

Sixty-second  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1321**

Introduced by

Representatives Belter, D. Johnson

Senators Flakoll, Wanzek

1 A BILL for an Act to amend and reenact sections 19-20.2-03, 19-20.2-07, 19-20.2-07.1,  
2 19-20.2-08.4, 19-20.2-09, and 19-20.2-11 of the North Dakota Century Code, relating to  
3 anhydrous ammonia facility inspections.

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

5 **SECTION 1. AMENDMENT.** Section 19-20.2-03 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **19-20.2-03. License required - Anhydrous ammonia facilities constructed after**  
8 **June 30, 1985.**

9 No anhydrous ammonia storage facility may be operated without a license issued by the  
10 agriculture commissioner and the board of county commissioners of the county in which the  
11 facility is constructed. An application for a license to site and operate an anhydrous ammonia  
12 storage facility must be made to the agriculture commissioner and to the board of county  
13 commissioners. The commissioner or the board may deny a license for failure to remit the  
14 proper fee to the agriculture commissioner, for failure to comply with the siting requirements of  
15 this chapter and rules adopted pursuant to this chapter if constructed after June 30, 1985, or for  
16 failure to comply with local siting requirements. The agriculture commissioner also may deny a  
17 license if the ~~chief boiler inspector does not certify that the facility meets~~does not meet the initial  
18 inspection standards required by this chapter and by any rules adopted pursuant to this chapter.  
19 In order to obtain a license, an individual shall submit two sets of drawings or photographs and  
20 signed affidavits stating and showing the facility has been measured and meets the siting  
21 requirements along with the application for license. The drawings or photographs must show the  
22 proposed location of the tank, the locations, and the surroundings in all directions. One set of  
23 drawings or photographs is for the agriculture commissioner and the other is for the board of  
24 county commissioners.

1       **SECTION 2. AMENDMENT.** Section 19-20.2-07 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **19-20.2-07. Inspection.**

- 4       1. ~~The chief boiler inspector and the insurance commissioner shall cooperate with the~~  
5       agriculture commissioner ~~to~~shall develop and implement an initial and periodic  
6       inspection program for anhydrous ammonia storage facilities. ~~The chief boiler~~  
7       ~~inspector shall inform the agriculture commissioner of any violation of this chapter that~~  
8       ~~may arise in the course of an inspection of an anhydrous ammonia storage facility.~~
- 9       2. The ~~insurance~~agriculture commissioner shall inspect each anhydrous ammonia  
10      storage facility at least once every five years and may inspect any farm transportation  
11      wagon or vehicle designed to apply anhydrous ammonia which is in the vicinity of an  
12      anhydrous ammonia storage facility.
- 13      3. The ~~insurance~~agriculture commissioner may inspect any anhydrous ammonia storage  
14      facility where the commissioner has reason to believe violations of the safety  
15      standards under this chapter exist.
- 16      4. The agriculture commissioner may revoke or suspend the license of any anhydrous  
17      ammonia storage facility violating this chapter or the rules adopted under this chapter.  
18      The commissioner may order the discontinuance of use of any farm transportation  
19      wagon or implement of husbandry which is found unsafe or hazardous.

20      **SECTION 3. AMENDMENT.** Section 19-20.2-07.1 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22      **19-20.2-07.1. Reinstalled and secondhand anhydrous ammonia storage containers -**  
23 **Requirement.**

- 24      1. Before anhydrous ammonia may be stored in a reinstalled or secondhand container,  
25      including a nurse tank, the person intending to store the anhydrous ammonia shall  
26      furnish the ~~chief boiler inspector~~agriculture commissioner with:
- 27      a. Evidence that the container is registered with the national board of boiler and  
28      pressure vessel inspectors; or
- 29      b. The manufacturer's data report for the container.

2. Subsection 1 is not applicable to the owner of an anhydrous ammonia storage container installed in this state before November 1, 1987, unless the storage container is reinstalled at another location.

**SECTION 4. AMENDMENT.** Section 19-20.2-08.4 of the North Dakota Century Code is amended and reenacted as follows:

**19-20.2-08.4. Hydrostatic test procedures.**

Any hydrostatic test conducted under section 19-20.2-05 must comply with the requirements of the national board inspection code (ANSI-NB 23) and be conducted in a manner approved by the ~~chief boiler inspector~~ agriculture commissioner.

**SECTION 5. AMENDMENT.** Section 19-20.2-09 of the North Dakota Century Code is amended and reenacted as follows:

**19-20.2-09. Enforcement.**

1. The agriculture commissioner shall enforce the requirements of this chapter and any rules issued under it.
2. The commissioner may bring an action to enjoin the violation or threatened violation of this chapter, or any rule issued pursuant to this chapter, in the district court of the county in which the violation occurs or is about to occur.
3. The agriculture commissioner may issue a cease and desist order to any person allegedly violating this chapter. If any person violates the cease and desist order, the commissioner shall file the appropriate criminal complaint.
4. For the purpose of carrying out this chapter, the agriculture commissioner ~~and the insurance commissioner~~ may enter upon any public or private premises at reasonable times to:
  - a. Inspect any equipment subject to this chapter and the premises on which the equipment is stored or used.
  - b. Inspect or investigate complaints.
  - c. Inspect any premises or other place where anhydrous ammonia or devices are held for distribution, sale, or use.
5. If a civil penalty pursuant to section 19-20.2-10 is imposed by the agriculture commissioner through an administrative hearing and the civil penalty is not paid, the commissioner may collect the civil penalty by a civil action in any appropriate court.

1           Additionally, the commissioner may suspend or revoke a license issued pursuant to  
2           this chapter for failure to pay a civil penalty within thirty days after a final determination  
3           is made.

4           **SECTION 6. AMENDMENT.** Section 19-20.2-11 of the North Dakota Century Code is  
5           amended and reenacted as follows:

6           **19-20.2-11. Rules relating to security measures for nurse tanks.**

7           The ~~insurance~~agriculture commissioner shall adopt rules identifying a critical  
8           methamphetamine use zone in the state and establishing appropriate security measures to be  
9           implemented by the owners and users of anhydrous ammonia nurse tanks located within the  
10          zone as a pilot project. The ~~insurance~~agriculture commissioner may establish the duration of the  
11          pilot project, and may require the locking of anhydrous ammonia nurse tanks or other security  
12          measures as are deemed necessary to curb the illegal theft of anhydrous ammonia within the  
13          zone. The ~~insurance~~agriculture commissioner shall enforce any rules adopted pursuant to this  
14          section.