

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2393

2001 SENATE TRANSPORTATION

SB 2393

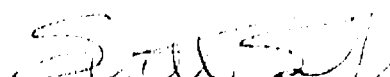
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2393

Senate Transportation Committee

Conference Committee

Hearing Date 2-9-01;2-15-01

Tape Number	Side A	Side B	Meter #
1		x	1,4-8,4
2-15	x		21,0-24,0
Committee Clerk Signature 			

Minutes:SB 2393 relates to liquefied petroleum gas containers.

Senator Mutch: (District 19; Supports) This bill would amend section 23-13-03.2 relating unauthorized filling of propane tanks leased to an individual. It has been illegal for quite some time to do this. This is an off shot of that bill that would include "drain, disconnect" wordage also. It'd be a fair proposal to satisfy and make it definite that it would be illegal to drain, disconnect, or refill a container with permission of dealer.

Hearing closed.

Committee reopened on 2-15-01.

Senator O'Connell: Does "container" cover all containers?

Senator Mutch: No, it includes tanks 125 gallons and up.

Senator Espesgard motions to Do Pass. Senator Trenbeath seconded. Roll Call taken. 5-0-0.

Carrier is Senator Mutch.

Committee closed.

REPORT OF STANDING COMMITTEE (410)
February 15, 2001 4:49 p.m.

Module No: SR-28-3589
Carrier: Mutch
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2393: Transportation Committee (Sen. Stenehjem, Chairman) recommends DO PASS
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2393 was placed on the
Eleventh order on the calendar.

2001 HOUSE TRANSPORTATION

SB 2393

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2393

House Transportation Committee

Conference Committee

Hearing Date March 9, 2001

Tape Number	Side A	Side B	Meter #
1		x	2,819
Committee Clerk Signature <i>Laurie B. Ford</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on SB 2393; A Bill for an Act to amend and reenact section 23-13-03.2 of the North Dakota Century Code, relating to liquefied petroleum gas containers.

Sen. Mutch: I am a State Senator from District 19. He handed out a copy of the law for each committee member. A copy of his hand out is attached. This bill is a very simple amendment to the current law. Particularly pertaining to subsection 2 of 23-13-03.1. This is the type of container we are talking about. The liquefied petroleum gas container means one that will hold over 150 gallons of liquefied gas or more -- so it doesn't pertain to a 100 pound cylinder -- or even a 20 pound cylinder -- like you have on your gas grill. I doubt that there is anyone one is dealer of this LP gas in the legislature. Currently the law reads that only the owner or designated agent can be the one allowed to fill one of these. These pressurized vessels could be a 500 gallon tank probably weighs about 700 pounds. Filling them is one thing but it was assumed that at that time that also included and covered the draining of them. Actually the draining of them is

probably a greater concern because of the liability that the owner or the customer who owns his own tank or is leasing it from a dealer like me -- It could become a hazard because we to carry \$5 million worth of liability insurance. That puts us in the position of being a victim of certain types of attorneys that go chasing around the country looking for any kind of case -- a fire or what not -- or accident -- the cause and effects that they can sue on -- Our insurance carrier is much concerned about the draining of them by some one other than the owner or the owners designated agent. I as an owner leasing it to a customer I can designate some other dealer if he wants to drain it -- but I want to know what is going on -- some of the older tanks we have a problem with them -- you have a liquid withdrawal fitting on the tank and if it has been there for in service for 15 -20 years - - they corrode -- then someone comes along and screws the liquid withdrawal valve in there - breaks the seal on the check lock -- then after you are through darning the gas out of it -- the gas and the container still leaks- - that creates a problem as he wasn't the one who drained it in the first place -- he would have no way of knowing that and he would go ahead and fill it again -- so the best thing would be to clarify the law -- to make it perfectly understandable that a person would not be able to drain a tank without permission of the owner. I have had occasions where a person would start fooling around with one of my tanks and it had about 8 million gallons of propane in it and for some reason -- whatever he was trying to do -- the liquid check lock was leaking and there was nothing he could do but to let is all drain out -- thank God the wind was blowing the vapor away from the buildings or he would have burnt the whole farm down. That is whole thrust of this bill is to clarify the law as most people are not aware of the fact that you are not supposed to drain them without the owners being aware of it.

Rep. Weisz - Chairman (3647) I don't know what the definition of drain is, but I interpret this

I no longer fill my pickup or any other vehicle on my farm from my 500 gallon tank unless I owned it. If it was leased from you I would be prohibited now --?

Sen. Mutch: You own it or you lease it -- so you do have permission from the lessor automatically due to the fact that you lease it -- but if someone else other than the owner or the lessee is involved in the transaction then that becomes the problem.

Rep. Weisz - Chairman (3765) As a lessee I am automatically concerned an authorized agent?

Sen. Mutch: That's right.

Rep. Ruby: (4041) Could you take care of this under some theft provisions? If they are unauthorized?

Sen. Mutch: It could be but who wants to hire a lawyer? Swear out a warrant and arrest somebody? But really is the safety factor we are worried about.

Rep. Thoreson: (4373) Do you have to put signs on all these tanks now under this law?

Sen. Mutch: You have the lease that they agree to or the purchase agreement that you can enforce if you need to but for the non-owners -- signs probably - I don't how you would enforce it.

You can buy signs and stick them on the tanks and we do that.

Rep. Schmidt: (4509) These definitions are old aren't they ?

Sen. Mutch: Yes they are old I was involved in that law in 1973.

Rep. Schmidt: As an auctioneer I may have been breaking the law for years?

Rep. Weisz - Chairman (4718) Maybe the person you sold it for owned the tank.

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House Transportation Committee
Bill/Resolution Number SB 2393
Hearing Date March 9, 2001

Rep. Weisz - Chairman (4946) There being no one else wishing to testify either for or against
SB 2393, the hearing is closed.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2393 B

House Transportation Committee

Conference Committee

Hearing Date March 15, 2001

Tape Number	Side A	Side B	Meter #
3		X	220
Committee Clerk Signature <i>Lauren H. Zink</i>			

Minutes: Rep. Weisz - Chairman opened the discussion for action on SB2393.

Following discussions:

Rep. Hawken moved a 'Do Pass' for SB 2393.

Rep. Jensen: I second the motion.

On a roll call vote, the motion carried: 12 yeas 0 nays 2 absent.

Rep. Price was designated to carry SB 2393 on the floor. (472)

Date: 3/15/01
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2393 (B)

House Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Hawken Seconded By Rep. Jensen

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Howard Grumbo	✓	
Chet Pollert - Vice Chairman	✓		John Mahoney	✓	
Al Carlson	A		Arlo E. Schmidt	✓	
Mark A. Dosch	✓		Elwood Thorpe		
Kathy Hawken	✓				
Roxanne Jensen	✓				
RaeAnn G. Kelsch	✓				
Clara Sue Price	✓				
Dan Ruby	✓				
Laurel Thoreson	A				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Price

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

REPORT OF STANDING COMMITTEE (410)
March 16, 2001 8:26 a.m.

Module No: HR-46-5785
Carrier: Price
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2393, as engrossed: Transportation Committee (Rep. Welsz, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2393 was placed on the Fourteenth order on the calendar.