

suant to due process of law by a court of any other jurisdiction in the United States shall be recognized in this state.

b. A decree terminating a parent-child relationship which is issued pursuant to due process of law by a court of any other jurisdiction in the United States shall be recognized in this state.

c. A document approved by the immigration and naturalization service of the United States department of justice shall be accepted ~~by the department of human services in this state~~ as evidence of termination of parental rights in a jurisdiction outside the United States and recognized in this state.

2. If an adoption has occurred in the minor person's country of origin, a further adoption must occur in the state where the adopting parents reside in accordance with the adoption laws of that state.

3. ~~The department~~ A licensed child placing agency as defined in section 238.2, a person making an independent placement as defined in section 600A.2, or an investigator may provide necessary assistance to an eligible citizen of Iowa who desires to, in accordance with the immigration laws of the United States, make an international adoption. ~~For any such assistance the department may charge a fee which does not exceed the reasonable cost of services rendered and which is based on a sliding scale relating to the investigated person's ability to pay.~~

4. ~~Any rules of the department relating to placement of a minor child for adoption which are more restrictive than comparable rules of agencies making international placements and laws of the United States shall not be enforced by the department in an international adoption.~~

Sec. 3. EFFECTIVE DATE. Section 1, creating section 600.12A, being deemed of immediate importance, takes effect upon enactment.

Approved April 9, 1998

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## CHAPTER 1065

### UNDERGROUND STORAGE TANKS — NO FURTHER ACTION FUND

*H.F. 2339*

AN ACT relating to limits on coverage of the remedial account of the Iowa comprehensive petroleum underground storage tank fund, the minimum copayment provisions in regard to the remedial account, and creating a no further action fund.

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

Section 1. Section 455G.3, subsection 3, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. To establish a no further action fund for the purposes stated in section 455G.22.

Sec. 2. Section 455G.6, Code 1997, is amended by adding the following new subsection: NEW SUBSECTION. 17. Allocate moneys from the Iowa comprehensive petroleum underground storage tank fund to the no further action fund.

Sec. 3. Section 455G.9, subsection 1, paragraph a, subparagraph (1), unnumbered paragraph 1, Code 1997, is amended to read as follows:

Corrective action for an eligible release reported to the department of natural resources on or after July 1, 1987, but prior to May 5, 1989. 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. 4. Section 455G.9, subsection 1, paragraph a, subparagraph (3),\* Code 1997, is amended to read as follows:

(3) Corrective action for an eligible release reported to the department of natural resources on or after January 1, 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. 5. Section 455G.9, subsection 4, Code 1997, is amended to read as follows:

4. Minimum copayment schedule.

a. ~~An owner or operator who reports a release to the department of natural resources after May 5, 1989, and on or before October 26, 1990, shall be required to pay the following copayment amounts:~~

(1) ~~If the owner or operator has a net worth of one hundred thousand dollars or less and owns no more than one site, the owner or operator shall pay no more than eighteen percent of the total costs of corrective action for that release. For purposes of this subparagraph, "net worth" means the fair market value of the site, which shall include an adjustment for anticipated benefits under this section.~~

(2) ~~If a site's total anticipated expenses are not reserved for more than, or actual expenses do not exceed, eighty thousand dollars, the owner or operator shall pay the greater of five thousand dollars or eighteen percent of the first eighty thousand dollars of the total costs of corrective action for that release.~~

(3) ~~If a site's total anticipated expenses are reserved for more than, or actual expenses exceed, eighty thousand dollars, the owner or operator shall pay the amount as designated in subparagraph (2) plus thirty five percent of the total costs of the corrective action for that release which exceed eighty thousand dollars.~~

b. ~~The remedial account shall pay the remainder, as required by federal regulations, of the total costs of the corrective action for that release, not to exceed one million dollars, except that a county shall not be required to pay a copayment in connection with a release situated on property acquired in connection with delinquent taxes, as provided in subsection 1, paragraph "d", unless subsequent to acquisition the county actively operates a tank on the property for purposes other than risk assessment, risk management, or tank closure.~~

Sec. 6. Section 455G.21, subsection 2, paragraph a, Code 1997, is amended to read as follows:

a. Five million dollars per year shall be allocated to the innocent landowners fund which shall be established as a separate fund in the state treasury under the control of the board. The innocent landowners fund shall also include any moneys recovered pursuant to cost recovery enforcement under section 455G.13. Notwithstanding section 455G.1, subsection 2, benefits for the costs of corrective action shall be provided to the owner of a petroleum-contaminated property, who is not otherwise eligible to receive benefits under section 455G.9. An owner of a petroleum-contaminated property shall be eligible for payment of total corrective action costs subject to copayment requirements under section 455G.9,

\* Subparagraph (3), unnumbered paragraph 1 probably intended

subsection 4, paragraph "a", subparagraphs (1) and (2). The board may adopt rules conditioning receipt of benefits under this paragraph to those petroleum-contaminated properties which present a higher degree of risk to the public health and safety or the environment and may adopt rules providing for denial of benefits under this paragraph to a person who did not make a good faith attempt to comply with the provisions of this chapter. This paragraph does not confer a legal right to an owner of petroleum-contaminated property for receipt of benefits under this paragraph.

**Sec. 7. NEW SECTION. 455G.22 NO FURTHER ACTION FUND.**

1. A no further action fund is created as a separate fund in the state treasury under the control of and administered by the board. Notwithstanding section 8.33, moneys remaining in the no further action fund at the end of each fiscal year shall not revert to the general fund of the state but shall remain in the no further action fund. The no further action fund shall include the following:

a. Ten million dollars allocated to the fund on July 1, 1998, from the Iowa comprehensive petroleum underground storage tank fund created under section 455G.3.

b. Notwithstanding section 12C.7, interest earned by the no further action fund or other moneys specifically allocated to the no further action fund.

2. From the moneys in the fund, up to one hundred thousand dollars per site may be used to reimburse the department for corrective action as directed by the department under the following conditions:

a. The corrective action is in response to high risk conditions caused by a release for which the department has issued a no further action certificate under section 455B.474.

b. The no further action certificate was issued after January 31, 1997.

c. The department determines the high risk conditions are not caused by a release which occurred after the issuance of the no further action certificate.

3. Moneys in the no further action fund shall not be used for the purposes of bonding or providing security for bonding under this chapter.

4. This section does not confer a legal right to an owner or operator of petroleum contaminated property or any other person for receipt of benefits under this section.

5. Any funds remaining in the no further action fund on June 30, 2006, which are not held in reserve for a claim submitted pursuant to this section, and any funds which remain on June 30, 2008, shall be credited to the road use tax fund.

Approved April 9, 1998

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## CHAPTER 1066

### CHILD AND FAMILY SERVICES — ELECTRONIC BENEFITS TRANSFER PROGRAM

H.F. 2468

**AN ACT** establishing an electronic benefits transfer program in the department of human services.

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

**Section 1. NEW SECTION. 234.12A ELECTRONIC BENEFITS TRANSFER PROGRAM.**

1. The department of human services may establish an electronic benefits transfer program utilizing electronic funds transfer systems. The program, if established, shall at a minimum provide for all of the following: