

2025 SENATE ENERGY AND NATURAL RESOURCES

SB 2082

2025 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2082
1/17/2025

Relating to the state's hazardous chemical fee system.
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10:10 a.m. Vice Chairman Kessel opened the hearing.

Members present:

Chairman Patten, Vice Chairman Kessel, Senators: Beard, Boehm, Enget, Gerhardt, and Van Oosting.

Discussion Topics:

- Hazardous chemical fee structure
- Funding allocation for hazardous material programs
- Reporting requirements for government facilities

10:11 a.m. Darin T. Hanson, Homeland Security Division Director ND Department of Emergency Services, testified in favor and submitted testimony #29780.

10:26 a.m. Vice Chairman Kessel closed the hearing.

Kendra McCann, Committee Clerk

**TESTIMONY OF
DARIN T. HANSON
HOMELAND SECURITY DIVISION DIRECTOR
NORTH DAKOTA DEPARTMENT OF EMERGENCY SERVICES
BEFORE THE
ENERGY AND NATURAL RESOURCES COMMITTEE
JANUARY 17, 2025
SENATE BILL 2082**

Chairman Patten, Vice Chairman Kessel, and members of the committee; thank you for the opportunity to speak on this important matter today. My name is Darin Hanson, and I am the Homeland Security Division Director at the Department of Emergency Services. I am here today to ask that you support SB2082 which would allow the director of the Homeland Security Division at the Department of Emergency Services to set the fee charged for chemical storage in the state of North Dakota. This bill is important because it ensures that a sustainable funding model remains intact for local and state hazardous materials (HazMat) preparedness and response efforts.

ND Century Code 37-17.1-07.1 subsection 2c currently sets the fee for chemicals stored above federally designated thresholds at \$25 per chemical, capped at \$475. Those rates were set in 1991 and have not changed since. Due to inflation, changes in technology, and a significant increase of hazardous materials incidents; we believe the funding is now short of the original intent of the law. Adjusting for inflation alone from July 1, 1991, to July 1, 2024 would equate to a fee of \$57.73. Senate Bill 2082 aims to allow the adjustment of the fees up or down, in a structured manner, without necessitating a legislative intervention and by replicating the process used to set the State Radio fee for counties.

The intent of the bill is to give the authority of the Director to change the fee. A ceiling is still in place as well as a year of notice to make sure that input from industry and responders can be heard and weighed in the decision. We have changed this section of law sparingly in the past with the last change implementing late fees for late reporting and payment. In addition, this bill provides the authority for the director to assess a late fee to facilities that are otherwise exempt from paying the fee but not exempt from reporting. This is necessary to ensure compliance with reporting, as there is currently no repercussion for fee exempt facilities who fail to report.

Funding raised from fees is split between counties and the state. Half of this funding goes directly to the counties to help them prepare and respond to hazardous materials incidents within their jurisdictions. At the local level, spending priorities for the funds are determined by the Local Emergency Planning Committees (LEPC) and are not dictated by the state, so long as they are related to HazMat incident preparedness and response. By not increasing the fee to match inflation we have not kept up with the cost of equipment and training for these jurisdictions which increases the risk of a hazardous materials incident to communities. By increasing the fee, we will be able to better support our counties through increasing the amount of funding they get to prepare for and respond to hazardous materials.

At the state level, funds are used to operate and maintain a unified system for reporting chemical storage as well as HazMat releases. The unified system was a Governor's initiative in the Burgum administration to create a single location for industry and four state agencies to

interact with each other. In addition, the system is the system of record for following up on past HazMat incidents and their remediation. That system has been paid for with grants and this fund to make sure that it was free for industry, counties, fire departments, and the four state agencies to use at no cost. Changes have been implemented and paid for through this fund to improve the system and continue to make it user friendly for all users. Without future increases we may have to charge for the use of the system or face reduced functionality of the system. Additionally, the chemical storage reporting fees fund the credit card processing fees for industry. A portion of the funding also fully funds two FTE positions in the state Hazardous Chemicals Preparedness and Response Program as well as partially funding positions in the agency proportionally to their HazMat response and preparedness duties. Finally, but also importantly, NDDDES would use the newly available funding as available to support state hazardous materials priorities such as regional HazMat response teams, equipment and capability gaps, or local initiatives that provide significant value to the state or region but exceed the local funding capacity. In the past, the State Homeland Security Grant Program provided funding to establish and maintain regional HazMat response capabilities at the local level; however, those grant programs have remained stagnant for several years and had a 10% cut in the previous year.

In conclusion, I urge this committee to pass this bill to allow for the director of the homeland security division to set the fees charged for chemical storage in the state of North Dakota. This will allow for adequate funding to flow to the counties and local authorities dealing with the incidents that chemicals cause as well as allow the Hazardous Chemical section to continue to provide the support and systems they do at no additional costs to agencies or industry. Finally, this bill helps to ensure reporting compliance from fee-exempt facilities so that local first responders know what chemicals are stored in their communities.

Thank you again for the opportunity to be here and for the important work you are doing. I am happy to stand for questions.

2025 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2082
1/17/2025

Relating to the state's hazardous chemical fee system.
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10:51 a.m. Vice Chairman Kessel opened the hearing.

Members present:

Chairman Patten, Vice Chairman Kessel, Senators: Beard, Boehm, Enget, Gerhardt, and Van Oosting.

Discussion Topics:

- Fee capping concerns
- Hazardous waste management
- Committee Action

10:53 a.m. Senator Kessel moved a Do Pass and rerefer to Appropriation committee.

10:53 a.m. Senator Enget seconded the motion.

Senators	Vote
Senator Dale Patten	Y
Senator Greg Kessel	Y
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Mark Enget	Y
Senator Justin Gerhardt	Y
Senator Desiree Van Oosting	Y

Motion Carried 7-0-0

10:55 a.m. Senator Van Oosting will carry the bill.

10:56 a.m. Chairman Patten closed the hearing.

Kendra McCann, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2082 ([25.8098.01000](#))

Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2082 was rereferred to the **Appropriations Committee**. This bill does not affect workforce development.

2025 SENATE APPROPRIATIONS

SB 2082

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations - Government Operations Division Red River Room, State Capitol

SB 2082
1/27/2025

BILL for an Act to amend and reenact subsection 2 of section 37-17.1-07.1 of the North Dakota Century Code, relating to the state's hazardous chemical fee system.

3:56 p.m. Chairman Wanzek opened the hearing.

Members present: Chairman Wanzek, Vice-Chair Dwyer, Senator Burckhard, Senator Erbele, and Senator Sickler.

Discussion Topics:

- Bill revenue overview
- Reporting system
- Federal fund background
- Late-report fee
- Exemptions for family farms

3:58 p.m. Darin Hanson, Director Homeland Security for ND Department of Emergency Services, testified in favor.

4:07 p.m. Chairman Wanzek closed the meeting.

Carol Thompson, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations - Government Operations Division Red River Room, State Capitol

SB 2082
1/29/2025

BILL for an Act to amend and reenact subsection 2 of section 37-17.1-07.1 of the North Dakota Century Code, relating to the state's hazardous chemical fee system.

8:32 a.m. Chairman Wanzek opened the meeting.

Members present: Chairman Wanzek, Vice-Chair Dwyer, Senator Erbele, and Senator Sickler. Member absent: Senator Burckhard.

Discussion Topics:

- Checks and balances
- Late fees
- State Emergency Response System
- Definition of fee basis
- Fee distribution

8:34 a.m. Darin Hanson, Homeland Security Division Director for ND Department of Emergency Services, testified in favor.

8:43 a.m. Senator Sickler moved a Do Pass for SB 2082.
Senator Erbele seconded the motion.

Senators	Vote
Senator Terry M. Wanzek	Y
Senator Randy A. Burckhard	A
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Jonathan Sickler	Y

Motion passed 4-0-1

Chairman Wanzek will carry the bill.

8:47 a.m. Chairman Wanzek closed the hearing.

Carol Thompson, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Harvest Room, State Capitol

SB 2082
2/3/2025

A BILL for an Act to amend and reenact subsection 2 of section 37-17.1-07.1 of the North Dakota Century Code, relating to the state's hazardous chemical fee system.

9:34 a.m. Chairman Bekkedahl opened the hearing.

Members Present: Chairman Bekkedahl, Vice-Chairman Erbele, and Senators Burckhard, Cleary, Conley, Davison, Dever, Dwyer, Magrum, Mathern, Meyer, Schaible, Sickler, Sorvaag, Thomas, Wanzek.

Discussion Topics:

- Increasing Fees
- Hazconnect
- Mandates

9:34 a.m. Senator Wanzek introduced the bill.

9:35 a.m. Jeff Thompson, Hazardous Chemical Officer, ND Department of Emergency Services, testified in favor.

9:38 a.m. Senator Wanzek moved a Do Pass.

9:38 a.m. Senator Sickler seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Robert Erbele	Y
Senator Randy A. Burckhard	Y
Senator Sean Cleary	Y
Senator Cole Conley	Y
Senator Kyle Davison	Y
Senator Dick Dever	A
Senator Michael Dwyer	Y
Senator Jeffery J. Magrum	N
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Donald Schaible	Y
Senator Jonathan Sickler	Y
Senator Ronald Sorvaag	Y
Senator Paul J. Thomas	Y
Senator Terry M. Wanzek	Y

Motion Passed 14-1-1.

Senate Appropriations Committee
SB 2082
02/03/2025
Page 2

Senator Patten will carry the bill.

9:41 a.m. Chairman Bekkedahl closed the hearing.

Elizabeth Reiten, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2082 ([25.8098.01000](#))

Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **DO PASS** (14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2082 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

2025 HOUSE ENERGY AND NATURAL RESOURCES

SB 2082

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

SB 2082

3/14/2025

Relating to the state's hazardous chemical fee system.
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10:09 a.m. Vice Chairman Novak called the hearing to order.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,
Representatives: Dockter, Hagert, Headland, Johnson, Marschall, Olson, Conmy, Foss

Members absent: Representative Heinert, Representative M. Ruby

Discussion Topics:

- Hazardous Chemicals Preparedness & Response Program
- HazMat incidents & Remediation
- Equipment & Capability Gaps

10:10 a.m. Darin Hanson Homeland Security Director for the ND Department of Emergency Services, testified in favor and submitted testimony #41482

10:32 a.m. Jeff Thompson, Hazardous Chemical Officer for the ND Department of Emergency Services, testified in favor.

10:33 a.m. Vice Chair Novak adjourned the meeting.

Leah Kuball, Committee Clerk

**TESTIMONY OF
DARIN T. HANSON
HOMELAND SECURITY DIVISION DIRECTOR
NORTH DAKOTA DEPARTMENT OF EMERGENCY SERVICES
BEFORE THE
HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE
MARCH 14, 2025
SENATE BILL 2082**

Chairman Porter, Vice Chairman Anderson, and members of the committee; thank you for the opportunity to speak on this important matter today. My name is Darin Hanson, and I am the Homeland Security Division Director at the Department of Emergency Services. I am here today to ask that you support SB2082 which would accomplish three things. First, it would allow the director of the Homeland Security Division at the Department of Emergency Services to set the fee charged for chemical storage in the state of North Dakota. Second, it would increase the cap a facility could pay regardless of how many chemicals they store. Finally, the bill provides the same penalty to fee exempt facilities for late reporting as industry receives. This bill is important because it ensures that a sustainable funding model remains intact for local and state hazardous materials (HazMat) preparedness and response efforts.

ND Century Code 37-17.1-07.1 subsection 2c currently sets the fee for chemicals stored above federally designated thresholds at \$25 per chemical, capped at \$475. Those rates were set in 1991 and have not changed since. Due to inflation, changes in technology, and a significant increase of hazardous materials incidents; we believe the funding is now short of the original intent of the law. Adjusting for inflation alone from July 1, 1991, to July 1, 2024 would equate to a fee of \$57.73. Senate Bill 2082 aims to allow the adjustment of the fees up or down, in a structured manner, without necessitating a legislative intervention and by replicating the process used to set the State Radio fee for counties.

The intent of the bill is to give the authority of the Director to change the fee. A ceiling is still in place as well as a year of notice to make sure that input from industry and responders can be heard and weighed in the decision. We have changed this section of law sparingly in the past with the last change implementing late fees for late reporting and payment. In addition, this bill provides the authority for the director to assess a late fee to facilities that are otherwise exempt from paying the fee but not exempt from reporting. This is necessary to ensure compliance with reporting, as there is currently no repercussion for fee exempt facilities who fail to report.

Funding raised from fees is split between counties and the state. Half of this funding goes directly to the counties to help them prepare and respond to hazardous materials incidents within their jurisdictions. At the local level, spending priorities for the funds are determined by the Local Emergency Planning Committees (LEPC) and are not dictated by the state, so long as they are related to HazMat incident preparedness and response. By not increasing the fee to match inflation we have not kept up with the cost of equipment and training for these jurisdictions which increases the risk of a hazardous materials incident to communities. By increasing the fee, we will be able to better support our counties through increasing the amount of funding they get to prepare for and respond to hazardous materials.

At the state level, funds are used to operate and maintain a unified system for reporting chemical storage as well as HazMat releases. The unified system was a Governor's initiative in

the Burgum administration to create a single location for industry and four state agencies to interact with each other. In addition, the system is the system of record for following up on past HazMat incidents and their remediation. That system has been paid for with grants and this fund to make sure that it was free for industry, counties, fire departments, and the four state agencies to use at no cost. Changes have been implemented and paid for through this fund to improve the system and continue to make it user friendly for all users. Without future increases we may have to charge for the use of the system or face reduced functionality of the system. Additionally, the chemical storage reporting fees fund the credit card processing fees for industry. A portion of the funding also fully funds two FTE positions in the state Hazardous Chemicals Preparedness and Response Program as well as partially funding positions in the agency proportionally to their HazMat response and preparedness duties. Finally, but also importantly, NDDDES would use the newly available funding as available to support state hazardous materials priorities such as regional HazMat response teams, equipment and capability gaps, or local initiatives that provide significant value to the state or region but exceed the local funding capacity. In the past, the State Homeland Security Grant Program provided funding to establish and maintain regional HazMat response capabilities at the local level; however, those grant programs have remained stagnant for several years and had a 10% cut in the previous year.

In conclusion, I urge this committee to pass this bill to allow for the director of the Homeland Security Division to set the fees charged for chemical storage in the state of North Dakota. This will allow for adequate funding to flow to the counties and local authorities dealing with the incidents that chemicals cause as well as allow the Hazardous Chemical section to continue to provide the support and systems they do at no additional costs to agencies or industry. Finally, this bill helps to ensure reporting compliance from fee-exempt facilities so that local first responders know what chemicals are stored in their communities.

Thank you again for the opportunity to be here and for the important work you are doing. I am happy to stand for questions.

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

SB 2082

3/20/2025

Relating to the state's hazardous chemical fee system.
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4:05 p.m. Chairman Porter called the hearing to order.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,
Representatives: Dockter, Hagert, Headland, Heinert, Johnson, Marschall, Olson, Ruby,
Conmy, Foss

Discussion Topics:

- Committee Action

4:08 p.m. Representative Headland moved to adopt amendment. #43323

4:08 p.m. Representative J. Olson seconded the motion.

Voice vote: Motion carried

4:10 p.m. Representative Dockter moved a Do Pass as Amended.

4:10 p.m. Representative Novak Seconded the motion.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Anna Novak	Y
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Austin Foss	Y
Representative Jared c. Hagert	Y
Representative Craig Headland	Y
Representative Pat D. Heinert	Y
Representative Jorin Johnson	Y
Representative Andrew Marschall	Y
Representative Jeremy L. Olson	Y
Representative Matthew Ruby	Y

Motion Carried: 13-0-0

Bill Carrier: Representative Headland

4:14 p.m. Chairman Porter closed the hearing.

Saydee Wahl for Leah Kuball, Committee Clerk

DR
3-21-25
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Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2082

Introduced by

Energy and Natural Resources Committee

(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 the state's hazardous chemical fee system.

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

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

6 2. Establishment of funds.

- 7 a. There is created in the state treasury a nonlapsing restricted account to be
8 known as a state hazardous chemicals preparedness and response fund. The
9 fund consists of revenue collected from the state hazardous chemical fee system
10 and funds appropriated by the legislative assembly. Moneys in the fund shall be
11 appropriated biennially to the division of homeland security for carrying out the
12 purposes, goals, and objectives of SARA title III, and the state hazardous
13 chemicals preparedness and response program.
- 14 b. The county treasurer of each county shall establish a nonlapsing restricted
15 account, to be known as the county hazardous chemicals preparedness and
16 response account. The county hazardous chemicals preparedness and response
17 account consists of revenue from the state hazardous chemicals fee system,
18 county, federal or state funds, grants, and any private donations provided to
19 finance the county hazardous chemicals preparedness and response program.

DR
3-21-25
285

c. The director of the division of homeland security shall set appropriate fees for the state hazardous chemical fee system subject to the following:

(1) Changes to fees charged will take effect on January first;

(2) An increase to fees levied on a per chemical basis made after January 1, 2026, may not exceed five dollars per year;

(3) The director shall announce any fee increases made after January 1, 2026, a minimum of one year before the effective date; and

~~(3)~~(4) The director may consider economic conditions, the general economy, and the availability of funds appropriated by the legislature to offset the costs of administering the program when setting fees.

d. Each owner and operator of a facility, as defined in SARA title III, shall pay an annual hazardous chemicals fee to the division of homeland security.

(1) The fee must be paid by March first of each year.

(2) The fee is ~~twenty-five dollars~~ levied on a per chemical basis for each chemical within the meaning of title 40, Code of Federal Regulations, part 355.20, or its successor which is required under section 312 of SARA title III, to be listed on the hazardous chemical inventory form (tier II) which the owner or operator must submit to the division. The federal requirements must be used for completing the tier II form, including the threshold amounts, as outlined in title 40, Code of Federal Regulations, part 20.

(3) The maximum fee for a facility under this section is ~~four hundred seventy-five~~ ~~one thousand two hundred fifty~~ nine hundred fifty dollars.

(4) The director of the homeland security division may impose fees for both late filing of reports and late payment of fees: subject to the following:

(a) A late fee ~~must equal~~ may not exceed the amount of the hazardous chemicals fee owed under this subdivision-;

(b) After six months the director shall process further violations under willful violations in subsection 4-; and

(c) A facility exempt from fees under this subdivision which is late filing reports under this section may be subject to a late fee equal to the amount the facility would be charged if it was not exempt.

DR
3-21-25
323

1 (5) The division of homeland security shall transfer to the county hazardous
2 chemicals preparedness and response account one-half of the regular fees
3 collected from the state's hazardous chemicals fee system.

4 d.e. The owners or operators of family farm enterprises that are not engaged in the
5 retail or wholesale of hazardous chemicals and facilities owned by the state or
6 local governments are exempt from the fee under subdivision c. For purposes of
7 this section, the terms "family farm" and "farmer" have the same meaning as set
8 forth in section 6-09.11-01.

9 e.f. ~~The state~~State and county governments are authorized to accept and may
10 deposit grants, gifts, and federal funds into the hazardous chemicals
11 preparedness and response fund and accounts for the purpose of carrying out
12 the hazardous chemicals preparedness and response programs to include
13 training, exercising, equipment, response, and salaries, and local emergency
14 planning committee member stipends not to exceed thirty percent of state per
15 diem per meeting attended. In lieu of stipends the committee chairman may
16 provide a meal or refreshments other than alcoholic beverages.

17 f.g. "Hazardous chemical" means as defined in title 40, Code of Federal Regulations,
18 part 355.20 and title 29, Code of Federal Regulations, part 1910.1200.

19 g.h. The state hazardous chemicals fee system does not supersede a city fee system
20 for hazardous chemicals.

**REPORT OF STANDING COMMITTEE
SB 2082**

Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS** ([25.8098.01001](#)) and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2082 was placed on the Sixth order on the calendar.

BILL NO. 2082

Legislative Assembly
of North Dakota

Introduced by

Energy and Natural Resources Committee

(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 the state's hazardous chemical fee system.

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

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

6 2. Establishment of funds.

7 a. There is created in the state treasury a nonlapsing restricted account to be
8 known as a state hazardous chemicals preparedness and response fund. The
9 fund consists of revenue collected from the state hazardous chemical fee system
10 and funds appropriated by the legislative assembly. Moneys in the fund shall be
11 appropriated biennially to the division of homeland security for carrying out the
12 purposes, goals, and objectives of SARA title III, and the state hazardous
13 chemicals preparedness and response program.

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

20 c. The director of the division of homeland security shall set appropriate fees for the
21 state hazardous chemical fee system subject to the following:

22 (1) Changes to fees charged will take effect on January first;

23 (2) Any increase to fees levied on a per chemical basis made after January 1,

24 2026 shall not exceed five dollars per year.

(23) The director shall announce any fee increases made after January 1, 2026
a minimum of one year before the effective date; and

(34) The director may consider economic conditions, the general economy, and
the availability of funds appropriated by the legislature to offset the costs of
administering the program when setting fees.

d. Each owner and operator of a facility, as defined in SARA title III, shall pay an
annual hazardous chemicals fee to the division of homeland security.

(1) The fee must be paid by March first of each year.

(2) The fee is ~~twenty-five dollars~~ levied on a per chemical basis for each
chemical within the meaning of title 40, Code of Federal Regulations, part
355.20, or its successor which is required under section 312 of SARA title
III, to be listed on the hazardous chemical inventory form (tier II) which the
owner or operator must submit to the division. The federal requirements
must be used for completing the tier II form, including the threshold
amounts, as outlined in title 40, Code of Federal Regulations, part 20.

(3) The maximum fee for a facility under this section is ~~four hundred~~
~~seventy-five~~ one thousand two hundred fifty-nine hundred fifty dollars.

(4) The director of the homeland security division may impose fees for both late
filing of reports and late payment of fees: subject to the following:

(a) A late fee must ~~equal~~ not exceed the amount of the hazardous
chemicals fee owed under this subdivision; ;

(b) After six months the director shall process further violations under
willful violations in subsection 4: and

(c) A facility exempt from fees under this subdivision which is late filing
reports under this section may be subject to a late fee equal to the
amount the facility would be charged if it was not exempt.

(5) The division of homeland security shall transfer to the county hazardous
chemicals preparedness and response account one-half of the regular fees
collected from the state's hazardous chemicals fee system.

d.e. The owners or operators of family farm enterprises that are not engaged in the
retail or wholesale of hazardous chemicals and facilities owned by the state or
local governments are exempt from the fee under subdivision c. For purposes of

Legislative Assembly

1 this section, the terms "family farm" and "farmer" have the same meaning as set
2 forth in section 6-09.11-01.

3 ~~e.f.~~ The stateState and county governments are authorized to accept and may
4 deposit grants, gifts, and federal funds into the hazardous chemicals
5 preparedness and response fund and accounts for the purpose of carrying out
6 the hazardous chemicals preparedness and response programs to include
7 training, exercising, equipment, response, and salaries, and local emergency
8 planning committee member stipends not to exceed thirty percent of state per
9 diem per meeting attended. In lieu of stipends the committee chairman may
10 provide a meal or refreshments other than alcoholic beverages.

11 ~~f.g.~~ "Hazardous chemical" means as defined in title 40, Code of Federal Regulations,
12 part 355.20 and title 29, Code of Federal Regulations, part 1910.1200.

13 ~~g-h.~~ The state hazardous chemicals fee system does not supersede a city fee system
14 for hazardous chemicals.

2025 HOUSE APPROPRIATIONS

SB 2082

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

SB 2082
4/7/2025

A BILL for an Act to amend and reenact subsection 2 of section 37-17.1-07.1 of the North Dakota Century Code, relating to the state's hazardous chemical fee system.

10:59 a.m. Chairman Vigesaa opened the meeting.

Members present: Chairman Vigesaa, Representatives Anderson, Berg, Bosch, Brandenburg, Fisher, Hanson, Louser, Martinson, Meier, Monson, Murphy, Nathe, O'Brien, Pyle, Richter, Sanford, Stemen, Swiontek, Wagner

Members absent: Vice Chairman Kempenich, Representatives: Mitskog, J. Nelson

Discussion Topics:

- Hazardous Chemical Fees Distribution
- Committee Action

11:00 a.m. Representative Porter introduced the bill.

11:03 a.m. Daren Hansen, Homeland Security Director, Department of Emergency Services, answered questions.

11:06 a.m. Representative Murphy moved Do Pass.

11:06 a.m. Representative Monson seconded the motion.

11:07 a.m. Roll Call Vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	AB
Representative Bert Anderson	Y
Representative Mike Berg	Y
Representative Glenn Bosch	Y
Representative Mike Brandenburg	Y
Representative Jay Fisher	Y
Representative Karla Rose Hanson	Y
Representative Scott Louser	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	AB
Representative David Monson	Y
Representative Eric J. Murphy	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	AB

Representative Emily O'Brien	Y
Representative Brandy L. Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Gregory Stemen	Y
Representative Steve Swiontek	Y
Representative Scott Wagner	Y

11:07 a.m. Motion passed 20-0-3.

11:07 a.m. Representative Headland will carry the bill.

11:08 a.m. Chairman Vigesaa closed the meeting.

Krystal Eberle, Committee Clerk

**REPORT OF STANDING COMMITTEE
AMENDED SB 2082 ([25.8098.02000](#))**

Appropriations Committee (Rep. Vigesaa, Chairman) recommends **DO PASS** (20 YEAS, 0 NAYS, 3 ABSENT OR EXCUSED AND NOT VOTING). SB 2082, as amended, was placed on the Fourteenth order on the calendar.