



February 24, 1999

SENATE BILL No. 66

DIGEST OF SB 66 (Updated February 22, 1999 2:50 pm - DI 78)

Citations Affected: IC 13-23.

Synopsis: Underground storage tank penalties. Provides that a person is not subject to the civil penalty for violation of an underground storage tank standard if: (1) the tank is on a brownfield; (2) the person was not the owner or operator of the tank when the violation first occurred; (3) the person does not dispense a regulated substance into or from the tank; and (4) the tank is brought into compliance within one year after the person acquired the property.

Effective: July 1, 1999.

Riegsecker, Gard

January 6, 1999, read first time and referred to Committee on Rules and Legislative Procedure.

February 2, 1999, amended; reassigned to Committee on Corrections, Criminal and Civil Procedures.

February 9, 1999, reassigned to Committee on Environmental Affairs.

February 23, 1999, amended, reported favorably — Do Pass.

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SB 66—LS 6138/DI 13+



February 24, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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SENATE BILL No. 66

A BILL FOR AN ACT to amend the Indiana Code concerning underground storage tanks.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 13-23-14-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. **(a) Except as**
3 **provided in subsection (b)**, a person who violates:
4 (1) a requirement or standard set forth in this article; or
5 (2) a rule adopted under IC 13-23-1-2 other than a violation
6 described in section 2 of this chapter;
7 is subject to a civil penalty of not more than ten thousand dollars
8 (\$10,000) per underground storage tank for each day of violation.
9 **(b) A person is not subject to the civil penalty described in**
10 **subsection (a) if:**
11 **(1) the violation arose from an underground storage tank that**
12 **is on a brownfield;**
13 **(2) the person was not the owner or operator of the**
14 **underground storage tank when the violation first occurred;**
15 **(3) the person does not dispense a regulated substance into or**
16 **from the underground tank:**
17 **(A) for any purpose other than temporary or permanent**

SB 66—LS 6138/DI 13+



1 **closure; or**
2 **(B) in violation of any federal, state, or local regulations;**
3 **and**
4 **(4) the underground storage tank is brought into compliance**
5 **with this article not later than one (1) year after the person**
6 **acquired ownership of the property.**

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SENATE MOTION

Mr. President: I move that Senator Garton be removed as author of Senate Bill 66 and that Senator Riegsecker be substituted therefor.

GARTON

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 66, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning underground storage tanks.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal and Civil Procedures.

(Reference is to SB 66 as introduced.)

GARTON, Chairperson

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SENATE MOTION

Mr. President: I move that Senate Bill 66, currently assigned to the Committee on Corrections, Criminal and Civil Procedures, be reassigned to the Committee on Environmental Affairs.

GARTON

SENATE MOTION

Mr. President: I move that Senator Gard be added as coauthor of Senate Bill 66.

RIEGSECKER

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COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 66, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 11, after "from" delete "a" and insert "**an underground storage**".

Page 1, line 12, delete "facility" and insert "**underground storage tank**".

Page 1, line 13, delete "and".

Page 1, between lines 13 and 14, begin a new line begin a new line block indented and insert:

"(3) the person does not dispense a regulated substance into or from the underground tank:

(A) for any purpose other than temporary or permanent closure; or

(B) in violation of any federal, state, or local regulations; and".

Page 1, line 14, delete "(3) the site" and insert "**(4) the underground storage tank**".

and when so amended that said bill do pass.

(Reference is to SB 66 as printed February 3, 1999.)

GARD, Chairperson

Committee Vote: Yeas 7, Nays 0.

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