

**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

SENATE BILL NO. 2152
(Senators Luick, Erbele, Klein)
(Representatives D. Johnson, Pollert)

AN ACT to amend and reenact sections 4.1-37-02, 4.1-37-03, and 4.1-37-04 of the North Dakota Century Code, relating to the licensing of anhydrous ammonia storage tanks and mobile storage containers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-37-02 of the North Dakota Century Code is amended and reenacted as follows:

4.1-37-02. ~~Definition~~Definitions.

As used in this chapter, "~~anhydrous~~unless the context otherwise requires:

1. "Anhydrous ammonia storage facility" means a bulk anhydrous ammonia storage facility with a capacity exceeding six thousand gallons [22712.47 liters] which is owned or operated by a user or vendor of anhydrous ammonia.
2. "Mobile storage container" means a United States department of transportation class MC-331 cargo tank, or an American society of mechanical engineers code constructed and national board registered mobile storage container, approved by the United States department of transportation, used for the temporary storage of anhydrous ammonia to be downloaded into a nurse tank.

SECTION 2. AMENDMENT. Section 4.1-37-03 of the North Dakota Century Code is amended and reenacted as follows:

4.1-37-03. ~~License required - Anhydrous ammonia facilities constructed after June 30, 1985 and mobile storage container.~~

The owner or operator of an anhydrous ammonia storage facility or a mobile storage container shall apply to the agriculture commissioner and to the board of county commissioners for a license to site and operate the facility or mobile storage container. ~~Neither an~~ anhydrous ammonia storage facility nor mobile storage container may ~~not~~ be operated without a license issued by the agriculture commissioner and the board of county commissioners of the county in which the facility is located. Any permanent anhydrous ammonia storage facility constructed before July 1, 1985, is exempt from the siting requirements of this chapter and may receive a license under this chapter regardless of noncompliance with the siting requirements. The commissioner or the board may deny a license for failure to remit the proper fee for failure to comply with the siting requirements of this chapter and rules adopted under this chapter if constructed after June 30, 1985, or for failure to comply with local siting requirements. The agriculture commissioner also may deny a license if the facility does not meet the initial inspection standards required by this chapter and by any rules adopted under this chapter. To obtain a license, an applicant shall submit with the application two sets of drawings or photographs showing, and two signed affidavits stating, the facility or mobile downloading site has been measured and meets the siting requirements. The drawings or photographs must show the proposed location of the tank and the surroundings in all directions. A set of drawings or photographs must be provided to the agriculture commissioner and a set must be provided to the board of county commissioners. An applicant for a mobile storage container license also shall submit a certification from the United States department of transportation.

SECTION 3. AMENDMENT. Section 4.1-37-04 of the North Dakota Century Code is amended and reenacted as follows:

4.1-37-04. State license fee.

The agriculture commissioner shall charge a one-time twenty-five dollar fee for a private anhydrous ammonia storage facility or a mobile storage container license ~~for each anhydrous ammonia storage facility and an additional one hundred dollars for each retail and storage site, and a one-time one hundred dollar fee for a retail anhydrous ammonia storage facility or a mobile storage container license.~~ Expansion of an existing anhydrous ammonia storage facility does not require reapplication for licensing, but all siting requirements must be met. The license is valid indefinitely but may not be transferred. A new license is required when an anhydrous ammonia storage facility changes ownership.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2152.

Senate Vote: Yeas 43 Nays 4 Absent 0

House Vote: Yeas 80 Nays 11 Absent 3

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2019.

Approved at _____ M. on _____, 2019.

Governor

Filed in this office this _____ day of _____, 2019,

at _____ o'clock _____ M.

Secretary of State