

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1264

2005 HOUSE AGRICULTURE

HB 1264

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1264

House Agriculture Committee

Conference Committee

Hearing Date 1--20--05

Tape Number
TWO

Side A
A

Side B

Meter #
22.6 TO 40.6

Committee Clerk Signature



Minutes: VICE CHAIRMAN. KREDIT

: Committee members, we will open HB 1264. The clerk will read the title. Relating to the state board of agricultural research and education.

VICE CHAIRMAN KREIDT: Who would like to give testimony in support of HB 1264.

REPRESENTATIVE OLE AARSVOLD: DISTRICT 20. HB 1264 comes to your committee at the request of the State Board of Agricultural Research and Education. It addresses two concerns that have surfaced regarding membership on that board. {{{please see printed testimony as to term limits}}} REPRESENTATIVE AARSVOLD went on to state at the end of his testimony. The State Board of Agriculture Research and Education solicits the committee's support for these necessary amendments to current law. REPRESENTATIVE AARSVOLD PASSED OUT AMENDMENTS AS TO CHANGES HE WOULD LIKE TO SEE IN THE BILL.

VICE CHAIRMAN KREIDT: Other testimony in favor of Bill and amendments.

SENATOR KLEIN: I WAS HERE WHEN WE PASSED THIS BILL ORIGINALLY. IT HAS BEEN A GOOD BILL. THE CHANGES WOULD BE GOOD . I SUPPORT THE BILL.

SENATOR FLAKOL: I SUPPORT BILL.

VICE CHAIRMAN KEIDT: Other testimony in support of bill.

JERRY DOAN: Quick history. I am the immediate past chairman of the State Board of Agricultural Research and Education. The Bill was passed in 1957. The board has worked well Economically. It has not come without it trials and tribulations. When you put together a board like this and expect them to get there hands around it. The things that go on. They are a dedicated bunch of people. One of the things we are responsible for is the gas tax research fund That four cents that comes out of The gas tax is put in the hands of different groups. We get new ideas. Many farmers don't ask for a refund especially if it is one hundred dollars or so. If you have a hundred dollars coming you may as well ask for and get it. Representative Mueller has served on the board and we appreciate all that he has brought to the table. We do appreciate that there were a couple of legislators added to the board. They really do bring a communication from the legislators and take back to the board the legislators views. A communication from us. We do have two excellent legislators on the board. The reason we bring this to you today is That we are kind of at the cross roads, those of us that were with this from the start up and it is a bit of a challenge. We right all the policy that is making this thing work better. How do we bring people up to speed that are coming on the board. There is a lot to learn. We have had five year terms. The change will be two four year terms. It will work better with two four terms rather than one five year term. There is a lot going on in education and extension. We find out

Page 3

House Agriculture Committee

Bill/Resolution Number HB 1264

Hearing Date 1--20--05

that to many new board member find it to time consuming. I have been on the board for eight years. SENATOR ARCHABOLD

There are thirteen people on board, producers, we need experienced people.

VICE CHAIRMAN KREIDT: Any additional testimony on HB 1264

There are thirteen voting members. On board presently.

VICE CHAIRMAN KREIDT: We will close on HB 1264

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1264

House Agriculture Committee

Conference Committee

Hearing Date 1--20--05

Tape Number
THREE

Side A
A

Side B

Meter #
6.4 TO 9.1

Committee Clerk Signature



Minutes:

VICE CHAIRMAN KINGSBURY: Committee Members we will re-open on HB 1264

What are your wishes on HB 1264?

REPRESENTATIVE WALL MADE A MOTION FOR A **DO PASS AS AMENDED.**

REPRESENTATIVE BOE SECONDED THE MOTION. THE ROLL WAS

TAKEN. THERE WERE 11 YES 0 N 2 ABSENT

REPRESENTATIVE WALL WILL CARRY THE BILL.

V/R
1/20/05

HOUSE AMENDMENTS TO HOUSE BILL NO. 1264 AG 1-21-05

Page 1, line 15, overstrike "and serving in that capacity on July 1, 1997"

Page 1, line 17, overstrike "and serving in that capacity on"

Page 1, line 18, overstrike "July 1, 1997"

Page 1, line 19, overstrike "The two persons appointed to the agricultural consultation board by the"

Page 1, overstrike lines 20 and 21

Page 1, line 22, overstrike "g."

Page 1, line 23, overstrike "h." and insert immediately thereafter "g."

HOUSE AMENDMENTS TO HB 1264 AG 1-21-05

Page 2, line 1, overstrike "i." and insert immediately thereafter "h."

Page 2, overstrike lines 15 and 16

Page 2, line 20, overstrike "conclusion of the initial" and overstrike "each" and insert immediately thereafter "a"

Page 2, line 21, after the first "coalition" insert "expires"

Page 2, line 23, overstrike "Future appointments to these five"

Page 2, line 24, overstrike "positions must be made in the same manner."

Page 2, line 27, overstrike "conclusion of the initial" and overstrike "each" and insert immediately thereafter "a"

Page 2, line 28, after the first "units" insert "expires"

Page 2, line 31, overstrike "Future appointments to these five"

HOUSE AMENDMENTS TO HB 1264 AG 1-21-05

Page 3, line 1, overstrike "positions must be made in the same manner."

Page 3, line 5, after "appointment" insert "except that the ninety-day requirement is waived"

Renumber accordingly

1.20-05
HB 1264
1

Date:
Roll Call Vote #:

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

House **HOUSE AGRICULTURE COMMITTEE** Committee

Check here for Conference Committee

Legislative Council Amendment Number *Amendments*

Action Taken *DO PASS*

Motion Made By *KREID* 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) No

Absent

Floor Assignment

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

Voice Vote

1-20-05
HB 1264

Date: 1-20-05
Roll Call Vote #: 7

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

House **HOUSE AGRICULTURE COMMITTEE** Committee

Check here for Conference Committee

Legislative Council Amendment Number **AS Amended**

Action Taken **DO PASS**

Motion Made By **WALL** Seconded By **BOE**

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) **11** No **0**

Absent **2**

Floor Assignment **REP WALL**

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

REPORT OF STANDING COMMITTEE

HB 1264, as amended, Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1264, as amended, was placed on the Sixth order on the calendar.

Page 1, line 15, overstrike "and serving in that capacity on July 1, 1997"

Page 1, line 17, overstrike "and serving in that capacity on"

Page 1, line 18, overstrike "July 1, 1997"

Page 1, line 19, overstrike "The two persons appointed to the agricultural consultation board by the"

Page 1, overstrike lines 20 and 21

Page 1, line 22, overstrike "g."

Page 1, line 23, overstrike "h." and insert immediately thereafter "g."

Page 2, line 1, overstrike "i." and insert immediately thereafter "h."

Page 2, overstrike lines 15 and 16

Page 2, line 20, overstrike "conclusion of the initial" and overstrike "each" and insert immediately thereafter "a"

Page 2, line 21, after the first "coalition" insert "expires"

Page 2, line 23, overstrike "Future appointments to these five"

Page 2, line 24, overstrike "positions must be made in the same manner."

Page 2, line 27, overstrike "conclusion of the initial" and overstrike "each" and insert immediately thereafter "a"

Page 2, line 28, after the first "units" insert "expires"

Page 2, line 31, overstrike "Future appointments to these five"

Page 3, line 1, overstrike "positions must be made in the same manner."

Page 3, line 5, after "appointment" insert "except that the ninety-day requirement is waived"

Renumber accordingly

2005 SENATE AGRICULTURE

HB 1264

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1264

Senate Agriculture Committee

Conference Committee

Hearing Date February 24, 2005

Tape Number

1

Side A

x

Side B

Meter #

533 - 2864

Committee Clerk Signature



Minutes:

Chairman Flakoll opened the hearing on HB 1264, a bill relating to the state board of agricultural research and education (SBARE). Senator Taylor was absent.

Representative Aarsvold introduced the bill. (written testimony)

Senator Klein asked if there in an issue, are there disinterested members. (meter 858)

Representative Aarsvold said the other case is more real, an additional term will allow for the good leadership of young people on the board who demonstrate competency and under the current law might not get a chance to lead the board. Their opportunity is extended with the possibility of serving for eight years. Regarding the disinterested members, often some members are not diligent about attending meetings.

Senator Klein asked if this happens now.

Representative Aarsvold said it has happened but not frequently.

Senator Urlacher asked if they have any attendance guidelines.

Representative Aarsvold said the board has discussed establishing some guidelines but feels the appointing authority should make the decision.

Senator Flakoll asked if the bill will allow for more leadership succession.

Representative Aarsvold said yes.

Senator Flakoll asked if it takes a while for new members to get their feet on the ground.

Representative Aarsvold said it takes about a year, there is a significant learning curve. A five year term is not enough time for a full grasp of the board and its responsibilities.

Senator Christmann testified in favor of the bill. With the current five year term, they would like to elect a vice chairman to succeed the chair but in order for the succession to work, only first year members could be considered for vice chairman. There was a lot of discussion about the term limits in the board meeting when the officers were elected and there was no opposition to changing the terms.

Senator Flakoll asked if the new limits would allow input from an immediate past president.

Senator Christmann said yes.

Senator Urlacher asked when meetings are scheduled.

Senator Christmann said it varies, usually every other month, about six meetings per year.

Jerry Doan would have more detail.

Jerry Doan, past chairman of SBARE, testified in favor of the bill.. (meter 1317) The change in terms will allow for continuity on the executive board where the Vice Chairman, Chairman and Past Chairman would all serve. SBARE was formed in 1997 by the legislature. The board consists of 10 producers. They identify problems in agriculture and address them through research and extension. They administer the Agriculture Research Fund (gas tax) and have

funded 345 research projects. They look at niches and new ideas. The only negative is the funding mechanism, the fund declines as more diesel fuel is used on the farm. The board has been using the media to let farmers know if they apply for a refund on their diesel fuel tax, a portion will go to SBARE and help research. SBARE is at a crossroads. The initial members drew straws for term length and Mr. Doan drew the 9 year term. The members with the five year terms don't have time to learn all that is necessary. He has spent a lot of time on SBARE and wants to see it continue to be effective. Two four year terms fit the two year budget cycle and seem better than one eight year term because it allows an out for any member who thinks it is too much work. There is nothing in the law now regarding the method for handling a resignation and reappointment. Tom Archbold is the new chairman.

Senator Klein said when SBARE was formed in 1997, it was an attempt to bring agricultural ideas into one group and make a priority list. Where are they at now. (meter 1946)

Mr. Doan said that is a great question. The process has worked very well, although it is not perfect. The legislature has been good about allowing the board some flexibility, there has been a lot of input through the Agriculture Coalition, Farm Bureau and the other agriculture groups. It is hard to choose. This is the only system in agricultural research and education in the nation that is controlled by producers. Pat Jensen, former Vice President of Agriculture at NDSU, said at national meetings other institutions were amazed and somewhat concerned that a group of producers had their hands around the budget and priorities. Yet she was always impressed with the input and thought we were far ahead of other institutions around the country. Mr. Doan sees the setting of priorities for SBARE as a team effort. They listen to NDSU extension and research staff because they are the scientists and you meet somewhere in the middle. Hopefully the result

is answers that can help producers out in the state. There will always be some pull and tug but the producer input is so important.

Senator Flakoll asked when the position of Vice President of Agriculture at NDSU is empty, as it is now, is that position on the board empty as well. The position in extension has an interim appointment now, does that person sit on the board.

Mr. Doan said Duane Hauck has a two year appointment now in extension and yes, he sits on the board, No one is sitting in the Vice President spot. They had a bit of a concern because all of those people voted and there was a concern could NDSU control the vote on SBARE. It never happened and it was never a situation of NDSU vs. the producers. It has been changed now so that the president has the only vote. He can designate and he now designates the vote to the Vice President for University Relations. This has caused some problems. Nothing against Keith Bjerke, but there have been some internal misgivings when the Vice President of Agriculture does not have the vote at the table. Maybe this will change when a new Vice President of Agriculture is seated. Its the president's call.

Senator Urlacher asked how much the funding level has dropped due to increased use of diesel fuel. (meter 2471)

Mr. Doan said it has dropped \$50,000 per year in the last biennium.

Senator Urlacher asked what percentage that represents.

Mr. Doan said the fund is about \$600,000 per year. Over three or four years, a \$50,000 drop starts to add up. He said SBARE has the mechanism to be successful and do great things but they don't have the funding. Should it be something on the diesel fuel or on fertilizer. He doesn't have the answers, he tries to be a spark plug to find creative ideas.

Page 5
Senate Agriculture Committee
Bill/Resolution Number HB 1264
Hearing Date February 24, 2005

Paul Thomas, North Dakota Agriculture Coalition, testified in favor of the bill. They are one of the appointees and they support the changes. (meter 2687)

Chairman Flakoll closed the hearing on HB 1264.

Senator Klein moved a do pass on engrossed HB 1264.

Senator Erbele seconded the motion.

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

Senator Klein will carry the bill.

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

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. *Engrossed SB 1269*

Senate Agriculture

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

No Pass

Motion Made By

Sen Klein

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. Klein

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

REPORT OF STANDING COMMITTEE (410)
February 24, 2005 9:44 a.m.

Module No: SR-34-3546
Carrier: Klein
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1264, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1264 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1264

**TESTIMONY
HB 1264**

TO: House Agriculture Committee
Representative Gene Nicolas, Chair

FROM: Representative Ole Aarsvold
District Twenty

RE: HB 1264

HB 1264 comes to your committee at the request of the State Board of Agricultural Research and Education. It addresses two concerns that have surfaced regarding membership on that board.

Currently, the term of office for appointees is five (5) years with no opportunity for reappointment. It is the consensus of the SBARE that many capable appointees never have the opportunity to assume leadership on the board before their term expires. Subsection 3 of Section 1 proposes that the term of office be reduced to four (4) years, but permits reappointment for a second four (4) year term should the entity they represent chose to do so.

The second proposed change to current law is intended to remedy an oversight in the original SBARE legislation. That oversight involves no provision for filling unexpired terms. HB 1264 proposes that vacancies be filled in the same manner as the vacated position was initially made. This addendum also makes it clear that an appointee to any vacant position would be eligible to serve two full terms after completion of the unexpired term.

The State Board of Agriculture Research and Education solicits the committee's support for these necessary amendments to current law.

**To: Senate Agriculture Committee
Senator Tim Flakoll, Chair**

**From: Rep. Ole Aarsvold
District 20**

Re: HB 1264

HB 1264 comes to your committee at the request of the State Board of Agricultural Research and Education (SBARE). It is my good fortune to represent the House of Representatives on that board while Senator Christmann represents the Senate. HB 1264 addresses three concerns that have surfaced regarding membership on SBARE.

Initially, it removes antiquated language that was necessary at the time SBARE was established. That language dealt with initial appointments to the board and the staggering of board members' terms to establish continuity and consistency.

Secondly, HB 1264 reduces the term of a board member from five years to four, but it allows reappointment for a second term should the appointing entity chose to do so. This opportunity for extended service would provide capable appointees the necessary time to rise to a leadership position on the board. This is difficult, and in some cases impossible, to achieve in a single five-year term. SBARE feels such a change would lead to a more effective organization.

Thirdly, HB 1264 would remedy an oversight in the original SBARE legislation. As drafted, there was no provision for filling unexpired terms. The bill before you simply allows a vacancy to be filled in the same manner as the vacant position was initially made. Additionally, it is made clear that an appointee to a vacant position would be eligible to serve two full terms upon completion of the unexpired term.

Your State Board of Agricultural Research and Education solicits the committees' support of the provisions in HB 1264.