obtained from any public or private person or agency under emergency conditions, section four hundred fifty-five B point seven (455B.7), subsection five (5) of the Code shall not apply.

Sec. 8. NEW SECTION. INJUNCTIONS AND EMERGENCY ORDERS.

1. If it is determined by the executive director that an emergency exists respecting any matter affecting or likely to affect the public health, the executive director may issue any order necessary to terminate the emergency without notice and without hearing. Any such order shall be binding and effective immediately and until such order is modified or vacated at a contested case hearing before the commission or by a court.

2. The executive director or the commission may request that the attorney general institute legal proceedings for a temporary or permanent injunction pursuant to section eleven (11) of this Act for purposes of enforcing an emergency order.

Sec. 9. NEW SECTION. JUDICIAL REVIEW. Judicial review of any order or other action of the commission or of the executive director may be sought in accordance with the terms of chapter seventeen A (17A) of the Code. Notwithstanding the provisions of chapter seventeen A (17A) of the Code, petitions for judicial review may be filed in the district court of the county in which the alleged hazardous condition occurred.

Sec. 10. NEW SECTION. JURISDICTION LIMITED. Nothing contained in this Act shall be deemed to grant to the department any authority or jurisdiction under this Act with respect

to the following:

1. Hazardous conditions existing solely within and which will probably continue to exist solely within commercial and industrial plants, works, or shops under the jurisdiction of chapters eighty-eight (88) and ninety-one (91) of the Code.

2. Relations between employers and employees with respect to hazardous conditions except that where such hazardous conditions extend to or affect areas within the scope of the authority granted by this Act, the department may take any action consistent with this Act to abate such hazardous condition.

3. The storage, transportation, handling, or use of inflammable liquids, combustibles and explosives control over which is exercised by the state fire marshal under chapter one hundred (100) of the Code.

4. The storage, transportation, handling or use of pesticides over which control is exercised by the state secretary of agriculture under chapter two hundred six (206) of the Code, except when spillage of pesticides creates a hazardous condition.

5. The storage, transportation, handling or use of fertilizers over which control is exercised by the state secretary of agriculture under chapter two hundred (200) of the Code, except when spillage of fertilizers creates a hazardous condition.

6. Hazardous air contaminants under the jurisdiction of the air quality commission under division two (II) of chapter four hundred fifty-five B (455B) of the Code and toxic pollutants and hazardous substances under the jurisdiction of the water quality commission under division three (III) of chapter four hundred fifty-five B (455B) of the Code.

Sec. 11. NEW SECTION. DUTIES OF ATTORNEY GENERAL.

1. The attorney general shall, at the request of the department, institute any legal proceedings, including an action for an injunction or temporary injunction, necessary to obtain compliance with the provisions of this Act. In any legal proceedings any previous findings of fact of the

executive director or the commission after due notice and hearing shall be conclusive if supported by substantial evidence in the record when the record is viewed as a whole.

2. The attorney general shall, at the request of the executive director, take appropriate action against the owner or operator of any vehicle, storage or manufacturing facility, vessel, or other source of a hazardous substance to recover funds expended by the department for the elimination of a hazardous condition. All such moneys collected shall be credited to the general fund of the state.

Sec. 12. The Code editor shall codify this Act as a new part in division four (IV) of chapter four hundred fifty-five B (455B) of the Code.

\_\_\_\_\_  
DALE M. COCHRAN  
Speaker of the House

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 490, Sixty-seventh General Assembly.

Approved  , 1977

\_\_\_\_\_  
DAVID L. WRAY  
Chief Clerk of the House

\_\_\_\_\_  
ROBERT D. RAY  
Governor