

2019 SENATE AGRICULTURE

SB 2207

2019 SENATE STANDING COMMITTEE MINUTES

Agriculture Committee
Roosevelt Park Room, State Capitol

SB 2207
2/7/2019
32429

- Subcommittee
 Conference Committee

Committee Clerk Signature Dan Johnston II

Explanation or reason for introduction of bill/resolution:

Relating to the removal of term limits for members of the North Dakota ethanol council.

Minutes:

2 attachments.

Chairman Luick: Opened hearing on SB 2207.

Senator Wanzek: Introduced SB 2207. Briefly explained the need to abolish the term limits for those on the North Dakota Ethanol Council, and the difficulty in finding quality replacements for those forced to leave due to the expiration of their term. See attachment #1 for proposed amendment #19.0873.01001.

Senator Larsen: On page 1 line 10, is there any reason why you did not want to amend the April date to be April 2nd instead of April 1st?

Senator Wanzek: Maybe that is not such a bad idea.

Deana Wiese: See attachment #2 for testimony on SB 2207.

Chairman Luick: Closes hearing on SB 2207.

Vice Chair Myrdal: Moved a Do Pass on amendment #19.0873.01001.

Senator Osland: Seconded.

**A Roll Call was held: 6 yeas, 0 nays, 0 absent.
Motion Carries.**

Vice Chair Myrdal: Moved a Do Pass on SB 2207 as amended.

Senator Hogan: Seconded.

**A Roll Call was held: 6 yeas, 0 nays, 0 absent.
Motion Carries
Senator Osland will carry the Bill.**

19.0873.01001
Title.02000

Prepared by the Legislative Council staff for
Senator Wanzek
February 7, 2019

6/18/19
101

PROPOSED AMENDMENTS TO SENATE BILL NO. 2207

Page 1, line 8, overstrike "a resident of this state and"

Page 1, line 9, after "producer" insert "in the state"

Renumber accordingly

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2207**

Senate Agriculture Committee

Subcommittee

Amendment LC# or Description: 19.0873.01001

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 Vice Chair Myrdal Seconded By Senator Osland

Senators	Yes	No	Senators	Yes	No
Senator Luick-Chairman	X		Senator Hogan	X	
Senator Myrdal- Vice Chair	X				
Senator Klein	X				
Senator Larsen	X				
Senator Osland	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2207**

Senate Agriculture Committee

Subcommittee

Amendment LC# or Description: 19.0873.01001

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 Vice Chair Myrdal Seconded By Senator Hogan

Senators	Yes	No	Senators	Yes	No
Senator Luick-Chairman	X		Senator Hogan	X	
Senator Myrdal- Vice Chair	X				
Senator Klein	X				
Senator Larsen	X				
Senator Osland	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Osland

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

REPORT OF STANDING COMMITTEE

SB 2207: Agriculture Committee (Sen. Luick, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2207 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "a resident of this state and"

Page 1, line 9, after "producer" insert "in the state"

Renumber accordingly

2019 HOUSE AGRICULTURE

SB 2207

2019 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Peace Garden Room, State Capitol

SB 2207
3/8/2019
Job #33432

- Subcommittee
 Conference Committee

Committee Clerk: ReMae Kuehn

Explanation or reason for introduction of bill/resolution:

Relating to the removal of term limits for members of the North Dakota ethanol council

Minutes:

Attachments #1 & 2

Senator Wanzek, Sponsor: (Attachment #1) The amendment is already in the bill. The original bill was eliminating term limits. Members of the ethanol council are appointed by the five different ethanol producers in the state. With a term limit and only five producers, they are running out of people to put on the board. The amendment from the Senate eliminated the resident requirement but they have to be employed by a producer in the state.

Representative Skroch: If we remove term limits, and someone else becomes involved that has an interest. What would be the process? Could they be on the council forever?

Senator Wanzek: I don't see that as a problem. The problem is finding people. Term limits cause a loss of experience.

Representative McWilliams: What is the history of the ethanol board?

Senator Wanzek: I sponsored the original bill to form the Ethanol Council in 2009.

Representative McWilliams: Since that time the original board's members have termed out. Are you struggling to fill those position for the first time?

Senator Wanzek: When we started, we didn't have 5 producers.

Representative Satrom: Do you need an emergency clause?

Senator Wanzek: I don't think so.

Representative Richter: For term limits, would it be more palatable to say a member may serve more than two terms if an individual to replace him is not found?

Senator Wanzek: I will leave that to the committee.

Representative McWilliams: In 2009, what was the reason for putting in a two-term limit?

Senator Wanzek: I can't recall.

Deana Wiese, Executive Director, North Dakota Ethanol Council: (Attachment #2)

(15:00)

To answer previous questions:

Someone on the council and not being able to remove them—they would still have the four-year term limits. Each plant appoints a person. Each plant would have the opportunity to appoint a different representative.

An Emergency Clause not needed.

In response to Representative Richter, this would provide us with the flexibility needed.

Representative Headland: How many gallons of ethanol are we producing in the state? Is it generating enough funding for your council?

Deanna Wiese: In 2008 we produced up to 525 million gallons per year. That has increased more than 10 times.

For the funding, we have a \$150,000 budget. It is limited but it is used wisely.

Representative Headland: Moved Do Pass

Representative Schreiber-Beck: Seconded the motion

Representative McWilliams: Has any other council found themselves in this situation and then grown out of it where we had to go back and readdress the situation?

Representative Headland: This ethanol council is unique because there are only 5 plants. I don't see the harm with moving forward with this.

Representative McWilliams: We wouldn't have a problem unless we suddenly had many more ethanol plants?

Representative Headland: Correct.

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

Do Pass carries.

Representative Schreiber Beck will carry the bill.

Date: 3/8/2019

Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2207**

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. Headland Seconded By Rep. Schreiber Beck

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	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** 13 **No** 0

Absent 1

Floor Assignment Representative Schreiber Beck

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

REPORT OF STANDING COMMITTEE

SB 2207, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed SB 2207 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

SB 2207

SB 2207 2/7/19 Att.#1

19.0873.01001
Title.02000

Prepared by the Legislative Council staff for
Senator Wanzek

February 7, 2019

PROPOSED AMENDMENTS TO SENATE BILL NO. 2207

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Page 1, line 9, after "producer" insert "in the state"

Renumber accordingly

**Testimony of
Deana Wiese, Executive Director
North Dakota Ethanol Council
In Support of SB 2207
February 8, 2019**

Chairman Luick and Members of the Committee,

My name is Deana Wiese, and I am the executive director of the North Dakota Ethanol Council (NDEC). I am here today in support of SB 2207, which removes the term limits for members of the North Dakota Ethanol Council.

The North Dakota Ethanol Council was established in 2009 by the North Dakota State Legislature to fund research, education programs, promotion and market development efforts. The structure of the Council was modeled off those of other state agricultural check-off organizations. It is funded by the first ethanol check-off program in the nation with each plant contributing three one-hundredths of one cent per gallon of ethanol produced.

The Council is made up of representatives from the five North Dakota ethanol plants with one individual appointed by each ethanol producer, or plant. These currently include Blue Flint in Underwood; Dakota Spirit in Spiritwood; Hankinson Renewable Energy in Hankinson; Red Trail Energy in Richardton; and Tharaldson Ethanol in Casselton. According to statute, each member serves a maximum of two consecutive four-year terms, or eight years. Typically, term limits are a beneficial for organizations. However, given the small size of the Ethanol Council with five members and the need to maintain high-level executives to ensure the ability to make decisions on behalf of each respective plant, we are requesting removal of the term limits. This will ensure the high-level plant executives, which have very limited turn over, are able to continue to serve on the Council to maintain its effectiveness.

The Council also requests your favorable consideration of the amendment proposed by Sen. Wanzek, which would remove the requirement that a Council member be a resident of the state. Several of North Dakota's ethanol plants border neighboring states.

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#2 Py2

For example, Hankinson Renewable Energy in Hankinson borders South Dakota and Minnesota, and Tharaldson Ethanol in Casselton is in close proximity to Minnesota. There is also a proposed biorefinery in the Grand Forks area, which would boarder Minnesota as well. The Council asking for the flexibility to ensure high-level plant executives can continue to serve on the Council even if they are a resident of a neighboring state. The requirement that they be employed by a North Dakota ethanol producer remains in effect.

On behalf of the members of the North Dakota Ethanol Council, I'd respectively request your support of removal of term limits and the requirement that a member be a resident of North Dakota. These changes will allow the Council to effectively continue its work in the areas of research, education, promotion, and market development.

We'd encourage a do pass recommendation on SB 2207.

Summary of Activities 2017-2019

Description of the group (how it is governed)

The North Dakota Ethanol Council (NDEC) was established in 2009 by the North Dakota State Legislature to promote the state's ethanol industry. The NDEC is funded by the first ethanol check-off program in the nation. Each ethanol plant pays a three one-hundredths of one cent assessment (check-off) per gallon of ethanol produced and sold in North Dakota.

NDEC consists of one individual appointed by each producer (plant). These include Blue Flint, Underwood; Dakota Spirit, Spiritwood; Hankinson Renewable Energy, Hankinson; Red Trail Energy, Richardton; and Tharaldson Ethanol, Casselton. Each individual serves a maximum of two consecutive four-year terms. The NDEC holds monthly meetings.

NDEC began contracting with Clearwater Communications for part-time executive director services in March 2010. Clearwater Communications Chief Executive Officer Deana Wiese serves in this capacity.

Program descriptions (2017-2019)

NDEC reviews its mission and long-term goals annually as part of development of its annual work plan and budget, which identifies its priorities for each year.

Mission

Enhance North Dakota's ethanol industry through innovative research, education, promotion and market development in collaboration with industry stakeholders.

Goal One – Cutting-Edge Industry-Driven Research: Encourage North Dakota scientists and academics to conduct research and studies in collaboration with industry to create more efficient production and utilization practices.

- Shared research priorities with ND Corn Utilization Council, Bioscience Association of ND and ND State University to identify ways to partner on ethanol- and distillers grain-related studies
- Partnering with ND State University on an ethanol education program for the state's educators, as well as ethanol export research
- Supported the development of an assay by the National Agricultural Genotyping Center to quantify bacterial levels in the fermentation process

Goal Two – Coordinated Communication and Education Outreach: Provide a unified voice for the North Dakota ethanol industry through audience-specific messaging to educate North Dakotans on the benefits of ethanol.

- Collaborated with Gateway to Science on an ethanol exhibit (funded through NDEC, industry stakeholders and ND Renewable Energy Council)
- Became a ND FFA Star Partner, developed a student tour program and attended FFA career fairs
- Hosted numerous ethanol facility tours for local, state and federal leaders
- Updated and distributed 2017 and 2018 ethanol industry fact sheets to state and federal leaders, media and other stakeholders
- Provided ethanol industry information to the ND EmPower Commission and Great Plains Energy Corridor for their respective publications
- Sponsored and participated in the Bio Industry Summit
- Supported the Iowa Renewable Fuels Association Biofuels Tour
- Developed an ethanol awareness radio campaign

S132207

2-7-19

#2 134

Goal Three – Effective Market Development and Promotion: Initiate promotional efforts and support public policy to increase ethanol demand and advance the ethanol industry.

- Monitored state and federal issues impacting the ethanol industry and kept members informed
 - Continued relationships with national ethanol organizations, including American Coalition for Ethanol, Renewable Fuels Association and Growth Energy, which monitor federal issues including the Renewable Fuels Standard (RFS), E15 and trade
 - Coordinated efforts with industry stakeholders to provide comments to EPA to ensure RVOs are maintained at statutory levels
 - Participated in biannual State Renewable Fuels Trade Association Meetings to share best practices with state ethanol organizations in Minnesota, Iowa, Nebraska, Kansas and Illinois, which has resulted in several joint efforts between the states
- Initiated partnerships to increase North Dakota ethanol and distillers grains exports
 - Joined ND Trade Office and exploring a potential trade mission
 - Participated in Access Asia organized by the US Commercial Services; it included an ethanol plant and farm tour, as well as one-on-one meetings with trade officials from four Asian countries
 - Communicated frequently with the Canadian Consulate on NAFTA
- Identified and implemented strategies to increase the use of DDGS in state
 - Participated as a board member in the ND Livestock Alliance
 - Attended and sponsored the ND Dairy Convention
- Supported E15 implementation efforts in North Dakota
 - Coordinated E15 promotion with Petro Serve USA in Valley City
 - Held first-ever Pink at the Pump® E15 promotion with 14 E15 retail stations across the state, which resulted in 28 percent increase in sales over October 2017
 - Communicated with congressional delegation and other industry leaders on addressing roadblocks, including a one-pound RVP waiver for E15

Projected Activities (2019-2021)

Goal One – Cutting-Edge Industry-Driven Research

- Provide producer input into ethanol-related research conducted by other entities, such as the ND Corn Utilization Council and ND State University
- Explore value-added market opportunities for ethanol and its co-products, specifically CO₂

Goal Two – Coordinated Communication and Educational Outreach

- Initiate promotional efforts to increase ethanol use in North Dakota
- Collaborate with and assist stakeholder groups in promotional efforts

Goal Three – Effective Market Development and Promotion

- Monitor state and federal issues impacting the ethanol industry and keep members informed
 - Educate state and federal leaders on issues facing the industry
 - Continue partnerships with other state, regional and national ethanol organizations
- Initiate and engage in partnerships to increase North Dakota ethanol and distillers grains exports
 - Continue ND Trade Office membership
- Initiate and partner on efforts to increase the use of distillers grains in North Dakota
 - Continue ND Livestock Alliance membership
 - Participate in statewide livestock development efforts
 - Educate livestock producers on use of distillers grains through partnerships with other entities
- Support E15 and higher-level blend implementation efforts in North Dakota
 - Continue efforts with ND retailers and stakeholders

#1
SB2207
3/8/19

Talking Points for SB 2207
Hearing on Feb. 8, 2019
Senate Agriculture Committee

What does SB 2207 do?

It removes term limits for members of the North Dakota Ethanol Council.

Why is SB 2207 needed?

The ND Ethanol Council is asking to remove the term limits for its members to ensure high-level plant executives can continue to serve on the Council to maintain its effectiveness.

Background

- The ND Ethanol Council was formed by the Legislature in 2009.
- The statute was modeled after that of other ag commodity check off organizations and includes a limit of two consecutive four-year terms per member (8 years).
- The ND Ethanol Council consists of one member appointed by each ethanol plant
 - Currently 5 members – one for each plant
 - Council members appointed by each plant are high-level executives to ensure the ability to make decisions on behalf of the plant
- With only 5 members, it is essential to have decision makers appointed to the Council positions.

Amendment

What does the amendment do?

- Removes the requirement that a member of the North Dakota Ethanol Council be a resident of the state. It leaves the requirement that a member must be employed by a North Dakota ethanol producer.

Why is it needed?

- Several of the state's ethanol plants border other states so it is likely their top executives could live in another state but be employed by a North Dakota ethanol plant. Examples include:
 - Hankinson Renewable Energy in Hankinson, which borders both South Dakota and Minnesota
 - Tharaldson Ethanol Plant in Casselton, which is in close proximity to Minnesota
- There is a proposed biorefinery in the Grand Forks area, which would be bordering Minnesota as well.
- The ND Ethanol Council is asking for the flexibility to ensure high-level plant executives can continue to serve on the Council to maintain its effectiveness by removing the requirement that the member be a resident of North Dakota but maintaining the requirement that they be employed by a North Dakota ethanol producer.

Testimony of
Deana Wiese, Executive Director
North Dakota Ethanol Council
In Support of SB 2207
March 8, 2019

Chairman Johnson and Members of the Committee,

My name is Deana Wiese, and I am the executive director of the North Dakota Ethanol Council (NDEC). I am here today in support of SB 2207, which removes the term limits for members of the North Dakota Ethanol Council and removes the requirement that a Council member be a resident of the state.

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#2
SB 2207
3/8/19

The Council also requests your favorable consideration of removing the requirement that a Council member be a resident of the state. Several of North Dakota's ethanol plants border neighboring states. For example, Hankinson Renewable Energy in Hankinson borders South Dakota and Minnesota, and Tharaldson Ethanol in Casselton is in close proximity to Minnesota. There is also a proposed biorefinery in the Grand Forks area, which would boarder Minnesota as well. The Council asking for the flexibility to ensure high-level plant executives can continue to serve on the Council even if they are a resident of a neighboring state. The requirement that they be employed by a North Dakota ethanol producer remains in effect.

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#2
SB2207
3/8/19

Goal Three – Effective Market Development and Promotion: Initiate promotional efforts and support public policy to increase ethanol demand and advance the ethanol industry.

- Monitored state and federal issues impacting the ethanol industry and kept members informed
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Goal Two – Coordinated Communication and Educational Outreach

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Goal Three – Effective Market Development and Promotion

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 - Educate livestock producers on use of distillers grains through partnerships with other entities
- Support E15 and higher-level blend implementation efforts in North Dakota
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