

FIRST REGULAR SESSION

HOUSE BILL NO. 758

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GREEN (73).

Read 1st time February 13, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1894L.011

AN ACT

To repeal section 319.132, RSMo 2000, relating to the petroleum storage tank insurance fund, and to enact in lieu thereof one new section relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 319.132, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 319.132, to read as follows:

319.132. 1. The board shall assess a surcharge on all petroleum products within this state which are enumerated by section 414.032, RSMo. Except as specified by this section, such surcharge shall be administered pursuant to the provisions of [sections] **subsections 1 to 3 of section 414.102, RSMo, and subsections 1 and 2 of section 414.152, RSMo.** Such surcharge shall be imposed upon such petroleum products within this state and shall be assessed on each transport load, or the equivalent of an average transport load if moved by other means. All revenue generated by the assessment of such surcharges shall be deposited to the credit of the special trust fund known as the petroleum storage tank insurance fund.

2. **Any person who claims to have paid the surcharge in error may file a claim for a refund with the board within three years of the payment. The claim shall be in writing and signed by the person or the person's legal representative. The board's decision on the claim shall be in writing and may be delivered to the person by first class mail. Any person aggrieved by the board's decision may seek judicial review by bringing an action against the board in the circuit court of Cole County pursuant to section 536.150, RSMo, no later than sixty days following the date the board's decision was mailed. The department of revenue shall not be a party to such proceeding.**

EXPLANATION —Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 **3.** The board shall assess and annually reassess the financial soundness of the petroleum
18 storage tank insurance fund.

19 [3.] **4.** The board shall set, by rule, the rate of the surcharge that is to be assessed on each
20 such transport load or equivalent but such rate shall be no more than twenty-five dollars per
21 transport load or an equivalent thereof. A transport load shall be deemed to be eight thousand
22 gallons.

23 [4.] **5.** The board shall ensure that the fund retain a balance of at least twelve million
24 dollars but not more than one hundred million dollars. If, at the end of any quarter, the fund
25 balance is above one hundred million dollars, the treasurer shall notify the board thereof. The
26 board shall suspend the collection of fees [under] **pursuant to** this section beginning on the first
27 day of the first quarter following the receipt of notice. If, at the end of any quarter, the fund
28 balance is below twenty million dollars, the treasurer shall notify the board thereof. The board
29 shall reinstate the collection of fees [under] **pursuant to** this section beginning on the first day
30 of the first quarter following the receipt of notice.

31 [5.] **6.** Railroad corporations as defined in section 388.010, RSMo, and airline companies
32 as defined in section 155.010, RSMo, shall not be subject to the load fee described in this chapter
33 nor permitted to participate in or make claims against the petroleum storage tank insurance fund
34 created in section 319.129.