

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2347

Introduced by

Senators Oehlke, Wardner, Robinson

Representatives Keiser, Hofstad, S. Meyer

1 A BILL for an Act to create and enact a new subsection to section 23-37-17 of the North Dakota
2 Century Code, relating to financial responsibility; and to amend and reenact subsection 1 of
3 section 23-37-18 of the North Dakota Century Code, relating to the petroleum compensation
4 fund.

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

6 **SECTION 1.** A new subsection to section 23-37-17 of the North Dakota Century Code is
7 created and enacted as follows:

8 If a registration payment is not received within sixty days of July first by the
9 commissioner, a late fee of twenty-five dollars per tank per month must be imposed on
10 the tank owner or operator.

11 **SECTION 2. AMENDMENT.** Subsection 1 of section 23-37-18 of the North Dakota Century
12 Code is amended and reenacted as follows:

- 13 1. The administrator shall reimburse an eligible owner or operator for ninety percent of
14 the costs of corrective action, including the investigation, which are greater than five
15 thousand dollars and less than one million dollars per occurrence and two million
16 dollars in the aggregate. An eligible tank owner or operator may not be liable for more
17 than twenty thousand dollars out-of-pocket expenses for any one release. A
18 reimbursement may not be made unless the administrator determines that:
- 19 a. At the time the release was discovered the owner or operator and the tank were
20 in compliance with state and federal rules and rules applicable to the tank,
21 including rules relating to financial responsibility, rules relating to infrastructure
22 compatibility, and all rules relating to health and safety which were in effect at the
23 time of the release;

- 1 b. The department was given notice of the release as required by federal and state
- 2 law;
- 3 c. The owner or operator has paid the first five thousand dollars of the cost of
- 4 corrective action; and
- 5 d. The owner or operator, to the extent possible, fully cooperated with the
- 6 department and the administrator in responding to the release.