

MAR 2 1999

S-3/15/99 Not. Res  
S-3/17/99 Do Pass

Place On Calendar

HOUSE FILE 442  
BY COMMITTEE ON ENVIRONMENTAL  
PROTECTION

(SUCCESSOR TO HF 141)

Passed House, Date 3/15/99 (P. 663)  
Vote: Ayes 95 Nays 0  
Passed Senate, Date 4/15/99 (P. 1159)  
Vote: Ayes 46 Nays 0  
Approved April 27, 1999

A BILL FOR

1 An Act relating to payments from the remedial account of the Iowa  
2 comprehensive petroleum underground storage tank fund to  
3 governmental subdivisions for costs of corrective actions  
4 taken due to certain releases from underground storage tanks  
5 and allowing the Iowa comprehensive petroleum underground  
6 storage tank fund board to seek reimbursement from responsible  
7 parties for expenses incurred by governmental subdivisions for  
8 costs of corrective actions taken due to certain releases from  
9 underground storage tanks.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF  
442

1 Section 1. Section 455G.9, subsection 1, Code 1999, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. j. One hundred percent of the costs of  
4 corrective action for a governmental subdivision in connection  
5 with a tank if the governmental subdivision did not own or  
6 operate the tank from which the release occurred, and the  
7 property was acquired pursuant to eminent domain after the  
8 release occurred. A governmental subdivision which acquires  
9 property pursuant to eminent domain in order to obtain  
10 benefits under this paragraph is not a responsible party for a  
11 release in connection with property which it acquired, and  
12 does not become a responsible party by sale or transfer of  
13 property so acquired.

14 Sec. 2. Section 455G.9, Code 1999, is amended by adding  
15 the following new subsection:

16 NEW SUBSECTION. 10. EXPENSES INCURRED BY GOVERNMENTAL  
17 SUBDIVISIONS. The board may adopt rules for reimbursement for  
18 reasonable expenses incurred by a governmental subdivision for  
19 treating, handling, or disposing, as required by the  
20 department, of petroleum-contaminated soil and groundwater  
21 encountered in a public right-of-way during installation,  
22 maintenance, or repair of a public improvement. The board may  
23 seek full recovery from a responsible party liable for the  
24 release for such expenses and for all other costs and  
25 reasonable attorney fees and costs of litigation for which  
26 moneys are expended by the fund. Any expense described in  
27 this subsection incurred by the fund constitutes a lien upon  
28 the property from which the release occurred. A lien shall be  
29 recorded and an expense shall be collected in the same manner  
30 as provided in section 424.11.

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#### EXPLANATION

32 This bill relates to the remedial account of the Iowa  
33 comprehensive petroleum underground storage tank fund.

34 The bill provides that the remedial account shall cover 100  
35 percent of the costs of a corrective action for a governmental

1 subdivision in connection with an underground storage tank if  
 2 the governmental subdivision did not own or operate the tank  
 3 and the contaminated property was acquired pursuant to eminent  
 4 domain after the release occurred. The bill provides that a  
 5 governmental subdivision is not a responsible party for a  
 6 release when it acquires property pursuant to eminent domain  
 7 in order to obtain benefits under the remedial account.

8 The bill provides that the Iowa comprehensive petroleum  
 9 underground storage tank fund board may adopt rules for the  
 10 reimbursement for reasonable expenses incurred by a  
 11 governmental subdivision for treating, handling, or disposing  
 12 of petroleum-contaminated soil and groundwater encountered in  
 13 a public right-of-way during installation, maintenance, or  
 14 repair of a public improvement. The bill provides that such  
 15 expenses and other related expenses incurred by the fund are a  
 16 lien upon the property from which the release occurred.

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**HOUSE FILE 442  
FISCAL NOTE**

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A fiscal note for House File 442 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 442 allows local governments to be reimbursed by the Underground Storage Tank Fund for certain costs of corrective action at underground storage tank sites acquired pursuant to actions of eminent domain.

**ASSUMPTIONS**

1. The number of sites impacted by the change will be 18 each year.
2. The average cleanup cost of each site will be \$15,000.
3. The administrative costs will be negligible.

**FISCAL IMPACT**

House File 442 would result in a \$270,000 annual expenditure increase from the Underground Storage Tank Fund. The expenditures would be in the form of reimbursements to local governments.

**SOURCE**

Underground Storage Tank Administrator

(LSB 1626HV, JWR)

FILED APRIL 14, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR

AN ACT

RELATING TO PAYMENTS FROM THE REMEDIAL ACCOUNT OF THE IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND TO GOVERNMENTAL SUBDIVISIONS FOR COSTS OF CORRECTIVE ACTIONS TAKEN DUE TO CERTAIN RELEASES FROM UNDERGROUND STORAGE TANKS AND ALLOWING THE IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD TO SEEK REIMBURSEMENT FROM RESPONSIBLE PARTIES FOR EXPENSES INCURRED BY GOVERNMENTAL SUBDIVISIONS FOR COSTS OF CORRECTIVE ACTIONS TAKEN DUE TO CERTAIN RELEASES FROM UNDERGROUND STORAGE TANKS.

encountered in a public right-of-way during installation, maintenance, or repair of a public improvement. The board may seek full recovery from a responsible party liable for the release for such expenses and for all other costs and reasonable attorney fees and costs of litigation for which moneys are expended by the fund. Any expense described in this subsection incurred by the fund constitutes a lien upon the property from which the release occurred. A lien shall be recorded and an expense shall be collected in the same manner as provided in section 424.11.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 455G.9, subsection 1, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. One hundred percent of the costs of corrective action for a governmental subdivision in connection with a tank if the governmental subdivision did not own or operate the tank from which the release occurred, and the property was acquired pursuant to eminent domain after the release occurred. A governmental subdivision which acquires property pursuant to eminent domain in order to obtain benefits under this paragraph is not a responsible party for a release in connection with property which it acquired, and does not become a responsible party by sale or transfer of property so acquired.

Sec. 2. Section 455G.9, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 10. EXPENSES INCURRED BY GOVERNMENTAL SUBDIVISIONS. The board may adopt rules for reimbursement for reasonable expenses incurred by a governmental subdivision for treating, handling, or disposing, as required by the department, of petroleum-contaminated soil and groundwater

RON J. CORBETT  
Speaker of the House

MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 442, Seventy-eighth General Assembly.

ELIZABETH ISAACSON  
Chief Clerk of the House

Approved *April 27*, 1999

THOMAS J. VILSACK  
Governor