

House File 2459

H-8215

1 Amend House File 2459 as follows:

2 1. Page 6, after line 30 by inserting:

3 <DIVISION _____

4 UNDERGROUND STORAGE TANK FUND AND RENEWABLE FUEL
5 INFRASTRUCTURE FUND ALLOCATIONS — UNDERGROUND STORAGE
6 TANKS REMEDIAL ACTION TAX CREDIT AND CLAIMS

7 Sec. _____. Section 321.145, subsection 2, paragraph
8 a, Code 2016, is amended by striking the paragraph.

9 Sec. _____. Section 321.145, subsection 2, paragraph
10 b, Code 2016, is amended to read as follows:

11 *b.* Moneys ~~remaining after the operation of~~
12 ~~paragraph "a"~~ shall be credited in order of priority as
13 follows:

14 (1) An amount equal to four percent of the revenue
15 from the operation of [section 321.105A, subsection 2](#),
16 shall be credited to the department, to be used for
17 purposes of public transit assistance under chapter
18 324A.

19 (2) An amount equal to two dollars per year of
20 license validity for each issued or renewed driver's
21 license which is valid for the operation of a
22 motorcycle shall be credited to the motorcycle rider
23 education fund established under [section 321.179](#).

24 (3) The amounts required to be transferred pursuant
25 to [section 321.34](#) from revenues available under
26 this subsection shall be transferred and credited as
27 provided in section 321.34, subsections 7, 10, 10A,
28 11, 11A, 11B, 13, 16, 17, 18, 19, 20, 20A, 20B, 20C,
29 21, 22, 23, 24, 25, and 26 for the various purposes
30 specified in those subsections.

31 Sec. _____. NEW SECTION. **427B.23 Repeal.**

32 This division is repealed July 1, 2016.

33 Sec. _____. NEW SECTION. **455G.22 Eligible claims and**
34 **date.**

35 A claim for a release filed after December 31,

1 2016, shall not be eligible for payment from the Iowa
2 comprehensive petroleum underground storage tank fund.

3 DIVISION ____

4 IOWA TANKS FUND FINANCING PROGRAM — UNDERGROUND
5 STORAGE TANK FUND REPEAL

6 Sec. ____ . NEW SECTION. 16.145 Definitions.

7 As used in this part:

8 1. "*Claimant*" means an owner or operator who has
9 received assistance under the Iowa tanks fund or
10 its predecessor, the Iowa comprehensive petroleum
11 underground storage tank fund created in chapter 455G,
12 Code 2017.

13 2. "*Costs*" means all costs, charges, expenses,
14 or other indebtedness incurred by a claimant and
15 determined by the department as reasonable and
16 necessary for carrying out all works and undertakings
17 necessary or incidental to the accomplishment of any
18 project.

19 3. "*Department*" means the department of natural
20 resources created in section 455A.2.

21 4. "*Director*" means the director of the department
22 of natural resources.

23 5. "*Program*" means the Iowa tanks fund financing
24 program created pursuant to section 455B.472A.

25 Sec. ____ . NEW SECTION. 16.146 Iowa tanks fund
26 financing program.

27 1. The authority shall cooperate with the
28 department in the creation, administration, and
29 financing of the program.

30 2. The authority shall administer the Iowa tanks
31 fund created in section 455B.472A to carry out
32 the purposes of the program and shall manage the
33 funding, administration, investment, restrictions, and
34 disposition of the fund.

35 3. The authority shall work cooperatively with

1 the director to distribute financial assistance for
2 work conducted by eligible entities that comply with
3 the requirements of the program. The department
4 shall determine if work completed is eligible for
5 reimbursement from the Iowa tanks fund created for the
6 program.

7 Sec. _____. Section 68B.35, subsection 2, paragraph
8 e, Code 2016, is amended to read as follows:

9 e. Members of the state banking council, the
10 ethics and campaign disclosure board, the credit union
11 review board, the economic development authority, the
12 employment appeal board, the environmental protection
13 commission, the health facilities council, the
14 Iowa finance authority, the Iowa public employees'
15 retirement system investment board, the board of
16 the Iowa lottery authority, the natural resource
17 commission, the board of parole, ~~the petroleum~~
18 ~~underground storage tank fund board~~, the public
19 employment relations board, the state racing and gaming
20 commission, the state board of regents, the tax review
21 board, the transportation commission, the office
22 of consumer advocate, the utilities board, the Iowa
23 telecommunications and technology commission, and any
24 full-time members of other boards and commissions as
25 defined under [section 7E.4](#) who receive an annual salary
26 for their service on the board or commission. The Iowa
27 ethics and campaign disclosure board shall conduct an
28 annual review to determine if members of any other
29 board, commission, or authority should file a statement
30 and shall require the filing of a statement pursuant to
31 rules adopted pursuant to [chapter 17A](#).

32 Sec. _____. Section 159A.11, subsection 10, Code
33 2016, is amended by striking the subsection.

34 Sec. _____. Section 159A.13, subsection 6, Code 2016,
35 is amended by striking the subsection.

1 Sec. _____. Section 159A.14, subsection 2, Code 2016,
2 is amended to read as follows:

3 2. A person may apply to the department to receive
4 financial incentives on a cost-share basis. The
5 ~~department shall forward the applications to the~~
6 ~~underground storage tank fund board as required by~~
7 ~~that board for evaluation and recommendation. The~~
8 ~~underground storage tank fund board may rank the~~
9 ~~applications with comments and shall forward them to~~
10 ~~the infrastructure board for approval or disapproval.~~
11 The department shall award financial incentives
12 on a cost-share basis to an eligible person whose
13 application was approved by the infrastructure board.

14 Sec. _____. Section 159A.15, subsection 1, Code 2016,
15 is amended to read as follows:

16 1. A person may apply to the department to receive
17 financial incentives on a cost-share basis. The
18 ~~department shall forward the applications to the~~
19 ~~underground storage tank fund board as required by~~
20 ~~that board for evaluation and recommendation. The~~
21 ~~underground storage tank fund board may rank the~~
22 ~~applications with comments and shall forward them to~~
23 ~~the infrastructure board for approval or disapproval.~~
24 The department shall award financial incentives
25 on a cost-share basis to an eligible person whose
26 application was approved by the infrastructure board.

27 Sec. _____. Section 323.1, subsection 16, Code 2016,
28 is amended to read as follows:

29 16. "*Storage tank*" means a motor fuel storage tank
30 as defined in [section 214.1](#), ~~including an underground~~
31 ~~storage tank subject to regulation under [chapter 455G](#).~~

32 Sec. _____. Section 422.7, subsection 2, paragraph u,
33 Code 2016, is amended by striking the paragraph.

34 Sec. _____. Section 455B.174, subsection 4, paragraph
35 d, Code 2016, is amended to read as follows:

1 d. If a public water supply has a groundwater
2 source that contains petroleum, a fraction of crude
3 oil, or their degradation products, or is located
4 in an area deemed by the department as likely to be
5 contaminated by such materials, and after consultation
6 with the public water supply system and consideration
7 of all applicable rules relating to remediation, the
8 department may require the public water supply system
9 to replace that groundwater source in order to receive
10 a permit to operate. The requirement to replace the
11 source shall only be made by the department if the
12 public water supply system is fully compensated for
13 any additional design, construction, operation, and
14 monitoring costs from the Iowa ~~comprehensive petroleum~~
15 ~~underground storage tank tanks~~ fund created by chapter
16 455G section 455B.472A or from any other funds that
17 do not impose a financial obligation on the part of
18 the public water supply system. Funds available to
19 or provided by the public water supply system may be
20 used for system improvements made in conjunction with
21 replacement of the source. The department cannot
22 require a public water supply system to replace its
23 water source with a less reliable water source or with
24 a source that does not meet federal primary, secondary,
25 or other health-based standards unless treatment is
26 provided to ensure that the drinking water meets these
27 standards. Nothing in this paragraph shall affect the
28 public water supply system's right to pursue recovery
29 from a responsible party.

30 Sec. _____. Section 455B.471, Code 2016, is amended
31 by adding the following new subsections:

32 NEW SUBSECTION. 01. "*Authority*" means the Iowa
33 finance authority.

34 NEW SUBSECTION. 1A. "*Claimant*" means an owner or
35 operator who has received assistance under the Iowa

1 tanks fund or its predecessor, the Iowa comprehensive
2 petroleum underground storage tank fund created in
3 chapter 455G, Code 2017.

4 NEW SUBSECTION. 2A. *“Costs”* means all costs,
5 charges, expenses, or other indebtedness incurred
6 by a claimant and determined by the department as
7 reasonable and necessary for carrying out all works
8 and undertakings necessary or incidental to the
9 accomplishment of any project.

10 NEW SUBSECTION. 3A. *“Insurance”* means any form
11 of financial assistance or showing of financial
12 responsibility sufficient to comply with the federal
13 Resource Conservation and Recovery Act, 42 U.S.C. §6901
14 et seq., or the department’s underground storage tank
15 financial responsibility rules.

16 NEW SUBSECTION. 7A. *“Potentially responsible party”*
17 means a person who may be responsible or liable for
18 a release for which the fund has made payments for
19 corrective action or third-party liability.

20 NEW SUBSECTION. 9A. *“Tank”* means an underground
21 storage tank for which proof of financial
22 responsibility is, or on a date definite will
23 be, required to be maintained pursuant to the federal
24 Resource Conservation and Recovery Act and the
25 regulations from time-to-time adopted pursuant to that
26 Act or successor Acts or amendments.

27 NEW SUBSECTION. 10A. *“Third-party liability”* means
28 both of the following:

29 a. Property damage including physical injury to
30 tangible property, but not including loss of use, other
31 than costs to remediate.

32 b. Bodily injury including sickness, bodily injury,
33 illness, or death.

34 Sec. _____. Section 455B.471, subsection 1, Code
35 2016, is amended by striking the subsection.

1 Sec. _____. Section 455B.471, subsection 3, Code
2 2016, is amended to read as follows:

3 3. "*Fund*" means the Iowa ~~comprehensive petroleum~~
4 ~~underground storage tank tanks~~ fund created in section
5 455B.472A.

6 Sec. _____. NEW SECTION. **455B.472A Iowa tanks fund**
7 **financing program — fund created.**

8 1. The department, in cooperation with the
9 authority, shall establish and administer an Iowa tanks
10 fund financing program for the purpose of reimbursing
11 underground storage tank owners for all or part of
12 the costs of corrective action for previously unknown
13 petroleum releases. The department and the authority
14 may together enter into and provide any agreements,
15 documents, instruments, certificates, data, or
16 information necessary in connection with the operation,
17 administration, and financing of the program consistent
18 with this part, the federal Resource Conservation and
19 Recovery Act, 42 U.S.C. §6901 et seq., the rules of
20 the commission, the rules of the authority, and other
21 applicable federal and state law. The authority and
22 the department may act to conform the program to the
23 applicable guidance and regulations adopted by the
24 United States environmental protection agency.

25 2. An Iowa tanks fund is created in the state
26 treasury under the control of the authority and
27 consisting of moneys appropriated or transferred to
28 the fund, cost recovery enforcement moneys collected
29 pursuant to section 455B.472B, civil enforcement
30 moneys recovered pursuant to section 455B.477, interest
31 attributable to moneys in the fund, moneys in the form
32 of a devise, gift, bequest, donation, federal or other
33 grant, reimbursement, repayment, judgment, or payment
34 from any source intended to be used for the purposes
35 of the fund, all receipts by the fund, and any other

1 moneys credited to the fund from any public or private
2 source. Notwithstanding section 12C.7, subsection 2,
3 interest or earnings on moneys in the Iowa tanks fund
4 shall be credited to the Iowa tanks fund.

5 3. Moneys in the Iowa tanks fund shall be used to
6 reimburse tank owners for all or part of the costs of
7 a corrective action for a petroleum release, and for
8 administrative costs of the department.

9 4. Moneys in the Iowa tanks fund are not considered
10 part of the general fund of the state, are not subject
11 to appropriation for any other purpose by the general
12 assembly, and the balance of the Iowa tanks fund shall
13 not be considered part of the balance of the general
14 fund of the state. The fund is a separate dedicated
15 fund under the administration and control of the
16 authority as provided under section 16.146.

17 5. The state, the general fund of the state, and
18 all other funds of the state other than the Iowa tanks
19 fund are not liable for a claim or cause of action in
20 connection with a tank not owned or operated by the
21 state, or agency of the state. All expenses incurred
22 by the fund are payable solely from the fund and no
23 liability or obligation is imposed upon the state.
24 The liability of the fund is limited to the extent of
25 coverage provided by the applicable account within the
26 fund under which a claim is submitted, subject to the
27 terms and conditions of that coverage. The liability
28 of the fund is further limited by the moneys made
29 available to the fund, and no remedy shall be ordered
30 which would require the fund to exceed its then current
31 funding limitations to satisfy an award or which would
32 restrict the availability of moneys for higher priority
33 sites. The state is not liable for a claim presented
34 against the fund.

35 6. The department shall prioritize uses of the

1 moneys in the fund based upon rules adopted by
2 the commission in cooperation with the authority.
3 Department discretion for use of the moneys in the fund
4 shall not be subject to section 455B.478.

5 7. a. For the fiscal year beginning July 1, 2017,
6 and each fiscal year thereafter, there is appropriated
7 from the Iowa tanks fund to the department two hundred
8 thousand dollars to support the administration of the
9 fund.

10 b. Notwithstanding section 8.33, moneys
11 appropriated in this subsection that remain
12 unencumbered or unobligated at the close of the fiscal
13 year shall not revert but shall remain available for
14 expenditure for the purposes designated until the close
15 of the succeeding fiscal year.

16 c. This subsection is repealed July 1, 2022.

17 Sec. ____ . NEW SECTION. **455B.472B Cost recovery**
18 **enforcement.**

19 1. *Full recovery sought from owner.* The department
20 may seek full recovery from the owner, operator, or
21 other potentially responsible party liable for the
22 released petroleum which is the subject of a corrective
23 action, for which the Iowa tanks fund expends moneys,
24 or for which the former Iowa comprehensive petroleum
25 underground storage tank fund established pursuant
26 to section 455G.3, Code 2017, expended moneys, for
27 corrective action or third-party liability, and for all
28 other costs, including reasonable attorney fees and
29 costs of litigation for which moneys are expended by
30 the fund in connection with the release. When federal
31 cleanup funds are recovered, the federal cleanup funds
32 shall be used solely for the purpose of future cleanup
33 activities.

34 2. *Limitation of liability of owner or*
35 *operator.* Except as provided in subsection 3,

1 the department shall not seek recovery for expenses in
2 connection with corrective action for a release from
3 an owner or operator eligible for assistance under
4 the Iowa tanks fund except for any unpaid portion of
5 the deductible or copayment. This section does not
6 affect any authorization of the department to impose
7 or collect civil or administrative fines or penalties
8 or fees. The fund shall not be held liable for any
9 third-party liability.

10 3. *Owner or operator not in compliance, subject*
11 *to full and total cost recovery.* Notwithstanding
12 subsection 2, the liability of an owner or operator
13 shall be the full and total costs of corrective action
14 and bodily injury or property damage to third parties,
15 as specified in subsection 1, if the owner or operator
16 has not complied with the financial responsibility or
17 other underground storage tank rules of the department
18 or with this part and rules adopted under this part.

19 4. *Treble damages for certain violations.*

20 a. Notwithstanding subsections 2 and 3, the owner
21 or operator, or both, of a tank are liable to the Iowa
22 tanks fund for punitive damages in an amount equal
23 to three times the amount of any cost incurred or
24 moneys expended by the fund as a result of a release of
25 petroleum from the tank if the owner or operator did
26 any of the following:

27 (1) Failed, without sufficient cause, to respond
28 to a release of petroleum from the tank upon, or in
29 accordance with, a notice issued by the director of the
30 department.

31 (2) After May 5, 1989, failed to perform any of the
32 following:

33 (a) Failed to register the tank, which was known to
34 exist or reasonably should have been known to exist.

35 (b) Intentionally failed to report a known release.

1 *b.* The punitive damages imposed under this
2 subsection are in addition to any costs or expenditures
3 recovered from the owner or operator pursuant to this
4 part and in addition to any other penalty or relief
5 provided by this part or any other law.

6 *c.* However, the state, a city, county, or other
7 political subdivision shall not be liable for punitive
8 damages.

9 5. *Lien on tank site.* Any amount for which an
10 owner or operator is liable to the Iowa tanks fund,
11 if not paid when due, by statute, rule, or contract,
12 or determination of liability by the department
13 after hearing, shall constitute a lien upon the real
14 property where the tank, which was the subject of
15 corrective action, is situated, and the liability shall
16 be collected in the same manner as the environmental
17 protection charge pursuant to section 424.11, Code
18 2016.

19 6. *Joinder of parties.* The department has standing
20 in any case or contested action related to the Iowa
21 tanks fund or a tank to assert any claim that the
22 department may have regarding the tank at issue in the
23 case or contested action. Upon motion and sufficient
24 showing by a party to a cost recovery or subrogation
25 action provided for under this section, the court or
26 the administrative law judge shall join to the action
27 any potentially responsible party who may be liable for
28 costs and expenditures of the type recoverable pursuant
29 to this section.

30 7. *Strict liability.* The standard of liability for
31 a release of petroleum or other regulated substance is
32 strict liability.

33 8. *Third-party contracts not binding on department*
34 *— proceedings against responsible party.* An insurance,
35 indemnification, hold harmless, conveyance, or similar

1 risk-sharing or risk-shifting agreement shall not
2 be effective to transfer any liability for costs
3 recoverable under this section. The department may
4 proceed directly against the owner or operator or other
5 allegedly responsible party. This section does not bar
6 any agreement to insure, hold harmless, or indemnify a
7 party to the agreement for any costs or expenditures
8 under this part, and does not modify rights between
9 the parties to an agreement, except to the extent the
10 agreement shifts liability to an owner or operator
11 eligible for assistance under the Iowa tanks fund
12 for any damages or other expenses in connection with
13 a corrective action for which another potentially
14 responsible party is or may be liable. Any such
15 provision is null and void and of no force or effect.

16 9. *Later proceedings permitted against other*
17 *parties.* The entry of judgment against a party to the
18 action does not bar a future action by the department
19 against another person who is later alleged to be or
20 discovered to be liable for costs and expenditures
21 paid by the Iowa tanks fund. Notwithstanding section
22 668.5, a potentially responsible party shall not seek
23 contribution or any other recovery from an owner or
24 operator eligible for assistance under the fund for
25 damages or other expenses in connection with corrective
26 action for a release for which the potentially
27 responsible party is or may be liable. Subsequent
28 successful proceedings against another party shall not
29 modify or reduce the liability of a party against whom
30 judgment has been previously entered.

31 10. *Claims against potentially responsible parties.*
32 a. Upon payment by the Iowa tanks fund for
33 corrective action or third-party liability pursuant
34 to this part, the rights of the claimant to recover
35 payment from any potentially responsible party are

1 assumed by the department to the extent paid by the
2 fund. A claimant is precluded from receiving double
3 compensation for the same injury.

4 *b.* In an action brought pursuant to this part
5 seeking damages for corrective action or third-party
6 liability, the court shall permit evidence and argument
7 as to the replacement or indemnification of actual
8 economic losses incurred or to be incurred in the
9 future by the claimant by reason of insurance benefits,
10 governmental benefits or programs, or from any other
11 source.

12 *c.* A claimant may elect to permit the department to
13 pursue the claimant's cause of action for any injury
14 not compensated by the Iowa tanks fund against any
15 potentially responsible party, provided the attorney
16 general determines such representation would not be a
17 conflict of interest. If a claimant so elects, the
18 department's litigation expenses shall be shared on a
19 pro rata basis with the claimant, but the claimant's
20 share of litigation expenses is payable exclusively
21 from any share of the settlement or judgment payable
22 to the claimant.

23 11. *Exclusion of punitive damages.* The Iowa tanks
24 fund shall not be liable in any case for punitive
25 damages.

26 Sec. _____. Section 455B.474, subsection 1, paragraph
27 a, subparagraph (6), subparagraph divisions (g), (i),
28 and (j), Code 2016, are amended to read as follows:

29 (g) An owner or operator may elect to proceed with
30 additional corrective action on the site. However,
31 any action taken in addition to that required pursuant
32 to this subparagraph (6), shall be solely at the
33 expense of the owner or operator and shall not be
34 considered corrective action for purposes of section
35 ~~455G.9~~ 455B.472A, unless otherwise previously agreed

1 to by the ~~board~~ department and the owner or operator
2 pursuant to section 455G.9, subsection 7 455B.472A.
3 Corrective action taken by an owner or operator due to
4 the department's failure to meet the time requirements
5 provided in subparagraph division (e) shall be
6 considered corrective action for purposes of section
7 ~~455G.9~~ 455B.472A.

8 (i) Replacement or upgrade of a tank on a site
9 classified as a high or low risk site shall be equipped
10 with a secondary containment system with monitoring of
11 the space between the primary and secondary containment
12 structures or other ~~board-approved~~ department-approved
13 tank system or methodology.

14 (j) The commission and the ~~board~~ department shall
15 cooperate to ensure that remedial measures required
16 by the corrective action rules adopted pursuant to
17 this subparagraph (6) are reasonably cost-effective
18 and shall, to the fullest extent possible, avoid
19 duplicating and conflicting requirements.

20 Sec. _____. Section 455B.474, subsection 9, paragraph
21 d, Code 2016, is amended to read as follows:

22 *d.* The certification of groundwater professionals
23 shall not impose liability on the ~~board, the~~
24 ~~department,~~ or the fund for any claim or cause of
25 action of any nature, based on the action or inaction
26 of a groundwater professional certified pursuant to
27 this subsection.

28 Sec. _____. Section 455B.474, Code 2016, is amended
29 by adding the following new subsection:

30 NEW SUBSECTION. 11. Prioritization for use of
31 moneys from the Iowa tanks fund for corrective action
32 to address releases from petroleum underground storage
33 tanks.

34 Sec. _____. Section 455B.475, Code 2016, is amended
35 by adding the following new subsections:

1 NEW SUBSECTION. 4. Assure that in combination with
2 existing state statutes and rules governing underground
3 storage tanks, the state will be, and continue to
4 be, recognized by the federal government as having an
5 "approved state account" under the federal Resource
6 Conservation and Recovery Act, 42 U.S.C. §6921-6934,
7 especially by compliance with the Act's subtitle I
8 financial responsibility requirements as enacted in the
9 federal Superfund Amendments and Reauthorization Act
10 of 1986, 42 U.S.C. §9601 et seq., and the financial
11 responsibility regulations adopted by the United States
12 environmental protection agency at 40 C.F.R. pts.
13 280 and 281. Whenever possible, this part shall be
14 interpreted to further the purposes of, and to comply
15 and not to conflict with, such federal requirements.

16 NEW SUBSECTION. 5. Coordinate with the Iowa
17 finance authority to process, review, and pay claims
18 under the Iowa tanks fund financing program established
19 in section 455B.472A.

20 Sec. _____. Section 455B.477, subsection 7, Code
21 2016, is amended to read as follows:

22 7. The civil penalties or other damages or moneys
23 recovered by the state ~~or the petroleum underground~~
24 ~~storage tank fund~~ in connection with a petroleum
25 underground storage tank under this part of this
26 division ~~or chapter 455G~~ shall be credited to the Iowa
27 tanks fund created in section ~~455G.3 and allocated~~
28 ~~between fund accounts according to the fund budget~~
29 455B.472A. Any federal moneys, including but not
30 limited to federal underground storage tank trust
31 fund moneys, received by the state or the department
32 of natural resources in connection with a release
33 occurring on or after May 5, 1989, or received
34 generally for underground storage tank programs on
35 or after May 5, 1989, shall be credited to the fund

1 created in ~~section 455G.3~~ and allocated between fund
2 accounts according to the fund budget, unless such use
3 would be contrary to federal law. The department shall
4 cooperate with the board of the Iowa comprehensive
5 petroleum underground storage tank fund to maximize
6 the state's eligibility for and receipt of federal
7 funds for underground storage tank related purposes
8 455B.472A.

9 Sec. _____. Section 455B.478, Code 2016, is amended
10 to read as follows:

11 **455B.478 Judicial review.**

12 Except as provided in section 455B.477, subsection
13 5, and section 455B.472A, judicial review of an
14 order or other action of the commission or the
15 director may be sought in accordance with chapter 17A.
16 Notwithstanding chapter 17A, the Iowa administrative
17 procedure Act, petitions for judicial review may be
18 filed in the district court of the county in which the
19 alleged offense was committed or the final order was
20 entered.

21 Sec. _____. Section 455E.11, subsection 2, paragraph
22 d, subparagraph (3), Code 2016, is amended by striking
23 the subparagraph.

24 Sec. _____. NEW SECTION. **455G.22A Future repeal.**

25 This subchapter is repealed July 1, 2017.

26 Sec. _____. Section 455I.2, subsection 5, paragraph
27 a, Code 2016, is amended to read as follows:

28 a. A federal or state program that is subject
29 to the jurisdiction of an agency, including but not
30 limited to programs established by ~~chapters~~ chapter
31 455B and 455G section 455B.472A, corrective or response
32 actions pursuant to 42 U.S.C. §6901 et seq., and
33 remedial actions under 42 U.S.C. §9601 et seq.

34 Sec. _____. **TRANSITION PROVISIONS.**

35 1. Upon repeal of chapter 455G, subchapter I,

1 and the creation of the Iowa tanks fund pursuant to
2 section 455B.472A, as enacted in this Act, all moneys
3 in all funds administered by the Iowa comprehensive
4 petroleum underground storage tank fund board are
5 transferred to the Iowa finance authority for deposit
6 in the Iowa tanks fund. Any moneys credited to any
7 fund administered by the Iowa comprehensive petroleum
8 underground storage tank fund board after July 1, 2017,
9 are transferred to the Iowa finance authority for
10 deposit in the Iowa tanks fund.

11 2. Any rule, regulation, form, order, or directive
12 promulgated by the Iowa comprehensive petroleum
13 underground storage tank fund board as required to
14 administer and enforce the provisions relating to the
15 Iowa comprehensive petroleum underground storage tank
16 fund shall continue in full force and effect until
17 amended, repealed, or supplemented by affirmative
18 action of the department of natural resources and the
19 Iowa finance authority.

20 3. The Iowa comprehensive petroleum underground
21 storage tank fund board shall administratively close
22 or terminate any remaining liabilities, contracts,
23 outstanding claims, payments, or other obligations for
24 open comprehensive petroleum underground storage tank
25 fund claims in existence on June 30, 2017.

26 Sec. ____ . EFFECTIVE DATE AND IMPLEMENTATION. This
27 division of this Act shall take effect July 1, 2017,
28 except that the department of natural resources and
29 the Iowa finance authority may begin implementation
30 prior to July 1, 2017, to the extent necessary to
31 transition to full implementation of the provisions
32 relating to the Iowa tanks fund and repeal of the Iowa
33 comprehensive petroleum underground storage tank fund.>

34 2. Title page, line 2, by striking <and>

35 3. Title page, line 3, after <atters> by inserting

1 <, and including effective date provisions>

2 4. By renumbering as necessary.

HALL of Woodbury