

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2278

2007 SENATE AGRICULTURE

SB 2278

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2278

Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: February 9, 2007

Recorder Job Number: 3289

Committee Clerk Signature

Cassie Krow

Minutes:

Sen. Flakoll opened the hearing on SB 2278, a bill relating to county and township zoning regulation of concentrated animal feeding operations and a repository for zoning regulations.

Sen. Wanzek, district 29, testified in favor of the bill.

Sen. Wanzek- What this bill is trying to do is that when a local political subdivision does eventually draft some ordinances or some regulations regarding the establishment of feed lots, they would have to file those ordinances in a central location and in this case the state health department.

Wade Moser, ND stockmen's association, testified in favor of the bill. See attached graph that he refers to and goes over, time 2:02-8:20.

Sen. Flakoll- which was the red county?

Wade Moser- Pierce county.

Sen. Taylor- in your vision of this, would you see there being different gradations of zoning?

Wade Moser- I would say that would probably be one of the advantages of having that.

Sen. Klein- it almost sounds contradictory of what we have been debating the past 2 days, now you are telling us that the townships have zoning authority and here the people are fighting this because they think they don't have any zoning authority. Are we trying to pass this

central location thing when we really shouldn't be because they can't do it because we have taken that power away?

Wade Moser- we have never deviated from that authority at all. We never supported taking that authority away from the townships or counties to do the set back provisions for the zoning. Just let us know what you have got on the books.

Wayne Carlson, program manager for NDDA, testified in favor of the bill. See attached testimony.

Sen. Taylor- do you envision the global positioning being part of this or is that something that the Ag department would want to do as a service?

Wayne Carlson- at the present time I don't think that we have the resources to do something like that.

Woody Barth, ND Farmers Union, testified in favor of the bill.

Woody Barth- We stand in support of this bill. We believe that this would help animal agriculture move forward in ND and we support the intent and purpose of this bill and ask a do pass.

Eric Aasmundstad, president of ND farm bureau, testified in favor of the bill.

Eric Aasmundstad- We stand in support of the concept that is contained in within this bill to have a central location for information regarding zoning regulation. I think we have a question whether or not the health department is the correct place to put this. I think the bill ha come about because of the misunderstanding of the current law. The reason that we would think that maybe the health department isn't the place to put this is because we believe there is a very clear distinction between environmental health regulations that the health department takes care of and the actual zoning authorities that counties and townships have. We do believe it would be very good to have a web based list somewhere in existence. The set back

requirements on a county by county or township by township basis because we believe that is the power that is invested into counties and the townships now. That could be unattractive for someone wanting to come into ND and set up shop with a animal feeding operation. We do support the concept and just not sure if the health department should be put in there I would think it would maybe be more appropriate for the secretary of state.

Sen. Klein- it is this conflict that I am trying to make sure that we understand, in one bill that we are talking about it talks about taking all this power away, here we are talking about all this power that we have they want it in a depository so what is right here?

Eric Aasmundstad- I understand the confusion, I don't believe myself that there really should be any. I believe there is a need for depository so that people that want to set up animal feeding facilities in the state of ND have the ability to go and see how a county or a township has established set back distances. That is the authority that they have under the law now. The counties and the townships are not losing any authority.

Dave Glatt, NDDH, testified in favor of the bill.

Dave Glatt- We have no objection to having this housed by the state health department. I think there is some developments that need to be done that e could absorb the costs of. We wouldn't be providing legal advice whether or not an ordinance actually applies. I don't have any objection to this bill.

Sen. Flakoll- if you were to have this on there would you have some type of disclaimer on there that to the best of your knowledge the data is up to date?

Dave Glatt- that would be a good idea.

Sen. Taylor- you were never asked to produce a fiscal note for the bill?

Dave Glatt- we talked about it a little bit, I think the amount that it will cost to set up we will be able to absorb.

Sen. Klein- do you have the authority to require bonding?

Dave Glatt- no.

No opposition to the bill.

Sen. Flakoll closed the hearing.

Sen. Klein motioned for a do pass and was seconded by **Sen. Taylor**. Roll call vote 1: 7 yea,
0 nay, 0 absent. **Sen. Wanzek** was designated to carry the bill to the floor.

Date: Feb 9, 07
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2278

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Klein Seconded By Taylor

Senators	Yes	No	Senators	Yes	No
Tim Flakoll-Chairman	X		Arthur H. Behm	X	
Terry M. Wanzek-Vice Chairman	X		Joan Heckaman	X	
Robert S. Erbele	X		Ryan M. Taylor	X	
Jerry Klein	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Wanzek

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

REPORT OF STANDING COMMITTEE (410)
February 9, 2007 12:10 p.m.

Module No: SR-28-2716
Carrier: Wanzek
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2278: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2278 was placed on the
Eleventh order on the calendar.

2007 HOUSE AGRICULTURE

SB 2278

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2278

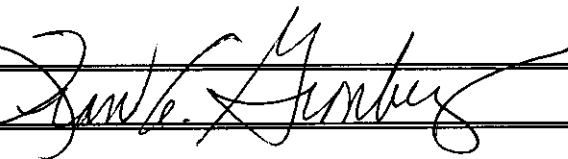
House Agriculture Committee

Check here for Conference Committee

Hearing Date: 3-15-07

Recorder Job Number: 5099

Committee Clerk Signature



Minutes:

Chairman Johnson opened the hearing on SB 2278.

Senator Wanzek, Dist 29: I am here on behalf of the Stockman's Association. The bill's intent is to have a centralized information center on zoning of local political subdivisions. If local subdivisions changed any zoning regulations they would be required to file the results in a centralized location within the Health Department.

Wade Moser, ND Stockman's Association: (map attached)

Repeated intent of bill and said that everyone need to know about the changes in order to be in compliance. A centralized information center is necessary.

Wayne Carlson, Livestock Service Program Manager: (testimony and survey results attached)

Rep Uglem: Why isn't there a fiscal note?

Carlson: Last hearing it was mentioned, but Dave Glatt of the Health Dept said it wasn't needed.

Woody Barth, ND Farmers Union: I am here in support of SB 2278

Brian Kramer, ND Farm Bureau: We support the bill and have nothing new to add.

Dave Glatt, Chief of Environmental Section of the ND Ag Dept: There is not much fiscal impact to get it set up.

Rep Uglem: It says that the zoning regulation is not effective until filed with the Department of Health. Does that interfere with the counties areas?

Glatt: No, that's part of the process.

NO OPPOSTION HEARING CLOSED

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2278

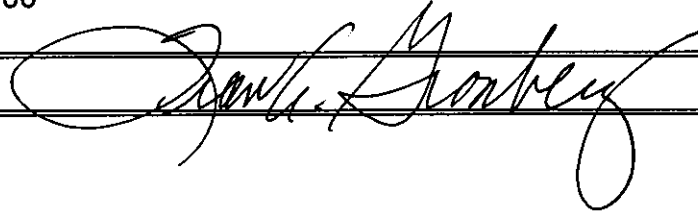
House Agriculture Committee

Check here for Conference Committee

Hearing Date: 3-15-07

Recorder Job Number: 5100

Committee Clerk Signature



Minutes:

Chairman Johnson asked the committee what they wanted to do with SB 2278.

Rep Onstad made a Do Pass Motion

Rep Headland seconded the motion

(yes) 11 (no) 0 (absent) 2

Carrier: Rep Froelich

Date: 3/15/07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House Agriculture

Committee

Check here for Conference Committee

Legislative Council Amendment Number B 2278

Action Taken Do Pass

Motion Made By Rep Onstad Seconded By Rep Headland

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	✓		Tracy Boe		
Vice Chair Joyce Kingsbury	✓		Rodney Froelich	✓	
Wesley Belter			Phillip Mueller	✓	
Mike Brandenburg	✓		Kenton Onstad	✓	
Craig Headland	✓		Benjamin Vig	✓	
Brenda Heller	✓				
John D Wall	✓				
Gerry Uglem	✓				

Total (Yes) 11 No 0

Absent 2

Floor Assignment Rep ~~Kingsbury~~ Froelich

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

REPORT OF STANDING COMMITTEE

SB 2278: Agriculture Committee (Rep. D. Johnson, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2278 was placed on the
Fourteenth order on the calendar.

2007 TESTIMONY

SB 2278

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Testimony of Wayne R. Carlson
Livestock Service Program Manager
Senate Bill 2278
Senate Agriculture Committee
Roosevelt Room
February 9, 2007

*Same to
House*

Chairman Flakoll and members of the Agriculture Committee, I am Wayne Carlson, Program Manager for Livestock Services for the North Dakota Department of Agriculture. I am here today in support of SB 2278 would require townships and counties to file their zoning ordinance with the health department to be stored in a central repository.

A North Dakota law allows counties and townships the right to zone land use for concentrated livestock feeding operations. Each county or township can adopt the model zoning or can develop their own zoning requirements. These ordinances vary for county to county or township to township. Access to this information is very important when producers from our state or out of state producers are looking a possible site for a concentrated feeding operation.

Presently the only access to this information is calling to the individual counties and asking for their ordinances. This can be real cumbersome when individual townships also have zoning requirements.

This spring our Marketing Specialist, Bobbie Talmadge, did a survey on all 53 counties asking them these three questions:

Do you have township zoning for livestock feeding operations?

Does your county have zoning for livestock feeding operations?

If your county is zoned, did you adopt the states model zoning?

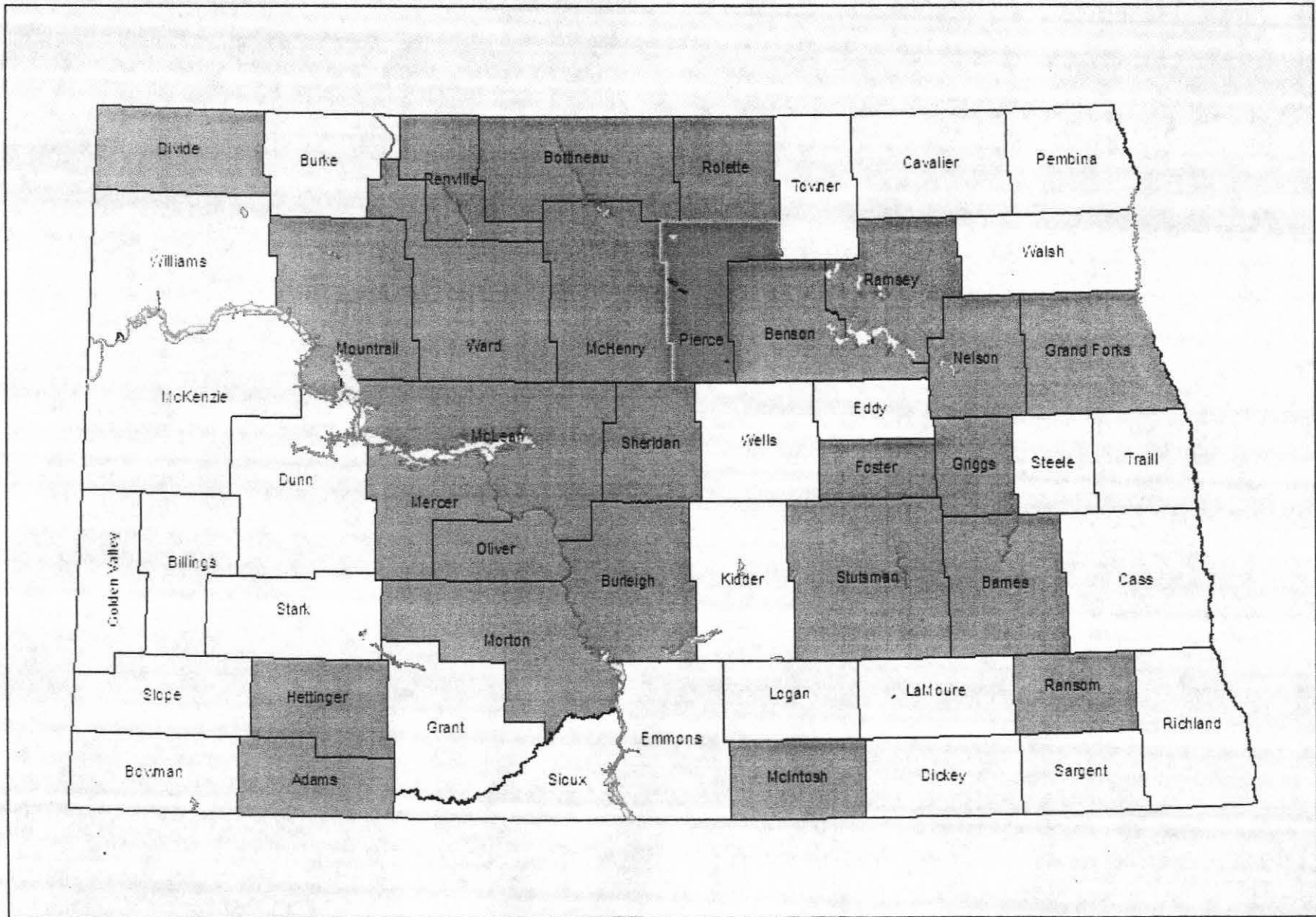
I have enclosed the results of her survey for your review. The results of this survey are not really that important as to the purpose of the bill, but the trouble she had finding the information illustrates the problem that exists. In most cases, with a little prodding and repeated correspondence, the county information was available. However most of the information regarding townships adopting a livestock zoning ordinance was not available.

If livestock production is to proceed in this state, we need to provide a place where anybody can go and look at zoning requirements of every county and township. This would save time and money for anybody involved in placing an operation where it is wanted and where it makes sense to place the operation. This bill would provide this type of service to the livestock industry. It would in no way infringe on counties' right to zone as long as they submit the zoning ordinances to the Health Department.

Chairman Flakoll and committee members, I urge a do pass on SB 2278. I would be happy to answer any questions you may have.

1) How many townships in your county have zoning requirements for feeding operations?					
2) Is your county currently zoned for livestock feeding operations?					
3) Was the model zoning ordinance or a variation of the model adopted as part of that process?					
county	Question 1	Question 2	Question 3		
1 Adams	no	yes	no, but would like to see		
2 Barnes	didn't know	yes	yes		
3 Benson	2	yes			
4 Billings	no	no, need special use permit			
5 Bowman	no	no			
6 Bottineau	yes	no			
7 Burleigh	yes	yes			
8 Burke	no	no	no		
9 Cass	1	no			sent link
10 Cavalier	no	no			
11 Dickey	2	yes			sent 2 twns
12 Divide Co	1	yes	yes		sent copy
13 Dunn	no	no			
14 Eddy	no	no zoning in place, working on it			
15 Emmons	no	no			
16 Foster	18 delgated to co.	yes	yes		
17 Golden Valley	no	no			
18 Grand Forks	13	yes	yes		sent a copy
19 Grant	no	no			
20 Griggs	didn't know	yes		from Lake Agassiz	
21 Hettinger	1	yes			
22 Kidder	no	no			
23 LaMoure	9	no			
24 Logan	no	no, working on it			
25 McHenry	no	yes	no, he did think so		
26 McIntosh	didn't know	yes	yes		
27 McKenzie	no	no			
28 McLean	no, all relinquished	yes	yes		sent copy
29 Mercer	no	yes	yes		sent a copy
30 Morton	1	yes	yes		
31 Mountrail	52	yes	yes		sent copy
32 Nelson	no	yes	looking at it		
33 Oliver	no	yes	yes		
34 Pembia	no	no			
35 Pierce	no	no	MORITORIUM IN PLACE started Dec 03/ July 06		
36 Ramsey	not sure	yes			on web
37 Ransom	no	yes	yes		sent copy
38 Renville	none	yes	yes		sent copy
39 Richland	not sure	no			
40 Rolette	didn't know	yes	yes		sent copy
41 Sargent	24	no			sent
42 Sheridan	no	yes	yes		sent a copy
43 Slope	no	no			
44 Souix Co	no	no			
45 Stark	no	no			
46 Steele	yes, not sure, 20	no			
47 Stutsman	no	yes	yes		
48 Towner	no	DRAFT of 30 pages	Similar to Ramsey Co.		
49 Traill	not sure	no			
50 Walsh	no	no			
51 Ward	no	yes	yes		sent copy
52 Wells	no	no			
53 Williams	3	no, working on it			

North Dakota Department of Agriculture Livestock Zoning - December 2006



□ No

■ Yes

■ Moratorium