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HOUSE FILE 329
BY SHOULTZ

Judiciary & Law Enforcement
DO PASS 3-14-89 (p. 788)
Sen. Judiciary
DO PASS 4-6-89 (p. 1259)

Passed House, Date 3-21-89 (p. 896) Passed Senate, Date 4-11-89 (p. 1347)
Vote: Ayes 95 Nays 0 Vote: Ayes 49 Nays 0
Approved 5-2-89 (p. 2326)

A BILL FOR

1 An Act relating to the name of and liabilities arising from
2 activities of the small business assistance center at the
3 University of Northern Iowa.

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

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HF 329

1 Section 1. Section 268.4, Code 1989, is amended to read as
2 follows:

3 268.4 ~~SMALL-BUSINESS-ASSISTANCE~~ IOWA WASTE REDUCTION
4 CENTER FOR THE SAFE AND ECONOMIC MANAGEMENT OF SOLID WASTE AND
5 HAZARDOUS SUBSTANCES.

6 1. The ~~small-business-assistance~~ Iowa waste reduction
7 center for the safe and economic management of solid waste and
8 hazardous substances is established at the University of
9 Northern Iowa. The University of Northern Iowa, in
10 cooperation with the department of natural resources, shall
11 develop and implement a program which provides the following:

12 a. Information regarding the safe use and economic
13 management of solid waste and hazardous substances to small
14 businesses which generate the substances.

15 b. Dissemination of information to public and private
16 agencies regarding state and federal solid waste and hazardous
17 substances regulations, and assistance in achieving compliance
18 with the regulations.

19 c. Advice and consultation in the proper storage,
20 handling, treatment, reuse, recycling, and disposal methods of
21 solid waste and hazardous substances.

22 d. Identification of the advantages of proper substance
23 management relative to liability and operational costs of a
24 particular small business.

25 e. Assistance in the providing of capital formation in
26 order to comply with state and federal regulations.

27 2. a. An advisory committee to the center is established,
28 consisting of a representative of each of the following
29 organizations:

30 (1) The Iowa department of economic development.

31 (2) The small business development commission.

32 (3) The University of Northern Iowa.

33 (4) The State University of Iowa.

34 (5) Iowa State University of science and technology.

35 (6) The department of natural resources.

1 b. The active participation of representatives of small
2 businesses in the state shall also be sought and encouraged.

3 3. Information obtained or compiled by the center shall be
4 disseminated directly to the Iowa department of economic
5 development, the small business development centers, and other
6 public and private agencies with interest in the safe and
7 economic management of solid waste and hazardous substances.

8 4. The center may solicit, accept, and administer moneys
9 appropriated to the center by a public or private agency.

10 5. This section does not do any of the following:

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

14 b. Transfer to the state, the University of Northern Iowa,
15 or an employee of the state or the university, a duty or
16 liability otherwise imposed by law on a person receiving
17 assistance under this section.

18 c. Create a liability to the state, the University of
19 Northern Iowa, or an employee of the state or the university
20 for an act or omission arising from the providing of
21 assistance or advice in cleaning up, handling, or disposal of
22 hazardous waste. However, an individual may be liable if the
23 act or omission results from intentional wrongdoing or gross
24 negligence.

25

EXPLANATION

26 This bill changes the name of the small business assistance
27 center to the Iowa waste reduction center and provides that a
28 person receiving information or assistance from the center for
29 management of solid waste and hazardous substances is not
30 relieved of any liability imposed by law; nor is any liability
31 transferred to the state, the university, or an employee of
32 either; nor is a liability created to the state, the
33 university, or an employee of either from the providing of
34 advice or assistance in handling hazardous waste, unless there
35 is intentional wrongdoing or gross negligence.

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HOUSE FILE 329

AN ACT

RELATING TO THE NAME OF AND LIABILITIES ARISING FROM ACTIVITIES OF THE SMALL BUSINESS ASSISTANCE CENTER AT THE UNIVERSITY OF NORTHERN IOWA.

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

Section 1. Section 268.4, Code 1989, is amended to read as follows:

268.4 SMALL-BUSINESS-ASSISTANCE IOWA WASTE REDUCTION CENTER FOR THE SAFE AND ECONOMIC MANAGEMENT OF SOLID WASTE AND HAZARDOUS SUBSTANCES.

1. The small-business-assistance Iowa waste reduction center for the safe and economic management of solid waste and hazardous substances is established at the University of Northern Iowa. The University of Northern Iowa, in cooperation with the department of natural resources, shall develop and implement a program which provides the following:

a. Information regarding the safe use and economic management of solid waste and hazardous substances to small businesses which generate the substances.

b. Dissemination of information to public and private agencies regarding state and federal solid waste and hazardous substances regulations, and assistance in achieving compliance with the regulations.

c. Advice and consultation in the proper storage, handling, treatment, reuse, recycling, and disposal methods of solid waste and hazardous substances.

d. Identification of the advantages of proper substance management relative to liability and operational costs of a particular small business.

e. Assistance in the providing of capital formation in order to comply with state and federal regulations.

2. a. An advisory committee to the center is established, consisting of a representative of each of the following organizations:

(1) The Iowa department of economic development.

(2) The small business development commission.

(3) The University of Northern Iowa.

(4) The State University of Iowa.

(5) Iowa State University of science and technology.

(6) The department of natural resources.

b. The active participation of representatives of small businesses in the state shall also be sought and encouraged.

3. Information obtained or compiled by the center shall be disseminated directly to the Iowa department of economic development, the small business development centers, and other public and private agencies with interest in the safe and economic management of solid waste and hazardous substances.

4. The center may solicit, accept, and administer moneys appropriated to the center by a public or private agency.

5. This section does not do any of the following:

a. Relieve a 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, the University of Northern Iowa, or an employee of the state or the university, a duty or liability otherwise imposed by law on a person receiving assistance under this section.

c. Create a liability to the state, the University of Northern Iowa, or an employee of the state or the university for an 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.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 329, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 2, 1989

TERRY E. BRANSTAD
Governor