

FILED FEB 17 1999

SENATE FILE 165
BY FREEMAN

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the environmental protection charge on
2 petroleum diminution imposed on petroleum deposited in
3 aboveground petroleum storage tanks.

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

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SF 165
NAT. RES. & ENVIRONMENT

1 Section 1. Section 424.2, subsections 5, 9, and 12, Code
2 1999, are amended to read as follows:

3 5. "Depositor" means the person who deposits petroleum
4 into an underground storage tank subject to regulation under
5 chapter 455G ~~or an aboveground petroleum storage tank as~~
6 ~~defined in section 101.21, located at a retail motor vehicle~~
7 ~~fuel outlet if the aboveground storage tank is physically~~
8 ~~connected directly to pumps which dispense petroleum that is~~
9 ~~sold at the motor vehicle fuel outlet on a retail basis.~~

10 9. "Owner or operator" means "owner or operator" of an
11 underground storage tank as used in chapter 455G ~~or the~~
12 ~~"owner" or "operator" of an aboveground petroleum storage tank~~
13 ~~as defined in section 101.21, located at a retail motor~~
14 ~~vehicle fuel outlet if the aboveground storage tank is~~
15 ~~physically connected directly to pumps which dispense~~
16 ~~petroleum that is sold at the motor vehicle fuel outlet on a~~
17 ~~retail basis.~~

18 12. "Tank" means an underground storage tank subject to
19 regulation under chapter 455G ~~or an aboveground petroleum~~
20 ~~storage tank as defined in section 101.21, located at a retail~~
21 ~~motor vehicle fuel outlet if the aboveground storage tank is~~
22 ~~physically connected directly to pumps which dispense~~
23 ~~petroleum that is sold at the motor vehicle fuel outlet on a~~
24 ~~retail basis.~~

25 Sec. 2. Section 424.11, Code 1999, is amended by adding
26 the following new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. An environmental protection
28 charge lien, which attached prior to the effective date of
29 this Act, shall not be released or otherwise discharged due
30 solely to the fact that the delinquent charge was due and
31 payable in relation to an aboveground petroleum storage tank
32 as defined in section 101.21, located at a retail motor
33 vehicle fuel outlet if the aboveground storage tank was
34 physically connected directly to pumps which dispensed
35 petroleum that was sold at the motor vehicle fuel outlet on a

1 retail basis.

2 EXPLANATION

3 This bill relates to the environmental protection charge on
4 petroleum diminution currently imposed, pursuant to Code
5 chapter 424, on petroleum deposited in underground storage
6 tanks and aboveground petroleum storage tanks. A person
7 depositing petroleum into a tank currently collects from the
8 owner or operator of the tank an environmental protection
9 charge on diminution each time petroleum is deposited into the
10 tank. The bill provides that the charge would no longer be
11 imposed or collected on petroleum deposited in aboveground
12 storage tanks.

13 The bill provides that an environmental protection charge
14 lien, which attached prior to the effective date of the bill,
15 shall not be released or otherwise discharged due solely to
16 the fact that the delinquent charge was due and payable in
17 relation to an aboveground storage tank.

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