

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

SENATE BILL NO. 2154
(Senators Klein, Laffen, Robinson)
(Representatives Dosch, Weisz, Gruchalla)

AN ACT to amend and reenact subsections 2, 3, and 4 of section 23-37-17 of the North Dakota Century Code, relating to registration fees for above and underground tanks.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 23-37-17 of the North Dakota Century Code is amended and reenacted as follows:

2. An owner or operator of an existing tank that is discovered at a location that currently and previously has had tanks registered with the fund ~~on or before July 1, 2007,~~ shall pay ~~seventy-five dollars~~ an additional twenty-five dollar penalty fee in addition to the registration fee for each aboveground tank and ~~one hundred twenty-five dollars~~ for each underground tank owned or operated by that person for each previous year that the tank was required to be registered for which a fee was not paid. The payment includes the fees and the penalty for the failure to register.

SECTION 2. AMENDMENT. Subsection 3 of section 23-37-17 of the North Dakota Century Code is amended and reenacted as follows:

3. An owner or operator of an existing tank at a location that was not previously and continuously registered with the fund, whether the registration was required by law or not, ~~on or before July 1, 2007,~~ must provide the fund with a phase two environmental study conducted by a qualified firm according to American society for testing materials standards. A tank integrity test must also be performed. The environmental study and tank integrity test must be reviewed by the commissioner along with the application for registration with the fund. If the commissioner rejects the application, the applicant is denied eligibility to the fund. However, if the site is remediated and the leaking tank is replaced, the applicant may reapply for registration with the fund. A new installation that is using a used tank must provide tank integrity test results for the used tank. Use of a synthetic liner in an aboveground dike system negates the need for a tank integrity test. The owner or operator of a new tank at a new site or a new tank at an existing site that had a tank registered at the site previously need only pay the required fees for registration with the fund.

SECTION 3. AMENDMENT. Subsection 4 of section 23-37-17 of the North Dakota Century Code is amended and reenacted as follows:

4. If accepted for registration with the fund, the owner or operator of the tank shall pay ~~seventy-five dollars~~ an additional twenty-five dollar penalty fee in addition to the registration fee for each aboveground tank and ~~one hundred twenty-five dollars~~ for an underground tank owned or operated by that person for each ~~underground tank~~ for each previous year that the tank was required to be registered for which a fee was not paid, regardless of ownership in each of those years. The payment includes the fees and the penalty for the failure to register.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2154.

Senate Vote: Yeas 45 Nays 1 Absent 1

House Vote: Yeas 93 Nays 0 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State