

2013 SENATE AGRICULTURE

SB 2071

2013 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee
Roosevelt Park Room, State Capitol

SB 2071
January 10, 2013
17071

Conference Committee

Stamp

The purpose of the bill would make it easier for out of state dealers to list cattle in the state through video or internet auctions. The main reason that the North Dakota Agriculture department submitted the bill is to make it easier to regulate sales that are on the border.

Minutes:

Chairman Miller opened the hearing on SB 2071 relating to satellite video livestock auction market regulations.

Wayne Carlson, Livestock Development Director for the North Dakota Department of Agriculture introduced the bill and urged a do pass. Current law states that representative licensed must be a resident of North Dakota and must be licensed as a dealer or auction market. This bill simply removes the requirement that the representative must be a North Dakota resident. Written testimony #1.

Senator Larsen asked what the present licensing fees are.

Wayne Carlson answered that there is a hundred dollar licensing fee to be a representative. In addition, you have to be a dealer and there is a fifty dollar fee for the dealer and if you are an auction market it is a two hundred dollar charge. All fees are yearly. Currently there are ten representatives licensed as satellite video dealers or auctions.

Senator Larsen asked that with the closing of the Minot auction facility, will this increase satellite video livestock.

Wayne Carlson responded that he didn't think it would make a difference. He added that the Minot auction closing is more detrimental for the sale of cows.

Senator Luick asked if this bill only pertains to livestock.

Wayne Carlson said that this chapter is specific livestock.

No opposing testimony.

Senator Miller closed the hearing on SB 2071.

Senate Agriculture Committee
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Senator Luick made a motion for a **Do Pass** recommendation on SB 2071.

Senator Larsen seconded the motion.

Roll call vote: 5-0-0

Senator Larsen is the carrier.

Date: 1-11-12
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2071

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Senator Luick Seconded By Senator Larsen

Senators	Yes	No	Senator	Yes	No
Chairman Joe Miller	✓				
Vice Chairman Larry Luick	✓				
Senator Jerry Klein	✓				
Senator Oley Larsen	✓				
Senator Joan Heckaman	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Senator Larsen

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

REPORT OF STANDING COMMITTEE

SB 2071: Agriculture Committee (Sen. Miller, Chairman) recommends DO PASS
(5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2071 was placed on the
Eleventh order on the calendar.

2013 HOUSE AGRICULTURE

SB 2071

2013 HOUSE STANDING COMMITTEE MINUTES

House Agriculture Committee
Peace Garden Room, State Capitol

SB 2071
March 14, 2013
Job #19936

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to satellite video livestock auction market regulations

Minutes:

Attachment #1

Wayne Carlson, Livestock Development Director, North Dakota Department of Agriculture: (See attached #1)

Representative M. Nelson: How does brand inspection coincide with satellite auctions?

Wayne Carlson: Livestock are weighed before they go out of state. State law says that before they leave the state they have to be brand inspected. Usually at the time of weighing there is a brand inspector present.

Chairman Dennis Johnson: Do you see foresee licensing these dealers?

Wayne Carlson: We go through the same procedures. I don't see a problem. That representative has to come up here to show the cattle.

Representative Trottier: What about 4-H sales where they are consigned to an internet auction. Would there have to be a representative in North Dakota?

Wayne Carlson: They would if it is listed as per sale. There are some that are listed as an internet sale. The sale is between the two parties. The internet people are just using the page for that sale and we do not license those individuals. If a dealer buys show cattle and we can prove that he is a dealer, we require that he be licensed as a dealer. Most of the show calves are sold at an internet site where the transactions are between two individuals and the money does not go through the third party.

Opposition:

None

Chairman Dennis Johnson: Closed the hearing

2013 HOUSE STANDING COMMITTEE MINUTES

House Agriculture Committee
Peace Garden Room, State Capitol

SB 2071
March 14, 2013
Job #19950

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

(Committee Action)

Relating to satellite video livestock auction market regulations

Minutes:

You may make reference to "attached testimony."

Representative Rust: Moved Do Pass

Representative Boschee: Seconded the motion

A Roll Call vote was taken: Yes 10, No 0, Absent 3.

Do Pass carries.

Representative Kiefert will carry the bill.

Date: 3/14/13

Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2071**

House **Agriculture** Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Consent Calendar
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Rust Seconded By Rep. Boschee

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	X		Rep. Joshua Boschee	X	
Vice Chairman John Wall	X		Rep. Jessica Haak	X	
Rep. Wesley Belter	X		Rep. Marvin Nelson	X	
Rep. Alan Fehr	AB				
Rep. Craig Headland	AB				
Rep. Joe Heilman	X				
Rep. Dwight Kiefert	X				
Rep. Diane Larson	X				
Rep. David Rust	X				
Rep. Wayne Trottier	AB				

Total Yes 10 No 0

Absent 3

Floor Assignment Rep. Kiefert

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

REPORT OF STANDING COMMITTEE

SB 2071: Agriculture Committee (Rep. D. Johnson, Chairman) recommends DO PASS
(10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2071 was placed on the
Fourteenth order on the calendar.

2013 TESTIMONY

SB 2071

COMMISSIONER
DOUG GOEHRING



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DEPARTMENT OF AGRICULTURE
STATE CAPITOL
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Testimony of Wayne R. Carlson
Livestock Development Director
SB Bill 2071
Senate Agriculture Committee
Roosevelt Park Room
January 10, 2013

Chairman Miller and members of the Senate Agriculture Committee, I am Wayne Carlson, division director of livestock development for the North Dakota Department of Agriculture (NDDA). I am here today in support of SB 2071, which will amend provisions of the North Dakota Century Code 36-05.1 "Satellite Video Livestock Auction Markets."

Chapter 36-05.1 of NDCC deals with regulation requirements of video or internet livestock auctions. The law protects North Dakota producers who sell their livestock through these auctions. By definition an "Internet livestock auction" means a place or establishment conducted or operated for compensation or profit as a public market where livestock located in this state is sold or offered for sale at a facility or website within or outside the state through the use of the internet. "Satellite video livestock auction market" means a place or establishment conducted or operated for compensation or profit as a public market where livestock located in this state is sold or offered for sale at a facility within or outside the state through the use of a satellite video at a public auction.

A satellite video livestock auction market or an internet livestock auction market may not transact business in this state unless the market transacts business through a representative licensed under this chapter. Current law states this representative must be a resident of North Dakota and must be licensed as a dealer or auction market.

This bill simply removes the requirement that the representative must be a North Dakota resident. The purpose of the bill would make it easier for out of state dealers to list cattle in the state through video or internet auctions. However, the main reason that our department submitted this bill is to make it easier to regulate those sales that are on the border. Currently, many of the out of state dealers are consigning North Dakota cattle without being licensed as a representative. To get around this law, the dealer lists the cattle as out-of-state or being weighed in another state. This makes it a regulatory dilemma. Is the sale in North Dakota or a different state?

This change in law may not be the perfect solution but if the residency requirement were removed, a dealer would be more apt to license as a representative. This would provide another layer of protection for livestock producers.

Chairman Miller and committee members, I urge a do pass on Senate Bill 2071. I would be happy to answer any questions you may have.

COMMISSIONER
DOUG GOEHRING



/

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