

Sec. 10. Sections 1 and 3* of this Act are retroactive to January 1, 1988, for tax years beginning on or after that date.

Sec. 11. Sections 4, 5, and 6 of this Act apply retroactively to January 1, 1987, for tax years beginning on or after that date.

Sec. 12. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 1, 1989

CHAPTER 286

ABANDONED WELLS

S.F. 441

AN ACT relating to the plugging of abandoned wells, by providing assistance to well owners, providing for well inspection and certification, providing for fees, making a civil penalty applicable, providing an effective date, and providing for repeal of a portion of the Act.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.190, Code 1989, is amended to read as follows:

455B.190 ABANDONED WELLS PROPERLY PLUGGED.

1. As used in this section:

a. "Class 1 well" means a well one hundred feet or less in depth and eighteen inches or more in diameter.

b. "Class 2 well" means a well more than one hundred feet in depth or less than eighteen inches in diameter or a bedrock well.

c. "Class 3 well" means a sandpoint well or a well fifty feet or less in depth constructed by joining a screened drive point with lengths of pipe and driving the assembly into a shallow sand and gravel aquifer.

d. "Department" means the department of natural resources.

e. "Designated agent" means a person other than the state, designated by a county board of supervisors to review and confirm that a well has been properly plugged.

f. "Filling materials" means agricultural lime. Filling materials may also include other materials, including soil, sand, gravel, crushed stone, and pea gravel as approved by the department.

g. "Owner" means the titleholder of the land where a well is located.

h. "Plug" means the closure of an abandoned well with plugging materials which will permanently seal the well from contamination by surface drainage, or permanently seal off the well from contamination into an aquifer.

i. "Plugging materials" means filling and sealing materials.

j. "Sealing materials" means bentonite. Sealing materials may also include neat cement, sand cement grout, or concrete as approved by the department.

k. "Well" means an abandoned well as defined in section 455B.171.

2. All abandoned wells, as defined in section 455B.171, shall be properly plugged in accordance with the schedule established by the department. The department shall develop a prioritized closure program and a time frame for the completion of the program and shall adopt rules to implement the program. The schedule established by the department shall provide that to the fullest extent technically and economically feasible, all wells shall be properly plugged not later than July 1, 2000.

3. Wells shall be plugged as follows:

*Sections 1, 2, and 3 probably intended

a. Class 1 wells shall be plugged by placing filling materials up to one foot below the static water level. At least one foot of sealing materials shall be placed on top of the filling materials up to the static water level, as a seal. Filling materials shall be added up to four feet below the ground surface. However, sealing materials may be used to fill the entire well up to four feet below the ground surface. The casing pipe shall be removed down to at least four feet below the ground surface and shall be capped with at least one foot of sealing materials. Obstructions shall be removed from the top four feet of the ground surface and the top four feet shall be backfilled with soil and graded.

b. Class 2 wells shall be plugged by placing filling materials at the bottom of the well up to four feet below the static water level. At least four feet of sealing material shall be added on top of the filling material up to the original static water level. Filling materials shall be placed up to four feet below the ground surface and the well shall be capped with at least one foot of sealing material. However, sealing materials may be used to fill the entire well up to four feet below the ground surface. The upper four feet of the casing pipe below the ground surface shall be removed. The top four feet of the ground surface shall be removed of obstructions and backfilled with soil and graded.

c. Class 3 wells shall be plugged by pulling the casing and sandpoint out of the ground, and collapsing the hole. The well may also be plugged by placing sealing materials up to four feet below the ground surface and by removing the upper four feet of casing pipe below the ground surface. The top four feet of the ground surface shall be removed of obstructions and backfilled with soil and graded.

4. The department shall sponsor an advertising campaign directed to persons throughout the state by print and electronic media designed to notify owners of the deadline for plugging wells, penalties for noncompliance, and information about receiving assistance in plugging wells.

5. An owner may, independent of a contractor, plug a well pursuant to this section subject to review and confirmation by a designated agent of the county or a well driller registered with the department.

6. A person who fails to properly plug an abandoned a well on property the person owns, in accordance with the program established by the department, or as reported by a designated agent or a registered well driller, is subject to a civil penalty of up to one hundred dollars per day every five calendar days that the well remains unplugged or improperly plugged. However, the total civil penalty shall not exceed one thousand dollars. The penalty shall only be assessed after the one thousand dollar limit is reached. If the owner plugs the well in compliance with this section, including applicable departmental rules, before the date that the one thousand dollar limit is reached, the civil penalty shall not be assessed. The penalty shall not be imposed upon a person for improperly plugging a well until the department notifies the person of the improper plugging. The moneys collected shall be deposited in the financial incentive portion of the agriculture management account. The department of agriculture and land stewardship may provide by rule for financial incentive moneys, through expenditure of the moneys allocated to the financial-incentive-program portion of the agriculture management account, to reduce a person's cost in properly plugging wells abandoned prior to July 1, 1987.

Sec. 2. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 1, 1989

CHAPTER 287**UNCLAIMED PERSONAL PROPERTY***S.F. 407*

AN ACT relating to unclaimed intangible personal property by providing for the treatment of claims in the course of the dissolution of a corporation in the same manner as unclaimed property held by a court or by the state and by altering certain aspects of claim administration, distribution of moneys, and other matters properly related with the disposition of unclaimed personal property and procedures related thereto.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 496A.101, subsection 1, Code 1989, is amended to read as follows:

1. Upon the voluntary or involuntary dissolution of a corporation the portion of the assets distributable to a creditor or shareholder who is unknown, or who is under disability and there is no person legally competent to receive such distributive portion, or who cannot be found after the exercise of reasonable diligence by the person or persons responsible for the distribution in liquidation of the corporation's assets, shall be reduced to cash and deposited with the state treasurer of state, together with a statement giving the name of the person, if known, entitled to such fund, that person's last known address, the amount of that person's distributive portion, and such other information about such person as the state treasurer may reasonably require, pursuant to section 556.6 and be accompanied by a form prescribed by the treasurer of state, whereupon the person or persons responsible for the distribution in liquidation of the corporation's assets shall be released and discharged from any further liability with respect to the funds so deposited. The state treasurer of state shall issue the state treasurer's receipt for such fund and shall deposit same in a special account to be maintained by the state treasurer the moneys deposited.

Sec. 2. Section 496A.101, subsection 2, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

2. Claims for ownership or right to the moneys after they have been remitted to the treasurer of state shall be filed pursuant to chapter 556.

Sec. 3. Section 496A.101, Code 1989, is amended by adding the following new subsection: **NEW SUBSECTION. 3.** Moneys deposited with the treasurer of state pursuant to this section before the effective date of this Act and deposited in the special account shall be transferred to the unclaimed property trust fund created by section 556.18 and are subject to the reversion requirements of that section.

Sec. 4. Section 556.8, Code 1989, is amended to read as follows:

556.8 PROPERTY HELD BY STATE COURTS AND PUBLIC OFFICERS AND AGENCIES.

All intangible personal property held for the owner by any court, public corporation, public authority, agency, instrumentality, employee, or public officer of this state, or the United States, or a political subdivision of the state, another state, or the United States, that has remained unclaimed by the owner for more than two years after becoming payable or distributable is presumed abandoned.

Sec. 5. Section 556.11, unnumbered paragraph 1, Code 1989, is amended to read as follows:

All agreements to pay compensation to recover or assist in the recovery of property reported under this section, made within twenty-four months after the date payment or delivery is made under section 556.13 are unenforceable. However, such agreements made after twenty-four months from the date of payment or delivery are valid if the fee or compensation agreed upon is not more than fifteen percent of the recoverable property, the agreement is in writing and signed by the owner, and the writing discloses the nature and value of the property and the name and address of the person in possession. This section does not prevent an owner from