

Fifty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED 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  
5 fund; to amend and reenact sections 17, 19, 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; and to declare an emergency.

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

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

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

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

18 **SECTION 17. Registration fee.** An owner or operator of a tank shall pay an annual  
19 registration fee of ~~seventy-five~~ fifty dollars for each aboveground ~~tank and one hundred~~  
20 ~~twenty-five dollars for each~~ or underground tank owned or operated by that person. If on the  
21 first day of July in any year the amount of money in the petroleum release compensation fund is  
22 less than five million dollars, the annual registration fee of fifty dollars is increased to  
23 one hundred dollars. If on the first day of July in any year the amount of money in the  
24 petroleum release compensation fund is five million five hundred thousand dollars or more and

1 the annual registration fee has been increased to one hundred dollars, the fee must be reduced  
2 to fifty dollars. An owner or operator of a tank that was required to be registered by law on or  
3 before July 1, 1999, shall pay seventy-five dollars for each aboveground tank and one hundred  
4 twenty-five dollars for each underground tank owned or operated by that person for any  
5 previous years that the tank was required to be registered for which a fee was not paid. The  
6 registration fees collected under this section must be paid to the administrator for deposit in the  
7 state treasury for credit to the petroleum release compensation fund.

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

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

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

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

29 **SECTION 5. AMENDMENT.** Section 33 of chapter 299 of the 1991 Session Laws is  
30 amended and reenacted as follows:

1           **SECTION 33. EXPIRATION DATE.** This Act is effective through ~~June 30, 1999~~  
2 June 30, 2001, and after that date is ineffective.

3           **SECTION 6. REPEAL.** Section 29 of chapter 299 of the 1991 Session Laws is  
4 repealed.

5           **SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure.