

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2169

2001 SENATE AGRICULTURE

SB 2169

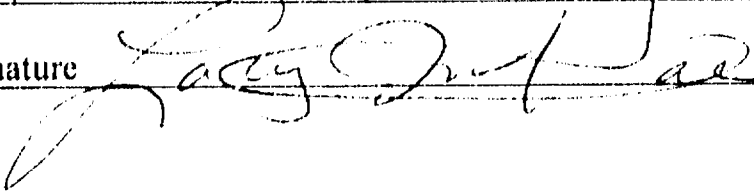
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2169

Senate Agriculture Committee

Conference Committee

Hearing Date January 25, 2001

Tape Number	Side A	Side B	Meter #
Jan. 25 1	X		0.0 - END
		X	0.0 - 14.6
Jan. 25 2	X		11.3 - 13.3
Committee Clerk Signature 			

Minutes:

JEFF KNUDSON; Seed Arbitration Board Designee of the Agriculture Commissioner, testified in support of this bill. See attached testimony.

SENATOR WANZEK; Through the arbitration process have you been able to successfully settle disputes?

JEFF KNUDSON; It has been mixed, the five cases that I have been involved in one of the cases was successful and no attorneys were involved, there were three rather high profile cases this past summer.

SENATOR KROEPLIN; The seed arbitration in settling dispute, how long has that been around?

JEFF KNUDSON; I think seed arbitration was probably implemented in the early 1990's.

SENATOR URLACHER; Will this move more cases into court?

JEFF KNUDSON; I believe that it will do the opposite.

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Senate Agriculture Committee

Bill/Resolution Number SB 2169

Hearing Date January 25, 2001

RICHARD SCHLOSSER; Seed Arbitration Board, testified in support of this bill.

Going through arbitration before going through the courts was a concern of the Board.

The hearing was closed.

SENATOR KLEIN moved for DO PASS of this bill.

SENATOR NICHOLS seconded the motion.

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

SENATOR NICHOLS will carry the bill.

Date: 1-25-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2169

Senate Agriculture Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By SEN KLEIN Seconded By SEN NICHOLS

Senators	Yes	No	Senators	Yes	No
Senator Wanzek - Chairman	✓		Senator Kroeplin	✓	
Senator Erbele - Vice Chairman	✓		Senator Nichols	✓	
Senator Klein	✓				
Senator Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment SEN. NICHOLS

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

REPORT OF STANDING COMMITTEE (410)
January 25, 2001 1:50 p.m.

Module No: SR-13-1626
Carrier: Nichols
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2169: Agriculture Committee (Sen. Wanzek, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2169 was placed on the
Eleventh order on the calendar.

2001 HOUSE AGRICULTURE

SB 2169

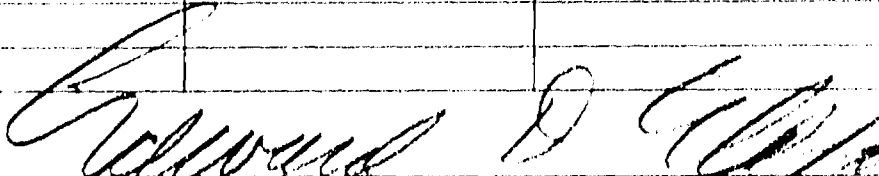
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2169

House Agriculture Committee

Conference Committee

Hearing Date 3--09--01

Tape Number	Side A	Side B	Meter #
THREE	A		612 TO 1079
Committee Clerk Signature 			

Minutes:

CHAIRMAN NICHOLAS: WE WILL OPEN THE HEARING ON SB 2169

JEFF KNUTSON: SEED ARBITRATION BOARD DESIGNEE OF THE AGRICULTURE

COMMISSIONER: I am here to support SB 2169. Please see attached testimony.

REPRESENTATIVE LLOYD: IF A MEMBER WAS ADDED WOULD HE BE VOTING
OR NON VOTING.

JEFF KNUTSON: HE WOOD BE A VOTING MEMBER.

CHAIRMAN NICHOLAS: ANY OTHER QUESTION COMMITTEE MEMBERS. O.K.

REPRESENTATIVE OF STATE SEED DEPARTMENT: WE SUPPORT TAKING THAT
ACTION.

REPRESENTATIVE PIETSCH: What this would do is take the seed commissioner by that
supreme court action, this would remove the conflict of interest and allow the seed commissioner
to serve on the arbritration board and changing the mandate would take away any conflict of

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House Agriculture Committee

Bill/Resolution Number SB 2169

Hearing Date 3--09--01

interest there. Is that right and also for regulating and being responsible for regulating and also sitting on the board.

JEFF KNUTSON: That is my understanding. Change from mandatory to voluntary.

CHAIRMAN NICHOLAS: ANYONE ELSE WISHING TO SUPPORT OR IN
OPPOSITION TO THIS BILL. WE WILL CLOSE ON HB 2169 1A:1079

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2169

House Agriculture Committee

Conference Committee

Hearing Date 3--16--01

Tape Number	Side A	Side B	Meter #
TWO	A		00 TO 244
Committee Clerk Signature <i>Edward J. Elyson</i>			

Minutes:

CHAIRMAN NICHOLAS: WE WILL OPEN ON SB 2169

THE CHAIR WILL ENTERTAIN A MOTION ON 2169. MOTION FOR A DO PASS
MADE BY REP. JOHNSON AND WAS SECONDED BY REPRESENTATIVE LLOYD.

THE CLERK WILL TAKE THE ROLL. THERE WERE "12 YES" "0 NO" "3 ABSENT"
REPRESENTATIVE SANDVIG WILL CARRY THE BILL.,

WE WILL CLOSE ON 2169

3-16-01

Date:
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

SB 2169

House AGRICULTURE Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By JOHNSON Seconded By LLOYD

Representatives	Yes	No	Representatives	Yes	No
Eugene Nicholas, Chairman	✓		Rod Freulich	✓	
Dennis E. Johnson - Vice Chairman	✓		Doug Lemieux		
Rick Berg	✓		Philip Mueller	✓	
Michael Brandenburg			Kenton Onstad	✓	
Joyce Kingsbury	✓		Sally M. Slandvig	✓	
Myron Koppang	✓		Dennis J. Renner		
Edward H. Lloyd	✓		Dwight Wrangham	✓	
Bill Pietsch	✓				

Total (Yes) 12 No 0

Absent 3

Floor Assignment SANDVIG

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

REPORT OF STANDING COMMITTEE (410)
March 16, 2001 2:27 p.m.

Module No: HR-46-5915
Carrier: Sandvig
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2169: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2169 was placed on the
Fourteenth order on the calendar.

2001 TESTIMONY

SB 2169

**Testimony of Jeff Knudson
Seed Arbitration Board Designee of the
Agriculture Commissioner
Senate Bill 2169
Senate Agriculture Committee
Roosevelt Park Room
January 25, 2000**

Chairman Wanzek, members of the Committee, my name is Jeff Knudson. I am the Agriculture Commissioner's designee to and Chairman of the North Dakota Seed Arbitration Board. I am here to support Senate Bill 2169. Senate Bill 2169 does two things:

1. It removes the mandate for seed arbitration of seed-related disputes from NDCC § 4-09-20.2.
2. It adds the State Seed Commissioner as a member of the North Dakota Seed Arbitration Board.

Seed arbitration is currently a legal prerequisite to a civil action for settlement of a dispute involving a seed transaction under NDCC § 4-09-20.2. On September 13, 2000, the North Dakota Supreme Court adopted administrative rules regarding Alternative Dispute Resolution. Rule 8.8 (attached) was adopted as part of the North Dakota Rules of Court and becomes effective on March 1, 2001. Rule 8.8 requires parties in civil cases to discuss early Alternative Dispute Resolution (ADR) and to file a statement (attached) with the district court detailing ADR participation that has or is planned to occur.

Effectively, the adoption of Rule 8.8 to the North Dakota Rules of Court will mandate disputing parties to consider ADR prior to civil action. However, the parties will consider which type of ADR is appropriate, or may state their reason as to why they believe ADR is not appropriate for the dispute in question. If the legal prerequisite for arbitration were eliminated from NDCC § 4-09-20.2, the requirement of parties to consider ADR would shift to the North Dakota Rules of Court and provide disputing parties the flexibility to choose the form of ADR they believe is most appropriate. Removing the legal prerequisite from NDCC § 4-09-20.2 would also eliminate the liability of the State Seed Commissioner to enforce compliance of the current seed arbitration requirement. Seed arbitration would remain available and be an obvious choice as one of the low-cost options of ADR to be considered by parties involved in seed disputes.

This bill would also add the State Seed Commissioner as a member of the Seed Arbitration Board. Most seed arbitration cases involve seed germination or other seed performance complaints. Due to the nature of disputes heard by the Board, it makes sense that the State Seed Commissioner be included as a Board member. The Seed Commissioner's expertise on these issues would benefit and enhance the role of the Seed Arbitration Board.

I urge your favorable consideration of this bill. Thank you.

