

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1121

2007 HOUSE AGRICULTURE

HB 1121

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1121

House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: 1-8-07

Recorder Job Number: Unknown

Committee Clerk Signature

Marly Kienzel

Minutes:

Chairman Johnson: opened meeting for HB 1121

Rep. Headland made a motion to move the amendments

Rep. Brandenburg: Seconded the motion.

Voice vote was taken with 13 yes, 0 no and 0 absent.

Rep. Headland made a motion Do Pass as Amended.

Rep Belter: seconded the motion.

Roll Call vote was 13 yes, 0 no and 0 absent.

Rep Brandenburg will carry the bill.

HB 1121 is closed.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1121**

House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: **2-8-07**

Recorder Job Number: **3167**

Committee Clerk Signature

Edward Ellefson mK

Minutes:

CHAIRMAN JOHNSON: Committee Members, we will open on HB 1121. The Clerk will read the subject of the bill.

CLERK: **HB 1121** is a bill relating to the retail sale of alternative fuels; and to amend

And reenact Sections 19-10-01 and 19-10-10 of the NORTH DAKOTA CENTURY CODE, relating to petroleum product definitions and specifications.

CHAIRMAN JOHNSON: Those who would like to testify in favor of **HB 1121**.

SCOTT RADIG: Good morning Mr. Chairman and members of the House Agriculture Committee. My name is Scott Radig; I am director of the Division of Waste Management for the North Dakota Department of Health. I am here today to testify in support of House Bill 1121, which regards the definition of alternative fuels.

[[Please read Scott Radigs printed testimony which is attached]]

Scott did say, "To correct an oversight in the original bill proposal, we also are offering four very short amendments, which will ensure that neither adulterated nor misbranded alternative fuels may be offered for sale. I would be happy to answer any questions.

CHAIRMAN JOHNSON: Any questions?

REPRESENTATIVE MUELLER: Thank you Mr. Chairman. Mr. Radig, I think I understand what we are trying to do here. My question has to do with; we have heard some discussions about E- 85 being actually E-63 and variations on that.

What we are doing here in terms of defining actual content of a product be influenced by what this bill is doing?

SCOTT RADIG: Chairman Johnson and Representative Mueller. This bill will define alternative fuel excluding biodiesel. It will give the authority to the Department of Health to define technical steps, percentages, and standards which must be met.

Those may be found in Administrative Rules. When we go through that ruling, we will take information and technical guidance from industry or the National Standards towards B 4 and these types of fuels and technical figures that have definitions. We will probably be going along with National Industry Standards or those types of definitions.

REPRESENTATIVE MUELLER: You are saying, these will be things done within the Health Department that is not necessarily going to show up at the pump unless it is really in E 85 or B 100. The rules also defines label requirements are at the pump and also what the allowable percentages will be based on time of year.

CHAIRMAN JOHNSON: Any other questions? Thank you Scott! Is there any other testimony?

MIKE RUD: I represent the North Dakota Petroleum Marketers. We stand in support of this HB 1121 and would ask your support as well and we feel very confident that we can work with the Health Department. We have in the past and continue to get all the definitions that are needed to get specific about the different gasoline and Diesel as we go forward with this process.

CHAIRMAN JOHNSON: Questions for Mr. Rud? Thank you. Others to offer

Support for 1121? Is there any opposing testimony for 1121?

IF NOT WE WILL CLOSE THE HEARING ON HB 1121

VR
2/8/07

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1121

Page 1, line 10, after the first "petroleum" insert "or alternative fuel" and after the second "petroleum" insert "or alternative fuel"

Page 2, line 8, after "petroleum" insert "or alternative fuel"

Page 2, line 9, after "petroleum" insert "or alternative fuel"

Renumber accordingly

Date: _____
Roll Call Vote #: _____

2-8-07

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1121

House _____ Committee _____

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken MOVE AMENDMENTS

Motion Made By REP. HEADLAND Seconded By REP. BRANDENBURG

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson			Tracy Boe		
Vice Chair Joyce Kingsbury			Rodney Froelich		
Wesley Belter			Phillip Mueller		
Mike Brandenburg			Kenton Onstad		
Craig Headland			Benjamin Vig		
Brenda Heller					
John D Wall					
Gerry Uglem					

voice vote
NO NO'S

Total (Yes) 13 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date:
Roll Call Vote #:

2-8-07

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

H13 1121

House _____ Committee _____

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS AS AMENDED

Motion Made By REP. HEADLAND Seconded By REP. BELTER

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	✓		Tracy Boe	✓	
Vice Chair Joyce Kingsbury	✓		Rodney Froelich	✓	
Wesley Belter	✓		Phillip Mueller	✓	
Mike Brandenburg	✓		Kenton Onstad	✓	
Craig Headland	✓		Benjamin Vig	✓	
Brenda Heller	✓				
John D'Wall	✓				
Gerry Uglem	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment REP. BRANDENBURG

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1121: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1121 was placed on the Sixth order on the calendar.

Page 1, line 10, after the first "petroleum" insert "or alternative fuel" and after the second "petroleum" insert "or alternative fuel"

Page 2, line 8, after "petroleum" insert "or alternative fuel"

Page 2, line 9, after "petroleum" insert "or alternative fuel"

Renumber accordingly

2007 SENATE AGRICULTURE

HB 1121

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1121

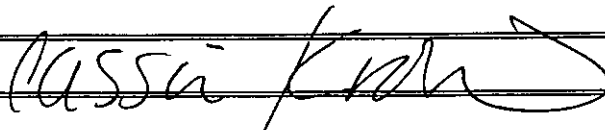
Senate Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: March 8, 2007

Recorder Job Number: 4679

Committee Clerk Signature



Minutes:

Sen. Flakoll opened the hearing on HB 1121, a bill relating to the retail sale of alternative fuels and to petroleum product definitions and specifications. All members (7) were present.

Dave Glatt, Chief of the Environmental Health Section for the ND Department of Health,

testified in favor of the bill. See attached testimony.

Sen. Klein- so in section 2 we are asking now to put a particular kind of label on the pump?

What does that section really do?

Dave Glatt- what it does is that it requires that a label is put on the pump so that the purchaser knows what they are buying.

Sen. Klein- is that going to be a burden to the retailer or is that pump going to generally have the same thing in it all the time?

Dave Glatt- currently we do require labeling and so that wouldn't be an additional burden and that pumped would be used with that.

Mike Rudd, NDPMA, testified in favor of the bill.

Mike Rudd- We stand in support of getting the definitions in place and encourage you to give this a do pass.

Sen. Klein- how would you envision a pump that had the ability to have different blends?

Mike Rudd- I have never seen one of these pumps but it is my understanding I that it has 5 buttons on the pump one is regular unleaded, one is E10, one is E85, and the 2 blends would be between E20 and E30 is my understanding. Those would all have to be clearly labeled.

Sen. Klein- and you would have 5 tanks that it would have to come out of or would it blend at that point?

Mike Rudd- the pump would be a blender pump.

Tom Balzer, NDMCA, testified in favor of the bill.

Tom Balzer- We support this bill, this is a option that we have been looking for where the department of health has the option to find quality standards and gives them this option to change as technology changes as well as to wait for technology to catch up for the uses of biodiesel. This also gives us the option to test it.

Sen. Flakoll closed the hearing.

Sen. Klein motioned for a Do Pass and was seconded by **Sen. Wanzek**, roll call vote 1: 7 yea, 0 nay, 0 absent. **Sen. Behm** was designated to carry the bill to the floor.

Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1121

Senate Agriculture

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass

Motion Made By

Klein

Seconded By

Wanzen

[illegible]

Total (Yes)

No

Absent

Floor Assignment

Sen. Behm

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 8, 2007 1:00 p.m.

Module No: SR-44-4730
Carrier: Behm
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1121, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends
DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1121
was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

HB 1121

Testimony

House Bill 1121

House Agriculture Committee

February 8, 2007; 8 a.m.

North Dakota Department of Health

Good morning, Chairman Johnson and members of the House Agriculture Committee. My name is Scott Radig, and I am director of the Division of Waste Management for the North Dakota Department of Health. I am here today to testify in support of House Bill 1121, which regards the definition of alternative fuels.

In 1988, Congress passed the Alternative Motor Fuels Act. Recognizing that displacing energy derived from imported oil with alternative fuels will help achieve energy security and improve air quality, our nation's lawmakers designed this legislation to encourage the development of vehicles that could run on alternative fuels. More recently, the Energy Policy Act of 1993 expanded the list of recognized alternative fuels to include mixtures containing 85 percent or more by volume of alcohol fuel (E85) and 100 percent biodiesel (B100).

Current North Dakota law addresses "alternative fuels" only for the purpose of taxation, within Chapter 57-43.1. Chapter 19-10 defines petroleum products only, and provides the Department of Health with the authority to set standards. Under that authority, North Dakota Administrative Code Article 33-34 provides specifications and standards only for petroleum products, with the exception of "gasohol" which has a limit of 10 percent ethanol. The suggested changes to Chapter 19-10 will allow the Department of Health to amend the current technical specifications and standards for petroleum products pursuant to Chapter 28-32 to include alternative fuels and allow testing of alternative fuels to ensure their quality for the citizens of the state. The new definitions, as with other definitions in the chapter, were intentionally kept quite generic. This is to allow the chapter to remain applicable despite changing industry standards and specifications. The technical standards, specifications and references will be defined within Administrative Code Article 33-34, where all of the current technical standards are now described.

To correct an oversight in the original bill proposal, we also are offering four very short amendments which will ensure that neither adulterated nor misbranded alternative fuels may be offered for sale.

I encourage your passage of House Bill 1121, and am happy to answer any questions.

Testimony

House Bill 1121

Senate Agriculture Committee

March 8, 2007; 8:30 a.m.

North Dakota Department of Health

Good morning, Chairman Flakoll and members of the Senate Agriculture Committee. My name is Dave Glatt, and I am Chief of the Environmental Health Section for the North Dakota Department of Health. I am here today to testify in support of House Bill 1121, which regards the definition of alternative fuels.

In 1988, Congress passed the Alternative Motor Fuels Act. Recognizing that displacing energy derived from imported oil with alternative fuels will help achieve energy security and improve air quality, our nation's lawmakers designed this legislation to encourage the development of vehicles that could run on alternative fuels. More recently, the Energy Policy Act of 1993 expanded the list of recognized alternative fuels to include mixtures containing 85 percent or more by volume of alcohol fuel (E85) and 100 percent biodiesel (B100).

Current North Dakota law addresses "alternative fuels" only for the purpose of taxation, within Chapter 57-43.1. Chapter 19-10 defines petroleum products only, and provides the Department of Health with the authority to set standards. Under that authority, North Dakota Administrative Code Article 33-34 provides specifications and standards only for petroleum products, with the exception of "gasohol" which has a limit of 10 percent ethanol. The suggested changes to Chapter 19-10 will allow the Department of Health to amend the current technical specifications and standards for petroleum products pursuant to Chapter 28-32 to include alternative fuels and allow testing of alternative fuels to ensure their quality for the citizens of the state. The new definitions, as with other definitions in the chapter, were intentionally kept quite generic. This is to allow the chapter to remain applicable despite changing industry standards and specifications. The technical standards, specifications and references will be defined within Administrative Code Article 33-34, where all of the current technical standards are now described.

I encourage your passage of House Bill 1121, and am happy to answer any questions.