

**HOUSE BILL NO. 1302**

Introduced by

Representatives Schreiber-Beck, Beltz, Fisher, Kiefert

1 A BILL for an Act to amend and reenact sections 4.1-37-03 and 4.1-37-04 of the North Dakota  
2 Century Code, relating to anhydrous ammonia facility applications.

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

4 **SECTION 1. AMENDMENT.** Section 4.1-37-03 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **4.1-37-03. License required - Anhydrous ammonia facilities and mobile storage**  
7 **container.**

8 1. The owner or operator of an anhydrous ammonia storage facility or a mobile storage  
9 container shall apply to the agriculture commissioner ~~and to the board of county-~~  
10 ~~commissioners~~ for a license to site and operate the facility or mobile storage container.  
11 Neither an anhydrous ammonia storage facility nor mobile storage container may be  
12 operated without a license issued by the agriculture commissioner ~~and the board of~~  
13 ~~county commissioners of the county in which the facility is located.~~

14 2. Any permanent anhydrous ammonia storage facility constructed before July 1, 1985, is  
15 exempt from the siting requirements of this chapter and may receive a license under  
16 this chapter regardless of noncompliance with the siting requirements.

17 3. The commissioner ~~or the board~~ may deny a license for ~~failure:~~

18 a. Failure to remit the proper fee ~~for failure;~~

19 b. Failure to comply with the siting requirements of this chapter and rules adopted  
20 under this chapter if constructed after June 30, 1985, ~~or for failure to comply with~~  
21 ~~local siting requirements. The agriculture commissioner also may deny a license~~  
22 ~~if the;~~ and/or

23 c. The facility does not failing to meet the initial inspection standards required by this  
24 chapter and by any rules adopted under this chapter.

1       4. To obtain a license, an applicant shall submit with the application ~~two sets of~~ drawings  
2       or photographs showing, and ~~two~~ signed ~~affidavits~~affidavit stating, the facility or  
3       mobile downloading site has been measured and meets the siting requirements. The  
4       drawings or photographs must show the proposed location of the tank and the  
5       surroundings in all directions. ~~A set of drawings or photographs must be provided to~~  
6       ~~the agriculture commissioner and a set must be provided to the board of county~~  
7       ~~commissioners.~~

8       5. An applicant for a mobile storage container license also shall submit a certification  
9       from the United States department of transportation.

10      6. The agriculture commissioner shall provide the board of county commissioners, of the  
11      county in which the facility is located, a written notification of intent to issue a storage  
12      facility operator's license for a new proposed facility. The written notification must  
13      include copies of the submitted application materials. Upon receipt of the notification,  
14      the county has ~~thirty~~forty-five days to request an allowance for a local zoning review. If  
15      a local zoning review is requested, the agriculture commissioner shall allow the county  
16      sixty days to complete the review and give written approval. If the county fails to  
17      respond within the specified time frame the agriculture commissioner may issue a  
18      license. If the county applies additional zoning requirements, the agriculture  
19      commissioner may require compliance with local ordinance before issuing a license.

20      **SECTION 2. AMENDMENT.** Section 4.1-37-04 of the North Dakota Century Code is  
21      amended and reenacted as follows:

22      **4.1-37-04. State license fee.**

23      The agriculture commissioner shall charge a one-time twenty-five dollar fee for a private  
24      anhydrous ammonia storage facility or a mobile storage container license, and a one-time  
25      one hundred dollar fee for a retail anhydrous ammonia storage facility or a mobile storage  
26      container license. Expansion of an existing anhydrous ammonia storage facility does not require  
27      reapplication for licensing, but all siting requirements must be met. The license is valid  
28      indefinitely but may not be transferred. A new license is required when an anhydrous ammonia  
29      storage facility changes ownership. If a storage facility changes ownership, the agriculture  
30      commissioner shall provide a written notification to the county when the commissioner issues a  
31      license to the new owner.