

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0802

HOUSE BILL NO. 1277

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to repeal the requirement of a lien against the property of
2 any land which is found to have an underground petroleum tank and to declare an
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 34A-13-51 be repealed.

6 ~~—34A-13-51. The owner or person having legal custody of the abandoned site shall, as a~~
7 ~~condition of approval for participation in the abandoned tank removal program, execute a legally~~
8 ~~binding five-year lien running with the affected property providing that any compensation~~
9 ~~received by the owner, the owner's heirs, successors in interest, or assigns, for transfer of any~~
10 ~~interest in or part of the site, shall be paid to the secretary of the Department of Transportation~~
11 ~~and deposited in the fund. No lien may be for an amount more than ten thousand dollars or the~~
12 ~~cost of tank pulling and corrective action identified in the lien by the director, whichever is less.~~
13 ~~Any lien provided by this section is valid for five years from the date of recordation and the~~
14 ~~priority of the lien is established as of the date it is recorded in the office of the register of deeds~~
15 ~~of the county in which the site is located.~~

1 Section 2. The repeal of § 34A-13-51 provided for in section 1 of this Act applies
2 retroactively to any lien filed pursuant to § 34A-13-51, on or after July 1, 2000. The director of
3 the petroleum release compensation fund is directed to file releases for any such lien within sixty
4 days of the effective date of this Act.

5 Section 3. Whereas, this Act is necessary for the support of the state government and its
6 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
7 force and effect from and after its passage and approval.