

HOUSE BILL NO. 1404

Introduced by

Representatives Wald, Grosz, Schmidt

Senators Christmann, Kroeplin, B. Stenehjem

1 A BILL for an Act to create and enact a new subdivision to subsection 13 of section 2 of chapter
2 299 of the 1991 Session Laws as amended by section 1 of chapter 286 of the 1993 Session
3 Laws and a new subsection to section 27 of chapter 299 of the 1991 Session Laws, relating to
4 the definition of tank and third-party judgments under the petroleum release compensation fund;
5 to amend and reenact sections 17, 19, 32, and 33 of chapter 299 of the 1991 Session Laws,
6 relating to the petroleum release compensation fund; to repeal section 29 of chapter 299 of the
7 1991 Session Laws, relating to petroleum spill reports; to provide an appropriation; to provide a
8 continuing appropriation; and to declare an emergency.

9 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

10 **SECTION 1.** A new subdivision to subsection 13 of section 2 of chapter 299 of the 1991
11 Session Laws as amended by section 1 of chapter 286 of the 1993 Session Laws is created
12 and enacted as follows:

13 An aboveground tank used to feed diesel fuel generators. Upon application,
14 the owner or operator of an aboveground tank used to feed diesel fuel
15 generators may register the tank and is eligible for reimbursement under this
16 Act.

17 **SECTION 2. AMENDMENT.** Section 17 of chapter 299 of the 1991 Session Laws is
18 amended and reenacted as follows:

19 **SECTION 17. Registration fee.** An owner or operator of a tank shall pay an annual
20 registration fee of ~~seventy-five~~ fifty dollars for each aboveground tank and ~~one hundred~~
21 ~~twenty-five dollars for each~~ or underground tank owned or operated by that person. An owner
22 or operator of a tank that was required to be registered by law on or before July 1, 1999, shall
23 pay seventy-five dollars for each aboveground tank and one hundred twenty-five dollars for
24 each underground tank owned or operated by that person for any previous years that the tank

1 was required to be registered for which a fee was not paid. The registration fees collected under
2 this section must be paid to the administrator for deposit in the state treasury for credit to the
3 petroleum release compensation fund.

4 **SECTION 3. AMENDMENT.** Section 19 of chapter 299 of the 1991 Session Laws is
5 amended and reenacted as follows:

6 **SECTION 19. Application for reimbursement.** Any owner or operator who proposes
7 to take corrective action or has undertaken corrective action in response to a release, the time
8 of such release being unknown, may apply to the administrator for partial of full reimbursement
9 under section 18 of this Act. An owner or operator may be reimbursed only for ~~releases~~
10 discovered and reported after the effective date of this Act costs incurred after April 28, 1989,
11 even if the releases were discovered before April 28, 1989, up to the maximum of twenty-five
12 thousand dollars per location.

13 **SECTION 4.** A new subsection to section 27 of chapter 299 of the 1991 Session Laws
14 is created and enacted as follows:

15 The fund shall pay a judgment against an owner, operator, or dealer awarded to a
16 third party as a result of a third-party claim against an owner, operator, or dealer
17 covered by the fund. The department shall determine that a tank release site has
18 been duly remediated when a release no longer imposes a measurable public
19 health hazard to human health or the environment for the foreseeable future and all
20 reasonable and necessary corrective action has been taken to remediate the
21 adverse environmental effect of the release. If the department has made this
22 determination, a third party may not bring a claim for relief against an owner,
23 operator, or dealer.

24 **SECTION 5. AMENDMENT.** Section 32 of chapter 299 of the 1991 Session Laws is
25 amended and reenacted as follows:

26 **SECTION 32. APPROPRIATION - CONTINUING APPROPRIATION.** There is hereby
27 appropriated out of any moneys in the petroleum release compensation fund in the state
28 treasury generated from the registration fees collected under section 17, not otherwise
29 appropriated, the sum of ~~\$130,000~~ \$200,000, or so much thereof as may be necessary, to the
30 administrator for the purpose of administering the fund for the period beginning with the
31 effective date of this Act and ending ~~June 30, 1993~~ July 31, 2001. Thereafter the amount of

1 \$90,000 of the annual registration fees collected per biennium, or so much thereof as may be
2 necessary, is appropriated to the administrator for the purpose of administrating the fund.

3 **SECTION 6. AMENDMENT.** Section 33 of chapter 299 of the 1991 Session Laws is
4 amended and reenacted as follows:

5 **SECTION 33. EXPIRATION DATE.** This Act is effective through ~~June 30, 1999~~
6 July 31, 2009, and after that date is ineffective.

7 **SECTION 7. REPEAL.** Section 29 of chapter 299 of the 1991 Session Laws is
8 repealed.

9 **SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure.