

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2111

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*Yvonne A. Lee*  
Operator's Signature

10-16-03  
Date

2003 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2111

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Operator's Signature

10-16-03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2111

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 1-22-03

Tape Number	Side A	Side B	Meter #
1		xxxx	3,743
Committee Clerk Signature <i>Rosalba Berkman</i>			

Minutes: Chairman Mutch called the committee to order. All Senators present. SB 2111 relates to licensing of anhydrous ammonia facilities.

Testimony in support of SB 2111.

Jeff Olson, ND Dept. of Agriculture, introduced the bill. See attached testimony.

Robert Reetz, Chief Boiler Inspector at the ND Insurance Department also spoke in support of SB 2111. See attached testimony.

No opposing testimony.

Hearing closed. No action taken.

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*Yvonne J. Lee*  
Operator's Signature

*10-16-03*  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2111

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 02-03-03

Tape Number	Side A	Side B	Meter #
2	XXXX		800-1200
Committee Clerk Signature <i>Lisa VanBerkom</i>			

Minutes: Chairman Mutch opened the discussion on SB 2111 during committee work. All

Senators were present. SB 2111 relates to the licensing of anhydrous ammonia facilities.

There was brief discussion from the committee.

Senator Espegard moved a DO PASS. Senator Heitkamp seconded.

Roll Call Vote: 7yes. 0 no. 0 absent.

Carrier: Senator Heitkamp

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Operator's Signature

*10-16-03*  
Date

**FISCAL NOTE**  
Requested by Legislative Council  
01/03/2003

Bill/Resolution No.: SB 2111

**1A. State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

**1B. County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**2. Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

This bill has no fiscal impact on state or local entities.

**3. State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Jeff K. Welspfenning	Agency:	Agriculture Department
Phone Number:	328-4758	Date Prepared:	01/09/2003

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Operator's Signature

*Yuberead J. Lee*

Date

10-16-03

Date: 2-3-03  
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 211

Senate IBL 2111 Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS

Motion Made By Espinoza Seconded By Hutkamp

[illegible]

Total (Yes) 7 No 0

**Absent** 0

Floor Assignment Hell Kamp

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

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10-16-03  
Date

**REPORT OF STANDING COMMITTEE (410)**  
February 3, 2003 3:50 p.m.

Module No: SR-20-1567  
Carrier: Heltkamp  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2111: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends  
DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2111 was placed  
on the Eleventh order on the calendar.**

(2) DESK, (3) COMM

Page No. 1

SR-20-1567

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*Yuberead J. Lee*  
Operator's Signature

*10-16-03*  
Date

Date: 3-26-03  
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

Senate 2111 Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Concur

Motion Made By Klein Seconded By Every

Senators	Yes	No	Senators	Yes	No
Mutch	X				
Klein	X				
Krebsbach	X				
Nettune	X				
Hartkamp	X				
Every	X				
Espeland	X				

Total (Yes) 6 No 0

Absent 1

Floor Assignment \_\_\_\_\_

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

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Yvonne J. Lee 10-14-03  
Operator's Signature Date

2003 HOUSE AGRICULTURE

SB 2111

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Yheresa J. Lee  
Operator's Signature

10-16-03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2111

House Agriculture Committee

☐ Conference Committee

Hearing Date 2---27---03

Tape Number	Side A	Side B	Meter #
ONE	A		42 TO 50
ONE		B	0 TO END
Committee Clerk Signature <i>Edward D. Olson</i>			

Minutes:

CHAIRMAN NICHOLAS: Committee Members. We will open the hearing on SB 2111.

JEFF OLSON: [[[PLEASE READ JEFF OLSONS TESTIMONY]]]

CHAIRMAN NICHOLAS: An questions?

REP. WRANGHAM: If we strike out construction and put operator. Should that last word constructed be changed to operator?

JEFF OLSON: IT is confusing but consider where it is in the sentence. This may be a termonology thing.

REPRESENTATIVE WRANGHAM: I thought it had to be completed and inspected before a license could be issued.

JEFF OLSON:; That is what we are proposing in our bill. Completely constructed and inspected and then we will issue a license. The way it is now, it is confusing which you don't

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*Yuberaca d. Lee*  
Operator's Signature

*10-16-03*  
Date

Page 2  
House Agriculture Committee  
Bill/Resolution Number SB 2111  
Hearing Date 2--27--03

have copy on the bill, it states that it needs to be tested before it can be licensed. It is hard to test it if it has not been built.. It is in a different section of that same chapter. This was the cleanest way to get rid of that confusion.

CHAIRMAN NICHOLAS: Any other questions?

REPRESENTATIVE ONSTAD. What typically, because of it's location. Is this up to the County Commissioners or what.

Jeff OLSON: We look differently. If it is a facility before 1985. Two different inspections.

Facility before 1985 and after 1985. We work closely with the insurance department.

There boiler inspectors are the one's that inspect the facility. In tern give us a report as to compliance or not. Then the Agriculture Commissioner will review the report. And issue the license if it meet the criteria.

POLLERT: I am trying to get a time frame. Lets say it is April 15.

It has to be constructed. The Boiler Inspector is going to come out and inspect it before you will issue a license. Can we run into a problem where it could take 30 to 60 days before Inspection.

JEFF OLSON: Once the Department receives the report from the insurance department and it meets the criteria the license is issued rather quickly. I can't speak for the Insurance Department.

ROBERT REETZ: I am the Chief Boiler Inspector at the North Dakota Insurance Department. We support this Bill.

{{{{please read Roberts testimony}}}}

CHAIRMAN NICHOLAS: Any questions?

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*Yuberece d. Lee*  
Operator's Signature

*10-16-03*  
Date

Page 3

House Agriculture Committee  
Bill/Resolution Number SB 2111  
Hearing Date 2--27--03

REPRESENTATIVE POLLERT: If a facility calls the Insurance Department are you willing to have someone come out what ever part of the state that they get inspected and be in compliance to get there license.

ROBERT REETZ: We go out there on immediate notice. I don't care if it is a Saturday.

We make every effort to be accommodating. We have had as many as 20 of these in one year.

I think this year we will only have two. We will be there as soon as we are notified..

Never been a problem.

CHAIRMAN NICHOLAS: Any questions.

REPRESENTATIVE BELTER: I agree with Representative Wrangham. It dose not seem to be correct worded that way.

CHAIRMAN NICHOLAS: We can hold bill. CLOSED ON SB 2111

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Operator's Signature

*10-16-03*  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2111

House Agriculture Committee

☐ Conference Committee

Hearing Date 3--06--03

Tape Number	Side A	Side B	Meter #
ONE	A		35 TO 36
Committee Clerk Signature <i>Edward D. Ellyson</i>			

Minutes:

CHAIRMAN NICHOLAS: I will entertain a motion on SB 2111. Are there any questions?

REP. WRANGHAM : Made a suggestion that two words be taken from the text of the bill.

Page 1, line 9, overstrike "to be". The amendments were voted on with a voice vote and passed.

CHAIRMAN NICHOLAS: Entertained a motion on SB 2111.

REP. ONSTAD : MADE A MOTION FOR DO PASS.

REP. BOE: SECONDED THE MOTION.

THE ROLL WAS TAKEN:

THERE WERE 11 YES 0 NO 2 ABSENT.

CHAIRMAN NICHOLAS CLOSED ON SB 2111

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*Yvonne J. Lee*  
Operator's Signature

*10-16-03*  
Date

SB 2111  
3-6-03

Date:  
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

House AGRICULTURE COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number

AS Amendment

Action Taken

DO PASS

Motion Made By

Wrangham

Seconded By

KREIDT

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN NICHOLAS					
VICE CHAIRMAN POLLERT					
REPRESENTATIVE BELTER					
REPRESENTATIVE BOEHNING					
REPRESENTATIVE KELSCH					
REPRESENTATIVE KINGSBURY					
REPRESENTATIVE KREIDT					
REPRESENTATIVE UGLEM					
REPRESENTATIVE WRANGHAM					
REPRESENTATIVE BOE					
REPRESENTATIVE FROELICH					
REPRESENTATIVE MELLER					
REPRESENTATIVE ONSTAD					

*Vote  
Vote  
PASSED*

Total (Yes)

No

Absent

Floor Assignment

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Yvonne J. Lee  
Operator's Signature

10-16-03  
Date

SB 2111  
3-6-03

Date:  
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

House AGRICULTURE COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number

AS Amended

Action Taken

DO PASS

Motion Made By

ONSTAD

Seconded By

BOE

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN NICHOLAS	X				
VICE CHAIRMAN POLLERT	X				
REPRESENTATIVE BELTER	X				
REPRESENTATIVE BOEHNING	X				
REPRESENTATIVE KELSCH					
REPRESENTATIVE KINGSBURY	X				
REPRESENTATIVE KREIDT	X				
REPRESENTATIVE UGLEM	X				
REPRESENTATIVE WRANGHAM	X				
REPRESENTATIVE BOE	X				
REPRESENTATIVE FROELICH					
REPRESENTATIVE MELLER	X				
REPRESENTATIVE ONSTAD	X				

Total (Yes)

11

No

0

Absent

2

Floor Assignment

REP KINGSBURY

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Date

10-16-03

REPORT OF STANDING COMMITTEE (410)  
March 7, 2003 9:03 a.m.

Module No: HR-41-4188  
Carrier: Kingsbury  
Insert LC: 38138.0101 Title: .0200

REPORT OF STANDING COMMITTEE  
SB 2111: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS  
AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS,  
2 ABSENT AND NOT VOTING). SB 2111 was placed on the Sixth order on the  
calendar.

Page 1, line 9, overstrike "to be"

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

HR-41-4188

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10-16-03  
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2003 TESTIMONY

SB 2111

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Y. Hernandez  
Operator's Signature

10-16-03  
Date

Roger Johnson  
Agriculture Commissioner  
www.agdepartment.com



Phone .. (701) 328-2231  
Toll Free (800) 242-7535  
Fax (701) 328-4567

600 E Boulevard Ave., Dept. 602  
Bismarck, ND 58505-0020

**NORTH DAKOTA DEPARTMENT OF AGRICULTURE  
LEGISLATIVE TESTIMONY**

Testimony of Jeff Olson  
Senate Bill 2111  
January 22, 2003  
9:00 a.m.  
Senate Industry, Business and Labor Committee  
Roosevelt Park Room

*Sign to  
Hank*

Chairman Mutch and members of the committee. My name is Jeff Olson. I am a Program Manager at the Department of Agriculture. I am here to testify in support of SB 2111 dealing with anhydrous ammonia facilities.

This amendment is being proposed to eliminate conflicting requirements pertaining to the construction of a new anhydrous ammonia facility in the century code. As currently stated in N.D.C.C. 19-20.2-03 a facility is required to be licensed before being built and N.D.C.C. 19-20.2-05 (3) also states that before a facility is licensed, "proof of testing must be supplied". After consulting with the Chief Boiler Inspector at the North Dakota Insurance Department, we are proposing to strike out the words "construction of anhydrous" and replace them with "Anhydrous ammonia facilities constructed after June 30, 1985" and on Line 8, to strike out the words "constructed or" to eliminate confusion concerning when the facility must be licensed. The facility must be inspected before it can be licensed and must be complete before it can be inspected.

Thank you for the opportunity to testify. I would be happy to answer any questions?

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*Yvonne J. Lee*

Date

*10-16-03*

TESTIMONY BEFORE THE SENATE INDUSTRY, BUSINESS AND LABOR COMMITTEE

SENATE BILL NO. 2111

Presented By Robert Reetz, Chief Boiler Inspector

At The North Dakota Insurance Department

January 22, 2003

Mr. Chairman and members of the Committee:

For the record, my name is Robert Reetz and I am the Chief Boiler Inspector at the North Dakota Insurance Department. The Chief Boiler Inspector is in charge of inspecting anhydrous ammonia storage facilities, and nurse tanks at these facilities. I am speaking in favor of Senate Bill No. 2111.

We currently have a problem when a license to operate an anhydrous ammonia storage facility is issued prior to construction being started. We would rather have the license issued only after the facility is substantially completed and the final inspection has been made. Even if major problems are found with the facility during inspection, the owner has a license and can legally fill the storage container and operate. We then need to recommend that the Commissioner of Agriculture suspend or revoke the existing license.

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10-16-03  
Date

Wording in this same section requires the Commissioner of Agriculture to deny a license if the Chief Inspector does not certify that the facility meets the initial inspection standards required by the chapter and by adopted rules. If a license has already been issued, it cannot be denied, only suspended or revoked.

I recommend removal of the two words "constructed or" in the interests of a more workable situation for new facilities being constructed, inspected, and licensed.

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*Yuberoa J. Lee*  
Operator's Signature

*10-16-03*  
Date

TESTIMONY BEFORE THE HOUSE AGRICULTURE COMMITTEE

SENATE BILL NO. 2111

Presented By Robert Reetz, Chief Boiler Inspector

At The North Dakota Insurance Department

February 27, 2003

Mr. Chairman and members of the Committee:

For the record, my name is Robert Reetz and I am the Chief Boiler Inspector at the North Dakota Insurance Department. The Chief Boiler Inspector is in charge of inspecting anhydrous ammonia storage facilities, and nurse tanks at these facilities. I am speaking in favor of Senate Bill No. 2111.

We currently have a problem when a license to operate an anhydrous ammonia storage facility is issued prior to construction being started. We would rather have the license issued only after the facility is substantially completed and the final inspection has been made. Even if major problems are found with the facility during inspection, the owner has a license and can legally fill the storage container and operate. We then need to recommend that the Commissioner of Agriculture suspend or revoke the existing license.

Wording in this same section requires the Commissioner of Agriculture to deny a license if the Chief Inspector does not certify that the facility meets the initial inspection standards required by the chapter and by adopted rules. If a license has already been issued, it cannot be denied, only suspended or revoked. Senate Bill No. 2111 corrects this problem.

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