

HOUSE BILL NO. 1164

Introduced by

Natural Resources Committee

(At the request of the Adjutant General)

1 A BILL for an Act to amend and reenact subsection 2 of section 37-17.1-07.1 of the North
2 Dakota Century Code, relating to the expiration date of the fee system used to fund the state
3 hazardous chemicals preparedness and response fund.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 37-17.1-07.1 of the 1999
6 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7 2. Establishment of funds.

8 a. State hazardous chemicals preparedness and response fund. There is
9 ~~hereby~~ created in the state treasury a nonlapsing restricted account to be
10 known as a state hazardous chemicals preparedness and response fund.
11 The fund consists of revenue collected from the state hazardous chemical fee
12 system and funds appropriated by the general assembly. Moneys in the fund
13 shall be appropriated biennially to the division of emergency management for
14 carrying out the purposes, goals, and objectives of SARA title III, and the state
15 hazardous chemicals preparedness and response program.

16 b. County hazardous chemicals preparedness and response account. The
17 county treasurer of each county shall establish a nonlapsing restricted
18 account, to be known as the county hazardous chemicals preparedness and
19 response account. The county hazardous chemicals preparedness and
20 response account consists of revenue from the state hazardous chemicals fee
21 system, county, federal or state funds, grants, and any private donations
22 provided to finance the county hazardous chemicals preparedness and
23 response program.

- 1 c. Facility fee system. Each owner and operator of a facility, as defined in SARA
2 title III, shall pay an annual hazardous chemicals fee to the division of
3 emergency management by March first of each year. The fee is twenty-five
4 dollars for each chemical within the meaning of 40 CFR 355.20 or its
5 successor which is required under section 312 of SARA, title III, to be listed
6 on the hazardous chemical inventory form (tier II) which the owner or operator
7 must submit to the division. The federal requirements must be used for
8 completing the tier II form, including the threshold amounts, as outlined in 40
9 CFR 370.20. The maximum fee for a facility under this section is one hundred
10 fifty dollars. The division of emergency management shall transfer to the
11 county hazardous chemicals preparedness and response account one-half of
12 the funds collected from the state's hazardous chemicals fee system.
- 13 d. Exemptions. The owners or operators of family farm enterprises that are not
14 engaged in the retail or wholesale of hazardous chemicals and facilities
15 owned by the state or local governments are exempt from the fee under
16 subdivision c. For purposes of this section, the terms "family farm" and
17 "farmer" have the same meaning as set forth in section 6-09.11-01.
- 18 e. Accept funding. The state and county governments are authorized to accept
19 and may deposit grants, gifts, and federal funds into the hazardous chemicals
20 preparedness and response fund and accounts for the purpose of carrying out
21 the hazardous chemicals preparedness and response program.
- 22 f. Definition. "Hazardous chemical" means as defined in 40 CFR 355.20 and 29
23 CFR 1910.1200.
- 24 g. Termination of fee system. The fee system in this section terminates ten
25 years after July 7, ~~1994~~ 1, 2001, unless reestablished by the legislative
26 assembly by statute.
- 27 h. City fee system. The state hazardous chemicals fee system does not
28 supersede a city fee system for hazardous chemicals.