

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2104

2001 SENATE AGRICULTURE

SB 2104

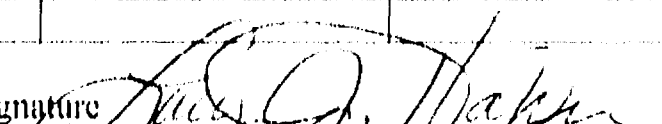
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2104

Senate Agriculture Committee

Conference Committee

Hearing Date January 25, 2001

Tape Number	Side A	Side B	Meter #
1	X		0.0 - End
3	X		21.4 - 43.0
Committee Clerk Signature 			

Minutes:

KEN BERTSCH, State Seed Commissioner. See attached testimony.

SENATOR WANZEK, The word farmer is already included but not necessary?

KEN BERTSCH, Farmer is implied with individual persons.

SENATOR NICHOLS, Will the bill take care of language that are vague or is there still more?

KEN BERTSCH, I believe that this will, unless there is something we missed.

DAVE NELSON, Agriculture Department Plant Services Division. See attached testimony.

JIM HENNESEY, Weed Control Officer - Mountrail County. See attached testimony.

SENATOR WANZEK, Can't your concerns be addressed within the State Seed Department and Commission without listing in statute specifically one weed?

JIM HENNESEY, We could but when look at all the noxious weeds as far as the prohibited, we could add others but it would make the list very long.

BRIAN HOLLINGER, Mountrail County Weed Control Board. See attached testimony.

Page 2

Senate Agriculture Committee
Bill/Resolution Number SB 2104
Hearing Date January 25, 2001

MERLIN LEITHOLD, North Dakota Weed Control Assoc., testified in support of this bill.

KEN BERTSCH, I have a concern only in terms of using this bill as a vehicle to talk about noxious weed issues. Primarily the concern come because of the emergency clause. I think the word meet and exceed as there written in our bill is considered terms of art, in legal terms. In legal terms it is intended to mean more strict than.

ORDEAN FOSSAU, State Seed Commission, testified in support of this bill.

The hearing was closed.

January 25, 2001

SENATOR KLEIN, moved DO PASS on amendment 18145.0101.

SENATOR ERBELE, seconded the motion.

Roll call vote: 6 Yeas, 0 No, 0 Absent and Not voting.

SENATOR KLEIN, moved a DO PASS as amended on SB 2104.

SENATOR ERBELE, seconded the motion.

Roll call vote: 6 Yeas, 0 No, 0 Absent and Not voting.

SENATOR KLEIN will carry the bill.

FISCAL NOTE
 Requested by Legislative Council
 12/26/2000

Bill/Resolution No.: SB 2104

Amendment to:

1A. 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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This is a policy and housekeeping bill and has no fiscal effect on the Agency or the State.

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.*

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.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Ken Bertsch	Agency:	State Seed Department
Phone Number:	701-239-7210	Date Prepared:	01/02/2001

REPORT OF STANDING COMMITTEE

SB 2104: Agriculture Committee (Sen. Wanzek, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2104 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 15 of section 4-09-01,"

Page 1, remove lines 5 through 8

Page 3, line 2, remove "as of July 1, 2001"

Page 3, overstrike line 28

Page 3, line 29, overstrike "section 4-09-14.3."

Page 5, line 6, after "Establish" insert ", with the approval of the state seed commission,"

Renumber accordingly

2001 HOUSE AGRICULTURE

SB 2104

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2104

House Agriculture Committee

Conference Committee

Hearing Date 3--08--01

Tape Number	Side A	Side B	Meter #
TWO	A		00 TO 1990
Committee Clerk Signature <i>Edward D. Clayton</i>			

Minutes:

CHAIRMAN NICHOLAS: We will open the hearing on SB 2104.

KEN BIRCH: I serve as the State Seed Commissioner. Please see printed testimony.

SB 2104 IS A FAIRLY SIMPLE BILL, AND STRAIGHT FORWARD. What I will do is take a few minutes to walk with you through the Bill and tell you why we need these adjustments.

Refer to written testimony.

CHAIRMAN NICHOLAS: QUESTIONS.

REPRESENTATIVE RENNER: PAGE THREE. DELETING THESE FEES. Is this the fee schedule for that annual report that we had to do every June or July

KEN BIRCH: That is it. All we will do in this case and we will practice consistency in the department too. It will likely remain the same. for the foreseeable future. We have customers out there that think they get nicked and dimmed to death. with things like these fees

but we are prohibited from making some consolidated fees, and creating a different fee schedule.

We have fees but no consistency. Consistency is what our goal is.

REPRESENTATIVE ONSTAD: When we get to page two we talk about tolerance's.

Explain tolerance. Take CRP for an example. In CRP there might be three or four different varieties there. Now if you have a tolerance level for one particular seed because we have a mixture of seeds. You might want to explain those tolerances. I would feel more comfortable by actually seeing those tolerances. EXPLAIN THAT PLEASE.

WE can get you some information on that. The Federal tolerances are different. In regulatory terms. Ken is going to get some information for Rep. Onstad as the tolerances, seed mixes etc.

REP. ONSTAD: To follow up on that. Is it safe to say that the tolerance levels when they are seeded separate is one thing but when you start taking a mixture of seeds and throwing it in the mix as to CRP and the concern is that sits idol for who knows the number of years, are those tolerances tighter or are they about the same. Because we are mixing several seeds together, and we have a problem cleaning that up in that CRP, I hope and I want to find out are those tolerances tighter when you mix those seed together verses seeding them separately in a field here and there.

KEN: To my understanding a mix of seeds will not raise the total rate of grass seeds.

REPRESENTATIVE ONSTAD: I Am hoping that we can address the tolerances in the Bill. Noxious weeds, alfalfa whatever in one field. Especially in CRP that is what I am talking about. This is a problem in our area

KEN: I think in SB 2204 it will talk specifically about your question. Allowable limits etc.

Page 3
House Agriculture Committee
Bill/Resolution Number SB 2104
Hearing Date 3--8--01

It will also deal specifically with noxious weeds. Our standards must meet or exceed. I am not sure, it is not our Bill. I think all of your discussion points are in SB 2204

VICE CHAIRMAN JOHNSON: Any more questions Committee Members.

JOHN LEPPERT: I am a noxious weeds specialist in the Plant Industries division of the North Dakota Department of Agriculture. Please see printed testimony which is attached.

Talks about identical legislation in two Bill.

JOHN LEPPERT: Page two, of SB 2104 AND it would be lines 23 to 29 of Section two amendment. I am suggesting that those be removed because they are in fact in SB 2204.

CHAIRMAN NICHOLAS: A CODE REVISOR WILL TAKE CARE OF THIS FOR US.
Give us the specifics on that again.

JOHN: Lines 23 to 29 of Section two on page two. The language has been changed slightly in 2204. It states to establish tolerances that are more strict rather than meets or exceeds. Otherwise the language is identical.

CHAIRMAN NICHOLAS: Again, I believe the code revisor will take care of that.

CHAIRMAN NICHOLAS: Any other questions Committee Members?

Thank you John. Anyone else wishing to offer testimony in support of this Bill. Any Opposition? I think that we can have the code revisors take care of this and I'll have Nicky check with the council. COMMITTEE MEMBERS WHAT ARE YOUR WISHES ON SB 2204. IT WAS DECIDED TO HOLD THIS BILL UNTIL WE HAVE HAD A CHANCE TO LOOK AT THE OTHER BILL BE REFEREED TO. CHAIRMAN DECIDED TO HOLD THE BILL. 1A:1990

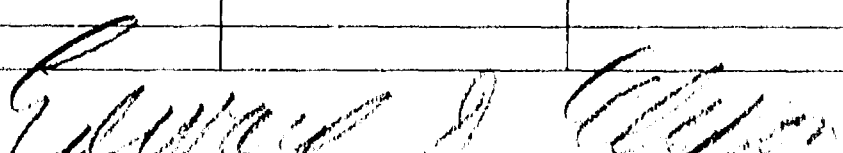
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2104

House Agriculture Committee

Conference Committee

Hearing Date 3--22-01

Tape Number	Side A	Side B	Meter #
ONE	A		4490 TO 5930
Committee Clerk Signature 			

Minutes:

CHAIRMAN NICHOLAS: COMMITTEE MEMBERS, WE WILL OPEN THE HEARING ON SB 2104. O.K. COMMITTEE MEMBERS SB 2104 IS THE ONLY BILL THAT WE HAVE LEFT. REPRESENTATIVE BERG WOULD YOU GIVE US A REPORT ON YOUR FINDINGS ON YOUR VISIT WITH THE SEED COMMISSIONER.

REPRESENTATIVE BERG: IN A NUT SHELL, SOME OF THE FEES THE COMMISSIONER HAS ARE SET BY ADMINISTRATIVE RULES. SOME OF THE FEES ARE SET BY STATUE, SOME ARE JUST SET BY THE SEED COMMISSIONER. THIS BILL BASICALLY TAKES THEM OUT OF ADMINISTRATIVE RULES PROCESS PER-SAY. I GUESS THAT IS THE ESSENCE OF I THINK THE DISCUSSION HERE. THE BENEFITS FOR TAKING THEM OUT IS A LOT OF THESE FEES ARE RELATIVELY SMALL FEES. THEY ARE APPROVED BY THE SEED COMMISSIONER AND BY THE SEED COMMISSIONER BOARD. WHICH IS THE PRODUCER RUN BOARD. THERE

