

FISCAL NOTE
Requested by Legislative Council
01/07/2019

Amendment to: SB 2152

- 1 A. **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.*

	2017-2019 Biennium		2019-2021 Biennium		2021-2023 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$1,000	\$0	\$500	\$0
Expenditures	\$0	\$0	\$11,200	\$0	\$5,600	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

	2017-2019 Biennium	2019-2021 Biennium	2021-2023 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill adds a state license fee for a mobile private anhydrous ammonia storage facility or mobile storage container and retail anhydrous ammonia facility or a mobile storage container.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 3 of the bill adds a one-time \$25 fee for a private anhydrous ammonia storage facility or a mobile storage container and a one-time fee \$100 fee for a retail anhydrous ammonia storage facility or a mobile storage container.

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.*

The 19-21 revenue amount is determined by the following: 24 units X \$25 = \$600 for private storage and 4 units X \$100 = \$400 for retail storage, for a total of \$1,000. The 21-23 Biennium revenue amount is determined by the following: 12 units X \$25 = \$300 for private storage and 2 units x \$100 = \$200 for retail storage, for a total of \$500.

- 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.*

The 19-21 expenditure amount is determined by the following: 28 units x \$400 (licensing costs of \$200 salaries & \$200 operating per unit) = \$11,200. The 21-23 expenditure amount is determined by the following: 14 units X \$400 = \$5,600.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

N/A

Name: Junkert/Baumiller

Agency: Department of Agriculture

Telephone: 328-2231

Date Prepared: 01/09/2019

FISCAL NOTE
Requested by Legislative Council
01/07/2019

Bill/Resolution No.: SB 2152

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N/A

Name: Junkert/Baumiller

Agency: Department of Agriculture

Telephone: 328-2231

Date Prepared: 01/09/2019

2019 SENATE AGRICULTURE COMMITTEE

SB 2152

2019 SENATE STANDING COMMITTEE MINUTES

Agriculture Committee
Roosevelt Park Room, State Capitol

SB 2152
1/17/2019
30976

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Dan Johnston II

Explanation or reason for introduction of bill/resolution:

Relating to the licensing of anhydrous ammonia storage tanks and mobile storage containers.

Minutes:

See attachment #1

Chairman Luick: Opens hearing on SB 2152.

Chairman Luick: Introduces SB 2152.

Vice Chair Myrdal: Any further testimony on SB 2152?

Eric Delzer, Program Manager for the pesticide and fertilizer division of the North Dakota Department of Agriculture: See attachment #1 for testimony in support of SB 2152.

Senator Hogan: Do you have any idea how many mobile storage containers there are in the state?

Eric Delzer: We do not have an accurate estimate. However, could be up to 24 of these operating currently.

Senator Larsen: Are these the ones that look like big propane tanks driving down the highway?

Eric Delzer: You are correct.

Senator Larsen: And does the farmer haul that tank to get it filled?

Eric Delzer: To the best of our knowledge, all of the farmers using this setup are getting it delivered to them.

Senator Klein: So do the nurse tanks need to be inspected?

Eric Delzer: Yes. There are some regulations concerning the hoses and plumbing; they are DOT trailers so everything has to be maintained.

Senator Larsen: What is the fee structure on those?

Eric Delzer: There is no fee structure on nurse tanks. However there is an inspection process; we randomly inspect them at fill locations.

Senator Hogan: Do you actually have a sense of percentage of nurse tanks you actually see? Because there can be lots you haven't seen, right?

Eric Delzer: That is a pretty accurate statement. I'm sure there are a number of tanks we have never seen. I will say that as far as compliance goes, when we started this program in 2012 it was a pretty much 0 percent compliance rate, the tank of there were in really bad condition. Over the years with a focus on them and doing a live out reach, we've seen the compliance rate come up significantly. Before they were high risk violations such as expired safety valves, now to bulk of the violations we see out there are low risk violations like faded paint and peeling decals.

Senator Larsen: How in-depth is the inspection process?

Eric Delzer: We do not go that deep in detail with them. We have an inspection check list that goes over all the important details.

Senator Klein: The registration is pretty cheap; you never envisioned this as a money, right?

Eric Delzer: That is correct.

Senator Larsen: If a person has one of these outfits, are they exempt from the HazMat endorsement on their license?

Eric Delzer: I would say no, as far as I know they are not exempt from having the HazMat endorsement on their license.

Senator Larsen: Do you know what the fee is to retain that endorsement?

Eric Delzer: I do not.

Pete Hanebutt, NDFB: We support this bill.

Gary Knutson, ND Ag Association: So do we.

No Further Testimony.

Senator Klein: Moved a Do Pass.

Vice Chair Myrdal: Second.

**A Roll Call was held: 5 yeas, 1 nay, 0 absent
Motion Carries.
Senator Klein will carry the bill.**

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2152**

S enate Agriculture Committee

☐ S ubcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Senator Klein S econdedBy Vice Chair Myrdal

Senators	Yes	No	Senators	Yes	No
S enatorLuick-Chairman	X		S enatorHogan	X	
S enatorMyrdal- Vice Chair	X				
S enatorKlein	X				
S enatorLarsen		X			
S enatorOsland	X				

Total (Yes) 5 No 1

Absent 0

Floor Assignment S enatorKlein

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

REPORT OF STANDING COMMITTEE

SB 2152: Agriculture Committee (Sen. Luick, Chairman) recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2152 was placed on the Eleventh order on the calendar.

2019 HOUSE AGRICULTURE

SB 2152

2019 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Peace Garden Room, State Capitol

SB 2152
3/1/2019
Job #33039

☐ Subcommittee
☐ Conference Committee

Committee Clerk: ReMae Kuehn

Explanation or reason for introduction of bill/resolution:

Relating to the licensing of anhydrous ammonia storage tanks and mobile storage containers

Minutes:

Attachment #1

Senator Larry Luick, Sponsor: This bill addresses some safety issues. This will allow a larger supply tank to be taken out to the field and fill nurse tanks there. There is an application fee.

It is a good opportunity to make the roads safer and be more cost effective for farmers.

Representative Satrom: Are any other states using this size?

Senator Larry Luick: There are two states using a larger size.

Chairman Dennis Johnson: Are we talking semi- trailers?

Senator Larry Luick: Yes.

Eric Delzer, Pesticide and Fertilizer Division Director, North Dakota Department of Agriculture: (Attachment #1)

(7:40)

Representative Tveit: Semi-trailers can be moved on the road by the farmer with the product in it?

Eric Delzer: Yes. These are being used already. They usually stage it where there is easy access and bring their nurse tanks to that area. They are required to have current DOT certification on them.

Representative Satrom: Does a farmer need a special license or training beyond nurse tank training.

Eric Delzer: They would have a CDL and a HAZMAT and would not be exempt. The exemption is 3,000 gallons or less so that is why they get by with nurse tanks. With a semi-trailer they would have to have that endorsement.

Training has been discussed. Any employee filling nurse tanks has to have initial training and then annual refresher training. That is in administrative rule which would be updated if this passes.

Representative Satrom: Is it against the law to unload along a road?

Eric Delzer: It is legal to unload anywhere. It would come down to local authority and zoning.

Representative Satrom: The one-time fee to cover licensing and inspection, is that enough to cover the true cost of inspections?

Eric Delzer: No, it is not enough. When we wrote this, we mirrored the existing fee structure that is in Century Code for storage facilities. Currently under existing law, a storage facility for private on-farm storage is \$25 for a license. It is a one-time fee. For a commercial it is only \$100. That has not been changed since the law was written in 1986. The legislature can set the fee structure.

Representative Skroch: The fee could be amended to cover the cost.

Eric Delzer: We would have no problem to have the committee amend the fee structure. \$25 doesn't pay for an hour's time for an inspector.

Representative Skroch: In order to prevent theft of anhydrous, will the semis have the same protective devices?

Eric Delzer: Yes. The valves on the tank will have to be locked up when unattended.

Representative Satrom: Can we estimate to true cost?

Eric Delzer: It should be in the fiscal note. It could be anywhere from \$200 to over \$1,000 in actual cost.

Representative Skroch: These would be the same type unit that is currently filling storage units in rural settings?

Eric Delzer: Yes. It is the same. These would just have to be set up a little differently with some safety features for filling nurse tanks. It would have break away protection.

Representative Tveit: On the fiscal note, for the 2019-21 biennium you are showing revenues of \$1,000 and expenditures of \$11,200. Is that the actual fee?

Eric Delzer: That was from the estimate of how many of these were operating currently. The revenue was based off of 25 units. This program is funded by EARP (Environmental and Rangeland Protection) fund. It would not be coming out of the general fund

Chairman Dennis Johnson: Can I move this trailer to get it filled in town or does it have to be filled in the field?

Eric Delzer: You would be able to pull it to a terminal.

Chairman Dennis Johnson: What about liability insurance when moving it? It would be difficult to find an insurance company to insure the farmer.

Eric Delzer: Commercial haulers have to carry very high insurance usually up to a \$5 million policy. From our experience the farmers are all having it delivered.

Chairman Dennis Johnson: When the farmer pulls it out of the yard to go to another location, he needs a background check, a HAZMAT endorsement, and a tanker endorsement to be legal. Has that all been considered?

Eric Delzer: That is a business decision by the farmer. We would inform them what they have to do.

(24:10)

Gary Knutson, North Dakota Ag. Association: We are concerned about the insurance. Whether it is the dealer or the farmer. You would have a hard time finding drivers.

Is this a partial solution to get loads out before load limits? We support the concept but safety is primary.

Representative Fisher: Is there something we can amend in this bill?

Gary Knutson: That is a legal question. It is difficult to find drivers. It will be difficult to move the tanks.

Chairman Dennis Johnson: It was hard to find drivers back in the 90s and they didn't need the endorsements required now.

Representative Tveit: That is something we need to leave up to the agriculture department.

Gary Knutson: We also wouldn't have a problem with the fee change. Between pesticide registration fees and fertilizer tonnage fees, there is about \$10 million in the agriculture department budget.

Eric Delzer: A way around the licensing, once the units are empty and depressurized they can be pulled on the road with a standard license.

Emmery Mehlhoff, North Dakota Farm Bureau: We are in support of this bill. This is a proactive idea for the needs of our producers. This is an option to get some nurse tanks off the road.

Vice Chair Wayne Trottier: When you inspect a large trailer that will be left on the farm, is there a question asked about the licensed driver?

Eric Delzer: We don't inspect very many of these. There is an administrative rule that they are supposed to give us a written notification 30 days prior to doing any downloading or by March 1 for the spring season and September 1 for the fall season. They are also required to give that notification to the county commissioners and the county emergency manager.

We haven't received those notifications. Unless we receive a complaint, we don't know where this is taking place. The driver's license is a DOT issue. We don't have authority to regulate that. We can ask for a recent DOT inspection? Under federal law the tanks have to be reinspected at least once every 5 years. That is one of our bigger concerns. These tanks aren't getting the internal inspection. By licensing them, that is a provision that we would check to make sure they have current certification.

Chairman Dennis Johnson: Does part of your inspection include pressure check or is that for the DOT?

Eric Delzer: That is part of the DOT inspection. Under our existing rule now along with that notification, they are supposed to submit a copy of their last DOT certification. But we are not receiving them.

Chairman Dennis Johnson: What is the penalty for not getting a tank inspected?

Eric Delzer: Depending on how out of compliance it is, we would issue a Cease and Desist Order until they obtained a license. Our law allows us to go from a warning up to \$5,000 per violation.

Representative Tveit: Do you need an emergency clause?

Eric Delzer: We didn't think we would get people trained and licensed before this season. If this passes, we would spend most of the summer getting the information out. Next year we would be ready to go by the time it is needed in spring.

Representative Satrom: Should we adjust the fees?

Chairman Dennis Johnson: The money that goes to the EARP fund comes from fertilizer and fees. Almost half of that money goes into the general fund. I have no problem leaving it the way it is.

Representative Schreiber-Beck: Moved Do Pass

Representative Skroch: Seconded the motion

Representative Skroch: I am alright with the fees now and we can look at it again in two years.

Chairman Dennis Johnson: I don't know if this will be used that much. I do appreciate getting the nurse tanks off the roads.

A Roll Call vote was taken: Yes 12, No 0, Absent 2.

Do Pass carries.

Representative Richter will carry the bill.

2019 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Peace Garden Room, State Capitol

SB 2152—Committee Work
3/7/2019
Job #33389

☐ Subcommittee
☐ Conference Committee

Committee Clerk: ReMae Kuehn

Explanation or reason for introduction of bill/resolution:

Relating to the licensing of anhydrous ammonia storage tanks and mobile storage containers

Minutes:

Chairman Dennis Johnson: Due to a double negative in the bill we have to reconsider our actions.

Representative Satrom: Moved to reconsider

Representative McWilliams: Seconded the motion

Voice Vote taken. Motion passed.

Chairman Dennis Johnson: Amendment removes “not” on page 1, line 24.

Representative Satrom: Moved amendment

Representative McWilliams: Seconded the motion

Voice Vote taken. Motion passed.

Representative Tveit: Moved Do Pass as amended

Representative Satrom: Seconded the motion

A Roll Call vote was taken: Yes 13, No 0, Absent 1.

Do Pass as amended carries.

Representative Richter will carry the bill.

19.0808.01001
Title.02000

DP 3/7/19
Prepared by the Legislative Council staff for
Representative D. Johnson
March 4, 2019

PROPOSED AMENDMENTS TO SENATE BILL NO. 2152

Page 1, line 24, overstrike "not"

Renumber accordingly

Date: 3/1/2019

Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2152**

House **Agriculture** Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation

- ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Schreiber Beck

Seconded By Rep. Skroch

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	X		Rep. Ruth Buffalo	X	
Vice Chairman Wayne Trottier	X		Rep. Gretchen Dobervich	X	
Rep. Jake Blum	X				
Rep. Jay Fisher	X				
Rep. Craig Headland	AB				
Rep. Dwight Kiefert	AB				
Rep. Aaron McWilliams	X				
Rep. David Richter	X				
Rep. Bernie Satrom	X				
Rep. Cynthia Schreiber Beck	X				
Rep. Kathy Skroch	X				
Rep. Bill Tveit	X				

Total **Yes** 12 **No** 0

Absent 2

Floor Assignment Rep. Richter

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

Date: 3/7/2019

Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2152**

House **Agriculture** Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation

- ☐ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☒ Reconsider ☐ _____

Motion Made By Rep. Satrom Seconded By Rep. McWilliams

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson			Rep. Ruth Buffalo		
Vice Chairman Wayne Trottier			Rep. Gretchen Dobervich		
Rep. Jake Blum					
Rep. Jay Fisher					
Rep. Craig Headland					
Rep. Dwight Kiefert					
Rep. Aaron McWilliams					
Rep. David Richter					
Rep. Bernie Satrom					
Rep. Cynthia Schreiber Beck					
Rep. Kathy Skroch					
Rep. Bill Tveit					

**Voice Vote
Motion Passed**

Total **Yes** _____ **No** _____

Absent _____

Floor Assignment _____

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

Date: 3/7/2019

Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2152**

House **Agriculture**

Committee

☐ Subcommittee

Amendment LC# or Description: 19.0808.01001

Recommendation

- ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions:

- ☐ Reconsider ☐ _____

Motion Made By Rep. Satrom Seconded By Rep. McWilliams

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson			Rep. Ruth Buffalo		
Vice Chairman Wayne Trottier			Rep. Gretchen Dobervich		
Rep. Jake Blum					
Rep. Jay Fisher					
Rep. Craig Headland					
Rep. Dwight Kiefert					
Rep. Aaron McWilliams					
Rep. David Richter					
Rep. Bernie Satrom					
Rep. Cynthia Schreiber Beck					
Rep. Kathy Skroch					
Rep. Bill Tveit					

**Voice Vote
Motion Passed**

Total **Yes** _____ **No** _____

Absent _____

Floor Assignment _____

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

Date: 3/7/2019

Roll Call Vote #: 3

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2152**

House **Agriculture** Committee

☐ Subcommittee

Amendment LC# or Description: 19.0808.01001

Recommendation

- ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Tveit Seconded By Rep. Satrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	X		Rep. Ruth Buffalo	X	
Vice Chairman Wayne Trottier	X		Rep. Gretchen Dobervich	X	
Rep. Jake Blum	X				
Rep. Jay Fisher	X				
Rep. Craig Headland	X				
Rep. Dwight Kiefert	X				
Rep. Aaron McWilliams	X				
Rep. David Richter	X				
Rep. Bernie Satrom	X				
Rep. Cynthia Schreiber Beck	X				
Rep. Kathy Skroch	AB				
Rep. Bill Tveit	X				

Total **Yes** 13 **No** 0

Absent 1

Floor Assignment Representative Richter

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

REPORT OF STANDING COMMITTEE

SB 2152: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2152 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2152: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2152 was placed on the Sixth order on the calendar.

Page 1, line 24, overstrike "not"

Renumber accordingly

2019 TESTIMONY

SB 2152



**Testimony of Eric Delzer
Pesticide & Fertilizer Division Director
Senate Bill 2152
Senate Agriculture Committee
January 17, 2019**

Chairman Luick, and members of the Senate Ag Committee. My name is Eric Delzer and I am the program manager for the pesticide and fertilizer division of the North Dakota Department of Agriculture (NDDA). I am here on behalf of Agriculture Commissioner Doug Goehring in support of Senate Bill 2152.

NDDA is responsible for inspecting all anhydrous ammonia storage facilities, as well as all anhydrous ammonia nurse tanks in the state. These inspections are statutorily required under the North Dakota Century Code. Our inspections ensure that the tanks follow the minimum code requirements outlined in our law and administrative rules and are in safe working order.

Over time, we have seen an increase in mobile downloading of anhydrous ammonia from semi transport trailers into nurse tanks in the field. By purchasing an anhydrous ammonia semi-trailer, farmers can order anhydrous from a distributor and have it delivered directly to the field. The trucking company delivering the product will pump it directly into the farmer's semi-trailer, which they can then use to fill nurse tanks in the field. This process can be much more efficient and safer for farmers in remote areas as they do not have to tow nurse tanks at low speeds on increasingly crowded public roads, to retail storage facilities to get filled.

Anhydrous ammonia is a very safe and effective fertilizer when handled properly. However, an accidental release from improper handling or faulty equipment can very quickly have serious and deadly consequences. Over the past several years, we have heard concerns from citizens who have witnessed downloading from semi-trailers into nurse tanks along public roads and highways, and near occupied farm yards. Unless we get a complaint from the public, or

1-17-19

#1

happen to come across one, we have no way of knowing where this downloading is taking place or whether the equipment being used is properly set up and in safe working order.

Senate Bill 2152 would amend chapter 4.1-38 of the North Dakota Century Code to include a provision that will require a license for every one of these mobile downloading set ups. By licensing them, we will be able to inspect each mobile downloading set up to make sure that they are properly set up and in safe working order. After obtaining a license they would be re-inspected at least once every five years to ensure that they are being properly maintained. The license would be a low cost one-time fee that would be good for the life of the unit.

Our current anhydrous ammonia licensing law requires local county approval before a license can be issued. By following the standard licensing procedure for these mobile units, it would allow local authorities to be aware of how many are operating in their counties. By using designated downloading sites, they can be included in community emergency action plans which would be of critical importance if emergency response is needed due to an accidental release at a downloading site.

The Department embraces and supports the practice of mobile downloading into nurse tanks and does not wish to restrict or prohibit anyone from utilizing mobile downloading units in the future. However, we feel it is important that these tanks follow existing regulation and comply with the same standards as any other anhydrous tank operating in the state.

Chairman Luick, and member of the committee, thank you for your time and I would be happy to answer any questions.



Testimony of Eric Delzer
Pesticide & Fertilizer Division Director
Senate Bill 2152
House Agriculture Committee
March 1, 2019

Chairman Johnson, and members of the House Ag Committee, my name is Eric Delzer and I am the program manager for the pesticide and fertilizer division of the North Dakota Department of Agriculture (NDDA). I am here on behalf of Agriculture Commissioner Doug Goehring, in support of Senate Bill 2152.

NDDA is responsible for inspecting all anhydrous ammonia storage facilities, as well as all anhydrous ammonia nurse tanks in the state. These inspections are statutorily required under the North Dakota Century Code. Our inspections ensure that the tanks follow the minimum code requirements outlined in our law and administrative rules and are in safe working order.

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#1
SB 2152
3/1/19

happen to come across one, we have no way of knowing where this downloading is taking place or whether the equipment being used is properly set up and in safe working order.

Senate Bill 2152 would amend chapter 4.1-38 of the North Dakota Century Code to include a provision that will require a license for every one of these mobile downloading set ups. By licensing them, we will be able to inspect each mobile downloading set up to make sure that they are properly set up and in safe working order. After obtaining a license they would be re-inspected at least once every five years to ensure that they are being properly maintained. The license would be a low cost one-time fee that would be good for the life of the unit.

Our current anhydrous ammonia licensing law requires local county approval before a license can be issued. By following the standard licensing procedure for these mobile units, it would allow local authorities to be aware of how many are operating in their counties. By using designated downloading sites, they can be included in community emergency action plans which would be of critical importance if emergency response is needed due to an accidental release at a downloading site.

The Department embraces and supports the practice of mobile downloading into nurse tanks and does not wish to restrict or prohibit anyone from utilizing mobile downloading units in the future. However, we feel it is important that these tanks follow existing regulation and comply with the same standards as any other anhydrous tank operating in the state.

Chairman Johnson, and member of the committee, thank you for your time and I would be happy to answer any questions.