

**NEW SUBSECTION. 5.** The district court sitting in small claims has concurrent jurisdiction of an action for abandonment of a mobile home or personal property pursuant to section 555B.3, if no money judgment in excess of two thousand dollars is sought. If commenced under this chapter, the action is a small claim for the purposes of this chapter.

Sec. 19. Section 631.4, subsection 2, Code 1993, is amended by adding the following new paragraph:

**NEW PARAGRAPH. c.** If personal service cannot be made upon each defendant, as provided in rule of civil procedure 56.1, the plaintiff may elect to post, after at least three attempts to perfect service upon each defendant, one or more copies of the original notice upon the real property being detained by each defendant at least five days prior to the date set for hearing. In such instances, the plaintiff shall also mail, by certified mail and first class mail, to each defendant, at the place held out by each defendant as the place for receipt of such communications or, in the absence of such designation, at each defendant's last known place of residence, a copy of the original notice at least five days prior to the date set for hearing. Under this paragraph, service shall be deemed complete upon each defendant by the filing with the clerk of the district court of one or more affidavits indicating that a copy of the original notice was both posted and mailed to each defendant as provided in this paragraph.

Sec. 20. Section 631.4, Code 1993, is amended by adding the following new subsection:

**NEW SUBSECTION. 3. ACTIONS FOR ABANDONMENT OF MOBILE HOMES OR PERSONAL PROPERTY PURSUANT TO CHAPTER 555B.**

a. In an action for abandonment of a mobile home or personal property, the clerk shall set a date, time, and place for hearing, and shall cause service to be made as provided in this subsection.

b. Original notice shall be served personally on each defendant as provided in section 555B.4.

Sec. 21. Section 631.5, unnumbered paragraph 1, Code 1993, is amended to read as follows:

This section ~~shall apply~~ applies to all small claims except actions for forcible entry or detention of real property and actions for abandonment of mobile homes or personal property pursuant to chapter 555B.

Sec. 22. Section 648.19, Code 1993, is amended to read as follows:

**648.19 NO JOINDER OR COUNTERCLAIM — EXCEPTION.**

An action of this kind shall not be brought in connection with any other action, with the exception of a claim for rent or recovery as provided in sections 562A.24, 562A.32, 562B.22, 562B.25, ~~or 562B.27,~~ or 555B.3 nor shall it be made the subject of counterclaim. When joined with an action for rent or recovery as provided in section 555B.3, 562A.24, 562A.32, 562B.22, 562B.25, or 562B.27, notice of hearing as provided in section 648.5 is sufficient.

Approved May 21, 1993

**CHAPTER 155****UNDERGROUND STORAGE TANKS***H.F. 644*

**AN ACT** relating to underground storage tanks and providing penalties.

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

Section 1. Section 455G.4, subsection 3, Code 1993, is amended by adding the following new paragraph:

**NEW PARAGRAPH.** g. The board shall adopt rules relating to appeal procedures which shall require the administrator to deliver notice of appeal to the affected parties within fifteen days of receipt of notice, require that the hearing be held within one hundred eighty days of the filing of the petition unless good cause is shown for the delay, and require that a final decision be issued no later than one hundred twenty days following the close of the hearing. The time restrictions in this paragraph may be waived by mutual agreement of the parties.

Sec. 2. Section 455G.9, subsection 1, paragraph a, subparagraph (3), unnumbered paragraph 1, Code 1993, is amended to read as follows:

Corrective action for an eligible release reported to the department of natural resources on or after January 1, ~~1985~~ 1984, but prior to July 1, 1987. Third-party liability is specifically excluded from remedial account coverage. For a claim for a release for a small business under this subparagraph, the remedial program shall pay in accordance with subsection 4. For all other claims under this subparagraph, the remedial program shall pay the lesser of fifty thousand dollars of the total costs of corrective action for that release or total corrective action costs for that release as determined under subsection 4. For a release to be eligible for coverage under this subparagraph the following conditions must be satisfied:

Sec. 3. Section 455G.9, subsection 1, paragraph g, Code 1993, is amended to read as follows:

g. Corrective action for the costs of a release under all of the following conditions:

(1) The property upon which the tank causing the release was situated was transferred by inheritance, devise, or bequest.

(2) The property upon which the tank causing the release was situated has not been used to store or dispense petroleum since ~~January 1, 1974~~ December 31, 1975.

(3) The person who received the property by inheritance, devise, or bequest was not the owner of the property during the period of time when the release which is the subject of the corrective action occurred.

(4) The release was reported to the board by ~~July 1, 1991~~ October 26, 1991.

Corrective action costs and copayment amounts under this paragraph shall be paid in accordance with subsection 4.

A person requesting benefits under this paragraph may establish that the conditions of subparagraphs (1), (2), and (3) are met through the use of supporting documents, including a personal affidavit.

Sec. 4. Section 455G.9, subsection 1, Code 1993, is amended by adding the following new paragraph:

**NEW PARAGRAPH.** i. Notwithstanding section 455G.1, subsection 2, corrective action, for a release which was tested prior to October 26, 1990, and for which the site was issued a no further action letter by the department of natural resources and which was later determined, due to sale of the property or removal of a nonoperating tank, to require remediation which was reported to the administrator by October 26, 1992, in an amount as specified in subsection 4. In order to qualify for benefits under this paragraph, the applicant must not have operated a tank on the property during the period of time for which the applicant owned the property and the applicant must not be a financial institution.

Sec. 5. Section 455G.10, subsection 3, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The benefits under this section shall be available to small businesses entering into the petroleum business.

Sec. 6. Section 455G.11, subsection 3, paragraph c, Code 1993, is amended to read as follows:

c. The applicant certifies in writing to the board that the tank to be insured will be brought into compliance with either paragraph "a" or "b", on or before ~~October 26, 1993~~ January 1, 1995, provided that prior to the provision of insurance account coverage, the tank site tests release free. For a tank qualifying for insurance coverage pursuant to this paragraph at the time of application or renewal, the owner or operator shall pay a per tank premium equal to two times the normally scheduled premium for a tank satisfying paragraph "a" or "b". An owner or operator who fails to comply as certified to the board on or before October 26, 1993 January 1, 1995, shall not insure that tank through the insurance account unless and until the tank satisfies the requirements of paragraph "a" or "b". An owner or operator who fails to comply with either paragraph "a" or "b" by October 26, 1993, or who fails to enter into a contract on or before October 26, 1993, which, upon completion, will bring the owner or operator into compliance with either paragraph "a" or "b" by January 1, 1995, shall pay an additional surcharge of four hundred dollars per tank, per insured time period.

Sec. 7. Section 455G.11, subsection 4, Code 1993, is amended to read as follows:

4. Actuarially sound premiums based on risk factor adjustments after five years. The annual premium for insurance coverage shall be:

a. For the year July 1, 1989, through June 30, 1990, one hundred dollars per tank.

b. For the year July 1, 1990, through June 30, 1991, one hundred fifty dollars per tank.

c. For the year July 1, 1991, through June 30, 1992, two hundred dollars per tank.

d. For the year July 1, 1992, through June 30, 1993, two hundred fifty dollars per tank.

e. For the year July 1, 1993, through June 30, 1994, three hundred dollars per tank, in accordance with the following:

(1) For a tank satisfying subsection 3, paragraph "a" or "b", three hundred dollars per tank.

(2) For a tank qualifying under subsection 3, paragraph "c", six hundred dollars per tank.

f. For the period from July 1, 1994, through December 31, 1994, in accordance with the following:

(1) For a tank satisfying subsection 3, paragraph "a" or "b", three hundred fifty dollars per tank.

(2) For a tank qualifying under subsection 3, paragraph "c", seven hundred dollars per tank.

g. For subsequent years time periods, an owner or operator applying for coverage shall pay an annually adjusted insurance premium for coverage by the insurance account. The board may only approve fund coverage through the payment of a premium established on an actuarially sound basis. Risk factors shall be taken into account in establishing premiums. It is the intent of the general assembly that an actuarially sound premium reflect the risk to the insurance account presented by the insured. Risk factor adjustments should reflect the range of risk presented by the variety of tank systems, monitoring systems, and risk management practices in the general insurable tank population. Premium adjustments for risk factors should at minimum take into account lifetime costs of a tank and monitoring system and insurance account premiums for that tank system so as to provide a positive economic incentive to the owner or operator to install the more environmentally safe option so as to reduce the exposure of the insurance account to loss. Actuarially sound is not limited in its meaning to fund premium revenue equaling or exceeding fund expenditures for the general tank population.

If coverage is purchased for any part of a year the purchaser shall pay the full annual premium.

h. The insurance account may offer, at the buyer's option, a range of deductibles. A ten thousand dollar deductible policy shall be offered.

Sec. 8. Section 455G.11, subsection 6, paragraph b, Code 1993, is amended to read as follows:  
b. ANNUAL PREMIUMS. The annual premium shall be:

- (1) For the year July 1, 1991, through June 30, 1992, two hundred dollars per insured tank.
- (2) For the year July 1, 1992, through June 30, 1993, two hundred fifty dollars per insured tank.
- (3) For the year July 1, 1993, through June 30, 1994, three hundred dollars per insured tank.
- (4) For the period from July 1, 1994, through December 31, 1994, three hundred fifty dollars per insured tank.

(4) (5) For subsequent years time periods, installers and inspectors shall pay an annually adjusted insurance premium to maintain coverage on each tank previously installed or newly insured by the insurance account. The board may only approve fund coverage through the payment of a premium established on an actuarially sound basis. The premium paid shall be fully earned and is not subject to refund or cancellation. If coverage is purchased for any part of a year the purchaser shall pay the full annual premium.

(5) (6) The board may offer coverage at rates based on sales if the qualifying installer or inspector cannot be rated on a per tank basis, or if the work the installer or inspector performs involves more than tank installation. The rates to develop premiums shall be based on the premium charged per tank under subparagraphs (1), (2), ~~and~~ (3), and (4).

Sec. 9. Section 455G.11, subsection 10, paragraph c, Code 1993, is amended to read as follows:  
c. PREMIUMS. The annual premium for insurance coverage shall be two hundred fifty dollars per party, per location, with an overall limit of liability per site of five hundred thousand dollars. The premiums are fully earned. Each party purchasing coverage at that site will have the total limit of liability prorated over the total limit among the policies issued, so as to avoid stacking beyond the total coverage limit of five hundred thousand dollars. If coverage is purchased for any part of a year, the purchaser shall pay the full annual premium.

After ~~June 30~~ December 31, 1994, an owner, operator, landowner, or financial institution applying for coverage shall pay an annually adjusted insurance premium for coverage by the insurance account. The board may only approve fund coverage through the payment of a premium established on an actuarially sound basis.

Sec. 10. Section 455G.18, subsection 1, Code 1993, is amended to read as follows:

1. The department of natural resources shall adopt rules pursuant to chapter 17A requiring that groundwater professionals register with the department of natural resources. The rules shall include provisions for suspension or revocation of registration for good cause.

Approved May 21, 1993

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## CHAPTER 156

### PROPERTY TAX CREDITS AND REIMBURSEMENTS

#### *H.F. 671*

AN ACT relating to the definition of income for purposes of the mobile home property tax credit and the homestead tax credit and rent reimbursement and providing effective and applicability dates.

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

Section 1. Section 425.17, subsection 7, Code 1993, is amended to read as follows:

7. "Income" means the sum of Iowa net income as defined in section 422.7, plus all of the following to the extent not already included in Iowa net income: Capital gains, alimony, child support money, cash public assistance and relief, except property tax relief granted under this