

Environmental Energy ~~2/6~~ Pass 2/6 (p. 281)
New Energy 2/14 ~~2/6~~ Pass 3/1

FILED JAN 11 1990

SENATE FILE 2158

BY GETTINGS

Passed Senate, Date 2-9-90 (p. 459) Passed House, Date 3/8/90 (p. 990)

Vote: Ayes 43 Nays 0 Vote: Ayes 91 Nays 0

Approved March 30, 1990

Repassed Senate as amended by House
3-19-90 (p. 1156)
48-0

A BILL FOR

1 An Act permitting the shared ownership, operation, or cooperative
2 use of publicly owned petroleum storage facilities by more
3 than one public agency or political subdivision.

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

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SF 2158

SENATE FILE 2158

H-5598

1 Amend Senate File 2158, as passed by the Senate, as
2 follows:

3 1. Title page, line 3, by inserting after the
4 word "subdivision" the words "and providing for the
5 applicability of the Act".

By KREMER of Buchanan

H-5598 FILED MARCH 12, 1990
ADOPTED BY UNANIMOUS CONSENT (p. 990)

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1 Section 1. NEW SECTION. 101.5A SHARED PUBLIC PETROLEUM
2 STORAGE FACILITIES.

3 The state fire marshal shall permit by rule the shared
4 ownership, operation, or cooperative use of a publicly owned
5 petroleum storage or dispensing facility by more than one
6 public agency or political subdivision in order to maximize
7 the opportunity for cooperation, to avoid unnecessary
8 duplication of facilities posing both an environmental and
9 fire hazard, and to minimize the cost of providing public
10 services. Shared or cooperative use is not a violation of
11 chapter 23A, even if one public agency or political
12 subdivision compensates another public agency or political
13 subdivision for the use or for petroleum dispensed. A
14 publicly owned petroleum storage facility subject to this
15 section may use aboveground or underground storage tanks, or a
16 combination of both.

17 Sec. 2.

18 This Act, being deemed of immediate importance, takes
19 effect upon enactment.

20 EXPLANATION

21 This bill permits a public agency or political subdivision
22 of the state to jointly own, operate, or share the use of,
23 petroleum storage facilities with one or more other public
24 agencies or political subdivisions. Currently, a rule of the
25 state fire marshal governing aboveground fuel storage tanks
26 requires that the tank be used by a single agency or political
27 subdivision. The bill is made effective immediately upon
28 enactment to facilitate ongoing responses to the federal
29 underground storage tank rules deadline of October 26, 1990,
30 which deadline is causing many political subdivisions to
31 reconsider the structure of their fuel dispensing
32 arrangements.

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HOUSE AMENDMENT TO
SENATE FILE 2158

S-5481

1 Amend Senate File 2158, as passed by the Senate,
2 as follows:

3 1. Title page, line 3, by inserting after the
4 word "subdivision" the words "and providing for the
5 applicability of the Act".

RECEIVED FROM THE HOUSE

S-5481 FILED MARCH 14, 1990

Senate concurred 3/19 (p. 1156)

This Act, being deemed of immediate importance, takes effect upon enactment.

SENATE FILE 2158

AN ACT

PERMITTING THE SHARED OWNERSHIP, OPERATION, OR COOPERATIVE USE OF PUBLICLY OWNED PETROLEUM STORAGE FACILITIES BY MORE THAN ONE PUBLIC AGENCY OR POLITICAL SUBDIVISION AND PROVIDING FOR THE APPLICABILITY OF THE ACT.

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

Section 1. NEW SECTION. 101.5A SHARED PUBLIC PETROLEUM STORAGE FACILITIES.

The state fire marshal shall permit by rule the shared ownership, operation, or cooperative use of a publicly owned petroleum storage or dispensing facility by more than one public agency or political subdivision in order to maximize the opportunity for cooperation, to avoid unnecessary duplication of facilities posing both an environmental and fire hazard, and to minimize the cost of providing public services. Shared or cooperative use is not a violation of chapter 23A, even if one public agency or political subdivision compensates another public agency or political subdivision for the use or for petroleum dispensed. A publicly owned petroleum storage facility subject to this section may use aboveground or underground storage tanks, or a combination of both.

Sec. 2.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2158, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate
Approved March 30, 1990

TERRY E. BRANSTAD
Governor