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SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2087

2007 SENATE TRANSPORTATION

SB 2087

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No: 2087

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: January 11, 2007

Recorder Job Number: 918

Committee Clerk Signature

Jody Hauge

Minutes:

Senator Gary Lee opened the hearing on SB 2087 a bill relating to the definitions of E85 and biodiesel for motor vehicles fuels and special fuels tax purposes; and to provide and effective date.

Kevin Schatz of the State Tax Commissioner testified in support of SB 2087. See attached testimony.

Dan Rouse, Legal council for Tax Department echoed the support of this bill. Their objective is to start with a definition. The Tax Dept. supports the recommended amendment that Joel Gilbertson; Alliance of Automobile Manufacturers will submit. The Tax Dept recommends a do pass and is in support of the recommended amendment by Mr. Gilbertson.

Senator Lee asked if this just includes the definition and doesn't include any tax provisions like what was included last session with E85.

Mr. Rouse replied that is correct.

Mr. Potter, asked about the percentages and the variance in percents.

Mr. Rouse understanding is that there is a slight range of acceptability in the industry and this constitutes the acceptable values within these boundaries.

Senator Lee stated that he asked his intern to look up the definition of E-85 including specifications and it stated 75% to 85%. Senator Lee asked Mr. Rouse to clarify this for him and also why Mr. Rouse had stated as low as 60%.

Mr. Rouse stated that it can contain a minimum of 60%, this is the low end.

Senator Lee asked if this is a conflict

Mr. Rouse didn't see a conflict

Andrist asked why not 90% - Does this qualify as E85? What's ASTM

Mr. Rouse – We believe anything above 60% meets the criteria. ASTM is American Society of Testing Materials.

Joel Gilbertson spoke on behalf of The Alliance of Automobile Manufacturers in support of SB 2087 but offered a proposed amendment to the committee. See Attachment 2

Handed out Specification for biodiesel (B100) – ASTM D6751-06 Attachment 3.

Chairman Lee asked for Opposing testimony.

Tom Balzer, ND Motor Carriers Assn. said that his organization was neutral but did have concerns with biodiesel and it's production. Mr Balzer offered a proposed amendment to the committee. See attachment 4. He stated that they liked the biodiesel possibilities that are out there and the possibilities with economic development for the state. They want to make sure that the product that ends up in their tanks is in a form that they can use effectively and burns both effectively for the environment and their business.

Senator Andrist asked Mr. Balzer if he felt the amendment offered by Mr. Gilbertson is inadequate ?

Tom Balzer , said he had not seen the amendment.

Scott Radig, of the NDDH Waste Management took a neutral position on SB 2087. He clarified that this bill only deals with the definition of the product for taxation purposes.

HB 1121 deals with the definition of alternative fuels and biodiesel standard that apply to the consumer end product.

Senator Potter - So this bill only relates to the definition concerning taxes and that the concerns of the ND Motor Carriers Assn. might be handled more appropriately in HB1121.

Mr. Radig -Yes I believe that is the case.

Discussion followed on the two amendments that were purposed to the committee.

Chairman Lee closed the hearing and the committee will revisit SB 2087 during committee work on 1/12/07 at 10:00AM.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No SB 2087

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: January 12, 2007

Recorder Job Number: 979

Committee Clerk Signature

Jody Wangz

Minutes:

Chairman Gary Lee called the Transportation Committee back to order for committee work at 10:00AM. All committee members were in attendance.

Senator Lee asked to continue discussion on SB 2087 that was heard on January 11, 2007.

Senator Lee passed out two hand outs: one had the description of biodiesel and an overview of ASTM International (largest voluntary standard development organization in the world – a trusted source for technical standards for materials, products, systems, and services). And the final one was a document summary from ASTM International on the active standard: D6751-06a Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels.

Senator Lee gave an overview of SB 2087 and stated that at the hearing on SB 2087 on January 11, 2007 two amendments were offer in two separate testimonies: Joel Gilbertson, on behalf of The Alliance of Automobile Manufacturers and Tom Balzer, ND Motor Carriers Assn.

Senator Nething moved to amended the bill on Page 1, line 15, replace “means a biodegradeable, combustibile liquid fuel that is derived from” with “,designated B100, is a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetabe oil or animal fats that meets ASTM D6751.”

Page 2

Hearing Date: 1/12/2007

Senate Appropriations Committee

Bill/Resolution No. 2087

Senator Andrist seconded

Senator Lee called for a voice vote. 6 yeas and 0 nays.

Senator Andrist moved a do pass on SB 2087 as amended.

Senator Potter seconded.

The clerk called the roll call vote. 6-0-0

Senator Andrist will carry the bill.

Committee meeting adjourned 10:11 AM

REPORT OF STANDING COMMITTEE

SB 2087: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2087 was placed on the Sixth order on the calendar.

Page 1, replace lines 15 through 17 with:

""Biodiesel, designated B100" means a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oil or animal fats that meets ASTM specification D 6751."

Renumber accordingly

2007 HOUSE TRANSPORTATION

SB 2087

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2087

House Transportation Committee

Check here for Conference Committee

Hearing Date: 02-23-2007

Recorder Job Number: 3730/3733

Committee Clerk Signature

Lisa M Thomas

Minutes:

Chairman Weisz opened the hearing on SB 2087. SB 2087 relates to the definition of E85 and biodiesel for motor vehicles fuels and special fuels tax purposes and to provide an effective date. All representatives were present.

Kevin Schatz, State Tax Commissioner's Office, introduced the bill. See written testimony.

Rep. Thorpe: Is the price reduction still in effect?

Schatz: No. It is not.

Mike Rud, ND Petroleum Marketers Association spoke in support of the bill.

Rud: We stand in support of this bill. We have worked with the Tax Dept. on it and don't see any real issues in terms of definitions.

There were no questions from the committee.

There was no further support for the bill. There was no opposition to this bill.

The hearing was closed and no action was taken at this time.

Later that day, Chairman Weisz allowed for committee discussion on SB 2087.

Rep. Kelsch moved a DO PASS. Rep. Vigesaa seconded.

Rep. Weisz: I'm surprised that we don't have the definition in code for that. We have definitions for everything.

There was no further discussion regarding this bill.

Roll Call Vote: 11 yes. 0 no. 2 absent.

Carrier: Rep. Vigesaa

Rep. Gruchalla and Rep. Ruby were absent during the vote but present earlier.

Date: 2-23-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2087

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Kelsch Seconded by Vigesaa

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	✓		Rep. Delmore	✓	
Vice Chairman Ruby	A		Rep. Gruchalla	A	
Rep. Dosch	✓		Rep. Myxter	✓	
Rep. Kelsch	✓		Rep. Schmidt	✓	
Rep. Owens	✓		Rep. Thorpe	✓	
Rep. Price	✓				
Rep. Sukut	✓				
Rep. Vigasaa	✓				

Total Yes 11 No 0

Absent 2

Floor Assignment Vigasaa

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

REPORT OF STANDING COMMITTEE

SB 2087, as engrossed: Transportation Committee (Rep. Welsz, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2087 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

SB 2087

Attachment 1

Testimony 1

TESTIMONY BEFORE THE SENATE
FINANCE AND TAXATION COMMITTEE
SB2087
KEVIN SCHATZ
JANUARY 11, 2007

Chairman Lee, members of the Committee, my name is Kevin Schatz, I am here on behalf of the Office of State Tax Commissioner to testify with respect to SB2087.

The Tax Commissioner proposes to create new subsections to Section 57-43.1-01 and Section 57-43.2-01 of the Century Code as it relates to the definitions of E85 and biodiesel for motor fuels and special fuels purposes.

Section 57-43.1-01 subsection 8 provided a definition for E85. The contingent expiration of that section, upon reaching the volume cap for the reduced rate of \$.01 per gallon for E85 fuel sales, resulted in the removal of the E85 definition when the contingent effective date of the section took effect. The Tax Commissioner proposes the insertion of the same definition from the expired section into the effective section.

Section 57-43.2-01 subsection 2 provided a definition for biodiesel. A portion of this section expires effective June 30, 2007. The portion of this section that remains in effect after June 30, 2007, does not include the definition of biodiesel. The Tax Commissioner proposes the insertion of the same definition from the expired section into the effective section.

It has come to the Tax Commissioner's attention that an amendment to the definition of biodiesel in SB2087 will be offered. We have reviewed the amendment and have no objection to changing the definition of biodiesel to reflect the new language.

Support

PROPOSED AMENDMENTS TO SENATE BILL NO. 2087

Page 1, line 15, replace "means a biodegradeable, combustible liquid fuel that is derived from" with ", designated B100, is a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oil or animal fats that meets ASTM D6751."

Page 1, remove lines 16 and 17.

Renumber accordingly

Submitted by:

Joel Gilbertson
On behalf of The Alliance of Automobile Manufacturers

*Foot. 2
testimony 3*



SPECIFICATION FOR BIODIESEL (B100) – ASTM D6751-06

June 2006

Biodiesel is defined as the mono alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, for use in compression-ignition (diesel) engines. This specification is for pure (100%) biodiesel prior to use or blending with diesel fuel. #

Property	ASTM Method	Limits	Units
Flash Point	D93	130 min.	Degrees C
Water & Sediment	D2709	0.050 max.	% vol.
Kinematic Viscosity, 40 C	D445	1.9 - 6.0	mm ² /sec.
Sulfated Ash	D874	0.020 max.	% mass
Sulfur	D5453		
S 15 Grade		15 max.	ppm
S 500 Grade		500 max.	
Copper Strip Corrosion	D130	No. 3 max.	
Cetane	D613	47 min.	
Cloud Point	D2500	Report	Degrees C
Carbon Residue 100% sample	D4530*	0.050 max.	% mass
Acid Number	D664	0.50 max.	mg KOH/gm
Free Glycerin	D6584	0.020 max.	% mass
Total Glycerin	D6584	0.240 max.	% mass
Phosphorus Content	D 4951	0.001 max.	% mass
Distillation Temp, Atmospheric Equivalent Temperature, 90% Recovered	D 1160	360 max.	Degrees C
Sodium/Potassium	UOP 391	5 max, combined	ppm

* The carbon residue shall be run on the 100% sample.

A considerable amount of experience exists in the US with a 20% blend of biodiesel with 80% diesel fuel (B20). Although biodiesel (B100) can be used, blends of over 20% biodiesel with diesel fuel should be evaluated on a case-by-case basis until further experience is available.

Attachment #4

PROPOSED AMENDMENTS TO SENATE BILL NO. 2087

“Biodiesel” means a biodegradable, combustible liquid fuel that is derived from vegetable oil or animal fat and which is suitable for blending at levels no greater than 5% and by ASTM specifications with diesel fuel for use in internal combustion diesel engines.

2087



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What is an Active standard?

1. Scope

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1.1 This specification covers biodiesel (B100) Grades S15 and S500 for use as a blend component with diesel fuel oils defined by Specification D 975 Grades 1-D, 2-D, and low sulfur 1-D and 2-D.

What is a Redline?

1.2 Biodiesel may be blended with fuel oils whose sulfur, aromatic, cetane, or lubricity levels are outside Specification D 975 Grades 1-D, 2-D, and low sulfur 1-D and 2-D, provided the finished mixture meets pertinent national and local specifications and requirements for these properties.

HISTORICAL STANDARD:
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1.3 This specification, unless otherwise provided by agreement between the purchaser and the supplier, prescribes the required properties of biodiesel fuel at the time and place of delivery.

What is an Historical Standard?

1.4 Nothing in this specification shall preclude observance of federal, state, or local regulations which may be more restrictive.

Other Users of This Standard Also Downloaded:
[D975](#)
[D6584](#)
[D664](#)

Note 1

The generation and dissipation of static electricity can create problems in the handling of distillate fuel oils with which biodiesel may be blended. For more information on the subject, see Guide D 4865.

[Help Desk](#)

1.5 The values stated in SI units are to be regarded as the standard. The values given in parentheses are for information only.

2. Referenced Documents

- D1160 Test Method for Distillation of Petroleum Products at Reduced Pressure
D1266 Test Method for Sulfur in Petroleum Products (Lamp Method)
D130 Test Method for Corrosiveness to Copper from Petroleum Products by Copper Strip Test
D1796 Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method (Laboratory Procedure)
D189 Test Method for Conradson Carbon Residue of Petroleum Products
D2274 Test Method for Oxidation Stability of Distillate Fuel Oil (Accelerated Method)
D2500 Test Method for Cloud Point of Petroleum Products
D2622 Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry
D2709 Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge
D2880 Specification for Gas Turbine Fuel Oils
D3117 Test Method for Wax Appearance Point of Distillate Fuels
D3120 Test Method for Trace Quantities of Sulfur in Light Liquid Petroleum Hydrocarbons by Oxidative Microcoulometry
D3242 Test Method for Acidity in Aviation Turbine Fuel
D3828 Test Methods for Flash Point by Small Scale Closed Cup Tester
D4057 Practice for Manual Sampling of Petroleum and Petroleum Products
D4177 Practice for Automatic Sampling of Petroleum and Petroleum Products
D4294 Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry
D445 Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity)
D4530 Test Method for Determination of Carbon Residue (Micro Method)
D4737 Test Method for Calculated Cetane Index by Four Variable Equation
D4865 Guide for Generation and Dissipation of Static Electricity in Petroleum Fuel Systems
D4951 Test Method for Determination of Additive Elements in Lubricating Oils by Inductively Coupled Plasma Atomic Emission Spectrometry
D524 Test Method for Ramsbottom Carbon Residue of Petroleum Products
D5453 Test Method for Determination of Total Sulfur in Light Hydrocarbons, Spark Ignition Engine Fuel, Diesel Engine Fuel, and Engine Oil by Ultraviolet Fluorescence
D613 Test Method for Cetane Number of Diesel Fuel Oil
D6217 Test Method for Particulate Contamination in Middle Distillate Fuels by Laboratory Filtration
D6450 Test Method for Flash Point by Continuously Closed Cup (CCCFP) Tester
D6469 Guide for Microbial Contamination in Fuels and Fuel Systems
D6584 Test Method for Determination of Free and Total Glycerin in B-100 Biodiesel Methyl Esters By Gas Chromatography
D664 Test Method for Acid Number of Petroleum Products by Potentiometric Titration
D874 Test Method for Sulfated Ash from Lubricating Oils and Additives
D93 Test Methods for Flash Point by Pensky-Martens Closed Cup Tester

- D974 Test Method for Acid and Base Number by Color-Indicator Titration
- D975 Specification for Diesel Fuel Oils
- D976 Test Method for Calculated Cetane Index of Distillate Fuels
- 40 CFR Part 79 Registration of Fuels and Fuel Additives Section 211(b) Clean Air Act
- UOP 389 Trace Metals in Oils by Wet Ashing and ICP-OES
- UOP 391-91 Trace Metals in Petroleum Products or Organics by AAS

Index Terms

alternative fuel; biodiesel fuel; diesel fuel oil; fuel oil; renewable resource; 75.160.20; 75.160.20

Citing ASTM Standards

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ACTIVE STANDARD: D5798-06 Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines

Developed by Subcommittee: D02.A0
See Related Work by this Subcommittee
Adoptions: ANSI Approved
Book of Standards Volume: 05.03

1. Scope

1.1 This specification covers a fuel blend, nominally 75 to 85 volume % denatured fuel ethanol and 25 to 15 additional volume % hydrocarbons for use in ground vehicles with automotive spark-ignition engines. Appendix X1 discusses the significance of the properties specified.

1.2 The values stated in SI units are to be regarded as the standard. The values given in parentheses are for information only.

The following safety hazards caveat pertains only to the test method portion, Annex A1, of this specification. *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

Index Terms

alcohol; automotive spark-ignition engine fuel; chloride; copper corrosion; ether; fuel ethanol (Ed75-Ed85) for automotive spark-ignition engines; hydrocarbon; inorganic chloride; lead; MTBE; oxidation stability; oxygenates; pH; phosphorus; solvent washed gum content;



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About ASTM International

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Overview

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ASTM International, originally known as the American Society for Testing and Materials (ASTM), was formed over a century ago, when a forward-thinking group of engineers and scientists got together to address frequent rail breaks in the burgeoning railroad industry. Their work led to standardization on the steel used in rail construction, ultimately improving railroad safety for the public. As the century progressed and new industrial, governmental and environmental developments created new standardization requirements, ASTM answered the call with consensus standards that have made products and services safer, better and more cost-effective. The proud tradition and forward vision that started in 1898 is still the hallmark of ASTM International.

Today, ASTM continues to play a leadership role in addressing the standardization needs of the global marketplace. Known for its best in class practices for standards development and delivery, ASTM is at the

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Description

Biodiesel is a light to dark yellow liquid. It is practically immiscible with water, has a high boiling point and low vapor pressure. Typical methyl ester biodiesel has a flash point of ~ 150 °C (300 °F), making it rather non-flammable. Biodiesel has a density of ~ 0.86 g/cm³, less than that of water. Biodiesel uncontaminated with starting material can be regarded as non-toxic.

Biodiesel has a viscosity similar to petrodiesel, the industry term for diesel produced from petroleum. It can be used as an additive in formulations of diesel to increase the lubricity of pure Ultra-Low Sulfur Diesel (ULSD) fuel, although care must be taken to ensure that the biodiesel used does not increase the sulfur content of the mixture above 15 ppm. Much of the world uses a system known as the "B" factor to state the amount of biodiesel in any fuel mix; in contrast to the "BA" or "E" system used for ethanol mixes. For example, fuel containing 20% biodiesel is labeled B20. Pure biodiesel is referred to as B100.

Historical background

Transesterification of a vegetable oil was conducted as early as 1853 by scientists E. Duffy and J. Patrick, many years before the first diesel engine became functional. Rudolf Diesel's prime model, a single 10 ft (3 m) iron cylinder with a flywheel at its base, ran on its own power for the first time in Augsburg, Germany on August 10, 1893. In remembrance of this event, August 10 has been declared "International Biodiesel Day". Diesel later demonstrated his engine and received the *Grand Prix* (highest prize) at the World Fair in Paris, France in 1900.

This engine stood as an example of Diesel's vision because it was powered by peanut oil — a biofuel, though not *biodiesel*, since it was not transesterified. He believed that the utilization of biomass fuel was the real future of his engine. In a 1912 speech Diesel said, "the use of vegetable oils for engine fuels may seem insignificant today but such oils may become, in the course of time, as important as petroleum and the coal-tar products of the present time." [1] (<http://www.biodiesellamerica.org/node/1054>)

During the 1920s, diesel engine manufacturers altered their engines to utilize the lower viscosity of petrodiesel (a fossil fuel), rather than vegetable oil (a biomass fuel). The petroleum industries were able to make inroads in fuel markets because their fuel was much cheaper to produce than the biomass alternatives. The result, for many years,

TESTIMONY BEFORE THE HOUSE
TRANSPORTATION COMMITTEE
SB2087
KEVIN SCHATZ
FEBRUARY 23, 2007

Chairman Weisz, members of the Committee, my name is Kevin Schatz, I am here on behalf of the Office of State Tax Commissioner to testify with respect to SB2087.

The Tax Commissioner proposes to create new subsections to Section 57-43.1-01 and Section 57-43.2-01 of the Century Code as it relates to the definitions of E85 and biodiesel for motor fuels and special fuels purposes.

Section 57-43.1-01 subsection 8 provided a definition for E85. The contingent expiration of that section, upon reaching the volume cap for the reduced rate of \$.01 per gallon for E85 fuel sales, resulted in the removal of the E85 definition when the contingent effective date of the section took effect. The Tax Commissioner proposes the insertion of the same definition from the expired section into the effective section.

Section 57-43.2-01 subsection 2 provided a definition for biodiesel. A portion of this section expires effective June 30, 2007. The portion of this section that remains in effect after June 30, 2007, does not include the definition of biodiesel. The Tax Commissioner originally proposed the insertion of the same definition from the expired section into the effective section. An amendment offering new language to the original definition of biodiesel was offered, and subsequently passed by the Senate.