

Introduction and Testimony in Support of House Bill 1302  
House Agriculture Committee – January 20, 2023 – C Schreiber-Beck, District 25 Representative

Chair Thomas, Vice-Chair Beltz and members of the House Agriculture Committee:

For the record, I am Cindy Schreiber-Beck, District 25 Representative.

House Bill 1302 addresses changes to the process of licensing anhydrous ammonia facilities.

Section 1 of the bill is an amendment to North Dakota Century Code 4.1-37-03. The amendment would streamline the process of securing a license for anhydrous ammonia facilities and anhydrous mobile storage containers by reducing the direct authority of the board of county commissioners and adding a timeline. Additionally, clean-up there is clean-up to the language in section 1.

If the bill passes, the agriculture commissioner would be responsible to:

- Accept the application for a license and required information regarding the siting for an anhydrous ammonia facility or anhydrous mobile storage containers and be responsible for issuing a license after the board of county commissioners had the opportunity to review the application and rule on the siting (added language below in italics)
- Deny a license for failure to remit the proper fee; failure to comply with the siting requirements of the chapter and rules adopted under this chapter if constructed after June 30, 1985; or the facility failing to meet the initial inspection standards required by this chapter and any rules adopted under this chapter

*After receiving and reviewing the application and siting information, the agriculture commissioner is required to provide a written notification of intent to issue a storage facility operator's license for a new proposed facility to the board of county commissioners, in the county where the facility is located. The written notification must include copies of the submitted application materials. Upon receipt of the notification, the county has **thirty** days to request an allowance for a local zoning review. If a local zoning review is requested, the agriculture commissioner shall allow the county **sixty** days to complete the review and give written approval. If the county fails to respond within the specified time, the agriculture commissioner may issue a license. If the county applies additional zoning requirements, the agriculture commissioner may require compliance with the local zoning ordinance before issuing a license.*

In Section 2 of the bill, section 4.1-37-04 of the North Dakota Century Code is amended by adding the requirement that if a storage facility changes ownership, the agriculture commissioner shall provide a written notification to the county when the commissioner issues a license to the new owner.

As the regulatory agency, the ag commissioner has the authority to adopt rules necessary to implement chapter 4.1-37 anhydrous ammonia facilities and adopt the 2014 American national standard safety requirements for the storage and handling of anhydrous ammonia. Chapter 4.1-37 includes license requirements, license fee, state siting requirements, transfer hose requirements, pressure relief devices, inspection, reinstalled and secondhand anhydrous ammonia storage containers, use of fees-safety promotion, prohibitions, bulk delivery, hydrostatic test procedures, wet fluorescent magnetic particle test procedures, enforcement, and penalty. HB 1302 only simplifies the license and siting process.

Thank you for your consideration of HB 1302.