

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

AGRICULTURE AND NATURAL RESOURCES COMMITTEE

Wednesday, May 4, 2016
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Kenton Onstad, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Kenton Onstad, Bob Hunsakor, Diane Larson, Wayne Trottier; Senators Bill L. Bowman, Robert Erbele, Larry Luick, Philip M. Murphy

Members absent: Representatives Roger Brabandt, Dennis Johnson, Dwight Kiefert; Senator Joe Miller

Others present: John Walstad, Legal Division Director, Legislative Council
See [Appendix A](#) for additional persons present.

It was moved by Representative Larson, seconded by Senator Murphy, and carried on voice vote that the minutes of the February 4, 2016, meeting be approved as distributed.

**STUDY OF GAME AND FISH DEPARTMENT
SPECIAL ALLOCATION HUNTING LICENSES**

The Legislative Council staff presented a bill draft [\[17.0121.02000\]](#) regarding the issuance of special allocation hunting licenses by the Game and Fish Department. The Legislative Council staff said the bill draft provides an option for special allocation hunting licenses to be administered through the Game and Fish Department rather than the Legislative Assembly. He said the idea is to make one statutory list containing all of the license allocations made by the Legislative Assembly to date to be grandfathered in under the new system. He said the grandfathered special allocation licenses are placed in a new chapter of North Dakota Century Code beginning on page 4 of the bill draft. He said although the provisions are being moved into a new chapter, there are essentially no changes to the language of those provisions.

The Legislative Council staff said there is an oversight on page 5, line 12. He said all of the provisions that make licenses available through a raffle or auction should reference both throughout the entire subsection. He said the language on page 5, line 12, only makes reference to a raffle despite the license under that subsection being available through either a raffle or an auction. He said the language should probably be amended to include an auction as well. He said the same amendment needs to be made on page 6, line 19.

In response to a question from Senator Luick, the Legislative Council staff said the representatives from the Game and Fish Department can explain the differences between an auction or a raffle.

The Legislative Council staff said Section 2 of the new chapter creates a new process by which the Director of the Game and Fish Department may authorize the issuance of special allocation hunting licenses without the direct involvement of the Legislative Assembly. He said authorization for special allocation of sheep and mule deer licenses is not authorized by the Game and Fish Department and would have to go through the Legislative Assembly for approval.

The Legislative Council staff said page 8, line 15, should be amended so an individual can still apply for a license for elk or moose through both the special allocation process and the general lottery. He said the language currently states an individual is not eligible to apply for a license through the general lottery if the individual receives one through the special allocation process. He said the amendment would allow an application to be made through both processes, but would only allow the applicant to receive a license through one of the processes.

In response to a question from Senator Murphy, the Legislative Council staff said some of the proper nouns in this bill draft were not capitalized because the drafting and style rules used by the Legislative Council dictate that only certain proper nouns are capitalized in statutory bill drafts. He said the proper nouns left uncapitalized in the bill draft were done so intentionally.

Chairman Onstad called on Mr. Scott Peterson, Deputy Director, Game and Fish Department, for comments regarding the bill draft on the issuance of special allocation hunting licenses by the Game and Fish Department. Mr. Peterson said the proposed bill draft accomplishes three things. He said first the bill draft follows the intent of the legislatively mandated study. He said the bill draft also leaves the existing provisions in place and grandfathers them in under the new system. He said finally the bill draft allows eligible new organizations a reasonable opportunity of being authorized for a high-value hunting license without significantly reducing the chances of a member of the general public from receiving a high-value license. He said limiting the number of special allocation hunting licenses to only two tags, not to exceed 2 percent of the general allocation, in certain provisions was done in order to ensure members of the general public still have a good opportunity to receive a high-value license through the lottery.

In response to a previous question from Senator Luick, Mr. Peterson said there is only one organization that currently chooses to conduct an auction for its special allocation hunting license.

In response to a question from Senator Erbele, Mr. Peterson said elk and moose licenses through the general lottery are once-in-a-lifetime tags. However, he said that would not prevent a person from receiving a tag through one of the special allocation license provisions. He said the special allocation license provisions are not once-in-a-lifetime licenses.

Representative Hunskor said he is not sure he supports the idea of allowing elk and moose special allocation licenses to be made available through an auction. He said a raffle gives everyone a fair chance of winning while an auction just allows for the highest bidder to win.

Senator Bowman said a person who has the money to buy a license through an auction also likely has the money to buy the majority of tickets through a raffle. He said a person with the monetary advantage will have a higher percentage opportunity of winning regardless of the allocation method used. He said he is unsure whether a raffle is more fair than an auction.

Representative Hunskor said he believes a raffle is still more fair than an auction. He said a person with the most money is guaranteed to win at an auction if they are inclined to keep bidding. He said at least with a raffle a person can buy a ticket and have some opportunity to win. He said this holds true even if someone else buys a majority of the tickets available.

In response to a question from Representative Trottier, Mr. Peterson said an organization choosing to hold an auction typically does so because it is a fundraising tool that often allows for more money to be raised than through a raffle. He said the bighorn sheep license is a high-value license that interested parties are willing to bid large amounts to get. He said while a raffle also raises funds, a raffle typically does not generate the same level of funds an auction will. He said it is difficult to sell enough raffle tickets to equal the same amount of money generated for high-value licenses through an auction.

Representative Hunskor said he believes the raffle for Annie's House at Bottineau Winter House sold 1,000 tickets at \$100 per ticket last year. He said the raffle generated \$100,000 which was more than the \$90,000 which was generated for the bighorn sheep license through an auction.

In response to a question from Senator Luick, Mr. Peterson said the new special allocation hunting licenses being made available through this bill draft will be available to organizations that have a presence in the state. He said the grandfathered license organizations do not have to be based in the state, but many of them are based in North Dakota. He said the money raised through the auctions and raffles in most cases stays in North Dakota and is used in funding conservation efforts. He said nonresidents are eligible to buy raffle tickets under existing statute.

In response to a question from Senator Murphy, Mr. Peterson said the special allocation hunting licenses would not be required to be issued each year. He said the Director of the Game and Fish Department would have discretion to not issue special allocation hunting licenses if the species population does not justify the licenses.

In response to a question from Senator Erbele, Mr. Peterson said the majority of the available special allocation hunting licenses are requested by organizations every year. He said some years not all of the available licenses are requested.

Representative Hunskor said he would like the thoughts of the committee members regarding the point he brought up earlier regarding allowing organizations to use auctions versus raffles to raise funds through special allocation hunting licenses.

Chairman Onstad said he thinks it is good to allow the organization to determine if they would rather use an auction or a raffle to raise funds with their special allocation hunting licenses.

Senator Murphy said this bill draft does a good job of balancing the scientific approach in determining how many hunting licenses a species population can sustain with the legislative and political approach of trying to determine whether organizations requesting a special allocation hunting license should receive one in a given year. He said this bill draft allows the Game and Fish Department to determine how many licenses are feasible each year prior to the Legislative Assembly determining how many special licenses to allocate and to which organizations.

The Legislative Council staff said the committee could approve the bill draft at this point, but it may be better to carry the bill draft over to the next meeting to give members of the public an opportunity to review the bill draft and give comments if they choose to do so. He said there are also a number of items in the bill draft requiring slight adjustment.

In response to a question from the Legislative Council staff, Mr. Peterson said the Game and Fish Department would like to specify both residents and nonresidents are eligible for special allocation hunting licenses. Mr. Peterson said they would also like to be consistent throughout the bill draft on whether an organization may use an auction, raffle, or both when issuing special allocation hunting licenses for fundraising purposes. He said consideration should also be given as to whether only North Dakota-based organizations should be eligible to receive a special allocation hunting license.

Chairman Onstad requested the Legislative Council staff make the requested changes to the bill draft, carry the bill draft forward to the next meeting, and give public notice that this bill draft will be considered at the next meeting of the committee.

AGRICULTURE REWRITE PROJECT Livestock Market Financial Transactions

The Legislative Council staff presented a bill draft [[17.0029.04000](#)] on livestock market financial transactions. He said the committee has already seen the 1000 and the 2000 versions of this bill draft. He said this 4000 version is only looking at one section of the relevant chapter. He said at the previous committee meeting it was decided the rewrite of the chapter should be approved to be recommended to the Legislative Management. He said this section was brought back on its own because there were suggestions for amendments from the North Dakota Stockmen's Association to allow this section to more accurately reflect the current practices in use today. He said these amendments could be substantive in nature, but the directive of the committee was to rewrite the code provisions to more accurately reflect current practices and remove obsolete language. He said while possibly substantive in nature, the amendments in this bill draft are likely within the discretion of the committee.

The Legislative Council staff said this bill draft includes more modern methods of payment by allowing for any method of payment that is generally accepted by financial institutions. He said the draft also allows for title to the livestock to remain in the seller until the transaction is complete. He said this was not the case prior to the amendments.

Chairman Onstad called on Ms. Julie Ellingson, Executive Vice President, North Dakota Stockmen's Association, for comments regarding the bill draft on livestock market financial transactions. Ms. Ellingson said the intent was to update this section of Century Code to more accurately reflect modern practices. She said she thinks the bill draft accomplishes that goal. She suggested that in order to stay in compliance with state and federal laws, the two sentences on lines 13 and 14 could be combined to say something to the effect of "For a noncash purchase and for transfer of title to be valid, the financial institution of the purchaser must honor the payment at the time of presentation." She said using this language may allow for the final sentence of the section to be struck. She also suggested changing the caption of the section to say "Title to property to remain in the seller . . ."

In response to a question from Senator Luick, Ms. Ellingson said she would provide the language for the proposed changes to the Legislative Council staff in writing for committee consideration.

Ms. Ellingson said she worked closely with several auction market owners on the language suggestions for this bill draft. She said Mr. Larry Schnell, Owner and Operator, Stockmen's Livestock Exchange, has additional insights to share with the committee from the auction market perspective. Mr. Schnell said he is currently checking into the legal ramifications of the new language regarding title remaining in the seller until the transaction is complete. He said federal regulations dictate auctions must give clear title when they sell livestock. He said he will find out more about the legal ramifications and report back to the committee. He said the laws need to be updated as the majority are antiquated.

In response to a question from Representative Trottier, Mr. Schnell said the new language in the bill draft should address the issue of a buyer passing a bad check. Mr. Schnell said this bill draft should allow for the auction market or the seller to retain the livestock and the title until the transaction has cleared. He said a possible issue remains if a buyer resells the livestock prior to the seller retaking possession of the livestock. He said once a buyer resells the livestock, he does not believe the auction can get the livestock back from the third party. He said it is his understanding that federal law dictates what happens once a buyer resells the livestock and that cannot be addressed at the state level.

Chairman Onstad requested the Legislative Council staff work with the North Dakota Stockmen's Association and Mr. Schnell on additional recommended changes, and bring the bill draft back for committee consideration at the next meeting.

Dairy Regulations

The Legislative Council staff reviewed a bill draft [[17.0019.02000](#)] on dairy regulations. He said the committee reviewed this bill draft at the previous meeting. He said the bill draft was approved with the recommended changes at the last committee meeting. He said the recommended changes were made and the bill draft was placed in final format with all underscored language for committee consideration.

Chairman Onstad requested the Legislative Council staff place the bill draft in the approved folder to be recommended to the Legislative Management.

State Fair Association

The Legislative Council staff reviewed bill draft 17.0046.05000 ([Appendix B](#)) on the State Fair Association. He said the 1000 version of this bill draft was reviewed by the committee at the last meeting. He said the version under consideration today is the 5000 version. He said there is a jump from the 1000 version to the 5000 version because a number of versions of the bill draft were revised since the last meeting. He said the 1000 version moved the contents of the bill draft out of the agriculture title, but the State Fair Manager suggested the chapter should remain in the agriculture title.

In response to a question from Representative Larson, the Legislative Council staff said if the representatives at the State Fair Association have additional suggestions for changes to the bill draft, they could bring those additional changes through testimony during the legislative session.

In response to a question from Chairman Onstad, the Legislative Council staff said he thinks the State Fair Association likely amended its bylaws through the years, but failed to determine if the statutory provisions in Century Code still reflected current practices.

In response to a question from Representative Trottier, the Legislative Council staff said he was not sure if the State Fair Association is complying with the annual audit report as required on page 12, line 19. The Legislative Council staff said he will followup and report back to the committee at the next meeting.

In response to a question from Senator Murphy, the Legislative Council staff said he will amend the methods of communication to include all forms of digital communication, not just email.

Chairman Onstad requested the Legislative Council staff make the requested changes and place the bill draft in the approved folder to be recommended to the Legislative Management.

Anhydrous Ammonia

The Legislative Council staff presented bill draft 17.0040.02000 ([Appendix C](#)) on anhydrous ammonia. He said additional changes were made to this bill draft per suggestions from the Department of Agriculture. He said changes were made on page 1 to ensure the Agriculture Commissioner is referring to the most updated version of the safety requirements. He said references to specific safety requirements were removed because it is not necessary to make those references if the Commissioner can reference the safety standards as a whole.

In response to a question from Senator Erbele, Mr. Eric Delzer, Fertilizer Program Manager, North Dakota Department of Agriculture, said the speed limit requirements when pulling anhydrous ammonia tanks are determined and enforced by the Department of Transportation. Mr. Delzer said the Department of Agriculture regulates the tanks themselves at storage facilities, but they do not regulate the tanks when they are on the road. He said the fines associated with speed limit infringements are established in Century Code and are enforced by the Department of Transportation. He said the rules governing tank infringements are established under federal hazardous materials rules. He said there is an established \$250 fine for hazardous materials violations.

In response to a question from Representative Trottier, Mr. Delzer said privately owned nurse tanks are inspected at storage facilities.

In response to questions from Senator Luick, Mr. Delzer said painting nurse tanks is not prohibited. Mr. Delzer said the prohibited act is painting over the American Society of Mechanical Engineers data plate or the hydrostatic relief valves. He said only welders certified by the Department of Agriculture can make repairs to pressurized storage containers. He said the prohibited acts added to the bill draft already existed in the North Dakota Administrative Code. He said it made more sense to house all of the prohibited acts in one location under the statutory provision.

Senator Luick said it may make sense to include clarification language stating welders certified by the Department of Agriculture are the only ones authorized to repair the tanks. Mr. Delzer said the Department of Agriculture is willing to work with the Legislative Council staff to add clarifying language.

In response to a question from Chairman Onstad, Mr. Delzer said if the tank is past the time stamped date, then a person is not authorized to fill the tank.

Chairman Onstad requested the Legislative Council staff make the requested changes and bring the bill draft back at the next committee meeting.

Fertilizer

The Legislative Council staff presented bill draft 17.0042.02000 ([Appendix D](#)) on fertilizer. He said there was a change made on page 5 as requested by the Department of Agriculture which allows for distributors to forgo the registration process for custom-blended fertilizer blended on behalf of specific customer requests if the custom blend only contains products already registered. He said this is an exception to the rule that fertilizers must be registered. He said this exception was created because it would be too time consuming and cost prohibitive to require every small batch of custom-blended fertilizer to be registered.

The Legislative Council staff also presented bill draft 17.0122.01000 ([Appendix E](#)) on fertilizer. He said this bill draft was created separately because it likely contained substantive changes needing to be addressed separately. He said the bill draft amends two statutory provisions, but the bill draft includes four sections. He said this is because the bill draft needs to address both the section of Century Code in the new title where the provision may ultimately reside, as well as the currently existing section of Century Code in case the new provision fails to pass.

In response to questions from Chairman Onstad, Mr. Delzer said changing the package size in bill draft 17.0122.01000 is an expansion of existing law and would likely be considered substantive in nature. Mr. Delzer said previously packages under 25 pounds were not subject to tonnage inspections. He said after making these changes, those packages would be subject to inspection and fees. He said the changes in this bill draft also require people who distribute specialty fertilizers to be subject to licensing fees. He said previously those distributors were exempt from the licensing fee requirements. He said the intent behind this change is to allow the Agriculture Commissioner to collect tonnage reporting data. He said currently tonnage reports are only received from people who distribute large bulk quantities of agriculture fertilizer. He said small specialty fertilizer makes up a large percentage of the fertilizer distributed in the state. He said the commissioner would like to receive more reports in order to have more accurate tonnage data. He said the change to require more distributors to become licensed is necessary because currently only licensed distributors are required to report tonnage data. He said this change would require distributors who sell specialty fertilizer in packages under 25 pounds to become licensed and report their tonnage data along with larger distributors. He said the new requirement would likely require retail stores selling fertilizer to register and pay the licensing fee. He said a licensing fee is \$100 every 2 years. He said the tonnage inspection fee is 20 cents per ton sold.

In response to a question from Representative Trottier, Mr. Delzer said a distributor refers to an entity selling fertilizer to the end user. Mr. Delzer said the definition encompasses a retailer.

In response to a question from Senator Luick, Mr. Delzer said a licensing fee gives the distributor the right to sell fertilizer in the state.

In response to a question from Representative Larson, Mr. Delzer said the Department of Agriculture could possibly come up with a method to require reporting of tonnage data without requiring all distributors to become licensed and pay a licensing fee.

Chairman Onstad requested the Legislative Council staff place bill draft 17.0042.02000 in the approved folder to be recommended to the Legislative Management.

Chairman Onstad said bill draft 17.0122.01000 makes substantive changes that are outside of the scope of the interim rewrite project. He said this bill draft will need to be introduced by the Department of Agriculture during the legislative session.

Agricultural Development Act

The Legislative Council staff presented bill draft 17.0054.02000 ([Appendix F](#)) on the Agricultural Development Act. He said after consulting with the Bank of North Dakota it was suggested the chapters in this bill draft be repealed due to the fact the chapters are not used and have been replaced by more recent programs.

Chairman Onstad requested the Legislative Council staff place the bill draft in the approved folder to be recommended to the Legislative Management.

County Fairs

The Legislative Council staff presented a bill draft [[17.0047.02000](#)] on county fairs. He said there were no major changes between the first draft the committee reviewed and the current bill draft. He said the current draft simply places the bill in final format to be recommended to the Legislative Management.

Chairman Onstad requested the Legislative Council staff place the bill draft in the approved folder to be recommended to the Legislative Management.

Agricultural Experiment Stations

The Legislative Council staff presented a bill draft [[17.0053.03000](#)] on agricultural experiment stations. He said this bill draft is placed in final format to be recommended to the Legislative Management. He said there was one recommended change from the last committee meeting that was accidentally left out and needs to be added before this bill draft can be finalized. He said on page 6 there are references to the agricultural consultation board. He said the board has been changed to the State Board of Agricultural Research and Education. He said the references need to be changed.

Chairman Onstad requested the Legislative Council staff make the requested change and place the bill draft in the approved folder to be recommended to the Legislative Management.

Discrimination in the Purchase of Farm Products

The Legislative Council staff presented bill draft 17.0061.02000 ([Appendix G](#)) on discrimination in the purchase of farm products. He said there have been no changes between the 1000 and 2000 versions of this bill draft. He said this bill draft is back in front of the committee because at the last meeting the committee requested the Legislative Council staff conduct research into the legislative history of the chapter and report back regarding the relevance of the chapter. He said this chapter was created in 1907. He said no minutes or testimony still exist regarding the creation or subsequent amendments of this chapter. He said the chapter is under the authority of the Department of Agriculture, but the department has no record of ever enforcing the provisions of this chapter.

In response to a question from Chairman Onstad, the Legislative Council staff said the Department of Agriculture recommended this chapter is obsolete and could be repealed.

In response to a question from Senator Murphy, the Legislative Council staff said it is true a lack of enforcement of the chapter does not mean the chapter needs to be repealed. He said leaving the chapter in place would not cause any issues.

Representative Hunskor said he cannot think of future events which may require the use of this chapter. He said it is his opinion this chapter is obsolete and should be repealed.

Senator Erbele said while he understands the lack of harm in leaving the chapter in statute, there are other provisions dealing with discrimination. He said this provision takes up space and clutters the Century Code. He said he thinks it should be repealed.

Chairman Onstad requested the Legislative Council staff repeal the chapter and bring the bill draft back at the next committee meeting.

Agriculture in the Classroom

The Legislative Council staff presented a bill draft [[17.0062.02000](#)] on the agriculture in the classroom program. He said due to the fact this chapter was very short to begin with, the Legislative Council staff condensed it into a new section under the new Chapter 4.1-01 for the Agriculture Commissioner and repealed the current chapter in which it resides. He said there were no changes made to the language of the chapter. He said the bill draft simply condenses the information into a section and relocates the information in Century Code.

Chairman Onstad requested the Legislative Council staff place this bill draft in the approved folder to be recommended to the Legislative Management.

Soil Conservation Districts

The Legislative Council staff presented bill draft 17.0088.01000 ([Appendix H](#)) on soil conservation districts. He said the committee is now starting on new material they have not seen previously. He said this is the first draft of this bill. He said the majority of the changes in this bill draft were made for the purpose of cleaning up language and clarifying. He said this bill draft moves the chapter into the new Title 4.1.

Chairman Onstad requested the Legislative Council staff send this bill draft to the Association of Soil Conservation Districts and bring the bill draft back at the next committee meeting.

Soil Conservation and Domestic Allotment Act

The Legislative Council staff presented bill draft 17.0108.01000 ([Appendix I](#)) on the Soil Conservation and Domestic Allotment Act. He said this bill draft simply repeals the chapter of law. He said the chapter has been obsolete for many years.

Chairman Onstad requested the Legislative Council staff place the bill draft in the approved folder to be recommended to the Legislative Management.

Miscellaneous Agriculture Provisions

The Legislative Council staff presented bill draft 17.0098.01000 ([Appendix J](#)) on miscellaneous agriculture provisions. He said the Legislative Council prefers not to have chapters in Century Code named "miscellaneous," but the sections of this chapter do not really fit anywhere else. He said the majority of the changes in this bill draft were minor in nature.

In response to a question from Representative Trottier, the Legislative Council staff said the North Dakota Pork Producers Council was not added to Section 4 of the bill draft. He said no councils were added to or removed from this section. He said just the structure of the section was changed to make it easier to read at this time, but the Legislative Council staff would be happy to add additional councils to the list at the direction of the committee.

Chairman Onstad requested the Legislative Council staff check into why the North Dakota Pork Producers Council was left off the list and determine if they need to be added. He requested the Legislative Council staff place the bill draft in final format and bring it back at the next meeting.

Potato Production Contracts

The Legislative Council staff presented bill draft 17.0085.01000 ([Appendix K](#)) on potato production contracts. He said the bill draft was entirely minor cleanup changes.

Chairman Onstad requested the Legislative Council staff place the bill draft in the approved folder to be recommended to the Legislative Management.

Forestry and the State Forester

The Legislative Council staff presented bill draft 17.0083.01000 ([Appendix L](#)) on forestry and the State Forester. He said the State Forester agreed with the changes suggested by the Legislative Council staff. He said the provisions in this bill draft did not require much cleanup.

Chairman Onstad requested the Legislative Council staff place this bill draft in final format and bring it back at the next meeting for committee consideration.

Nurseries

The Legislative Council staff presented bill draft 17.0084.01000 ([Appendix M](#)) on nurseries. He said this bill draft included minimal cleanup changes.

Chairman Onstad requested the Legislative Council staff place the bill draft in final format and place it in the approved folder to be recommended to the Legislative Management.

Plant Pests

The Legislative Council staff presented bill draft 17.0089.01000 ([Appendix N](#)) on plant pests. He said this is another bill draft that is mostly just minor cleanup language.

Chairman Onstad requested the Legislative Council staff place the bill draft in the approved folder to be recommended to the Legislative Management.

Animal Feed Requirements

The Legislative Council staff presented bill draft 17.0094.01000 ([Appendix O](#)) on animal feed requirements. He said this bill draft is primarily minor changes.

Chairman Onstad requested the Legislative Council staff place the bill draft in the approved folder to be recommended to the Legislative Management.

Livestock Auction Markets

The Legislative Council staff presented bill draft 17.0136.01000 ([Appendix P](#)) on livestock auction markets. He said most of the changes in this bill draft are minor in nature. He said he wanted the committee to be aware there are numerous definitions of "livestock" throughout Century Code which all vary from one another. He said a change was made on page 8, line 8, at the request of the State Veterinarian. He said the purpose of the change was to allow veterinarians appointed by the State Board of Animal Health to choose whether or not they wanted to accept the appointment.

In response to a question from Senator Murphy, the Legislative Council staff said they could amend the definitions of "livestock" throughout Century Code to reflect one another by adding in all the various animals included under the most expansive definitions of "livestock." He said the only concern is the different definitions of "livestock" were written as they were by people who gave some importance to the definition as written. He said the Legislative Council staff was not sure if adding additional animals to the definitions of "livestock" would alter the intent of the initial drafters.

Dr. Susan Keller, State Veterinarian, said the definition of "livestock" is written as it is because there are now nontraditional livestock as well as traditional livestock. She said an attempt should be made to be as inclusive as possible, while still being sensitive of types of nontraditional livestock that may be sold at an auction market such as poultry. She said she thinks it would be a good idea to include any type of traditional and nontraditional livestock that may be sold at an auction market under the definition in this chapter.

In response to a question from Chairman Onstad, Dr. Keller said it might be a good idea to define traditional and nontraditional livestock separately. Dr. Keller said there are separate licensing and fee requirements for nontraditional livestock.

In response to a question from Senator Luick, Dr. Keller said animals such as worms or bait in a bait shop would not be considered "livestock" under traditional or nontraditional definitions. Dr. Keller said they are exempted from the definitions of nontraditional livestock.

In response to a question from Senator Erbele, Dr. Keller said an auction market would have the right to determine if it only wanted to deal in traditional livestock regardless of what the definition of "livestock" included.

In response to a question from Representative Larson, Dr. Keller said for purposes of this chapter it would probably be better to just expand the definition of "livestock" rather than attempting to say the definition of "livestock" also includes "nontraditional livestock."

Dr. Keller said the language regarding the 1969 grandfathering exemption from licensing requirements can likely be removed at this point.

Chairman Onstad requested the Legislative Council staff work with the State Veterinarian on developing a uniform definition of livestock. He also requested the Legislative Council staff show the bill draft to livestock auction markets to get their input on the bill draft. He also requested the Legislative Council staff make the requested changes and bring the bill draft back at the next meeting for committee consideration.

Satellite Livestock Auction Markets

The Legislative Council staff presented bill draft 17.0095.01000 ([Appendix Q](#)) on satellite livestock auction markets. He said this is another bill draft without many changes. He said the definition of "livestock" on page 1 may need to be changed to make it uniform with all the other definitions in Century Code as discussed in the previous bill draft.

Chairman Onstad said he thinks "satellite video" could be amended to make the reference more modern. Ms. Ellingson said a possible solution would be to just remove the word "satellite" from the definition and reference so it is just "video livestock auction market." She said the change may be enough to make the chapter reflect

current practices. She said livestock auction market owners may be able to provide valuable insight into how best to amend this chapter of Century Code.

Chairman Onstad requested the Legislative Council staff work with livestock auction market owners and the North Dakota Stockmen's Association on amending this bill draft, and bring the bill draft back for committee consideration at the next meeting.

Livestock Packing Plants and Rendering Plants

The Legislative Council staff presented bill draft 17.0096.01000 ([Appendix R](#)) on livestock packing plants. The Legislative Council staff also presented bill draft 17.0097.01000 ([Appendix S](#)) on rendering plants. He said these bill drafts are being presented together because they both address similar issues. He said the state currently does not house either packing or rendering plants. He said the State Veterinarian recommended keeping the law in place in case a prospective business owner decides to open a plant in the state.

Chairman Onstad requested the Legislative Council staff place the bill drafts in the approved folder to be recommended to the Legislative Management.

Livestock Medicine

The Legislative Council staff presented bill draft 17.0145.01000 ([Appendix T](#)) on livestock medicine. He said a change was made on page 1, line 13, which needs to be changed back to the original language. He said a reference to "scab" was changed to "scabs" due to thinking it was a grammatical error. He said the State Veterinarian informed the Legislative Council staff that "scab" is a type of disease and needs to remain as is in the chapter. He said the language will be changed back to the original form for the next meeting.

Chairman Onstad requested the Legislative Council staff make the requested changes and place the bill draft in the approved folder to be recommended to the Legislative Management.

Comments by Interested Persons

Ms. Jessie Pfaff, Senior Policy Analyst, Department of Agriculture, said regarding a previous question on bill draft 17.0098.01000 on miscellaneous agriculture provisions, pork and sheep are not among the councils listed because they do not receive a state checkoff.

Committee Discussion and Directives

The Legislative Council staff said the committee may be able to conclude its work in one additional meeting. He said there are two remaining bill drafts to be brought before the committee for the first time at the next meeting. He said one of those bill drafts will deal with the powers and duties of the Agriculture Commissioner, including definitions that will apply to the entire title. He said the other bill draft will address placement of the chapters within the title. He said there are gaps within the title in the numbering of chapters in certain places and those gaps should be closed. He said the Legislative Council staff will create one bill draft moving the chapters within the title into a sequential number with no gaps. He said there will be approximately 56 chapters in the new title when the project is complete. He said the intention at the last committee meeting is to combine the bill drafts into a smaller number of bill drafts to be recommended to the Legislative Management.

No further business appearing, Chairman Onstad adjourned the meeting at 2:00 p.m.

Dustin Assel
Counsel

ATTACH:20