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**NORTH DAKOTA  
DEPARTMENT OF AGRICULTURE**

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**Testimony of John Schneider  
Business, Marketing, and Information Division Director  
HB 1099  
Senate Agriculture and Veterans Affairs Committee  
Fort Union Room  
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Chairman Luick, and members of the Senate Agriculture Committee, I am John Schneider, Business, Marketing, and Information Division Director with the North Dakota Department of Agriculture here representing Agriculture Commissioner, Doug Goehring. I am here today to testify in support of House Bill 1099. House Bill 1099 contains changes to a statute regarding weed control complaints and a proposed partial repeal of statute regarding industrial fuel tax.

### **Weed Control Complaints**

In Section I of House Bill 1099, the Department requests that weed control complaints not be statutorily required to be signed before they are forwarded to the proper weed authority. While most of the noxious weed control is delegated to local county and city weed control officials, NDCC 4.1-47-04 identifies the Agriculture Commissioner's duties in relation to noxious weeds. Subsection 3 of this weed control statute currently requires the Agriculture Commissioner to forward all signed complaints to the proper weed control authority.

However, as a practical matter, the Commissioner will treat every weed control complaint he receives seriously, regardless of the form of the complaint. As a

result, the requirement that the complaint be “signed” before being forwarded is unnecessary.

### **Refund of Tax**

Finally, the Department requests that North Dakota Century Code 57- 43.1-03 be amended. Currently, according to this law, the amount of motor fuel tax refund must be reduced by one-half cent per gallon, except for aircraft fuel, and that one-half cent per gallon must be withheld from that refund and consequently deposited in the Agricultural Products Utilization Fund (APUC).

However, since the inception of the law, as a practical matter, the amount of money collected by the State Tax Commissioner under this law and subsequently deposited into APUC has been less than 1000 dollars.

Given the extraordinarily low amounts historically that have been deposited into APUC, by removing the second sentence in this law, this would permit the Tax Department to not have to first calculate the reduction of one half of the refund by one-half cent per gallon, and then transfer those resulting minimal funds to APUC.

Chairman Luick, and committee members, thank you for your time and I’d be happy to answer any questions you may have.