

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:

a. A retailer shall not be required to make cash disbursements or to provide, purchase, or upgrade electronic funds transfer system equipment as a condition of participation in the program.

b. A retailer providing electronic funds transfer system equipment for transactions pursuant to the program shall be reimbursed fifteen cents for each approved transaction pursuant to the program utilizing the retailer's equipment.

c. A retailer that provides electronic funds transfer system equipment for transactions pursuant to the program and who makes cash disbursements pursuant to the program utilizing the retailer's equipment shall be paid a fee of fifteen cents by the department for each cash disbursement transaction by the retailer.

2. A point-of-sale terminal which is used only for purchases from a retailer by electronic benefits transfer utilizing electronic funds transfer systems is not a satellite terminal as defined in section 527.2.

Approved April 9, 1998

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## CHAPTER 1067

### CRIMES RELATING TO RAILROAD PROPERTY

H.F. 2482

**AN ACT** relating to certain criminal acts committed on or against the property of railway corporations and providing and applying penalties.

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

Section 1. Section 716.7, subsection 2, Code 1997, is amended by adding the following new paragraph:

**NEW PARAGRAPH.** e. Entering or remaining upon or in railway property without lawful authority or without the consent of the railway corporation which owns, leases, or operates the railway property. This paragraph does not apply to passage over a railroad right-of-way, other than a track, railroad roadbed, viaduct, bridge, trestle, or railroad yard, by an unarmed person if the person has not been notified or requested to abstain from entering on to the right-of-way or to vacate the right-of-way and the passage over the right-of-way does not interfere with the operation of the railroad.

Sec. 2. Section 716.7, Code 1997, is amended by adding the following new subsections:  
**NEW SUBSECTION.** 5. For purposes of this section, "railway property" means all tangible real and personal property owned, leased, or operated by a railway corporation with the exception of any administrative building or offices of the railway corporation.

For purposes of this section, "railway corporation" means a corporation, company, or person owning, leasing, or operating any railroad in whole or in part within this state.

**NEW SUBSECTION.** 6. This section shall not apply to the following persons:

a. Representatives of the state department of transportation, the federal railroad administration, or the national transportation safety board who enter or remain upon or in railway property while engaged in the performance of official duties.

b. Employees of a railway corporation who enter or remain upon or in railway property while acting in the course of employment.

c. Any person who is engaged in the operation of a lawful business on railway station grounds or in the railway depot.