

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2389

2001 SENATE AGRICULTURE

SB 2389

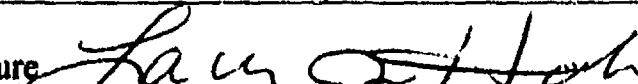
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2389

Senate Agriculture Committee

Conference Committee

Hearing Date February 8, 2001

Tape Number	Side A	Side B	Meter #
Feb. 8 1		X	37.5 - END
Feb. 8 2	X		0.0 - 11.0
Committee Clerk Signature 			

Minutes:

SENATOR TALLACKSON; Sponsor, introduced this bill to the committee.

LANCE HAGEN; Agriculture Coalition, testified in support of this bill.

DUANE MAATZ; Red River Valley Potato Growers, testified in support of this bill. We have two part that we are looking at one deals with sanitary regulations and another deals with relating to the transfer of certified seed between a seed grower to a commercial grower then to another commercial grower. We are requesting that the commissioner require all seed potatoes shipped into the state from another country carry a shipping point inspection certificate, plant health certificate and a sanitary certificate. The certificate must include the seed lot and grade as well as the date of inspection. Adding this language to the Potato Seed law makes the ND law consistent with the resent implementation of federal law through USDA AFIS.

MIKE JORDE; testified in support of this bill.

Page 2

Senate Agriculture Committee
Bill/Resolution Number SB 2389
Hearing Date February 8, 2001

SENATOR WANZEK; When a grower buys certified seed from out of state is it seed that is certified within their state rules and regulation, does it come with a label?

MIKE JORDE; Yes, there is a grade but that is another issue nationwide that certified seed dealers are dealing with. The grades are not the same in all states.

SENATOR WANZEK; The intention of the amendments is to limit this to seed potatoes, not commercial potatoes?

MIKE JORDE; As far as I know all we are talking about are seed potatoes.

BRAD NELSON; testified in support of this bill.

KIT MIDGAIDEN; Commercial Grower, testified in support of this bill.

SENATOR WANZEK; Do you feel as a commercial grower this will help protect against any potential disease problems?

KIT MIDGAIDEN; Yes, disease in potatoes is a serious problem. We all have to police it whether it is the seed growers, commercial grower, everybody.

The hearing was closed.

SENATOR KLEIN moved the amendments to this bill (10779.0101).

SENATOR ERBELE seconded the motion.

Discussion was held.

SENATOR WANZEK; I understand what the intent is and the substance of the amendments. I would hope that they are doing what we think they're doing, which is to narrow the scope down to seed potatoes, not all potatoes.

SENATOR KLEIN; I believe they are.

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

SENATOR ERBELE moved to DO PASS AS AMENDED.

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**Senate Agriculture Committee
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SENATOR KLEIN seconded the motion.

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

SENATOR KROEPLIN will carry the bill.

FISCAL NOTE
 Requested by Legislative Council
 01/30/2001

Bill/Resolution No.: SB 2389

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

Amended version of this legislation will not have a fiscal impact on agency. As amended, both Section I and Section II are basic record keeping requirements and impact department programs only in terms of audit processes.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Ken Bertsch	Agency:	Seed Department
Phone Number:	701-258-7210	Date Prepared:	02/02/2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2389

Page 1, line 1, replace "4-09.1" with "4-10"

Page 1, line 2, after the first "to" insert "seed"

Page 1, line 3, after "seed" insert "potatoes"

Page 1, line 5, replace "4-09.1" with "4-10"

Page 1, line 7, after "all" insert "seed"

Page 1, line 9, after "No" insert "seed"

Page 1, line 10, replace "health certificate and a phytosanitary" with "shipping point inspection"

Page 1, line 11, after "the" insert "seed"

Page 2, line 1, after "Dakota" insert "potato"

Page 2, line 2, after "seed" insert "potatoes", after "Dakota" insert "potato", and remove "once each year"

Page 2, line 3, after "seed" insert "potatoes" and replace "recipient grower" with "seed potatoes may not be recertified or retained for use in the following production cycle."

Page 2, remove line 4

Renumber accordingly

Date: 2-8
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2389

Senate Agriculture Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Amendments 10779.0101

Motion Made By Sen. Klein Seconded By Sen. Erbele

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

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

Date: 2-8
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2389

Senate Agriculture Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass as amended.

Motion Made By Sen. Erbele Seconded By Sen. Klein

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

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Kroeplin

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

REPORT OF STANDING COMMITTEE

SB 2389: 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 2389 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "4-09.1" with "4-10"

Page 1, line 2, after the first "to" insert "seed"

Page 1, line 3, after "seed" insert "potatoes"

Page 1, line 5, replace "4-09.1" with "4-10"

Page 1, line 7, after "all" insert "seed"

Page 1, line 9, after "No" insert "seed"

Page 1, line 10, replace "health certificate and a phytosanitary" with "shipping point inspection"

Page 1, line 11, after "the" insert "seed"

Page 2, line 1, after "Dakota" insert "potato"

Page 2, line 2, after "seed" insert "potatoes", after "Dakota" insert "potato", and remove "once each year"

Page 2, line 3, after "seed" insert "potatoes" and replace "replant grower" with "seed potatoes may not be recertified or retained for use in the following production cycle."

Page 2, remove line 4

Renumber accordingly

2001 HOUSE AGRICULTURE

SB 2389

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2389

House Agriculture Committee

Conference Committee

Hearing Date 3--09--01

Tape Number	Side A	Side B	Meter #
THREE	A		00 TO 612
Committee Clerk Signature <i>Edward D. Ellyson</i>			

Minutes:

CHAIRMAN NICHOLAS: We will open the hearing on SB 2389.

SENATOR TALLACKSON DIST: 16 This bill relates to transfers of certified seed.

Chairman Nicholas, we have some patet growers from our area and if you don't have any questions from me they will answer all your questions.

CHAIRMAN NICHOLAS: Thank you Sen. Tallackson. Whoever would like to give testimony:

DUANE MAATZ: Red River Potato Growers Association. Walsh County is the number one grower of potatoes in ND. Our intent with 2389 is that we would like the seed commissioner to require all seed potatoes shipped into ND from another country to carry a shipping point inspection certificate. Please see printed testimony: Attached. **WE ASK YOUR SUPPORT OF THIS BILL.**

CHAIRMAN NICHOLAS: ANY QUESTIONS COMMITTEE MEMBERS:

Page 2

House Agriculture Committee

Bill/Resolution Number SB 2389

Hearing Date 3--09--01

BRADELY NILSON: NILSON FARMS: I am a seed potato grower and I am here to ask your support of SB 2389 I am from Hoopel, ND. Normally not required but we are also asking for a health certificate, where it was grown, what is the exposure that the seed has had. Basically a History of the Seed.

MCGARDEN: I am from Hoopel, ND I urge your support for SB 2389. THANK YOU.

CHAIRMAN NICHOLAS: Anyone else wishing to appear in support of this Bill. Any opposition to this Bill. OK THE COMMITTEE WILL CLOSE THE HEARING ON SB2389

1A:612

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2389

House Agriculture Committee

Conference Committee

Hearing Date 3--16--01

Tape Number	Side A	Side B	Meter #
ONE	A		1420 TO 1846
Committee Clerk Signature <i>Edward D. Elger</i>			

Minutes:

CHAIRMAN NICHOLAS: We will open on 2389.

LANCE HAGEN: For the record; my name is Lance Hagen, I am with the Red River Potato Growers Association. This is one of those house keeping Bills. I am here to introduce the Bill.

Actually it was two bills and Anita had suggested that we combine the two bills into one.

Deleting Line 5 through 11 because there have been some problems with the sanitary certificate and the potato growers association is in favor of just killing the other Bill. that we were

introducing. It is to hard to do the boarder inspections. They want to go back and look at it and

maybe reintroduce it. The second part of the bill, section three is the transfer of certified seed between growers. That would have been one of the other bills. It is just killing that last bill.

SEE BILL AND AMENDMENTS.

CHAIRMAN NICHOLAS: O.K. the chair will entertain a motion. on amendments on 2389.

Rep. Lemieux made the motion, seconded by Rep. Lloyd. All those in favor signify by saying

Page 2

House Agriculture Committee

Bill/Resolution Number SB 2389

Hearing Date 3--16--01

yes. Opposed? The chair will entertain a motion on 2389 as amend mended. Representative

Lemieux made the motion and seconded by Representative Pletsch. Any discussion Committee

Members? The clerk will take the Roll. There were''''''13 yes''''''0 no''''''''''

2 absent. Representative Lemieux will carry the Bill.

WE WILL CLOSE ON SB 2389

10779.0201
Title.0300

Prepared by the Legislative Council staff for
Representative Nicholas
March 15, 2001

YK
3/16/01

HOUSE AMENDMENTS TO ENGROSSED SB 2389 HSE. AGR. 3-16-01
Page 1, line 1, remove "create and and enact a new section to chapter 4-10 of the North
Dakota"

Page 1, line 2, remove "Century Code, relating to seed potato inspections; and to"

Page 1, remove lines 5 through 11

Renumber accordingly

3-16

Date:
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2387

House AGRICULTURE Committee

Subcommittee on _____

or
 Conference Committee Lemieux & Lloyd

Legislative Council Amendment Number AS-AMended

Action Taken DO PASS

Motion Made By LEMIEUX Seconded By PIETSCH

Representatives	Yes	No	Representatives	Yes	No
Eugene Nicholas, Chairman	✓		Rod Froelich	✓	
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) 13 No 0

Absent 2

Floor Assignment LEMIEUX

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

2001 SENATE AGRICULTURE

CONFERENCE COMMITTEE

SB 2389

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2389

Senate Agriculture Committee

Conference Committee

Hearing Date: April 5, 2001

Page Number	Side A	Side B	Vote
2	X		0.0 79

Committee Clerk Signature *Larry J. Anderson*

Minutes:

The conference committee on SB 2389 was called to order by SENATOR ERBBLE. Others in attendance were SENATORS KLEIN, KROEPLIN and REPRESENTATIVES BRANDENBURG, KINGSBURY and SANDVIQ.

SENATOR ERBBLE: The amendment we are discussing is 10079.0201 that was placed on in the House. Would anyone care to address the amendment from the House and provide some information?

REP. BRANDENBURG: On Page 1 line 1, remove, create and enact a new section to Chapter 4-10 of the North Dakota and also on Page 1 line 2 remove Century Code, relating to seed potato inspection; and to add also remove lines 5 - 11.

REP. KINGSBURY: We did just talk about lines 5 - 11 and they were advised by the Agriculture Commissioners Office that it was already taken care of in federal law and was unnecessary to be in there. Up here this apparently doesn't create and enact a new section that's why it is

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2389

Senate Agriculture Committee

Conference Committee

Hearing Date April 5, 2001

Tape Number	Side A	Side B	Meter #
2	X		0.0 - 7.9
Committee Clerk Signature <i>Lacey J. Hakuma</i>			

Minutes:

The conference committee on SB 2389 was called to order by SENATOR ERBELE. Others in attendance were SENATORS KLEIN, KROEPLIN and REPRESENTATIVES BRANDENBURG, KINGSBURY and SANDVIG.

SENATOR ERBELE; The amendment we are discussing is 10079.0201 that was placed on in the House. Would anyone care to address the amendment from the House and provide some information?

REP. BRANDENBURG; On Page 1 line 1, remove, create and enact a new section to Chapter 4-10 of the North Dakota and also on Page 1 line 2 remove Century Code, relating to seed potato inspection: and to and also remove lines 5 -11.

REP.KINGBURY; We did just talk about lines 5 - 11 and they we advised by the Agriculture Commissioners Office that it was already taken care of in federal law and was unnecessary to be in there. Up here this apparently doesn't create and enact a new section that's why if it is

corrected because this was left out then it is just a bill for an act to amend and reenact Section 4-10.

SENATOR ERBELE; So it really doesn't significantly change.

REP. KINGSBURY; That apparently had to be changed with the other changes.

SENATOR ERBELE; I believe be taking that out then it is constant with taking out 5 - 11. If you look at the back of your testimony there is some other testimony relating to what is already addressed in federal law.

REP. KINGSBURY; On 5 - 11.

SENATOR ERBELE; Any other discussion? Rep. Brandenburg, you were talking about an emergency clause is anything else we need to consider there?

REP. BRANDENBURG; I asked and visited with Rep. Lloyd and he never asked about an emergency clause. He did recall that there was any discussion on that and I see that we didn't but that in there.

SENATOR ERBELE; What date will the emergency clause move us to?

REP. BRANDENBURG; As soon as the Governor signs it.

SENATOR ERBELE; As soon as the Governor signs it, it becomes effective?

REP. KINGSBURY; It will take care of potato season which would be good.

SENATOR ERBELE; Would that create a hardship for any growers now that who have already bought?

REP. KINGSBURY; No, it wouldn't.

SENATOR KLEIN; The only thing that is left is to allow a seed grower to transfer to another grower who wants to, that is the only thing it would do because we have gutted the inspection side.

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Senate Agriculture Committee
Bill/Resolution Number SB 2389
Hearing Date April 5, 2001

REP. KINGSBURY; When would go into law?

SENATOR KLEIN; It wouldn't go into law until August 1st.

REP. BRANDENBURG; I see that Senators Holmberg and Tallackson are the main sponsors of the bill. Maybe we should check with them before add an emergency clause?

SENATOR KROEPLIN; We should talk to Senator Tallackson.

REP. BRANDENBURG; Just so we do this right since this is Senator Tallackson's bill I think we should make sure that we should make sure that we do this right.

SENATOR KLEIN; Maybe there is a way can call the Potato Growers and they could respond to us, they are really the ones that probably move this forward.

REP. KINGSBURY; I could call the person who brought this in, he is on the Potato Growers Board I could call him very quickly and get an answer from him.

SENATOR ERBELE; Please do that, we will be at ease for a few minutes. By putting an emergency clause on it, it doesn't effect anyone this spring that would create a hardship.

SENATOR KROEPLIN; Actually I think the bill makes it easier for them.

SENATOR ERBELE; OK, and I think it probably would.

SENATOR KROEPLIN; And legalize what they are doing already.

SENATOR ERBELE; If we are not creating a hardship I think we should go ahead and put it on.

REP. BRANDENBURG; I am not sure that we can add the emergency clause after a conference committee.

SENATOR KLEIN; We would accede to the House amendments and amend.

REP. KINGSBURY; Mr. Chairman, they would very much like the emergency clause added on, that would work for this season.

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Senate Agriculture Committee

Bill/Resolution Number SB 2389

Hearing Date April 5, 2001

SENATOR ERBELE; It seems like we have a very good workable situation and I would be looking for a motion them to accede to the House amendments and further amend.

SENATOR KROEPLIN; moved to accede to the House amendments and further amend.

SENATOR KLEIN; seconded the motion.

SENATOR ERBELE; The amendment would be to add the emergency clause.

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

Date: 4-5-01

Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2389

Senate Agriculture Committee

Subcommittee on _____

or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken accede to House amendments + further amend

Motion Made By Senator Kroepelin Seconded By Senator Klein

Senators	Yes	No	Representatives	Yes	No
Senator Erbele	✓		Rep. Brandenburg	✓	
Senator Klein	✓		Rep. Kingsbury	✓	
Senator Kroepelin	✓		Rep. Sandwig	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

REPORT OF CONFERENCE COMMITTEE (420)
April 5, 2001 2:02 p.m.

Module No: SR-60-7906

Insert LC: .

REPORT OF CONFERENCE COMMITTEE

SB 2389, as engrossed: Your conference committee (Sens. Erbele, Klein, Kroeplin and Reps. Brandenburg, Kingsbury, Sandvig) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 986 and place SB 2389 on the Seventh order.

Engrossed SB 2389 was placed on the Seventh order of business on the calendar.

2001 TESTIMONY

SB 2389

SB 2389

February 8, 2001
North Dakota Senate Agriculture Committee

The Red River Valley Potato Growers Association is requesting language changes in the North Dakota Potato Seed Law.

S.B. 2389 requests that the:

Commissioner shall require all seed potatoes shipped into this state from another country, to carry a shipping point inspection certificate, plant health certificate and a phyto sanitary certificate. The certificate must include the seed lot and grade as well as the date of inspection.

Adding this language to the ND Potato Seed Law makes the ND law consistent with recent implementation of the federal law by APHIS. Historically, ND seed potato growers have been required to have these certificates and testing completed before exporting seed. This would require imported seed to carry the same requirements. The addition of this language would ensure only clean, disease free seed enters ND, as well as helping to level the playing field for seed trade.

Proposed changes to Number 3 should read:

3. The commissioner shall permit a North Dakota potato grower to sell or otherwise transfer certified potato seed to another ND potato grower. The recipient grower may plant the seed only for commercial production. The seed is not eligible for re-certification or retention as seed for the following production cycle.

The intent of this proposed change is to allow a potato grower to sell overrun quantities of seed to another grower. This is a common practice between friends and neighbors, but it is also illegal under the current law. It is practical to allow a single transfer of seed to another grower in regard to disease control, timeliness and proper disposal.

This seed could be planted for commercial production only. The seed would not be eligible for re-certification and could not be retained for planting in the following year.

Seed growers are not opposed to this transfer as they would have made the original sale of the seed they produced. Commercial producers favor this change as it allows them to recoup a portion of their seed cost and avoid the cost and time of properly disposing of leftover seed potatoes.

There is support from seed growers, commercial growers and the ND Seed Commissioner. We have met to discuss and agree on these proposed changes.

Sincerely,

Duane W. Maatz, President



**NORTH DAKOTA
STATE SEED
DEPARTMENT**

STATE UNIVERSITY STATION
P.O. BOX 8887
FARGO, ND 58106-8887
701-238-7210 FAX: 701-238-7214

Testimony: **SB 2389**
North Dakota State Seed Department

As pointed out by the RRV Potato Growers Assn., the objective of SB 2389 is to bring ND into compliance with federal requirements under APHIS. Also, the bill is intended to put the same requirements for inspection and documentation on imported seed as is required of North Dakota seed being shipped interstate or international.

However, SB 2389 as currently written may create confusion, and unintended consequences for the industry.

- The changes are intended to apply only to imported seed. The changes should therefore reference Chapter 4-10-06.3 specifically, and not apply to Chapter 4-10-06.4.
- It is impractical, if not impossible, to require that imported seed be inspected at the border. The intent of the request has been to require the same documentation of imported seed as is required of our exported product; shipping point (grade) inspections, health certificates and phytosanitary certificates. Authority for the designation of official shipping point inspection sites is already allowed under 4-10-07 and 4-10-09.

The easiest way to modify SB 2389, and accommodate the original intent of potato growers, would be to replace the language as follows:

Section 1. Chapter 4-10-06.3 is amended as follows:

Imported seed potatoes- Certification requirement. All seed potatoes imported into this state for planting purposes by any person from any state, territory, or country must be accompanied by an official shipping point inspection (grade) grade certificate describing the grade, seed lot, and date of inspection of the potatoes ~~or~~ a health certificate and a phytosanitary certificate (as defined in Chapter 4-09) to certify that the lot of seed potatoes was field inspected by an official certifying agency and is similar to the standards established by this chapter for seed potatoes.

These changes will allow the original intent of the legislation to be achieved, while removing unintended problems of the original draft language.

The second issue, involving seed transfer, is supported by the Seed Department.