

HOUSE BILL NO. 1016

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the division of
2 emergency management; and to amend and reenact subsection 2 of section 37-17.1-07.1 of
3 the North Dakota Century Code, relating to the termination of the fee system for the hazardous
4 chemicals preparedness and response program.

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

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
7 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in
8 the state treasury, not otherwise appropriated, and from special funds derived from federal
9 funds and other income, to the division of emergency management under the supervision of the
10 adjutant general for the purpose of defraying its expenses, for the biennium beginning July 1,
11 2001, and ending June 30, 2003, as follows:

12 Salaries and wages	\$2,611,942
13 Operating expenses	923,692
14 Equipment	156,400
15 Grants	<u>67,141,954</u>
16 Total all funds	\$70,833,988
17 Less estimated income	<u>69,870,828</u>
18 Total general fund appropriation	\$963,160

19 **SECTION 2. STATE HAZARDOUS MATERIAL PREPAREDNESS AND RESPONSE**
20 **FUND.** The estimated income line item in section 1 of this Act includes \$200,000 from the state
21 hazardous material preparedness and response fund for the biennium beginning July 1, 2001,
22 and ending June 30, 2003.

23 **SECTION 3. AMENDMENT.** Subsection 2 of section 37-17.1-07.1 of the 1999
24 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 1 2. Establishment of funds.
- 2 a. State hazardous chemicals preparedness and response fund. There is
- 3 ~~hereby~~ created in the state treasury a nonlapsing restricted account to be
- 4 known as a state hazardous chemicals preparedness and response fund.
- 5 The fund consists of revenue collected from the state hazardous chemical fee
- 6 system and funds appropriated by the general assembly. Moneys in the fund
- 7 shall be appropriated biennially to the division of emergency management for
- 8 carrying out the purposes, goals, and objectives of SARA title III, and the state
- 9 hazardous chemicals preparedness and response program.
- 10 b. County hazardous chemicals preparedness and response account. The
- 11 county treasurer of each county shall establish a nonlapsing restricted
- 12 account, to be known as the county hazardous chemicals preparedness and
- 13 response account. The county hazardous chemicals preparedness and
- 14 response account consists of revenue from the state hazardous chemicals fee
- 15 system, county, federal or state funds, grants, and any private donations
- 16 provided to finance the county hazardous chemicals preparedness and
- 17 response program.
- 18 c. Facility fee system. Each owner and operator of a facility, as defined in SARA
- 19 title III, shall pay an annual hazardous chemicals fee to the division of
- 20 emergency management by March first of each year. The fee is twenty-five
- 21 dollars for each chemical within the meaning of 40 CFR 355.20 or its
- 22 successor which is required under section 312 of SARA, title III, to be listed
- 23 on the hazardous chemical inventory form (tier II) which the owner or operator
- 24 must submit to the division. The federal requirements must be used for
- 25 completing the tier II form, including the threshold amounts, as outlined in 40
- 26 CFR 370.20. The maximum fee for a facility under this section is one hundred
- 27 fifty dollars. The division of emergency management shall transfer to the
- 28 county hazardous chemicals preparedness and response account one-half of
- 29 the funds collected from the state's hazardous chemicals fee system.
- 30 d. Exemptions. The owners or operators of family farm enterprises that are not
- 31 engaged in the retail or wholesale of hazardous chemicals and facilities

- 1 owned by the state or local governments are exempt from the fee under
2 subdivision c. For purposes of this section, the terms "family farm" and
3 "farmer" have the same meaning as set forth in section 6-09.11-01.
- 4 e. Accept funding. The state and county governments are authorized to accept
5 and may deposit grants, gifts, and federal funds into the hazardous chemicals
6 preparedness and response fund and accounts for the purpose of carrying out
7 the hazardous chemicals preparedness and response program.
- 8 f. Definition. "Hazardous chemical" means as defined in 40 CFR 355.20 and 29
9 CFR 1910.1200.
- 10 g. ~~Termination of fee system. The fee system in this section terminates ten~~
11 ~~years after July 7, 1991, unless reestablished by the legislative assembly by~~
12 ~~statute.~~
- 13 h. City fee system. The state hazardous chemicals fee system does not
14 supersede a city fee system for hazardous chemicals.