

March 17, 2011

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1321

Page 1, line 1, after "to" insert "create and enact chapter 19-20.3 of the North Dakota Century Code, relating to anhydrous ammonia risk management program requirements; to"

Page 1, line 3, remove "and"

Page 1, line 4, after "fund" insert "; to provide an effective date; and to declare an emergency"

Page 5, after line 11, insert:

"SECTION 8. Chapter 19-20.3 of the North Dakota Century Code is created and enacted as follows:

19-20.3-01. Risk management program - Anhydrous ammonia.

In order to determine compliance with the risk management program requirements set forth in section 112 of the Clean Air Act of 1990 [42 U.S.C. 7401 et seq.], as amended through June 30, 2011, the agriculture commissioner may:

1. Request information from any person that:
 - a. Sells, stores, or handles anhydrous ammonia for agricultural purposes; and
 - b. Is required to comply with the risk management program requirements;
2. Conduct inspections of any person that:
 - a. Sells, stores, or handles anhydrous ammonia for agricultural purposes; and
 - b. Is required to comply with the risk management program requirements; and
3. Obtain and review risk management plans required under 40 Code of Federal Regulations, part 68, as amended through June 30, 2011, and other records applicable to any person that:
 - a. Sells, stores, or handles anhydrous ammonia for agricultural purposes; and
 - b. Is required to comply with the risk management program requirements.

19-20.3-02. Risk management program - Enforcement authority.

If the agriculture commissioner determines that there is noncompliance on the part of any person that sells, stores, or handles anhydrous ammonia for agricultural purposes and that is required to comply with the risk management program requirements referenced in section 19-20.3-01, the agriculture commissioner may:

1. Bring an action to enjoin a violation or a threatened violation;
2. Issue a cease and desist order; and
3. Impose a civil penalty through an administrative hearing in an amount not exceeding ten thousand dollars per day for each violation."

Page 5, after line 12, insert:

"SECTION 10. CONTINGENT EFFECTIVE DATE. Section 8 of this Act becomes effective on the date that the governor certifies to the legislative council that the agriculture commissioner has been delegated by the administrator of the environmental protection agency to implement and enforce the risk management program as it pertains to the sale, storage, and handling of anhydrous ammonia for agricultural purposes, in accordance with section 112 of the Clean Air Act of 1990 [42 U.S.C. 7401 et seq.], as amended through June 30, 2011.

SECTION 11. EFFECTIVE DATE. Sections 1 and 9 of this Act become effective on July 1, 2011. Sections 2 through 7 of this Act become effective on January 1, 2012.

SECTION 12. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly