

SENATE BILL NO. 2154

Introduced by

Senators Klein, Laffen, Robinson

Representatives Dosch, Weisz, Gruchalla

1 A BILL for an Act to amend and reenact subsections 2, 3, and 4 of sections 23-37-17 of the
2 North Dakota Century Code, relating to registration fees for above and underground tanks.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

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

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

15 3. An owner or operator of an existing tank at a location that was not previously and
16 continuously registered with the fund, whether the registration was required by law or
17 not, ~~on or before July 1, 2007,~~ must provide the fund with a phase two environmental
18 study conducted by a qualified firm according to American society for testing materials
19 standards. A tank integrity test must also be performed. The environmental study and
20 tank integrity test must be reviewed by the commissioner along with the application for
21 registration with the fund. If the commissioner rejects the application, the applicant is
22 denied eligibility to the fund. However, if the site is remediated and the leaking tank is
23 replaced, the applicant may reapply for registration with the fund. A new installation
24 that is using a used tank must provide tank integrity test results for the used tank. Use

1 of a synthetic liner in an aboveground dike system negates the need for a tank
2 integrity test. The owner or operator of a new tank at a new site or a new tank at an
3 existing site that had a tank registered at the site previously need only pay the
4 required fees for registration with the fund.

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

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