

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2033 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2280

2001 SENATE AGRICULTURE

SB 2280

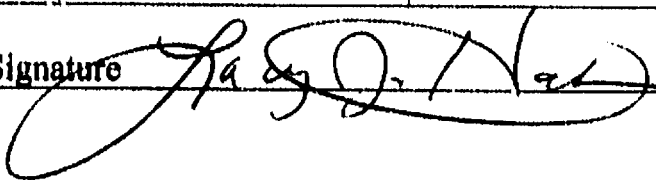
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2280

Senate Agriculture Committee

Conference Committee

Hearing Date February 1, 2001

Tape Number	Side A	Side B	Meter #
Feb. 1 2		X	2.8 - 33.3
Feb. 2 1		X	15.0 - 31.5
Committee Clerk Signature 			

Minutes:

SENATOR WANZEK; Sponsor, introduced the bill.

Provides for an award for the damage and destruction of crop (willful, violence). This allows the amount of damage to be twice the value of the crop.

CALVIN ROLFSON; American Crop Protection Association, testified in support of this bill.

See attached testimony.

SENATOR WANZEK; Are we sending a strong enough message?

CALVIN ROLFSON; I would be will to draft the amendments to strengthen the bill.

SENATOR WANZEK; This can pertain to not just research crops but crops grows for commercial purposes.

CALVIN ROLFSON; That is exactly correct, the term on line 7 says for personal or commercial, or testing or research purpose.

SENATOR NICHOLS; Are these people being caught?

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**Senate Agriculture Committee  
Bill/Resolution Number SB 2280  
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**CALVIN ROLFSON; They are being caught but they are very difficult to catch. The FBI is involved nationally.**

**DAVE KOLAND; ND Rural Water, gave information concerning this bill.**

**WAYNE CARLSON; Livestock Service Coordinator for Dept. Of Agriculture, testified in support of this bill.**

**This bill is going to change for crops and also for livestock.**

**MICHAEL DIAMOND; Monsanto, testified in support of this bill.**

**The stronger you make the law the better for everyone.**

**The hearing was closed.**

**SENATOR ERBELE moved for a DO PASS on this bill.**

**SENATOR NICHOLS seconded the motion.**

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

**SENATOR WANZEK will carry the bill.**

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2280**

**Page 1, line 3, after "of" insert immediately thereafter "livestock," and remove "Award of damages" and insert immediately thereafter "Damages"**

**Page 1, line 5, after "any" insert immediately thereafter "livestock, "**

**Page 1, line 12, after the first "the" insert immediately thereafter "livestock"**

**Page 1, line 13, after "the" insert immediately thereafter "livestock,"**

**Page 1, line 14, after the period, remove "The court shall limit damages under this section to" and insert "A person found by the court to have been damaged under this Act may recover reasonable attorney's fees, exemplary damages and may also recover"**

**Page 1, line 15, after the first "the" insert immediately thereafter "livestock,"**

**Page 1, line 17, after the period, insert "Damages to livestock, crop or commodities under this Act that are reasonably necessary under a written contract or recorded easement duly entered into by the livestock, crop or commodity producer are not recoverable."**

**Re-number accordingly**





**REPORT OF STANDING COMMITTEE**

**SB 2280: 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 2280 was placed on the Sixth order on the calendar.**

Page 1, line 1, after "crops" insert ", livestock, or commodities"

Page 1, line 3, after "crops" insert ", livestock," and replace "Award of damages" with "Damages"

Page 1, line 5, replace "in the field" with ", livestock, or commodity", replace "raised," with "produced", and after the second "or" insert "has been produced"

Page 1, line 6, remove "commodity after harvest which was being raised,"

Page 1, line 12, after "crop" insert ", livestock,"

Page 1, line 13, after "crop" insert ", livestock,"

Page 1, line 14, replace "The" with "A person found by the", remove "shall limit damages under this section" and after "to" insert "have been damaged under this section may recover reasonable attorneys' fees, exemplary damages, and"

Page 1, line 15, after "crop" insert ", livestock," and remove the second "the"

Page 1, line 17, after the period insert "Damages to crops, livestock, or commodities under this section which are reasonably necessary under a written contract or recorded easement duly entered into by the crop, livestock, or commodity producer are not recoverable."

Renumber accordingly



2001 HOUSE AGRICULTURE

SB 2280

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2280

House Agriculture Committee

Conference Committee

Hearing Date 3--8--01

Tape Number	Side A	Side B	Meter #
ONE	A		00 TO 1333
Committee Clerk Signature <i>Edward D. Elston</i>			

Minutes:

CHAIRMAN NICHOLAS: COMMITTEE MEMBERS WE WILL OPEN ON SB 2280.

SEN. WANZEK: I am from Dist. 29, and I am appearing before you on SB 2280.

This bill is attempting to provide for some recovery of damage caused by people who would damage the production or development of crops or livestock, or would destroy any crops or livestock or commodity that is in used or being deducted under research purposes. It would allow for recovery of attorneys fees and also exemplary damages placed at market value of the crop for livestock and commodities. This dose not preclude or take away any remedy or right to pursue criminal action against anybody who would destroy crops or livestock. The reason I think this bill is before you there seems to be a growing and disturbing trend in the country. Some people have a disagreement with technology and certain changes in Agr. Who have a agenda. I am not faulting them for having a agenda or strong feeling about our environment and

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House Agriculture Committee

Bill/Resolution Number SB 2280

Hearing Date 3--8--01

protecting and preserving our environment but needs to be said in ND. A number of other states have already considered this or adopted this into law. What needs to be said that ND. will not tolerate any kind of terrorist act. Nor violence against our science based activities. That is trying to push Agr into the future. This is a very important piece of legislation.

Representative Koppang: Do other states have legislation like this? Are you aware of this.

SEN WANZEK: There are a number of other states that somewhat model after, I am not sure what state it was, but Kansas state senator was chairman of the senate agriculture and I met him a time or two. There are quite a few states that are adopting it.

CAL ROLFSON: I represent the American Crop Protection Association [ACPA]. I AM HERE IN SUPPORT OF SENATE BILL 2280. Please see printed testimony. Attached.

The program of destruction is well financed world wide. We believe 30 states are looking at this type of legislation. The bill is simple. It is not complex. ND HAS ONE OF THE STRONGEST BILLS. I OFFER CREDIT TO THIS COMMITTEE FOR THIS BILL.

CHAIRMAN NICHOLAS: Any questions committee members?

ANYONE ELSE OFFERING TESTIMONY IN FAVOR OF THIS BILL. ANYONE WISHING TO APPEAR IN OPPOSITION TO 2280/

THE CHAIR WILL ENTERTAIN A MOTION ON 2280. REPRESENTATIVE BERG MOVES FOR A DO PASS AND IT WAS SECONDED BY REPRESENTATIVE MUELLER. ANY DISCUSSION COMMITTEE MEMBERS.

REPRESENTATIVE LLOYD: The only point that I might make is that there are times when an aerial applicator will be spraying material which will contaminate a research plot. He would be

