

Reprinted 3/13/86

FEB 26 1986

Place On Calendar

HOUSE FILE 2376

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

(Formerly House Study Bill 685)

Passed House, Date 3-10-86 (p 624) Passed Senate, Date \_\_\_\_\_

Vote: Ayes 67 Nays 27 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act establishing liability of persons responsible for  
2 hazardous conditions for reasonable costs incurred by the  
3 department of water, air and waste management in responding to  
4 the conditions, and providing for the credit of recoveries for  
5 the liabilities.

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

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HOUSE FILE 2376

H-5247

1 Amend House File 2376 as follows:

2 1. Page 1, line 16, by inserting after the word  
3 "condition" the following: "caused by that person".

H-5247 FILED MARCH 5, 1986

BY SHOULTZ of Black Hawk

Adopted 3/10 (p 627)

HF 2376

1 Section 1. Section 455B.391, subsection 2, Code 1985, is  
2 amended to read as follows:

3 2. The attorney general shall, at the request of the  
4 executive director, take appropriate action against the owner  
5 ~~or-operator-of-any-vehicle,-storage-or-manufacturing-facility,~~  
6 ~~vessel,-or-other-source-of~~ person having control over a  
7 hazardous substance to recover ~~funds-expended-by-the~~  
8 ~~department-for-the-elimination-of-a-hazardous-condition~~ for  
9 the liabilities resulting under section 455B.392. ~~All-such~~  
10 ~~moneys-collected-shall-be-credited-to-the-general-fund-of-the~~  
11 ~~state.~~

12 Sec. 2. Section 455B.392, subsection 1, Code 1985, is  
13 amended by adding the following new lettered paragraph:

14 NEW LETTERED PARAGRAPH. d. The reasonable and necessary  
15 costs incurred by the department in responding at and to the  
16 scene of a hazardous condition.

17 Sec. 3. Section 455B.392, subsection 1, Code 1985, is  
18 amended by adding the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. Claims by the state under this  
20 subsection may be appealed to the commission by the person  
21 filing a written notice of appeal within thirty days after  
22 receipt of the bill.

23 EXPLANATION

24 This bill provides that the person having control over a  
25 hazardous substance is liable to the department of water, air  
26 and waste management for its costs in responding to a  
27 hazardous condition. The bill also provides that funds  
28 collected to cover costs to the department are to be credited  
29 to the hazardous waste remedial fund and authorizes the appeal  
30 of claims made by the state to the water, air and waste  
31 management commission.

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En. Energy 3/13 Amend (5479) & Do Pass 3/27 (p. 917)

HOUSE FILE 2376  
BY COMMITTEE ON ENERGY AND  
ENVIRONMENTAL PROTECTION

(As Amended and Passed by the House March 10, 1986

By Passed House, Date 4-10-86 (p. 1340) Passed Senate, Date 4-4-86 (p. 1050)

Vote: Ayes 74 Nays 22 Vote: Ayes 40 Nays 1

Approved April 28, 1986 (p. 1855)

A BILL FOR

1 An Act establishing liability of persons responsible for  
2 hazardous conditions for reasonable costs incurred by the  
3 department of water, air and waste management in responding to  
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5 the liabilities.

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

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House Amendments \_\_\_\_\_

1 Section 1. Section 455B.391, subsection 2, Code 1985, is  
2 amended to read as follows:

3 2. The attorney general shall, at the request of the  
4 executive director, take appropriate action against the owner  
5 ~~or-operator-of-any-vehicle, storage-or-manufacturing-facility,~~  
6 ~~vessel, or other source of~~ person having control over a  
7 hazardous substance to recover ~~funds-expended-by-the~~  
8 ~~department-for-the-elimination-of-a-hazardous-condition for~~  
9 the liabilities resulting under section 455B.392. All-such  
10 ~~moneys-collected-shall-be-credited-to-the-general-fund-of-the~~  
11 ~~state.~~

12 Sec. 2. Section 455B.392, subsection 1, Code 1985, is  
13 amended by adding the following new lettered paragraph:

14 NEW LETTERED PARAGRAPH. d. The reasonable and necessary  
15 costs incurred by the department in responding at and to the  
16 scene of a hazardous condition caused by that person.

17 Sec. 3. Section 455B.392, subsection 1, Code 1985, is  
18 amended by adding the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. Claims by the state under this  
20 subsection may be appealed to the commission by the person  
21 filing a written notice of appeal within thirty days after  
22 receipt of the bill.

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*Nov*  
*NO 2376*

*NSB 685*

ENERGY AND ENVIRONMENTAL PROTECTION

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PREFILED DEPARTMENT OF  
WATER, AIR AND WASTE  
MANAGEMENT BILL)

Study Bill 685

Energy and Environmental Protection: Shoultz, Chair; Hatch, Jay, McIntee and  
Welden.

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act establishing liability of persons responsible for  
2 hazardous conditions for reasonable costs incurred by the  
3 state in responding to the conditions, and providing for the  
4 credit of recoveries for the liabilities.

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

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2 amended to read as follows:

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4 executive director, take appropriate action against the owner  
5 ~~or-operator-of-any-vehicle,-storage-or-manufacturing-facility,-~~  
6 ~~vessel,-or-other-source-of~~ person having control over a  
7 hazardous substance to recover ~~funds-expended-by-the~~  
8 ~~department-for-the-elimination-of-a-hazardous-condition for~~  
9 the liabilities resulting under section 455B.392. ~~All-such~~  
10 ~~moneys-collected-shall-be-credited-to-the-general-fund-of-the~~  
11 ~~state.~~

12 Sec. 2. Section 455B.392, subsection 1, Code 1985, is  
13 amended by adding the following new lettered paragraph:

14 NEW LETTERED PARAGRAPH. d. The reasonable and necessary  
15 costs incurred by the state in responding at and to the scene  
16 of a hazardous condition.

17 Sec. 3. Section 455B.392, subsection 1, Code 1985, is  
18 amended by adding the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. Claims by the state under this  
20 subsection may be appealed to the commission by the person  
21 filing a written notice of appeal within thirty days after  
22 receipt of the bill.

23 EXPLANATION

24 This bill provides that the person having control over a  
25 hazardous substance is liable to the state for its costs in  
26 responding to a hazardous condition. The bill also provides  
27 that funds collected to cover costs to the state are to be  
28 credited to the hazardous waste remedial fund and authorizes  
29 the appeal of claims made by the state to the water, air and  
30 waste management commission.

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HOUSE FILE 2376

S-5479

1 Amend House File 2376 as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 14 through line 16  
4 and inserting the following:  
5 NEW LETTERED PARAGRAPH. d. The excessive and  
6 extraordinary cost, excluding salaries, incurred by  
7 the department in responding at and to the scene of a  
8 hazardous condition caused by that person."

S-5479 Filed March 27, 1986 BY COMM. ON ENERGY AND ENVIRON.,  
*Adopted 4/4 (y 1060)* BRUNER, CHAIR

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SENATE AMENDMENT TO HOUSE FILE 2376

H-5742

1 Amend House File 2376 as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 14 through line 16  
4 and inserting the following:  
5 "NEW LETTERED PARAGRAPH. d. The excessive and  
6 extraordinary cost, excluding salaries, incurred by  
7 the department in responding at and to the scene of a  
8 hazardous condition caused by that person."

H-5742 FILED APRIL 8, 1986 RECEIVED FROM THE SENATE  
*House concurred 4/10 (y 1390)*

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HOUSE FILE 2376

filing a written notice of appeal within thirty days after receipt of the bill.

AN ACT

ESTABLISHING LIABILITY OF PERSONS RESPONSIBLE FOR HAZARDOUS CONDITIONS FOR REASONABLE COSTS INCURRED BY THE DEPARTMENT OF WATER, AIR AND WASTE MANAGEMENT IN RESPONDING TO THE CONDITIONS, AND PROVIDING FOR THE CREDIT OF RECOVERIES FOR THE LIABILITIES.

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

Section 1. Section 455B.391, subsection 2, Code 1985, is amended to read as follows:

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 person having control over a hazardous substance to recover funds expended by the department for the elimination of a hazardous condition for the liabilities resulting under section 455B.392. All such moneys collected shall be credited to the general fund of the state.

Sec. 2. Section 455B.392, subsection 1, Code 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. d. The excessive and extraordinary cost, excluding salaries, incurred by the department in responding at and to the scene of a hazardous condition caused by that person.

Sec. 3. Section 455B.392, subsection 1, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Claims by the state under this subsection may be appealed to the commission by the person

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DONALD D. AVENSON  
Speaker of the House

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ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2376, Seventy-first General Assembly.

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JOSEPH O'HEARN  
Chief Clerk of the House

Approved April 28, 1986

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TERRY E. BRANSTAD  
Governor