

2015 HOUSE AGRICULTURE

HB 1028

2015 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Peace Garden Room, State Capitol

HB 1028
1/15/2015
22000

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Legislative management will continue its study of laws relating to agriculture.

Minutes:

Attachment #1

L. Anita Thomas: (See attached #1)

Chairman Dennis Johnson: How long will the agriculture rewrite take?

L. Anita Thomas: When we started we guessed it would be five interims. It will take probably six. We have had additional studies assigned so it will take longer. There are some of the smaller chapters left. We are hoping to look at the dairy regulations, eggs, and honey. One of the larger chapters is the one dealing with chemicals and pesticide registration. We are looking at the Board of Animal Health and tying that with the Board of Medical Veterinary Examiners. We have to figure out herding and grazing, animal trespass.

Chairman Dennis Johnson: Closed the hearing.

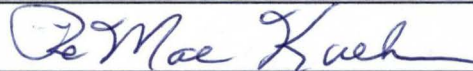
2015 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Peace Garden Room, State Capitol

HB1028
1/16/2015
22058

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

(Committee Action)

Legislative management will continue its study of laws relating to agriculture.

Minutes:

Representative Bert Anderson: Moved Do Pass

Representative Jessica Haak: Seconded the motion

Representative Alan Fehr: This is a continuation of a process. Why do we do this during the interim rather than now during session?

Chairman Dennis Johnson: It will take about six interims to get through the section of code on agriculture. We get the authorization to have the study. Then we choose what section. The interim gives us more time.

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

Do Pass carries.

Representative Bert Anderson will carry the bill.

Date: 1/16/2015

Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1028**

House **Agriculture** Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation

: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Anderson Seconded By Rep. Haak

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	X		Rep. Joshua Bosch	X	
Vice Chairman Wayne Trotter	X		Rep. Jessica Haak	X	
Rep. Bert Anderson	X		Rep. Alisa Mitskog	AB	
Rep. Alan Fehr	X				
Rep. Craig Headland	AB				
Rep. Tom Kading	X				
Rep. Dwight Kiefert	X				
Rep. Diane Larson	X				
Rep. Alex Looyen	AB				
Rep. Cynthia Schreiber Beck	X				

Total (Yes) 10 No 0

Absent 3

Floor Assignment Rep. Bert Anderson

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

REPORT OF STANDING COMMITTEE

HB 1028: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS**
(10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1028 was placed on the
Eleventh order on the calendar.

2015 SENATE AGRICULTURE

HB 1028

2015 SENATE STANDING COMMITTEE MINUTES

Agriculture Committee
Roosevelt Park Room, State Capitol

HB 1028
3/5/2015
Job #24343

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Emmery Grotting

Explanation or reason for introduction of bill/resolution:

To require that the Legislative Management continue its study of laws relating to agriculture

Minutes:

Attachments: #1

Chairman Miller opened the hearing on HB 1028.

Anita Thomas, Legislative Council, introduced HB 1028 (see attachment #1).

Senator Warner: Is there a logic to how we have approached the rewrite since 2007? Why are we so specific on certain crops but not on others?

Anita Thomas: There is a logic but it's not widely known and a lot depends on who the chairman is and what the chairman's interest is. IT depends on agency personnel, for example we had a member of one of our agencies rather during interim so this would not be a good time to address that chapter.

Chairman Miller: Do you have any ideas as to what you are going to proceed with?

Anita Thomas: We have a few ideas of what we are going to do this year. One of the bigger ones we are going to look at tackling is pesticide registration. The board of animal health is still sitting out there as well as herding and grazing.

Chairman Miller closed the hearing on HB 1028.

Senator Klein moved Do Pass on HB 1028.

Senator Larsen seconded the motion.

A Roll Call vote was taken. Yea: 6; Nay: 0; Absent: 0.

Do Pass carries.

Senate Agriculture Committee

HB 1028

3/5/2015

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Senator Oban will carry the bill.

**2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1028**

Senate Agriculture Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Senator Klein Seconded By Senator Larsen

Senators	Yes	No	Senators	Yes	No
Chairman Joe Miller	Y		Sen. Erin Oban	Y	
Vice Chairman Larry Luick	Y		Sen. John M. Warner	Y	
Sen. Jerry Klein	Y				
Sen. Oley Larsen	Y				

Total Yes 6 No 0

Absent 0

Floor Assignment Senator Oban

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

REPORT OF STANDING COMMITTEE

HB 1028: Agriculture Committee (Sen. Miller, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1028 was placed on the
Fourteenth order on the calendar.

2015 TESTIMONY

HB 1028

HB 1028 Ag Title Rewrite
L. Anita Thomas
Senior Counsel
ND Legislative Council

This bill authorizes the continuation of the Ag title rewrite. By a rewrite, we mean that we go into a chapter, and look at every section, every sentence, and every word for the purpose of ensuring that the laws are clearly written and that they properly articulate rights, duties, and obligations. Ideally, those who administer the laws and those who are subject to them should read the same words and arrive at the same interpretation. Unfortunately, all too often that is not the case.

Title rewrites are necessitated not because of any ill will or untoward intentions. They are necessitated because while the English language is precise, people's ability to use the English language precisely, varies tremendously. If you have ever tried to write a love letter, or even a letter to the editor or a weekly column, you know how difficult it is to select words that say what you want to say and at the same time be certain that the recipient is reading and understanding the words the way you intended. Now, envision a situation such as a legislative session in which you have multiple writers-- Attorneys and interns, lobbyists and legislators, even citizens can all play a role in crafting legislation. Some have a greater affinity for word selection and usage than others and some are just not patient enough to keep playing with the words until they get it right.

They are willing to settle for "good enough"-- for "close enough" -- for the proverbial "we all know how this is supposed to work." That's all fine so long as the players don't change and the memories remain accurate.

Over time, the players do change and the memories fade and if the words of a statute aren't clear, either the statute will be ignored, or an enforcing agency will develop a modus operandi that works but is not necessarily reflected in the printed word. When your constituents want to know what the law is, you or we have to say well, this is what the law says, but this is how it is being administered.

This situation is not unique to the Ag laws. We did it with the education laws in the late 1990's. You will find laws that need to be rewritten -- that need to be cleaned up -- in every title of the NDCC. Most of my colleagues realize that this type of an undertaking is very time intensive. It's time intensive for us as staff, it is time intensive for those of you who have to work through these bills on an interim committee, and it certainly is time intensive for the agencies who have to ensure that we are accurately reflecting how they do their business.

We've done this now for four interims. During that time, we've rewritten the laws pertaining to noxious weeds, 12 agricultural commodity boards and commissions, agricultural seed, vegetable seed, flower seed, tree seed, seed potato control areas, potato certification, wholesale potato dealers, livestock branding, estrays, livestock dealers, and wool dealers, and this year we added ginseng, apiaries, the North Dakota Milk Marketing Board, and professional soil classifiers.

Some individuals start off being a bit skeptical and not all that excited about having to relearn their respective chapters. But, once they begin to see the clarity and the organization, they realize that their jobs are actually made easier because now they have a clear directive, and when people ask about the law or question their decisions, they can point to the chapter and verse they are administering.

That is ultimately what this effort is all about -- Peeling back the layers -- Figuring out what the language is really saying -- Clarifying it-- Modernizing it -- and making it understandable.

Mr Chairman, on behalf of the interim committee, I present to you House Bill No. 1028,

HB 1028 Ag Title Rewrite
L. Anita Thomas
Senior Counsel
ND Legislative Council

The directive for an Ag rewrite began in 2007 and included the same words that you find in House Bill No. 1028. The effort is for the purpose of eliminating provisions that are irrelevant or duplicative, clarifying provisions that are inconsistent or unclear in their intent and direction, and rearranging provisions in a logical order.

Over the years, I've reminded you and your colleagues about the need for the law to be precise, so that it clearly articulates rights, duties, and obligations and so that those who administer the laws and those who are subject to them read the words and arrive at the same interpretation.

Since this effort started, we've rewritten the laws pertaining to noxious weeds, 12 agricultural commodity boards and commissions, agricultural seed, vegetable seed, flower seed, tree seed, seed potato control areas, potato certification, wholesale potato dealers, livestock branding, estrays, livestock dealers, and wool dealers, and this year we added ginseng, apiaries, the North Dakota Milk Marketing Board, and professional soil classifiers.

How much we are able to do during a particular interim is dependent on how many additional studies we are given and the complexity of the particular chapters or topics. For the most part, the agency personnel and the associations with which we work have been full partners in this effort. Some would start off being a bit skeptical and not all that excited about having to relearn their respective chapters. But, once they begin to see the clarity and the organization, they realize that their jobs are actually made easier because now they have a clear directive, and when people ask about the law or question their decisions, they can point to the chapter and verse they are administering.

That is ultimately what this effort is all about -- Peeling back the layers -- Figuring out what the language is really saying -- Clarifying it-- Modernizing it -- and making it understandable.

As a simple example of what the rewrite process is all about, let me share with you a favorite sentence:
 Scattering and dumping on land or in water of any material containing noxious weed seeds or propagating parts is prohibited unless such material has been processed or treated, or is buried sufficiently deep to destroy seeds and other propagating parts.

Today, the law provides that:

A person may not willfully dispose of any material that contains noxious weeds seeds or propagating parts in a manner that allows for the dissemination of noxious weeds.

Mr Chairman, on behalf of the interim committee, I present to you House Bill No. 1028.