

Senate File 440 - Introduced

SENATE FILE 440
BY WEINER, DONAHUE, DOTZLER,
CELSI, ZIMMER, TOWNSEND, and
STAED

A BILL FOR

1 An Act imposing fines for hazardous conditions caused by a
2 person having control over a hazardous substance, providing
3 penalties, and making appropriations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 455B.392, subsection 5, Code 2025, is
2 amended to read as follows:

3 5. Money collected by the department pursuant to this
4 section, except for moneys collected under subsection 5A, shall
5 be deposited in the hazardous waste remedial fund created in
6 section 455B.423. Moneys shall be used in the manner permitted
7 for the fund. Moneys collected by a state agency other than
8 the department of natural resources pursuant to this section
9 are appropriated to that agency for purposes of reimbursing
10 costs of the agency for emergency response activities described
11 in subsection 1. Moneys collected by a political subdivision
12 pursuant to this section shall be retained by the political
13 subdivision and shall be used for purposes of reimbursing costs
14 of the political subdivision for emergency response activities
15 described in subsection 1.

16 Sec. 2. Section 455B.392, Code 2025, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 5A. In addition to liabilities imposed by
19 this section, there shall be imposed on a person liable for costs
20 or damages under subsection 1 a fine of ten percent of the total
21 amount of costs and damages. Moneys collected pursuant to this
22 subsection shall be deposited into the natural resources account
23 created in section 461.32. Moneys shall be used in a manner
24 permitted for the account.

25 Sec. 3. Section 461.32, subsection 1, Code 2025, is amended
26 to read as follows:

27 1. A natural resources account is created in the trust fund.
28 ~~Twenty-three~~ In addition to any moneys deposited in the account
29 pursuant to section 455B.392, twenty-three percent of the moneys
30 credited to the trust fund shall be allocated to the account.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill imposes fines for hazardous conditions caused by a
35 person having control over a hazardous substance.

1 Under current law, a person having control over a hazardous
2 substance is strictly liable for costs and damages resulting
3 from a hazardous condition caused by the person. In addition
4 to the person's liability under current law, the bill adds
5 a fine in the amount of 10 percent of the total costs
6 and damages. The bill requires moneys collected from the
7 fine to be deposited into the natural resources account of
8 the natural resources and outdoor recreation trust fund and
9 used in a manner permitted for the account. The natural
10 resources account supports the establishment, restoration, or
11 enhancement of state parks, state preserves, state forests,
12 wildlife areas, wildlife habitats, native prairies, and wetlands;
13 wildlife diversity, recreational purposes, technical assistance
14 and financial incentives to private landowners to promote the
15 management of forests, fisheries, wetlands, and wildlife; the
16 improvement of water trails, rivers, and streams; and education
17 and outreach that provide instruction regarding natural history
18 and the outdoors.