

2009 HOUSE AGRICULTURE

HB 1109

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1109

House Agriculture Committee

Check here for Conference Committee

Hearing Date: January 15, 2009

Recorder Job Number: 7059

Committee Clerk Signature

Re. Max Kuehn

Minutes:

Shannon Berndt, ND Dry Pea & Lentil Council: I'm here to testify in support of HB 1109

(Written testimony attached #1)

Bob Runck, ND Soybeans Growers Association: I'm here in support of HB 1109. Even though this would take Ag Commissioner Johnson off of the boards, we do still hope to have contact with him and that he would still be able to attend board meetings if requested to.

Tom Lilja, ND Corn Council & Corn Growers Association: We are in support of this bill. With email technology we can keep in the loop with the Agriculture Commissioner's office.

Representative Mueller, Sponsor of the bill: This is a take-off of the Ag. rewrite effort during this past interim. This is not the last one of that nature. This bill is asking that the Ag. Commissioner be removed from voting membership from the Ag. commodity groups that we have here in our state. His duties have been varied. In one case he is asked to chair the committee, another he is the fiscal agent, or ex officio non-voting member. One of the main goals of the bill is to provide a format where the commissioner calls together all the groups to do kind of a marketing thing. The Commissioner or the Department is not backing away entirely from the commodity groups. I do believe the Commissioner and his staff will be more than happy to be at those meetings should there be a real good reason for them to be there. I

think it's not a bad plan. If the Commissioner is needed or one of his staff people, he will be there. I would encourage the committee to favorably consider HB1109.

Vice Chair Brandenburg: You mentioned the Commissioner would call all the groups together once in a while. Could you just explain the thought process?

Representative Mueller: In the bill it does require that an annual meeting be called of all the commodity groups for a meeting set together by the Commissioner and his staff. They talk about specifically marketing kinds of things. That's a requirement on an annual basis. It could happen more often.

Representative Holman: Representative Mueller, address the oversight responsibility of the Ag. Commissioner's office as it relates to changes.

Representative Mueller: It varies a lot. The less resources the commodity groups had, the more involved the Commissioner and some of his staff members might have been. The department is there as a resource which I don't think this bill takes away. It just takes the responsibility and obligation of him or one of his staff members being at each one of those commodity meetings. They meet fairly regularly and when you multiply that by 11 you have quite a number of meetings.

Representative Schatz: I noticed on page 17, line 20—Council members' compensation—each member of the council, and then it has it crossed out, except the Ag. Commissioner is entitled to receive compensation. I'm assuming then that the Ag. Commissioner will be able to receive compensation. Is that correct?

Representative Mueller: I suspect the reason it is worded that way is that the Ag. Commissioner already gets paid. He doesn't need to get paid from the Potato Council, for example, also, for being at this meeting. It's kind of a double dip thing.

Representative Schatz: But that's what the original law says "except him." Now it crosses that out, so he would be able to be paid.

Representative Mueller: I think if he's no longer a member, he wouldn't be getting paid. Because it says each member of the council is entitled to receive compensation. If you're no longer a member you wouldn't be getting paid.

Vice Chair Brandenburg: What if you have one commodity group that is not doing what they should. Is there a provision in the bill that would address that issue? I see you can call all the groups in.

Representative Mueller: Most of these folks have executive leadership that understands what the law says they can and cannot do. I think you run that risk whether he's on the committee or not.

Chairman Johnson: It should also show up in their audit and reports to the legislature.

Recess on HB 1109 so Ag. Commissioner Johnson, who is at another hearing, can come in to give his comments.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1109

House Agriculture Committee

Check here for Conference Committee

Hearing Date: January 16, 2009

Recorder Job Number: 7151

Committee Clerk Signature

Re Mae Kuehn

Minutes:

Continuation from January 15, 2009:

Roger Johnson, Agriculture Commissioner: I am here in support of HB1109, which would change the statutory roles and duties of the Agriculture Commissioner. **(Written testimony attached #2)** This would remove the Commissioner as a member from the commodity councils but still give the right for the Commissioner or someone from that office to attend all meetings.

The primary role of the Commissioner's office is assisting with domestic and international marketing of all these groups.

Vice Chairman Brandenburg: In calling your groups together for meetings annually, would this help resolve the difference in check offs, etc.

Roger Johnson: Yes, that is a good example of what would happen at those annual meetings.

Chairman Johnson: I believe that was one of the concerns that was brought up yesterday. If you're removed from those offices, would they lose the coordination?

Roger Johnson: I think every one of the councils, where we have somebody that regularly attends, called me. They said they really don't want to have someone from our office not

attending our meetings. As the discussion went on with these groups, they understood what we are asking for. My sense is that they are supportive.

Representative Mueller: How will your ongoing involvement with the commodity groups look?

Would you be going to the meetings on invitation or would you make a practice of continuing to go to the meetings when they are called?

Roger Johnson: We will do our best to make a common practice of attending. If the primary person who is assigned to this group has a conflict, we probably wouldn't feel the obligation to send a sub. That's the principal difference that you would see. I suspect that communication may be enhanced for all of them.

Chairman Johnson: We'll close the hearing on 1109. Do we have a motion on 1109?

Representative Uglem moved a Do Pass.

Vice Chairman Brandenburg seconded the motion.

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

Representative Brandenburg will carry the bill.

FISCAL NOTE
Requested by Legislative Council
12/22/2008

Bill/Resolution No.: HB 1109

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

Date: 1/16/09

Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1109

House Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended

Motion Made By Rep. Uglen Seconded By Rep. Brandenburg

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chair	✓		Tracy Boe	AB	
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 Uglen	✓				
John D. Wall	✓				

Total (Yes) 12 No 0

Absent 1

Bill Carrier Rep. Brandenburg

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

REPORT OF STANDING COMMITTEE (410)
January 20, 2009 4:32 p.m.

Module No: HR-11-0622
Carrier: Brandenburg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1109: Agriculture Committee (Rep. D. Johnson, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1109 was placed on the
Eleventh order on the calendar.

2009 SENATE AGRICULTURE

HB 1109

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1109

Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: March 13, 2009

Recorder Job Number: 10881

Committee Clerk Signature

Cassie Krow

Minutes:

Sen. Flakoll opened the hearing on HB 1109, a bill relating to the removal of the agriculture commissioner from governing bodies of commodity groups. Members present (6), absent (1)-

Sen. Behm.

Rep. Mueller, district 24, testified in favor of the bill.

Rep. Mueller- this bill changes the statutory roll and duties of the ag commissioner regarding the commodity groups on which he holds positions, 7 of those positions are statutory. The bill removes the commissioner from the voting membership on those groups. The roll varies greatly from group to group. I would ask that you do pass this bill or at least consider it.

Roger Johnson, Agriculture commissioner, testified in favor of the bill. See attached testimony, attachment #1.

Sen. Flakoll- the language about being able to attend executive meetings, why is that added in there?

Roger Johnson- it is very important that they is added in there this was added that we are not an official member but we will have the important rights that are available as if we were a member. There are 2 big reasons for the commissioner to be at these meetings. One is the

coordination thing and the other one is to provide some sort of a bigger picture view from an administrative stand point.

Sen. Taylor- do you see a commissioner designee going to a couple of meeting a year?

Roger Johnson- my staff is divided on that but they do their very best to attend and if not they have to find a replacement to attend cause we are a member, but if we are not a member my advice is that you still have to know what is going on you have to do your best to attend but you don't have to feel obligated to send someone to go in your place.

Sen. Heckaman- how many members are on the councils does the number vary between them?

Roger Johnson- I am not sure.

Scott Rising, ND soybean Growers association, testified in favor of the bill.

Scott Rising- We stand here in support of this bill.

No opposition to the bill.

Sen. Flakoll closed the hearing.

Sen. Wanzek motioned for a do pass and was seconded by **Sen. Miller**, roll call vote 6 yea 0 nay 1 absent. **Sen. Heckaman** was designated to carry the bill to the floor.

Date: March 13
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1109

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Wanzek Seconded By Miller

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

Total (Yes) 6 No 0

Absent Behm

Floor Assignment Sen. Heckaman

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

REPORT OF STANDING COMMITTEE (410)
March 16, 2009 10:12 a.m.

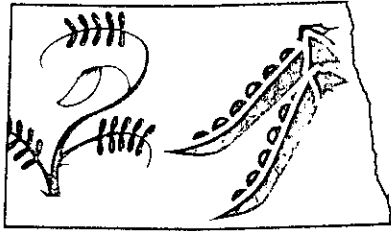
Module No: SR-47-4922
Carrier: Heckaman
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1109: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1109 was placed on the
Fourteenth order on the calendar.

2009 TESTIMONY

HB 1109



1/15/09 Shannon Berndt
1109
#1

**North Dakota Dry Pea
& Lentil Council**

PO Box 1352 • Bismarck, ND 58502

**Testimony of Shannon Berndt
North Dakota Dry Pea & Lentil Council
House Bill 1109
House Agriculture Committee
Peace Garden Room
January 15, 2009**

Chairman Johnson and members of the House Agriculture Committee, for the record my name is Shannon Berndt and I am administrator for the North Dakota Dry Pea & Lentil Council. I am here today to testify in support of HB 1109 relating specifically to the removal of the agriculture commissioner as an ex officio member of the North Dakota Dry Pea & Lentil Council. While the North Dakota Dry Pea & Lentil Council certainly appreciates the support and input from the ND Ag Commissioners office while in attendance at our meetings, we also understand the tremendous burden placed on both the Ag Commissioner and staff to be in attendance at all commodity meetings.

Chairman Johnson and members of the House Agriculture Committee, I urge you to support HB 1109. Thank you.

Roger Johnson
Agriculture Commissioner
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1/16/09 Roger Johnson
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#2

Testimony of Roger Johnson
Agriculture Commissioner

HB 1109

House Agriculture Committee

Peace Garden Room

January 15, 2009

*Same testimony
given to Senate.*

Chairman Johnson and members of the House Agriculture Committee, I am Agriculture Commissioner Roger Johnson. I am here today in support of HB 1109, which would change the statutory roles and duties of the Agriculture Commissioner (Commissioner) related to the various commodity promotion groups. This bill makes the Commissioner's roles and duties more uniform and focused on activities that could equally benefit all the groups.

The North Dakota Agriculture Commissioner (Commissioner) serves on most North Dakota commodity groups in a variety of roles, ranging from chairman of the Potato Council to having no statutory connection with the Beef Commission.

The current laws designate Commissioner representation on seven groups. However, even among these groups the statutory representation varies. The Commissioner also has varied duties in the groups' election/appointment processes.

The Commissioner's current roles and duties are summarized in the following table.

ORGANIZATION	ROLE	ELECTIONS
Potato Council	Chairman	Commissioner
Dry Pea/Lentil Council	Ex Officio	Commissioner or County Agent
Soybean Council	Ex Officio	Commissioner or County Agent
Oilseed Council	Ex Officio	Commissioner or County Agent
Dry Bean Council	Ex Officio	Commissioner or County Agent
Barley Council	Ex Officio non-voting	Commissioner or County Agent
Dairy Promotion Board	Ex Officio non-voting	All appointed (Commissioner 1)
Wheat Commission	Non-member	At-large nominating committee
Beef Commission	Non-member	All appointed by Governor
Corn Council	Non-member	Council
Turkey Federation	Fiscal agent	N/A
Honey Promotion	Fiscal agent	N/A

North Dakota Department of Agriculture (NDDA) staff commits significant time and travel to participate in individual quarterly commodity group meetings. We attempt to provide consistent representation on the numerous boards, commissions, councils and other entities to which the Commissioner is obligated. However, limited financial and human resources often leads to substitute staff members covering meetings or, in some cases, meetings are missed completely.

Inconsistent staffing or missed meetings are not in the best interest of anyone concerned, especially in cases where the Commissioner is a voting member. It is important that the Commissioner's representative be familiar with all of a group's issues if we are to engage in meaningful discussions and vote on sensitive matters.

I believe that efficiencies, enhanced communications and a better use of resources could be gained by making the Commissioner's role consistent with all commodity promotion groups. I view the Commissioner's primary role as assisting with the domestic and international marketing efforts of all the groups and coordinating those efforts with the Commissioner's marketing division.

My staff and I have carefully considered this issue. We believe the best way of addressing the previously raised concerns is to remove the Commissioner from voting membership on all groups and create a new section of law:

1) authorizing the Commissioner to attend the groups' meetings and participate in general and executive session discussions and;

2) directing the Commissioner to convene, at least annually, all of the groups to coordinate marketing and other common cause efforts. — *helping groups comply with law*

This new role would eliminate the Commissioner's statutory duties of passive and active memberships without losing the ability to remain engaged with the groups and assist with problems as necessary.

Formal group meetings of the commodity groups would better utilize NDDA staff resources and enhance communications and increase coordination among the groups. These group meetings would also provide educational opportunities and collaborative promotional and marketing efforts.

Vacating the current Commissioner memberships would also allow for additional producer-members to manage the operations of the commodity councils.

I have informally discussed these ideas with a majority of the commodity groups and found them to be receptive to the idea.

Chairman Johnson and committee members, I urge a "do pass" on HB 1109 and would be happy to answer any questions.