

FEB 21 1986

HOUSE FILE 2344

Place On Calendar

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

(Formerly House Study Bill 632)

Passed House, Date 3-3-86 (p. 525) Passed Senate, Date 4-8-86 (P. 1106)

Vote: Ayes 90 Nays 0 Vote: Ayes 35 Nays 5

Approved May 28, 1986

A BILL FOR

- 1 An Act relating to the toxic cleanup days pilot program and
- 2 providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2344

H-5214

1 Amend House File 2344 as follows:

2 1. Page 1, by striking lines 20 and 21 and
 3 inserting the following: "collected. The program
 4 shall be conducted for one or two days in each county
 5 designated. The department shall".

H-5214 FILED FEBRUARY 28, 1986 BY OSTERBERG of Linn

Adopted 3/3/86 (p. 525)

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1 Section 1. 1985 Iowa Acts, chapter 79, section 1, is
2 amended to read as follows:

3 SECTION 1. The department of water, air and waste manage-
4 ment shall initiate and conduct a pilot program in at least
5 ~~two counties~~ one county designated by the department to
6 collect and dispose of small amounts of hazardous wastes that
7 are being stored in residences, ~~schools, or small businesses~~
8 ~~with five or fewer employees~~ or on family farms. The program
9 shall be known as "Toxic Cleanup Days". The department shall
10 promote and conduct the program and shall, or shall contract
11 with a qualified and bonded waste handling company to, collect
12 and properly dispose of wastes believed by the person
13 disposing of the wastes to be hazardous. The department shall
14 establish maximum amounts of hazardous wastes to be accepted
15 from a person during the "Toxic Cleanup Days" program.
16 Amounts accepted above the maximum may be subject to a fee set
17 by the department. The department shall not assess a fee for
18 amounts accepted below the maximum amount. The department
19 shall designate the times and dates that wastes shall be
20 collected. The program shall be conducted for at least two
21 days in each of the counties designated. The department shall
22 cooperate with local governmental units and service organiza-
23 tions in promoting and conducting this program including, but
24 not limited to, assisting the local government or service or-
25 ganization in obtaining grants to help defray the expenses of
26 the program. The department shall report to the general
27 assembly by January 15, ~~1986~~ 1987 regarding the ~~plans or~~
28 results of the pilot program and the department's recommenda-
29 tion whether the program should be continued, expanded, or
30 discontinued.

31 Sec. 2. This Act, being deemed of immediate importance,
32 takes effect from and after its publication in the Ames Daily
33 Tribune, a newspaper published in Ames, Iowa, and in The Sun,
34 a newspaper published in Mount Vernon, Iowa.

35 EXPLANATION

1 This bill provides that in implementing the toxic cleanup
2 days pilot program the department of water, air and waste
3 management is required to establish a program in at least one
4 county. Current law requires programs in at least two
5 counties. Under the bill, the program is limited to hazardous
6 waste stored in residences or on family farms. Currently the
7 program is limited to hazardous waste stores in residences,
8 school, or small businesses with five or fewer employees. The
9 department is to report the results of the program to the
10 general assembly by January 15, 1987. The bill takes effect
11 upon publication.

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ENERGY AND ENVIRONMENT: Gronstal, Chair; Colton and Rife

Sen State Gene 3/26

HOUSE FILE 2344
BY COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION

(As Amended and Passed by the House March 3, 1986)

Passed House, Date 4-16-86 (p. 1510) Passed Senate, Date 4-8-86 (p. 1106)

Vote: Ayes 89 Nays 7 Vote: Ayes 35 Nays 5

Approved May 28, 1986
Passed Senate 4-21-86 (p. 1298)
37.0

A BILL FOR

1 An Act relating to the toxic cleanup days pilot program and
2 providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2344

S-5434

- 1 Amend House File 2344 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 8, by striking the word "family".
- 4 2. Page 1, by striking lines 31 through 34.
- 5 3. Title page, lines 1 and 2, by striking the
- 6 words "and providing an effective date".

S-5434 Filed March 24, 1986

BY HOLDEN

A-Adopted, B-Less 3/27 (p. 913)

S-5442

- 1 Amend House File 2344 as amended, passed, and re-
- 2 printed by the House as follows:
- 3 1. Page 1, line 4, by striking the words "in at
- 4 least" and inserting in lieu thereof the words "in-at
- 5 least".
- 6 2. Page 1, line 5, by striking the words "one county
- 7 designated by the department" and inserting in lieu
- 8 thereof the words "designated-by-the-department".

S-5442 Filed March 25, 1986

BY PRIEBE

Adopted 3/27 (p. 913)

1 Section 1. 1985 Iowa Acts, chapter 79, section 1, is
2 amended to read as follows:

3 SECTION 1. The department of water, air and waste manage-
4 ment shall initiate and conduct a pilot program in at least
5 ~~two-counties~~ one county designated by the department to
6 collect and dispose of small amounts of hazardous wastes that
7 are being stored in residences, ~~schools, or small-businesses~~
8 ~~with-five-or-fewer-employees~~ or on family farms. The program
9 shall be known as "Toxic Cleanup Days". The department shall
10 promote and conduct the program and shall, or shall contract
11 with a qualified and bonded waste handling company to, collect
12 and properly dispose of wastes believed by the person
13 disposing of the wastes to be hazardous. The department shall
14 establish maximum amounts of hazardous wastes to be accepted
15 from a person during the "Toxic Cleanup Days" program.
16 Amounts accepted above the maximum may be subject to a fee set
17 by the department. The department shall not assess a fee for
18 amounts accepted below the maximum amount. The department
19 shall designate the times and dates that wastes shall be
20 collected. The program shall be conducted for one or two days
21 in each county designated. The department shall cooperate
22 with local governmental units and service organizations in
23 promoting and conducting this program including, but not
24 limited to, assisting the local government or service or-
25 ganization in obtaining grants to help defray the expenses of
26 the program. The department shall report to the general
27 assembly by January 15, ~~1986~~ 1987 regarding the ~~plans-or~~
28 results of the pilot program and the department's recommenda-
29 tion whether the program should be continued, expanded, or
30 discontinued.

31 Sec. 2. This Act, being deemed of immediate importance,
32 takes effect from and after its publication in the Ames Daily
33 Tribune, a newspaper published in Ames, Iowa, and in The Sun,
34 a newspaper published in Mount Vernon, Iowa.

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HOUSE FILE 2344

S-5626

1 Amend House File 2344 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 1, by inserting after line 30 the
4 following:

5 "Sec. ____ . NEW SECTION. 266.8 HAZARDOUS WASTE
6 RESEARCH PROGRAM.

7 A hazardous waste research program is created
8 within the civil engineering department at Iowa state
9 university of science and technology to concentrate on
10 the cleanup of industrial hazardous waste in the state
11 with special emphasis upon new waste disposal
12 techniques and applications. The program shall also
13 give first priority to the cleanup of those hazardous
14 waste sites with particular hazard to the public and
15 hazardous waste sites which impair the future economic
16 development of a particular area including, but not
17 limited to, the development of infrastructure,
18 highways, sewers, industrial sites, educational
19 facilities, and other assets essential for the
20 development of a city. The program may seek, and is
21 encouraged to seek, funds from private foundations and
22 companies, the federal government, municipalities,
23 counties, and departments of the state that have funds
24 for economic development and hazardous waste sites.
25 The program is also encouraged to reclaim valuable
26 wastes so as to recover costs and achieve a continued
27 level of support for research related to hazardous
28 waste.

29 The center for industrial research and service at
30 Iowa state university will administer the funds of the
31 program and report to the general assembly on the
32 progress and results of the program. Particular
33 emphasis in the reporting shall be on site specifics
34 and indicate actual results of efforts to clean up
35 waste sites, the use of new techniques and processes,
36 the use of private contractors, economic benefits
37 derived, and evidence of cooperation with state and
38 federal environmental groups and other agencies."

39 2. Title page, by striking lines 1 and 2 and
40 inserting the following: "An Act relating to the
41 cleanup of hazardous waste."

42 3. Renumber as necessary.

S-5626 Filed April 7, 1986 BY WELSH

Adopted 4/8 (of 1106)

SENATE AMENDMENT TO HOUSE FILE 2344

H-5789

1 Amend House File 2344 as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 1, line 4, by striking the words "in at
4 least" and inserting in lieu thereof the words "in-at
5 least".

6 2. Page 1, line 5, by striking the words "one
7 county designated by the department" and inserting in
8 lieu thereof the words "designated-by-the-department".

9 3. Page 1, line 8, by striking the word "family".

10 4. Page 1, by inserting after line 30 the
11 following:

12 "Sec. . NEW SECTION. 266.8 HAZARDOUS WASTE
13 RESEARCH PROGRAM.

14 A hazardous waste research program is created
15 within the civil engineering department at Iowa state
16 university of science and technology to concentrate on
17 the cleanup of industrial hazardous waste in the state
18 with special emphasis upon new waste disposal
19 techniques and applications. The program shall also
20 give first priority to the cleanup of those hazardous
21 waste sites with particular hazard to the public and
22 hazardous waste sites which impair the future economic
23 development of a particular area including, but not
24 limited to, the development of infrastructure,
25 highways, sewers, industrial sites educational
26 facilities, and other assets essential for the
27 development of a city. The program may seek, and is
28 encouraged to seek, funds from private foundations and
29 companies, the federal government, municipalities,
30 counties, and departments of the state that have funds
31 for economic development and hazardous waste sites.
32 The program is also encouraged to reclaim valuable
33 wastes so as to recover costs and achieve a continued
34 level of support for research related to hazardous
35 waste.

36 The center for industrial research and service at
37 Iowa state university will administer the funds of the
38 program and report to the general assembly on the
39 progress and results of the program. Particular
40 emphasis in the reporting shall be on site specifics
41 and indicate actual results of efforts to clean up
42 waste sites, the use of new techniques and processes,
43 the use of private contractors, economic benefits
44 derived, and evidence of cooperation with state and
45 federal environmental groups and other agencies."

46 5. Title page, by striking lines 1 and 2 and
47 inserting the following: "An Act relating to the
48 cleanup of hazardous waste."

49 6. By renumbering, relettering, or redesignating
50 and correcting internal references as necessary.

H-5789 FILED APRIL 10, 1986 RECEIVED FROM THE SENATE

House amended (5789) + concurred 4/16 (p 1510)

HOUSE FILE 2344

H-5827

1 Amend the amendment H-5789 to House File 2344 as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 14 through 45 and
5 inserting the following:

6 1. A hazardous waste technical research and
7 assistance program is created at Iowa state university
8 of science and technology. The program shall be
9 administered by the center for industrial research and
10 service which shall coordinate with and use the
11 services of the civil engineering department at Iowa
12 state university for the purposes set forth in this
13 section.

14 2. The center for industrial research and service
15 may seek and receive grants, donations, gifts,
16 bequests, or other moneys from public and private
17 sources to be used for the purposes set forth in this
18 section.

19 3. The hazardous waste technical research and
20 assistance program is created specifically for and
21 authorized to do all of the following, upon the
22 request of a business, firm, or corporation located
23 within Iowa or the state or a political subdivision of
24 the state:

25 a. Conduct research into new techniques, methods,
26 and applications for the proper and safe treatment or
27 disposal of hazardous wastes.

28 b. Provide advice and consultation on the proper,
29 safe, and cost effective methods, techniques, and
30 applications for the treatment, storage, or disposal
31 of hazardous wastes.

32 c. Provide other technical or financial assistance
33 to aid in the proper, safe, and cost effective
34 treatment or disposal of hazardous wastes.

35 4. In carrying out its responsibilities under this
36 section, the hazardous waste technical research and
37 assistance program shall give priority to providing
38 research and assistance on hazardous waste sites which
39 impair the future economic development of a particular
40 area including but not limited to the development of
41 infrastructure, highways, sewers, industrial sites,
42 educational facilities, and other assets essential for
43 the development of a city.

44 5. The center for industrial research and service
45 shall report to the general assembly annually on
46 receipt and disbursement of funds and activities
47 conducted by the hazardous waste technical research
48 and assistance program pursuant to this section.

49 6. This section shall not be construed to do any
50 of the following:

1 a. Relieve any person receiving assistance under
2 this section of any duties or liabilities otherwise
3 created or imposed upon the person by law.

4 b. Transfer to the state, Iowa state university of
5 science and technology, or any employee of the state
6 or the university, any duty or liability otherwise
7 imposed by law on a person receiving assistance under
8 this section.

9 c. Create any liability to the state, Iowa state
10 university of science and technology, or any employee
11 of the state or the university for any act or omission
12 arising from the providing of assistance or advice in
13 cleaning up, handling, or disposal of hazardous waste.
14 However, an individual may be liable if the act or
15 omission results from intentional wrong doing or gross
16 negligence."

H-5827 FILED APRIL 14, 1986 BY OSTERBERG of Linn

Standard 4/16 (p. 1510)

HOUSE FILE 2344

H-5835

Amend the amendment H-5789 to House File 2344 as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 14 through 45 and inserting the following:

1. A hazardous waste technical research and assistance program is created at Iowa state university of science and technology. The program shall be administered by the center for industrial research and service which shall coordinate with and use the services of the civil engineering department or other university departments at Iowa state university for the purposes set forth in this section.

2. The center for industrial research and service may seek and receive grants, donations, gifts, bequests, or other moneys from public and private sources to be used for the purposes set forth in this section.

3. The hazardous waste technical research and assistance program is created specifically for and authorized to do all of the following, upon the request of a business, firm, or corporation located within Iowa or the state or a political subdivision of the state:

a. Conduct research into new techniques, methods, and applications for the proper and safe treatment or disposal of hazardous wastes.

b. Provide advice and consultation on the proper, safe, and cost effective methods, techniques, and applications for the treatment, storage, or disposal of hazardous wastes.

c. Provide other technical or financial assistance to aid in the proper, safe, and cost effective treatment or disposal of hazardous wastes.

4. In carrying out its responsibilities under this section, the hazardous waste technical research and assistance program shall give priority to providing research and assistance on hazardous waste sites which impair the future economic development of a particular area including but not limited to the development of infrastructure, highways, sewers, industrial sites, educational facilities, and other assets essential for the development of a city.

5. The center for industrial research and service shall report to the general assembly annually on receipt and disbursement of funds and activities conducted by the hazardous waste technical research and assistance program pursuant to this section.

6. This section shall not be construed to do any of the following:

1 a. Relieve any person receiving assistance under
2 this section of any duties or liabilities otherwise
3 created or imposed upon the person by law.

4 b. Transfer to the state, Iowa state university of
5 science and technology, or any employee of the state
6 or the university, any duty or liability otherwise
7 imposed by law on a person receiving assistance under
8 this section.

9 c. Create any liability to the state, Iowa state
10 university of science and technology, or any employee
11 of the state or the university for any act or omission
12 arising from the providing of assistance or advice in
13 cleaning up, handling, or disposal of hazardous waste.
14 However, an individual may be liable if the act or
15 omission results from intentional wrong doing or gross
16 negligence."

H-5835 FILED APRIL 16, 1986 BY OSTERBERG of Linn
ADOPTED (j. 1508)

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2344

S-5711

1 Amend the amendment H-5789 to House File 2344 as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 14 through 45 and
5 inserting the following:

6 1. A hazardous waste technical research and
7 assistance program is created at Iowa state university
8 of science and technology. The program shall be
9 administered by the center for industrial research and
10 service which shall coordinate with and use the
11 services of the civil engineering department or other
12 university departments at Iowa state university for
13 the purposes set forth in this section.

14 2. The center for industrial research and service
15 may seek and receive grants, donations, gifts,
16 bequests, or other moneys from public and private
17 sources to be used for the purposes set forth in this
18 section.

19 3. The hazardous waste technical research and
20 assistance program is created specifically for and
21 authorized to do all of the following, upon the
22 request of a business, firm, or corporation located
23 within Iowa or the state or a political subdivision of
24 the state:

25 a. Conduct research into new techniques, methods,
26 and applications for the proper and safe treatment or
27 disposal of hazardous wastes.

28 b. Provide advice and consultation on the proper,
29 safe, and cost effective methods, techniques, and
30 applications for the treatment, storage, or disposal
31 of hazardous wastes.

32 c. Provide other technical or financial assistance
33 to aid in the proper, safe, and cost effective
34 treatment or disposal of hazardous wastes.

35 4. In carrying out its responsibilities under this
36 section, the hazardous waste technical research and
37 assistance program shall give priority to providing
38 research and assistance on hazardous waste sites which
39 impair the future economic development of a particular
40 area including but not limited to the development of
41 infrastructure, highways, sewers, industrial sites,
42 educational facilities, and other assets essential for
43 the development of a city.

44 5. The center for industrial research and service
45 shall report to the general assembly annually on
46 receipt and disbursement of funds and activities
47 conducted by the hazardous waste technical research
48 and assistance program pursuant to this section.

49 6. This section shall not be construed to do any
50 of the following:

1 a. Relieve any person receiving assistance under
2 this section of any duties or liabilities otherwise
3 created or imposed upon the person by law.

4 b. Transfer to the state, Iowa state university of
5 science and technology, or any employee of the state
6 or the university, any duty or liability otherwise
7 imposed by law on a person receiving assistance under
8 this section.

9 c. Create any liability to the state, Iowa state
10 university of science and technology, or any employee
11 of the state or the university for any act or omission
12 arising from the providing of assistance or advice in
13 cleaning up, handling, or disposal of hazardous waste.
14 However, an individual may be liable if the act or
15 omission results from intentional wrong doing or gross
16 negligence.

S-5711 Filed April 18, 1986 REC'D FROM THE HOUSE

Senate concurred 4/21 (p. 1293)

now
SP 2344

NSB 632

ENERGY AND ENVIRONMENTAL PROTECTION

HOUSE FILE 2344

BY (PROPOSED COMMITTEE ON
ENERGY AND ENVIRONMENTAL
PROTECTION BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act extending the authorization of the toxic cleanup days
2 pilot program.

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

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1 Section 1. 1985 Iowa Acts, chapter 79, section 1, is
2 amended to read as follows:

3 SECTION 1. The department of water, air and waste manage-
4 ment shall initiate and conduct a pilot program in at least
5 two counties designated by the department to collect and
6 dispose of small amounts of hazardous wastes that are being
7 stored in residences, schools, or small businesses with five
8 or fewer employees. The program shall be known as "Toxic
9 Cleanup Days". The department shall promote and conduct the
10 program and shall, or shall contract with a qualified and
11 bonded waste handling company to, collect and properly dispose
12 of wastes believed by the person disposing of the wastes to be
13 hazardous. The department shall establish maximum amounts of
14 hazardous wastes to be accepted from a person during the
15 "Toxic Cleanup Days" program. Amounts accepted above the
16 maximum may be subject to a fee set by the department. The
17 department shall not assess a fee for amounts accepted below
18 the maximum amount. The department shall designate the times
19 and dates that wastes shall be collected. The program shall
20 be conducted for at least two days in each of the counties
21 designated. The department shall cooperate with local
22 governmental units and service organizations in promoting and
23 conducting this program including, but not limited to,
24 assisting the local government or service organization in
25 obtaining grants to help defray the expenses of the program.
26 The pilot program may be continued until July 1, 1988. The
27 department shall report to the general assembly by January 15,
28 1986 of each year regarding the plans or results of the pilot
29 program and the department's recommendation whether the
30 program should be continued, expanded, or discontinued.

31 EXPLANATION

32 This bill extends the toxic cleanup days pilot program
33 until July 1, 1988. The department of water, air and waste
34 management is to report to the general assembly on the plans
35 or results of the program each year by January 15.

LSB 8070H 71

HOUSE FILE 2344

AN ACT
RELATING TO THE CLEANUP OF HAZARDOUS WASTE.

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

Section 1. 1985 Iowa Acts, chapter 79, section 1, is amended to read as follows:

SECTION 1. The department of water, air and waste management shall initiate and conduct a pilot program ~~in-at-least two-counties-designated-by-the-department~~ to collect and dispose of small amounts of hazardous wastes that are being stored in residences, ~~schools, or small businesses with five or fewer employees~~ or on farms. The program shall be known as "Toxic Cleanup Days". The department shall promote and conduct the program and shall, or shall contract with a qualified and bonded waste handling company to, collect and properly dispose of wastes believed by the person disposing of the wastes to be hazardous. The department shall establish maximum amounts of hazardous wastes to be accepted from a person during the "Toxic Cleanup Days" program. Amounts accepted above the maximum may be subject to a fee set by the

department. The department shall not assess a fee for amounts accepted below the maximum amount. The department shall designate the times and dates that wastes shall be collected. The program shall be conducted for one or two days in each county designated. The department shall cooperate with local governmental units and service organizations in promoting and conducting this program including, but not limited to, assisting the local government or service organization in obtaining grants to help defray the expenses of the program. The department shall report to the general assembly by January 15, ~~1986~~ 1987 regarding the ~~plans~~ or results of the pilot program and the department's recommendation whether the program should be continued, expanded, or discontinued.

Sec. 2. NEW SECTION. 266.8 HAZARDOUS WASTE RESEARCH PROGRAM.

1. A hazardous waste technical research and assistance program is created at Iowa state university of science and technology. The program shall be administered by the center for industrial research and service which shall coordinate with and use the services of the civil engineering department or other university departments at Iowa state university for the purposes set forth in this section.

2. The center for industrial research and service may seek and receive grants, donations, gifts, bequests, or other moneys from public and private sources to be used for the purposes set forth in this section.

3. The hazardous waste technical research and assistance program is created specifically for and authorized to do all of the following, upon the request of a business, firm, or corporation located within Iowa or the state or a political subdivision of the state:

a. Conduct research into new techniques, methods, and applications for the proper and safe treatment or disposal of hazardous wastes.

b. Provide advice and consultation on the proper, safe, and cost-effective methods, techniques, and applications for the treatment, storage, or disposal of hazardous wastes.

c. Provide other technical or financial assistance to aid in the proper, safe, and cost-effective treatment or disposal of hazardous wastes.

4. In carrying out its responsibilities under this section, the hazardous waste technical research and assistance program shall give priority to providing research and assistance on hazardous waste sites which impair the future economic development of a particular area including but not limited to the development of infrastructure, highways, sewers, industrial sites, educational facilities, and other assets essential for the development of a city.

5. The center for industrial research and service shall report to the general assembly annually on receipt and disbursement of funds and activities conducted by the hazardous waste technical research and assistance program pursuant to this section.

6. This section shall not be construed to do any of the following:

a. Relieve any person receiving assistance under this section of any duties or liabilities otherwise created or imposed upon the person by law.

b. Transfer to the state, Iowa state university of science and technology, or any employee of the state or the university, any duty or liability otherwise imposed by law on a person receiving assistance under this section.

c. Create any liability to the state, Iowa state university of science and technology, or any employee of the state or the university for any act or omission arising from the providing of assistance or advice in cleaning up, handling, or disposal of hazardous waste. However, an individual may be liable if the act or omission results from intentional wrongdoing or gross negligence.

Sec. 3. This Act, being deemed of immediate importance, takes effect from and after its publication in the Ames Daily Tribune, a newspaper published in Ames, Iowa, and in The Sun, a newspaper published in Mount Vernon, Iowa.

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 2344, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 28, 1986

TERRY E. BRANSTAD
Governor