

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1093

2005 HOUSE AGRICULTURE

HB 1093

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1093

House Agriculture Committee

☐ Conference Committee

Hearing Date 1--06--05

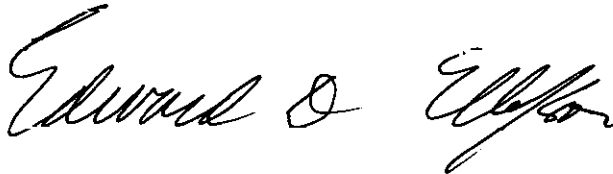
Tape Number  
ONE

Side A  
A

Side B

Meter #  
30 TO 33

Committee Clerk Signature



Minutes:

CHAIRMAN NICHOLAS: Ok, Committee Members we will open the hearing on HB 1093.

Jeff would you like to start?

JEFF OLSON : Chairman Nicholas and members of the committee. My name is Jeff Olson.

I'm program Manager at the Department Of Agriculture I am here to testify in support  
Of HB 1093., a bill that amends Chapter 19-13.1 of the North Dakota Century Code.

{{Please see Jeff Olsons printed testimony.

There was some discussion on the Bill between Rep. Brandenburg, Chairman Nicholas  
And Jeff Olson. It was decided that they would hold the bill; take no action. We will be  
Look at the bill again next week.

CHAIRMAN NICHOLAS: We will close on HB 1093.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1093

House Agriculture Committee

☐ Conference Committee

Hearing Date 1--06--05

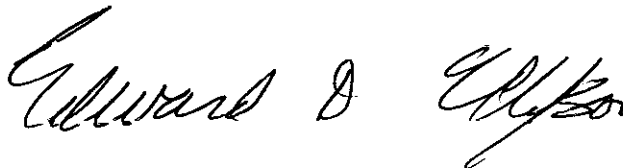
Tape Number  
ONE

Side A  
A

Side B

Meter #  
25.6 TO 44.3

Committee Clerk Signature



Minutes:

CHAIRMAN NICHOLAS: Committee Members, we will open on HB 1093. Representative Brandenburg, do you want to present your amendments?

REPRESENTATIVE BRANDENBURG: What the proposed amendment says is that on January 31. On the seventh day after Jan. 31 there should be a late fee of twenty five dollars. If that goes for 14 days that goes to fifty dollars. And if it goes top the 21st day the fee then goes to one hundred dollars. If is is 28 day late in February or 30 days late on other months it would cap out at two hundred fifty. That way if someone is late they now what the fines are. We are talking about the tonnage and fees and setting up fines mentioned earlier. The fines takes out the penalty.

REPRESENTATIVE ONSTAD: Do they have to send out a late notice every week.

REPRESENTATIVE BRANDENBURG. No we would not be sending out notices every week. That all they would get done is send out notices.

REPRESENTATIVE ONSTAD: Maybe the way you would be doing it you would be increasing the over all fees.

CHAIRMAN NICHOLAS: Are there any other questions from Rep. Brandenburg?

REPRESENTATIVE ONSTAD: It seems like the whole proposal. The reasoning for that was to put a little teeth into the whole thing. What we are accomplishing here is not what they are asking for.

REPRESENTATIVE BELTER: I am wondering if we might just consider changing on line 23 Of the second page the word must to may.

REPRESENTATIVE MUELLER: I have a concern about the amendment. The fines muddy it up. I think what Rep. Belter makes a little more sense.

REPRESENTATIVE DAMSCHEN: We might have the same thing if we would have a Fine from ten dollars to \$250.00. Cap it at two fifty..

CHAIRMAN NICHOLAS: What do the committee members think of Rep. Belters suggestion.

REPRESENTATIVE HEADLAND. I agree with Rep. Belter.

REPRESENTATIVE BRANDENBURG: I with draw my amendments.

CHAIRMAN NICHOLAS: What action would you like to take committee members?

REPRESENTATIVE FROELICH MADE A MOTION THAT WE STRIKE THE WORD MUST AND INSERT THE WORD MAY. THE MOTION WAS SECONDED BY REPRESENTATIVE WALL.

Page 3

House Agriculture Committee

Bill/Resolution Number HB 1093

Hearing Date 1--06--05

CHAIRMAN NICHOLAS: All those in favor signify by saying yes. The chair will entertain a motion on 1093 as amended.

REPRESENTATIVE FROELICH MADE A MOTION FOR A DO PASS.

REPRESENTATIVE KREIDT SECONDED THE MOTION.

THE ROLL WAS TAKEN THERE WERE : **NINE YES---THREE NO---ONE ABSENT**

**REPRESENTATIVE KREDIT WILL CARRY THE BILL**

# FISCAL NOTE

Requested by Legislative Council  
01/19/2005

Amendment to: HB 1093

**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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$7,750	\$0	\$7,750	\$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.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

The proposed changes to NDCC 19-13.1 would increase late registration fees, late tonnage reports, and set a minimum tonnage fee of \$10.

**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.*

The increased late registration fee for feed retailers would generate an estimated \$3,750 per biennium for the general fund; a minimum inspection fee of \$10 would generate an estimated \$1,000 per biennium for the general fund; an increase in late tonnage reports would generate an estimated \$3,000 for the general fund per biennium.

**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.*

No additional expenditures are expected.

**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.*

No additional appropriations are required.

Name: Jeff Weispfenning  
Phone Number: 328.4758

Agency: Agriculture  
Date Prepared: 01/20/2005

**FISCAL NOTE**  
**Requested by Legislative Council**  
12/22/2004

Bill/Resolution No.: HB 1093

**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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$7,750	\$0	\$7,750	\$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.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

The proposed changes to NDCC 19-13.1 would increase late registration fees, late tonnage reports, and set a minimum tonnage fee of \$10.

**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.*

The increased late registration fee for feed retailers would generate an estimated \$3,750 per biennium for the general fund; a minimum inspection fee of \$10 would generate an estimated \$1,000 per biennium for the general fund; an increase in late tonnage reports would generate an estimated \$3,000 for the general fund per biennium.

**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.*

No additional expenditures are expected.

**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.*

No additional appropriations are required.

Name: Jeff Weispfenning  
Phone Number: 328.4758

Agency: Agriculture  
Date Prepared: 01/04/2005



58123.0102  
Title.0200

Adopted by the Agriculture Committee  
January 14, 2005

VR  
1/14/05

HOUSE AMENDMENTS TO HOUSE BILL NO. 1093 AG 1-17-05

Page 2, line 23, after "dollars" insert "and a maximum of two hundred fifty dollars" and replace "must" with "may"

Renumber accordingly

1-6-05

Date:

Roll Call Vote #:

HB 1093

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.**

House **HOUSE AGRICULTURE COMMITTEE**

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

DO PASS WITH AMENDMENT

Action Taken

DO PASS

Motion Made By

REP. FROELICH

Seconded By

REP. KREIDT

**Representatives**  
**REP. EUGENE NICHOLAS**  
**CHAIRMAN**  
**REP. JOYCE KINGSBURY**  
**VICE CHAIRMAN**  
**REP. WESLEY BELTER**  
**REP. M. BRANDENBURG**  
**REP. CHUCK DAMSCHEN**  
**REP. CHAIG HEADLAND**  
**REP. GARY KREIDT**  
**REP. GERALD UGLEM**  
**REP. JOHN WALL**

Yes No

✓

✓

✓

✓

✓

✓

✓

**Representatives****REP. TRACY BOE****REP. ROD FROELICH****REP. PHILLIP  
MUELLER****REP. KENTON ONSTAD**

Yes No

✓

✓

✓

✓

Total (Yes)

9

No

3

Absent

1

Floor Assignment

KREIDT

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

1-6-05

Date:

Roll Call Vote #:

HB 093

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.**

House **HOUSE AGRICULTURE COMMITTEE**

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Dill PASS AS Amended

Motion Made By

Froelich

Seconded By

Wall

Representatives	Yes	No	Representatives	Yes	No
REP. EUGENE NICHOLAS CHAIRMAN	✓		REP. TRACY BOE		✓
REP. JOYCE KINGSBURY VICE CHAIRMAN	✓		REP. ROD FROELICH	✓	
REP. WESLEY BELTER	✓		REP. PHILLIP MUELLER		✓
REP. M. BRANDENBURG	✓		REP. KENTON ONSTAD		✓
REP. CHUCK DAMSCHEN	✓				
REP. CHAIG HEADLAND	✓				
REP. GARY KREIDT	✓				
REP. GERALD UGLEM	✓				
REP. JOHN WALL	✓				

Total (Yes)

9

No

3

Absent

Floor Assignment

KREIDT

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

HB 1291

**REPORT OF STANDING COMMITTEE**

HB 1093, as amended, Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1093, as amended, was placed on the Sixth order on the calendar.

Page 2, line 23, after "dollars" insert "and a maximum of two hundred fifty dollars" and replace "must" with "may"

Renumber accordingly

2005 SENATE AGRICULTURE

HB 1093

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1093

Senate Agriculture Committee

☐ Conference Committee

Hearing Date February 24, 2005

Tape Number

1

Side A

Side B

Meter #

2877 - 4427

Committee Clerk Signature

Minutes:

**Chairman Flakoll** opened the hearing on HB 1093, a bill relating to the registration and licensing of pet food and commercial feed and inspection of commercial feed; and to provide a penalty. Senator Taylor was absent.

**Jeff Olson**, North Dakota Agriculture Department, testified in favor of the bill. (written testimony)

**Senator Klein** asked if payment is required only if the fee is more than \$10.

**Mr. Olson** said if the fee is less than \$10, the required payment would be \$10.

**Senator Klein** said if someone owes \$1, they must not be very large producers. That is a very large increase.

**Mr. Olson** said those that come in less than \$10 are specialty pet food processors. They are the higher end of the market and are higher priced. The inspection fee is 20 cents per ton of feed sold. You have to sell quite a bit of pet food to make a ton.

**Senator Klein** said the fiscal note shows a fiscal effect of \$7750 in fees and penalties.

**Mr. Olson** said that is a very liberal estimate.

**Senator Urlacher** asked when the penalty comes into effect. (meter 3333)

**Mr. Olson** said they send pre notices and the processors have 31 days to file their report. 90 - 95% comply. There is no penalty now. This is an incentive to get it in on time.

**Senator Urlacher** asked how the maximum penalty of \$250 was arrived at.

**Mr. Olson** said the \$250 maximum was amended on by the house. The Agriculture Department proposed 10% late charge. Representative Brandenburg preferred to put a cap at the upper end. The Agriculture Department has gone back and evaluated past late reports and has found they would never reach the \$250 level.

**Senator Flakoll** asked if moist pet food manufacturers ever complain about paying an inspection fee based on weight since their product has more water than dry foods.

**Mr. Olson** said they have not had any complaints.

**Senator Klein** asked if it wouldn't be just as easy not to file if the fee was less than \$10.

**Mr. Olson** said the Agriculture Department effort is the same, even if the fee is less than \$10.

**Senator Klein** said regardless of what amount they are producing, it is still the responsibility of the Agriculture Department to check on them.

**Mr. Olson** said yes.

**Senator Flakoll** asked what is involved with a pet food inspection.

**Mr. Olson** said they pull a random feed sample and purchase bags of pet foods and analyze to be sure the contents match the label. They do the same for livestock feeds, minerals and mixed feed.

**Senator Flakoll** asked if it is for domesticated pets.

**Mr. Olson** said its not bird feed, but rather dog food, cat food, lizard food and hamster feed.

Livestock feed is also included

**Senator Klein** asked if Purina is included or if that is covered by some federal guideline.

**Mr. Olson** said yes, they buy bags of Purina or other brands off the shelf. They send a sample to the Health Department lab to analyze for nutrient content. There are a handful of processors in North Dakota and they check those too.

**Senator Urlacher** asked if they check bulk livestock feeds.

**Mr. Olson** said yes they do, they sample blends, probe bags of soybean meal. They analyze feed for cattle, horses, pigs, sheep.

**Senator Urlacher** asked how often this is done.

**Mr. Olson** said the inspectors that check pesticides also do the feed and fertilizer inspections so if they are in an area with a pet food processor or feed mill, they will stop by when they are in the area.

**Chairman Flakoll** closed the hearing on HB 1093.

**Senator Seymour** moved a do pass on engrossed HB 1093.

**Senator Erbele** seconded the motion.

The motion passed on a roll call vote 5-0-1.

**Senator Seymour** will carry the bill.



Date: 2/24/05  
Roll Call Vote # 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. *Enrolled HB 1093*

Senate Agriculture

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

*De Pass*

Motion Made By

*Sen. Seymour*

Seconded By

*Sen Erbele*

Senators	Yes	No	Senators	Yes	No
Senator Flakoll	✓		Senator Seymour	✓	
Senator Erbele	✓		Senator Taylor	A	
Senator Klein	✓				
Senator Urlacher	✓				

Total (Yes)

5

No

0

Absent

1

Floor Assignment

*Sen. Seymour*

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

**REPORT OF STANDING COMMITTEE (410)**  
**February 24, 2005 10:26 a.m.**

**Module No: SR-34-3548**  
**Carrier: Seymour**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1093, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1093 was placed on the Fourteenth order on the calendar.**

2005 TESTIMONY

HB 1093



600 E Boulevard Ave., Dept. 602  
Bismarck, ND 58505-0020

**NORTH DAKOTA DEPARTMENT OF AGRICULTURE  
LEGISLATIVE TESTIMONY**

Testimony of Jeff Olson,  
Program Manager  
House Bill 1093  
January 6, 2005  
House Agriculture Committee  
Peace Garden Room

Chairman Nicholas and members of the committee. My name is Jeff Olson. I am a Program Manager at the Department of Agriculture. I am here to testify in support of HB 1093, a bill that amends Chapter 19-13.1 of the North Dakota Century Code. This bill is to clarify existing language, to add minimum fees and to add a late fee for submitting inspection fees for feeds and pet foods.

In an effort by the Department to maintain a registration process that is cost effective and time efficient, we are proposing to add to the language in Section 1, to read "...two-year period beginning January first and ending December thirty-first of every odd-numbered year (page 1 line 14, and page 2 line2). This language would clarify to conform with our current practice and the intent when these first moved to two year registrations in the 1995 legislature.

In Section 2, the Department is proposing to require a minimum of ten dollars for inspection fees.

In the past, the Department has received checks for amounts less than one dollar. Section 2 also adds a penalty fee of ten percent of the amount owed, with a minimum of ten dollars for late tonnage reports submitted to the Department after January thirty-first.

Thank you for considering HB 1093. I would be happy to answer any questions.



600 E Boulevard Ave., Dept. 602  
Bismarck, ND 58505-0020

**NORTH DAKOTA DEPARTMENT OF AGRICULTURE  
LEGISLATIVE TESTIMONY**

Testimony of Jeff Olson,  
Program Manager  
House Bill 1093  
February 24, 2005  
Senate Agriculture Committee  
Roosevelt Room

Chairman Flakoll and members of the committee. My name is Jeff Olson. I am a Program Manager at the Department of Agriculture. I am here to testify in support of HB 1093, a bill that amends Chapter 19-13.1 of the North Dakota Century Code. This bill is to clarify existing language, to add minimum fees and to add a late fee for submitting inspection fees for feeds and pet foods.

In an effort by the Department to maintain a registration process that is cost effective and time efficient, we are proposing to add to the language in Section 1, to read "...two-year period beginning January first and ending December thirty-first of every odd-numbered year (page 1 line 14, and page 2 line2). This language would clarify to conform with our current practice and the intent when these first moved to two year registrations in the 1995 legislature.

In Section 2, the Department is proposing to require a minimum of ten dollars for inspection fees.

In the past, the Department has received checks for amounts less than one dollar. Section 2 also adds a penalty fee of ten percent of the amount owed, with a minimum of ten dollars and a maximum of two hundred fifty dollars for late tonnage reports submitted to the Department after January thirty-first.

Thank you for considering HB 1093. I would be happy to answer any questions.