

**HOUSE BILL NO. 1271**

Introduced by

Representatives M. Nelson, Hunskor, Wallman

1 A BILL for an Act to amend and reenact sections 23-31-01 and 23-31-02 of the North Dakota  
2 Century Code, relating to the environmental quality restoration fund; and to provide a continuing  
3 appropriation.

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

5 **SECTION 1. AMENDMENT.** Section 23-31-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **23-31-01. Environmental emergency cost recovery.**

8 1. Except as provided in section 23-20.3-11, the state department of health may recover  
9 from the parties responsible for an environmental emergency the reasonable and  
10 necessary state costs incurred in assessment, removal, corrective action, or  
11 monitoring as a result of an environmental emergency in violation of chapter 23-20.1,  
12 23-20.3, 23-25, 23-29, 61-28, or 61-28.1. As used in this chapter, "environmental  
13 emergency" means a release into the environment of a substance requiring an  
14 immediate response to protect public health or welfare or the environment from an  
15 imminent and substantial endangerment and which is in violation of chapter 23-20.1,  
16 23-20.3, 23-25, 23-29, 61-28, or 61-28.1, and "reasonable and necessary costs"  
17 means those costs incurred by the department as a result of the failure of the parties  
18 responsible for the environmental emergency to implement appropriate assessment  
19 and corrective action after receipt of written notice from the department. If  
20 assessment, removal, monitoring, or corrective action must be initiated prior to  
21 identification of the responsible parties, the department may assess those prior costs  
22 to the responsible parties at the time they are identified.

1       2. Any fees or civil penalties collected in relation to a violation of chapter 23-20.1,  
2           23-20.3, 23-25, 23-29, 61-28, or 61-28.1 are to be deposited in the environmental  
3           quality restoration fund.

4       **SECTION 2. AMENDMENT.** Section 23-31-02 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6       **23-31-02. Environmental quality restoration fund - Continuing appropriation.**

7       There is established an environmental quality restoration fund into which the funds  
8 recovered in this chapter may be deposited and these funds are appropriated on a continuing  
9 basis to the state department of health. The fund is to be administered by the state department  
10 of health and may be used by the state department of health for costs of environmental  
11 assessment, removal, corrective action, or monitoring as determined on a case-by-case basis.