

Sixty-first
Legislative Assembly
of North Dakota

Introduced by

(At the request of the Adjutant General)

1 A BILL for an Act to amend and reenact subsection 2 of section 37-17.1-07.1 of the North
2 Dakota Century Code, relating to hazardous chemicals preparedness and response program
3 fees.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 37-17.1-07.1 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 2. Establishment of funds.

8 a. There is created in the state treasury a nonlapsing restricted account to be
9 known as a state hazardous chemicals preparedness and response fund.

10 The fund consists of revenue collected from the state hazardous chemical fee
11 system and funds appropriated by the legislative assembly. Moneys in the
12 fund shall be appropriated biennially to the division of homeland security for
13 carrying out the purposes, goals, and objectives of SARA title III, and the state
14 hazardous chemicals preparedness and response program.

15 b. The county treasurer of each county shall establish a nonlapsing restricted
16 account, to be known as the county hazardous chemicals preparedness and
17 response account. The county hazardous chemicals preparedness and
18 response account consists of revenue from the state hazardous chemicals fee
19 system, county, federal or state funds, grants, and any private donations
20 provided to finance the county hazardous chemicals preparedness and
21 response program.

22 c. Each owner and operator of a facility, as defined in SARA title III, shall pay an
23 annual hazardous chemicals fee to the division of homeland security by
24 March first of each year. The fee is twenty-five dollars for each chemical

- 1 within the meaning of 40 CFR 355.20 or its successor which is required under
2 section 312 of SARA title III, to be listed on the hazardous chemical inventory
3 form (tier II) which the owner or operator must submit to the division. The
4 federal requirements must be used for completing the tier II form, including
5 the threshold amounts, as outlined in 40 CFR 370.20. The maximum fee for a
6 facility under this section is ~~one hundred fifty~~ four hundred and seventy-five
7 dollars. The division of homeland security shall transfer to the county
8 hazardous chemicals preparedness and response account one-half of the
9 funds collected from the state's hazardous chemicals fee system.
- 10 d. The owners or operators of family farm enterprises that are not engaged in
11 the retail or wholesale of hazardous chemicals and facilities owned by the
12 state or local governments are exempt from the fee under subdivision c. For
13 purposes of this section, the terms "family farm" and "farmer" have the same
14 meaning as set forth in section 6-09.11-01.
- 15 e. The state and county governments are authorized to accept and may deposit
16 grants, gifts, and federal funds into the hazardous chemicals preparedness
17 and response fund and accounts for the purpose of carrying out the
18 hazardous chemicals preparedness and response programs to include
19 training, exercising, equipment, response, and salaries.
- 20 f. "Hazardous chemical" means as defined in 40 CFR 355.20 and 29 CFR
21 1910.1200.
- 22 g. The state hazardous chemicals fee system does not supersede a city fee
23 system for hazardous chemicals.