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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3523

- 03/08/2018 Authored by Anderson, P.,
The bill was read for the first time and referred to the Committee on Agriculture Policy
- 03/21/2018 Adoption of Report: Amended and re-referred to the Committee on Commerce and Regulatory Reform
- 03/26/2018 Adoption of Report: Placed on the General Register
Read for the Second Time
- 04/19/2018 Referred to the Chief Clerk for Comparison with S. F. No. 3596
- 04/23/2018 Postponed Indefinitely

1.1 A bill for an act

1.2 relating to biodiesel; allowing the minimum biodiesel content level for diesel fuel

1.3 to be modified during certain times of the year; extending Number 1 diesel

1.4 exemption; amending Minnesota Statutes 2016, section 239.77, subdivisions 2,

1.5 3a.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2016, section 239.77, subdivision 2, is amended to read:

1.8 Subd. 2. **Minimum content.** (a) Except as otherwise provided in this section, all diesel

1.9 fuel sold or offered for sale in Minnesota for use in internal combustion engines must contain

1.10 at least the stated percentage of biodiesel fuel oil by volume on and after the following

1.11 dates:

- | | | | |
|------|-----|--------------------|------------|
| 1.12 | (1) | September 29, 2005 | 2 percent |
| 1.13 | (2) | May 1, 2009 | 5 percent |
| 1.14 | (3) | May 1, 2012 | 10 percent |
| 1.15 | (4) | May 1, 2018 | 20 percent |

1.16 Except as provided in this paragraph, the minimum content levels in clauses (3) and (4)

1.17 are effective during the months of April, May, June, July, August, and September only; and

1.18 the minimum content for the remainder of the year is five percent. However, if the

1.19 commissioners of agriculture, commerce, and pollution control determine, after consultation

1.20 with the biodiesel task force and other technical experts, that an American Society for

1.21 Testing and Materials specification or equivalent federal standard exists for the specified

1.22 biodiesel blend level in those clauses that adequately addresses technical issues associated

1.23 with Minnesota's cold weather and publish a notice in the State Register to that effect, the

1.24 commissioners may allow the specified biodiesel blend level in those clauses to be effective

2.1 year-round. In each year that the seasonal reduction to five percent is in effect, the minimum
2.2 content level of diesel fuel sold or offered for sale in Minnesota from April 1 to April 14
2.3 may be less than the level required under clause (4), but not less than ten percent.

2.4 (b) The minimum content levels in paragraph (a), clauses (3) and (4), become effective
2.5 on the date specified only if the commissioners of agriculture, commerce, and pollution
2.6 control publish notice in the State Register and provide written notice to the chairs of the
2.7 house of representatives and senate committees with jurisdiction over agriculture, commerce,
2.8 and transportation policy and finance, at least 270 days prior to the date of each scheduled
2.9 increase, that all of the following conditions have been met and the state is prepared to move
2.10 to the next scheduled minimum content level:

2.11 (1) an American Society for Testing and Materials specification or equivalent federal
2.12 standard exists for the next minimum diesel-biodiesel blend;

2.13 (2) a sufficient supply of biodiesel is available and the amount of biodiesel produced in
2.14 this state from feedstock with at least 75 percent that is produced in the United States and
2.15 Canada is equal to at least 50 percent of anticipated demand at the next minimum content
2.16 level;

2.17 (3) adequate blending infrastructure and regulatory protocol are in place in order to
2.18 promote biodiesel quality and avoid any potential economic disruption; and

2.19 (4) at least five percent of the amount of biodiesel necessary for that minimum content
2.20 level will be produced from a biological resource other than an agricultural resource
2.21 traditionally grown or raised in the state, including, but not limited to, algae cultivated for
2.22 biofuels production, waste oils, and tallow.

2.23 The condition in clause (2) may be waived if the commissioner finds that, due to
2.24 weather-related conditions, the necessary feed stock is unavailable.

2.25 The condition in clause (4) may be waived if the commissioners find that the use of
2.26 these nontraditional feedstocks would be uneconomic under market conditions existing at
2.27 the time notice is given under this paragraph.

2.28 (c) The commissioners of agriculture, commerce, and pollution control must consult
2.29 with the biodiesel task force when assessing and certifying conditions in paragraph (b), and
2.30 in general must seek the guidance of the biodiesel task force regarding biodiesel labeling,
2.31 enforcement, and other related issues.

2.32 (d) During a period of biodiesel fuel shortage or a problem with biodiesel quality that
2.33 negatively affects the availability of biodiesel fuel, the commissioner of commerce may

3.1 temporarily suspend the minimum content requirement in subdivision 2 until there is
3.2 sufficient biodiesel fuel, as defined in subdivision 1, available to fulfill the minimum content
3.3 requirement.

3.4 (e) By February 1, 2012, and periodically thereafter, the commissioner of commerce
3.5 shall determine the wholesale diesel price at various pipeline and refinery terminals in the
3.6 region, and the biodiesel price determined after credits and incentives are subtracted at
3.7 biodiesel plants in the region. The commissioner shall report wholesale price differences
3.8 to the governor who, after consultation with the commissioners of commerce and agriculture,
3.9 may by executive order adjust the biodiesel mandate if a price disparity reported by the
3.10 commissioner will cause economic hardship to retailers of diesel fuel in this state. Any
3.11 adjustment must be for a specified period of time, after which the percentage of biodiesel
3.12 fuel to be blended into diesel fuel returns to the amount required in subdivision 2. The
3.13 biodiesel mandate must not be adjusted to less than five percent.

3.14 Sec. 2. Minnesota Statutes 2016, section 239.77, subdivision 3a, is amended to read:

3.15 Subd. 3a. **Number 1 diesel fuel exempt.** (a) The minimum content requirements of
3.16 subdivision 2 do not apply to Number 1 diesel fuel.

3.17 ~~(b) This subdivision expires May 1, 2020.~~