

2009 HOUSE AGRICULTURE

HB 1149

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1149

House Agriculture Committee

Check here for Conference Committee

Hearing Date: January 22, 2009

Recorder Job Number: 7537

Committee Clerk Signature



Minutes:

Kent Junkert, Plant Industries Program Manager, ND Ag Dept.: (supports HB 1149)

Dave Nelson, the current entomologist will retire in 2009, possibly the fall. When looking for a replacement, removing the requirement for a state entomologist provides greater flexibility to the commissioner to utilize various persons with expertise in various pest disciplines.

(Written testimony attached #1)

Foreign countries tell us that in order for you to export ND commodities to our country you must meet these requirements. We conduct many inspections. In order to do this, we need qualified individuals on our staff. To give you an idea of the scope of the work, from 2005-2008 we conducted 10,290 phytosanitary certificates. We impacted over 10,000 imports to foreign countries. Five commodities make up 71% of our phytosanitary work. We are exporting 8 commodities to 80 countries.

Representative Belter: What type of training are you looking for?

Kent Junkert: Training in plant regulatory experience with a multidiscipline background.

A combination of experience in entomology, plant pathology and some experience as a nematologist. We're looking for a broader experience set because we're dealing with a variety

of pests. In the 80's the program dealt with mostly grasshoppers. Now there is a broader threat of pests coming to North Dakota.

Representative Belter: You're looking for an individual that is highly experienced? There isn't a specific degree?

Kent Junkert: Yes. We're also looking for a large amount of experience in survey work. They call it delimiting surveys. You find the source of the problem and then you work outwards to figure the scope of infestation and threats to other parts of the state.

Representative Mueller: Does this create for the dept. an FTE issue?

Kent Junkert: No. All this bill does is allow for the ability for the Ag. Commissioner to go out and find a qualified individual according to the job experience that we think would fit the program at the time. It doesn't eliminate the FTE. It just eliminates the description of the position in code and eliminates the specific entomology requirement for this position. Right now, I would have to hire a specific entomologist. To better serve North Dakota we need a broader experience set.

Representative Mueller: How many similar kinds of circumstances does the dept. have that might be better served by a broader title.

Kent Junkert: I think three sessions ago, the legislature eliminated the State Dairy Director. Right now the last one we have is the State Apiary Director which would be Judy Carlson.

Representative Holman: Do you already use people with a specific responsibility in a broader range?

Kent Junkert: Yes. Because we have a large amount of work. ND is turning into a global export state. Each country has specific import requirements.

Representative Froelich: Do you have a list of what goes to each county?

Kent Junkert: I will get that to you

Representative Holman: Does the state entomologist depend on the extension service?

Kent Junkert: Yes. We sign survey agreements with the research arm to help us go out and do some foot work. They employ NDSU students/grads to help with survey work.

Representative Schatz: When reading this bill, it doesn't look like there is any requirement for a degree. Could you hire someone without a degree?

Kent Junkert: We work under the State Personnel system, so I'll work with Human Resource Management services. They will classify this position and accurately describe it before I can release an ad.

Representative Schatz: If you can't find anyone, do you have to take someone without a degree.

Kent Junkert: I would expect the job description would require a degree and would probably have a preferred requirement for a graduate degree.

Representative Belter: I am uncomfortable removing the language that you must be from a credited college. Have you had any discussion as to leaving some of that language.

Kent Junkert: As a classified employee, we can put very specific requirements in the job description. We can set as to what is needed at the time.

Representative Belter: Is this now a classified position?

Kent Junkert: Yes

Vice Chairman Brandenburg: Why not hire another entomologist? I understand you need more flexibility. I'm trying to understand the people that set this up years ago probably had a good reason for it. Are we going forward or backward?

Kent Junkert: Back in the 60's this position used to be a research position. As it evolved, it turned into more of a survey, more of a regulatory position. I think we're going forward.

Opposition: None

Chairman Johnson: Closed the hearing.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1149

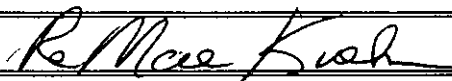
House Agriculture Committee

Check here for Conference Committee

Hearing Date: January 30, 2009 (**Committee Work**)

Recorder Job Number: 8264

Committee Clerk Signature



Minutes:

Kent Junkert, Plant Industries Program Manager, ND Ag Dept.: Presented proposal for an amendment to meet concerns of committee. (**#1 attached**)

Representative Belter: "Other qualified employees" that's not acceptable to me.

Chairman Johnson: I felt that being a graduate in that area is addressing your concerns.

Representative Mueller: I'm not seeing a whole lot of difference between what Mr. Junkert is suggesting and the language of the law as it reads today.

Kent Junkert: As the bill is drafted right now, the individual must be a graduate in Ag Entomology specifically. We would like the opportunity to bring in an individual with the scientific background for the biggest issues that will come forward at the time.

Representative Rust: Are you going from one person in the current law which is "shall employ a qualified entomologist" to multiple people?

Kent Junkert: The suggested language you have in front of you would address all disciplines for all three FTEs that are currently in place. There is an Ag Entomologist and two Plant Pathologists in this area. This would provide qualification criteria for the future as we replace or if we replace those three people.

Representative Rust: If our current law says a qualified entomologist and we now have three people, how are the other two hired? Why hasn't it been a problem before?

Kent Junkert: The current law specified the State Agricultural Entomologist. One position. There's always been three positions in that area. This was law that was transferred over from when the position was given up from NDSU and provided to the department. For some reason they wrote in there that they wanted to have a recognized state entomologist—1 position. The law never specifically addressed the two other employees in that area. The suggested language now would make sure that we're going to hire people with the proper scientific credentials to do the job.

Representative Rust: I'm still wondering if we weren't concerned about it and now we are. How did we manage before?

Kent Junkert: We have three people in this division. One is the state agriculture entomologist who has an entomology degree. We have two plant pathologists. These are classified positions which are defined by human resource management from OMB. In order to obtain that classification, we write in minimum criteria. This is one of three remaining positions that are spelled out in Century Code what you must have to obtain the job. The State Veterinarian, the State Apiary Director, and the State Entomologist are the three defined in law.

Representative Rust: My problem is we've gone from one person to multiple people in the new law. I think you've grown the scope of the existing law.

Representative Belter: "Other related disciplines"? Maybe if we added "other related scientific disciplines." There should be no doubt that this person needs to be qualified in a scientific field relating to plant pathology.

Kent Junkert: We're trying to raise the comfort level that the positions in this department are going to be qualified individuals. As we look forward there might be other issues facing plant protection that require a different type of scientific background so we can react.

Representative Holman: If you go back to the first line of the bill, it has a singular note to hiring one person.

Representative Rust: The new language "qualified entomologists" is more than one.

Kent Junkert: I was just trying to encompass all the employees that work there in that division. I could try to bring back a recommendation that would make it singular. The FTEs that are associated with this department are authorized by the legislature. The reference in law describes anyone that works in that plant division should have this type of background and training.

Chairman Johnson: I think to get the questions answered, I'll appoint a subcommittee.

*Representative Uglem, Chair

*Representative Rust

*Representative Holman

Bring something back next week.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1149

House Agriculture Committee

Check here for Conference Committee

Hearing Date: February 5, 2009 (**Committee Work**)

Recorder Job Number: 8811

Committee Clerk Signature

Minutes:

Kent Junkert: I know there's been discussion about how we hire the State Entomologist.

I have Dave Nelson here with me today to introduce him. He is our current Ag Entomologist.

We have an amendment drawn up for consideration. (**#1 attached**)

It describes the disciplines that we think we need in a position for plant protection. There were questions on our last suggested amendment about if we were dealing with multiple people or a single person. We are referencing a single person now that would have to hold a degree in entomology, plant pathology, or other agricultural or biological sciences and who has work experience in those fields. We're trying to capture the proper technical background and work experience to hold a position in this area.

Representative Belter: Before I can accept this amendment, I would have to strike "or other agricultural" and "who has experience."

Kent Junkert: The department would support that.

Representative Holman: I move to adopt the amendment and further amend.

Representative Belter: Seconded the motion

Representative Vig: How many recent graduates out of NDSU do you hire that may not have experience?

Dave Nelson, Current State Entomologist: We currently have three people on staff.

I have a Masters Degree in Entomology. The other two have Masters Degrees in Plant Pathology. The position in this bill is the leader of that group and that's why we talked about experience.

Chairman Johnson: With the amendment before us, we'll take a voice vote.

Voice vote on amendment passed.

Representative Belter: I would move that we strike "or other agricultural."

Representative Schatz: Seconded the motion.

Representative Mueller: Are we OK with "and who has experience working in those fields."

Representative Belter: I just wanted to do one change at a time.

Chairman Johnson: With the amended amendment before us all, we'll take a voice vote.

Voice vote on amended amendment passed.

Chairman Johnson: With the amended amendment before us---

Representative Belter: I would also move to put a period after "science" and strike "and who has experience working in those fields." This would leave it up to the commissioner if he wants to hire someone with experience or not.

Representative Holman: Seconded the motion to further amend the amendment.

Voice vote on amended amendment passed.

Representative Boe moved Do Pass on HB 1149 amended as amended.

Representative Rust seconded.

A Roll Call vote was taken. **Yes: 12, No: 0, Absent: 1**, (Representative Brandenburg).

Representative Rust will carry the bill.

FISCAL NOTE
Requested by Legislative Council
02/10/2009

Amendment to: HB 1149

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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 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.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill as amended has no fiscal impact.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill has no fiscal impact.

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.*

This bill has no fiscal impact.

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.*

This bill has no fiscal impact.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

This bill has no fiscal impact.

Name:	Jeff Weispfenning	Agency:	Agriculture
Phone Number:	328-4758	Date Prepared:	02/10/2009

FISCAL NOTE
Requested by Legislative Council
12/23/2008

Bill/Resolution No.: HB 1149

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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 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.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill has no fiscal impact.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill has no fiscal impact.

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.*

This bill has no fiscal impact.

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.*

This bill has no fiscal impact.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

This bill has no fiscal impact.

Name:	Jeff Weispfenning	Agency:	Agriculture
Phone Number:	328-4758	Date Prepared:	12/30/2008

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1149

#1
Kent Jun Kent
1149
2/5/09

Page1, line 8, after "chapter." Insert "In doing so the commissioner shall employ a person who has either a college degree in entomology, plant pathology, or other agricultural or biological sciences, and who has experience working in those fields."

Renumber accordingly

Date: 2/5/09
 Voice Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1149

House Agriculture Committee

Check here for Conference Committee

Attach #1

Legislative Council Amendment Number Proposed amendment

Action Taken Do Pass Do Not Pass Amended

Motion Made By Rep. Holman Seconded By Rep. Belter

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chair			Tracy Boe		
Mike Brandenburg, Vice Chair			Rod Froelich		
Wesley R. Belter			Richard Holman		
Joyce M. Kingsbury			Phillip Mueller		
David S. Rust			Benjamin A. Vig		
Mike Schatz					
Gerry Uglem					
John D. Wall					

*Voice
Vote
passed*

Total (Yes) _____ No _____

Absent _____

Bill Carrier _____

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

Date: 2/5/09
Voice
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1149

House Agriculture Committee

Check here for Conference Committee

Attach #1

Legislative Council Amendment Number Proposed amendment

Action Taken Do Pass Do Not Pass Amended

Motion Made By Rep. Belter Seconded By Rep. Schatz

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chair			Tracy Boe		
Mike Brandenburg, Vice Chair			Rod Froelich		
Wesley R. Belter			Richard Holman		
Joyce M. Kingsbury			Phillip Mueller		
David S. Rust			Benjamin A. Vig		
Mike Schatz					
Gerry Uglem					
John D. Wall					

Voice
Vote
Passed

Total (Yes) _____ No _____

Absent _____

Bill Carrier _____

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

Strike "or other agricultural"

Date: 2/5/09
Voice
 Roll Call Vote #: 3

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 1149

House Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number Proposed Amendment

Attach #1

Action Taken Do Pass Do Not Pass Amended

Motion Made By Rep. Belter Seconded By Rep. Holman

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chair			Tracy Boe		
Mike Brandenburg, Vice Chair			Rod Froelich		
Wesley R. Belter			Richard Holman		
Joyce M. Kingsbury			Phillip Mueller		
David S. Rust			Benjamin A. Vig		
Mike Schatz					
Gerry Uglem					
John D. Wall					

voice passed

Total (Yes) _____ No _____

Absent _____

Bill Carrier _____

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

Strike
"and who has experience working in those fields"

YR
2/5/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1149

Page 1, line 8, remove the overstrike over "~~The commissioner shall employ~~"

Page 1, line 11, after "~~Bismarck~~" insert "an individual who has a baccalaureate degree in entomology, plant pathology, or biological sciences" and remove the overstrike over the overstruck period

Renumber accordingly

Date: 2/5/09

Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1149

House Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number 98212.0101

Action Taken Do Pass Do Not Pass Amended

Motion Made By Rep. Boe Seconded By Rep. Rust

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chair	✓		Tracy Boe	✓	
Mike Brandenburg, Vice Chair	✓	AB	Rod Froelich	✓	
Wesley R. Belter	✓		Richard Holman	✓	
Joyce M. Kingsbury	✓		Phillip Mueller	✓	
David S. Rust	✓		Benjamin A. Vig	✓	
Mike Schatz	✓				
Gerry Uglem	✓				
John D. Wall	✓				

Total (Yes) 12 No 0

Absent 1

Bill Carrier Rep. Rust

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

REPORT OF STANDING COMMITTEE

HB 1149: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1149 was placed on the Sixth order on the calendar.

Page 1, line 8, remove the overstrike over "~~The commissioner shall employ~~"

Page 1, line 11, after "~~Bismarck~~" insert "an individual who has a baccalaureate degree in entomology, plant pathology, or biological sciences" and remove the overstrike over the overstruck period

Renumber accordingly

2009 SENATE AGRICULTURE

HB 1149

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1149

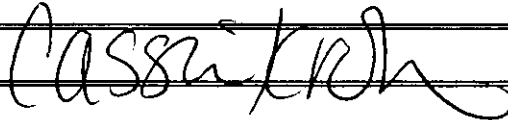
Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: March 5, 2009

Recorder Job Number: 10291

Committee Clerk Signature



Minutes:

Sen. Flakoll opened the hearing on HB 1149, a bill relating to the state agricultural entomologist. Members present (6) absent (1)- **Sen. Taylor**.

Ken Junkert, ND Department of Agriculture Plant Industries Program Manager, testified in favor of the bill. See attached testimony, attachment #1.

Sen. Klein- cant we do this in rule, someone is going to have to do the hiring here and wouldn't you be able to say that you are looking for someone with a certain degree, cant you do that within rule is that why we have to be here?

Ken Junkert- as the bill started out on the house side we sought that flexibility, the house agriculture had severe heartburn about the issue and actually provided the expansion and the degrees as specified in the bill as it stands. We asked to eliminate the state agriculture entomologist and just put in there that the commissioner has the ability to hire and adopt rules and the house ag committee had concerns about that, so we did seek that flexibility.

Sen. Heckaman- when I look at the fiscal note there is nothing on there, is there an expectation that there will be more funding needed for this staff position or not?

Ken Junkert- no. I just want to hand out a sheet of all the places that we import to by crop that might be of interest to you. See attachment #2.

No opposition to the bill.

Sen. Flakoll closed the hearing.

Sen. Miller motioned for a Do Pass and was seconded by **Sen. Heckaman**, Roll call vote 6
yea 0 nay 1 absent. **Sen. Heckaman** was designated to carry the bill to the floor.

Date: 3.5.08
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1149

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Miller Seconded By Heckaman

Senators	Yes	No	Senators	Yes	No
Tim Flakoll-Chairman	X		Arthur Behm	X	
Terry Wanzek-Vice Chairman	X		Joan Heckaman	X	
Jerry Klein	X		Ryan Taylor		
Joe Miller	X				

Total (Yes) 6 No 0

Absent 1 - Sen. Taylor

Floor Assignment Sen. Heckaman

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

REPORT OF STANDING COMMITTEE (410)
March 6, 2009 1:06 p.m.

Module No: SR-39-4219
Carrier: Heckaman
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1149, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1149 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HB 1149

Roger Johnson
Agriculture Commissioner
www.agdepartment.com



Kenneth Junkert 1/22/09 HB 1149

Phone (701) 328-2231
Toll Free (800) 242-7535
Fax (701) 328-4567

(#1)

600 E Boulevard Ave., Dept. 602
Bismarck, ND 58505-0020
Equal Opportunity in Employment and Services

**Testimony of Kenneth S. Junkert
North Dakota Department of Agriculture
House Bill 1149
House Agriculture Committee
Peace Garden Room
9:00 am, January 22, 2009**

Chairman Johnson and members of the House Agriculture Committee, I am Ken Junkert, the North Dakota Department of Agriculture Plant Industries Program manager. I am here today in support of HB 1149 which will amend North Dakota Century Code (NDCC) § 4-33-02 to remove the requirement that the agriculture commissioner employ a qualified entomologist to serve as state agricultural entomologist to carry out the survey, control and quarantine provisions of NDCC Chapter 4-33 which deals with plant pests.

The Plant Protection Division in the North Dakota Department of Agriculture seeks to safeguard agronomic field crops, horticultural crops and grasses used for livestock production from plant pests through survey, control, eradication and quarantine activities. The Plant Protection Division is also charged with providing export certification services that assist agricultural exporters to meet the plant pest quarantine requirements of foreign countries. Inspection of

agricultural commodities and plants for plant pests including insects, plant pathogens, and nematodes is necessary to fulfill this responsibility as is a survey program to demonstrate that North Dakota is free of pests considered to be quarantine pests by foreign governments.

Insects of relevance to our responsibilities include grasshoppers which periodically reach outbreak status where cooperative control programs are undertaken. Many exotic insects could threaten North Dakota with perhaps the most serious being Emerald ash borer which poses a huge threat to North Dakota ash trees. Finally, many of our agricultural products that are exported must be certified free of a wide variety of insect pests.

But there are many other pests of concern that are not insects. Karnal bunt is a fungus disease of wheat that threatened North Dakota wheat exports when it was discovered in Arizona in 1996. A statewide survey program was and is essential to allow North Dakota exports to continue. When potato cyst nematode was discovered in Idaho several years ago and subsequently found in parts of Canada, survey was again necessary to demonstrate that North Dakota was free of the pest as well as to provide the baseline data needed to justify federal restrictions on imports that could potentially introduce this serious pest. Also, many of our agricultural products that are exported must be certified free of a wide variety of plant diseases and nematodes. As a result, a strong background in plant pathology or other disciplines is important for this component of the work. We currently employ staff with both types of expertise – one entomologist and two plant

pathologists. The current law doesn't accurately reflect the work completed the by the Plant Protection Division.

NDCC Chapter 4-33 requires that the agriculture commissioner employ a qualified entomologist to serve as state agricultural entomologist to carry out the provisions of the chapter. Removing the specific requirement for a state entomologist provides greater flexibility to the commissioner to utilize various persons with expertise in various pest disciplines including entomology, plant pathology and nematology in carrying out the provisions of the law.

Chairman Johnson and committee members, I urge a do pass recommendation on HB 1149. I would be happy to answer any questions you may have.

1149

#1
Kent Sunkent
1/30/09

The current bill indicates the following (minus overstrikes and underlines):

4-33-02. Administration – Rulemaking authority. The commissioner shall administer this chapter. The commissioner may adopt rules to carry out this chapter.

The North Dakota Department of Agriculture suggests the following to address your concerns:

4-33-02. Administration – Rulemaking authority. The commissioner shall administer this chapter. The commissioner shall employ qualified entomologists, plant pathologists, and other qualified employees. The individuals must be competent and skilled and be graduates of a recognized entomology, plant pathology, or other related discipline at a recognized college or university. The commissioner may adopt rules to carry out this chapter.

Roger Johnson
Agriculture Commissioner
www.agdepartment.com



Attachment #1
Phone (701) 328-2231
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Fax (701) 328-4567

600 E Boulevard Ave., Dept. 602
Bismarck, ND 58505-0020
Equal Opportunity in Employment and Services

**Testimony of Kenneth S. Junkert
North Dakota Department of Agriculture
House Bill 1149
Senate Agriculture Committee
Brynhild Haugland Room
8:50 am, March 5, 2009**

Chairman Flakoll and members of the Senate Agriculture Committee, I am Ken Junkert, the North Dakota Department of Agriculture Plant Industries Program manager. I am here today in support of HB 1149 which will amend North Dakota Century Code (NDCC) § 4-33-02 to expand the educational background hiring requirements for the individual currently employed as the state agricultural entomologist to carry out the survey, control and quarantine provisions of NDCC Chapter 4-33 which deals with plant pests.

The Plant Protection Division in the North Dakota Department of Agriculture seeks to safeguard agronomic field crops, horticultural crops and grasses used for livestock production from plant pests through survey, control, eradication and quarantine activities. The Plant Protection Division is also charged with providing export certification services that assist agricultural exporters to meet the plant pest quarantine requirements of foreign countries. Inspection of

agricultural commodities and plants for plant pests including insects, plant pathogens, and nematodes is necessary to fulfill this responsibility as is a survey program to demonstrate that North Dakota is free of pests considered to be quarantine pests by foreign governments.

Insects of relevance to our responsibilities include grasshoppers which periodically reach outbreak status where cooperative control programs are undertaken. Many exotic insects could threaten North Dakota with perhaps the most serious being Emerald ash borer which poses a huge threat to North Dakota ash trees. Finally, many of our agricultural products that are exported must be certified free of a wide variety of insect pests.

But there are many other pests of concern that are not insects. Karnal bunt is a fungus disease of wheat that threatened North Dakota wheat exports when it was discovered in Arizona in 1996. A statewide survey program was and is essential to allow North Dakota exports to continue. When potato cyst nematode was discovered in Idaho several years ago and subsequently found in parts of Canada, survey was again necessary to demonstrate that North Dakota was free of the pest as well as to provide the baseline data needed to justify federal restrictions on imports that could potentially introduce this serious pest. Also, many of our agricultural products that are exported must be certified free of a wide variety of plant diseases and nematodes. As a result, a strong background in plant pathology or other disciplines is important for this component of the work. We currently employ staff with both types of expertise – one entomologist and two plant

pathologists. The current law doesn't accurately reflect the work completed the by the Plant Protection Division.

NDCC Chapter 4-33 requires that the agriculture commissioner employ a qualified entomologist to serve as state agricultural entomologist to carry out the provisions of the chapter. Removing the specific requirement for a state entomologist provides greater flexibility to the commissioner to utilize a person with expertise in various pest disciplines including entomology, plant pathology and nematology in carrying out the provisions of the law.

Chairman Johnson and committee members, I urge a do pass recommendation on HB 1149. I would be happy to answer any questions you may have.

Indonesia																					0			
Israel																					4			
Italy																					10			
Jamaica																					0			
Japan																					0			
Jordan											3										3			
Korea									1												1			
Lebanon																					0			
Madagascar																					0			
Malaysia																					0			
Mexico			3																	8	11			
Morocco																					0			
Nepal																					0			
Netherlands																				1	1			
New Zealand			2		1															4	7			
Nicaragua																					0			
Nigeria																			1		1			
Norway																					0			
Oman																					0			
Pakistan																					0			
Peru																					0			
Philippines																					0			
Poland																				1	1			
Portugal																					0			
Romania																					0			
Saint Lucia																					0			
Saudi Arabia																					0			
Senegal																					0			
Serbia																			1		1			
Singapore																					0			
Slovakia																				2	1	3		
South Africa																					0			
Spain																				18	18			
Sri Lanka																				1	1			
Switzerland																			1		1			
Syria																				1	1			
Taiwan																					0			
Thailand																					0			
Turkey																				2	2			
Ukraine																				4	4			
UAE																					0			
United Kingdom																				1	1			
Uruguay																					2	4		
Venezuela																					0			
Vietnam																					1	1		
			19		2		2				7		1						56	145	319	118	73	742

Israel										7									10						11
Italy			19							5						1					4				29
Jamaica			4																					4	
Japan					1										1			15				2	3	22	
Jordan																			1					1	
Korea			8				2			2					8	2	24	10	1			13	41	111	
Lebanon						1				1					7									9	
Madagascar															1									1	
Malaysia																1							2	3	
Mexico	214	12	347			7	2	2	53		1	11			58				9			38	7	761	
Morocco									1						2									3	
Nepal															3									3	
Netherlands			59																				1	60	
New Zealand			1																		15			16	
Nicaragua			1																					1	
Nigeria																								0	
Norway											1													1	
Oman																							3	3	
Pakistan						2			11					1	22								9	45	
Peru									43						3									46	
Philippines															1		2		2			2		7	
Poland																								0	
Portugal			6																					6	
Romania															2									2	
Saint Lucia			1																					1	
Saudi Arabia			3																					3	
Senegal															3								1	4	
Serbia																								0	
Singapore																							9	9	
Slovakia																								0	
South Africa								4							6									10	
Spain								2	1						1									4	
Sri Lanka									3						3								1	7	
Switzerland			2												2		3						1	8	
Syria																					1			1	
Taiwan							2	3							22	131				4		10	10	182	
Thailand																50						8	2	60	
Turkey			3						20						3									26	
Ukraine																	2							2	
UAE			1												16				6			12		35	
United Kingdom																						1	6	7	
Uruguay																								0	
Venezuela			3												1									4	
Vietnam																	32						1	33	
	781	29	8 923	1	8	7	8	4	19 145	6	34	11	7	3	651	14	254	25	35	35	163	100	3271		