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Testimony of Doug Goehring, Agriculture Commissioner
Government Administration Committee
Roughrider Room
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Chairman Burckhard and members of the Government Administration Committee, I am Agriculture Commissioner Doug Goehring. I will detail the present and continuing need for the North Dakota Department of Agriculture to employ an attorney.

As you are aware, North Dakota agriculture is the leading industry in North Dakota. Since its inception in 1889 to the present, North Dakota remains an agricultural state. North Dakota agriculture contributes considerably over 30 billion dollars in economic activity annually to our state. North Dakota agriculture extends well beyond crops and livestock. Agritourism, agribusiness and food processing, equipment manufacturing and dealerships, innovative technology, local food & farmers markets, and agricultural education all contribute to the state's thriving industry. Agriculture is everything from the seeds and fertilizers to the food, feed, fiber, and fuel we all use each and every day. North Dakota remains solidly rooted in agriculture.

The Agriculture Department represents all these diverse agriculture interests within our state. More importantly, by serving the interests of the state's largest industry, the Department directly serves the overall public interest. The Department's mission statement is to "serve, advocate, protect and promote agriculture **to benefit everyone.**"

The state's agriculture industry is reasonably regulated from the first farmer inputs of seed and fertilizer – all the way through the processing and sale of products to consumers. The Department remains responsible for administratively enforcing the vast majority of agriculture-related regulations either through authority provided in state statute or through authority provided in federal cooperative agreements.

The necessity for the Department to employ an attorney can be linked back directly to our continuing mission; *to serve, advocate, protect, and promote agriculture to benefit everyone*. This means we serve all members of the agriculture industry, regardless of the size of their operation or the type of agriculture they practice.

Agricultural law, in our state as well as across the nation, remains a highly specialized area of law. In the Department, our general counsel regularly exercises technical competence in such legal issues as regulatory administrative enforcement, grain inspection, contract law, property law, water & soil conservation, oil & gas law (in relation to agricultural lands), seeds, fertilizers, corporate farming, pesticide use, animal health & welfare, agricultural finance, industrial hemp, livestock dealership licensing, endangered species, livestock feed, noxious weeds, organic farming, commodity check-off programs, agricultural labor, agricultural marketing & commerce, industry development, agricultural land use & zoning, farm equipment manufacturing, agricultural insurance, state constitutional and statutory farming rights, food safety, monitoring of agriculture-related state grants, modern farming technologies, and intellectual property.

Beyond the highly regulated nature of the agriculture industry, the Department engages with federal entities on a regular basis in support of agriculture. In recent years, the Department has worked with the US Department of Agriculture, the Department of Interior, Federal Motor Carrier Safety Administration, Bureau of Land Management, the Army Corps of Engineers, and both houses of Congress. As a result, the state's agriculture community and industry are most effectively served by having in-house general counsel readily available to assist the Department at any time, in any pertinent area of agricultural law.

In addition, as a member of the 3-member Industrial Commission, I find the consistently professional advice and counsel of the Department-attorney invaluable, as do the other two members of the Commission, the Governor and Attorney General, when they likewise consult with their respective staff attorneys.

In this vein, last session this Legislature prudently authorized the Department an FTE – specifically for the Department to hire a general counsel. Consequently, the Department’s immediate and recent action to recruit, hire, and employ a highly experienced & technically proficient agriculture law attorney dramatically improves our Department’s ability to perform its mission. In this way, the Department has a readily available and specialized general counsel who focuses daily on the Department’s very technical and specialized agricultural law areas.

Chairman Burckhard and committee members, thank you and I am pleased to answer any questions you may have.