

2009 HOUSE AGRICULTURE

HB 1413

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1413

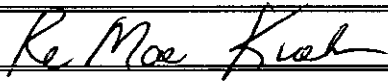
House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: February 12, 2009

Recorder Job Number: 9354

Committee Clerk Signature



Minutes:

**Joel Gilbertson, ND Corn Growers:** This would have been an amendment to HB 1025.

When it was determined to have separate bills, we drafted HB 1413.

**Representative Mueller, Sponsor:** This bill is about the Corn Council's election system. It

outlines how that council would elect their county and council members. It is similar to what the Wheat Commission has done. It was brought to us in the interim when we did the Ag rewrite for the commodity groups. If it looks like the bill repeats itself, it does. If HB1025 doesn't make it through the system, then the changes to this one will still be instituted.

Some amendments have been prepared.

**James Schmidt, Corn Growers Board Member:** (Written testimony attached #1a) We feel that adding the county designation to corn will add to the consistency of commodity laws and a better relationship with the county agent system across the state.

(chart attachment #1b) Shows how corn acreage has increased. Also suggested amendments.

**Representative Boe:** Does this amendment cover any corn that would be shipped in from bordering states? Do we have reciprocal agreements with them? Do we give them the money back or do we keep the money?

**James Schmidt:** I believe we keep the money. The corn that is shipped out of state, it stays out of state. The corn that is shipped in and sold in our state would be collected in our state.

**Opposing:**

None

**Chairman Johnson:** Closed the hearing

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1413

House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: February 12, 2009 (**Committee Work**)

Recorder Job Number: 9359

Committee Clerk Signature

*Re Mae Kueh*

Minutes:

Chairman Johnson: Went over the proposed amendments with the committee

**(attachment #1)**

**Representative Mueller:** The intent is the same language should be used on page 3, line 18

as is used on page 5, line 25.

**Representative Mueller:** Moved the amendments

**Representative Holman:** Seconded the amendments

**Voice vote taken. Passed.**

**Representative Holman moved Do Pass as amended.**

**Representative Vig seconded.**

A Roll Call vote was taken. **Yes: 11, No: 0, Absent: 2**, (Representative Belter & Froelich).

**Representative Vig will carry the bill.**

HB 1413

#1

Page 3, line 18, replace "~~grown~~" with "purchased"



Page 5, line 25, replace "sold" with "purchased by the first designated handler"

VR  
2/12/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1413

Page 3, line 18, replace "grown" with "purchased by the first designated handler"

Page 5, line 25, overstrike "sold" and insert immediately thereafter "purchased by the first designated handler"

Renumber accordingly

Date: 2/12/09

**Roll Call Vote #:** \_\_\_\_\_

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1413**

House Agriculture Committee

☐ Check here for Conference Committee

**Legislative Council Amendment Number** \_\_\_\_\_

**Action Taken**      ☐ **Do Pass**      ☐ **Do Not Pass**      ☐ **Amended**

Motion Made By Rep. Mueller Seconded By Rep. Holman

[illegible]

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

**Absent** \_\_\_\_\_

**Bill Carrier**

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

See attach #1

Date: 2/12/09

Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1413

House Agriculture

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

90764.0102

Action Taken

☒ Do Pass

☐ Do Not Pass

☒ Amended

Motion Made By

Rep. Holman

Seconded By

Rep. Vig

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chair	✓		Tracy Boe	✓	
Mike Brandenburg, Vice Chair	✓		Rod Froelich	AB	
Wesley R. Belter	AB		Richard Holman	✓	
Joyce M. Kingsbury	✓		Phillip Mueller	✓	
David S. Rust	✓		Benjamin A. Vig	✓	
Mike Schatz	✓				
Gerry Uglem	✓				
John D. Wall	✓				

Total (Yes) 11 No 0

Absent 2

Bill Carrier

Rep. Vig

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



**REPORT OF STANDING COMMITTEE**

HB 1413: Agriculture Committee (Rep. D. Johnson, Chairman) recommends  
**AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**  
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1413 was placed on the  
Sixth order on the calendar.

Page 3, line 18, replace "grown" with "purchased by the first designated handler"

Page 5, line 25, overstrike "sold" and insert immediately thereafter "purchased by the first  
designated handler"

Renumber accordingly

2009 SENATE AGRICULTURE

HB 1413

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1413

Senate Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: March 12, 2009

Recorder Job Number: 10821

Committee Clerk Signature

*CASSA KROW*

Minutes:

**Sen. Flakoll** opened the hearing on HB 1413, a bill relating to corn utilization council elections and relating to corn assessments. All members (7) were present.

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

**Rep. Mueller-** This bill outlines how the council would elect the county council members and has similarities to how the wheat commission does their elections. There was a change that we made on the house side that spoke to the refunding and assessments issue, they are trying to nail down who they are going to hold responsible for paying assessments. They felt that we needed it to clean it up a little bit.

**Sen. Flakoll** closed the hearing and decided to reopen when the corn council could attend later in the day.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1413

Senate Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: March 12, 2009

Recorder Job Number: 10825

Committee Clerk Signature

*Cassie Crow*

Minutes:

**Sen. Flakoll** reopened the hearing on HB 1413. All members (7) were present.

**Tom Wilja**, Corn Utilization Council, testified in favor of the bill.

**Tom Wilja**- We stand in support of this bill. We wanted to make the commodity laws

consistent with what the other commodity groups are doing. So I guess we would just like to see that for consistency.

No opposition to the bill.

**Sen. Flakoll** closed the hearing.

**Sen. Wanzek** motioned for a do pass and was seconded by **Sen. Taylor**, roll call vote 7 yea 0 nay 0 absent. **Sen. Wanzek** was designated to carry the bill to the floor.

Roll Call Vote #:

1413

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Do Pass

Wanzen

Taylor

<b>Sensors</b>			<b>Yes</b>	<b>No</b>			
Tim Flakoll-Chairman	X						
Terry Wanzek-Vice Chairman	X						
Jerry Klein	X						
Joe Miller	X						
Total	(Yes)	7					

Total (Yes) 7 No 0

Absent                     

Floor Assignment Sen. Wanzek

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

**REPORT OF STANDING COMMITTEE (410)**  
March 16, 2009 11:30 a.m.

**Module No: SR-47-4928**  
**Carrier: Wanzek**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1413, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1413 was placed on the Fourteenth order on the calendar.**

2009 TESTIMONY

HB 1413

House Bill 1413

House Agriculture Committee

James Schmidt – Menoken, ND

North Dakota Corn Growers Association Board Member

# 1a  
1413  
2/12/09  
James Schmidt

Mr. Chairman and Members of the Committee:

My name is James Schmidt and I farm near Menoken, North Dakota. I am a member of the North Dakota Corn Growers Board of Directors and I urge you to support House Bill 1413. I urge your support for the following reasons.

During the interim Committee rewrite of Agricultural Commodity laws it was the intent that commodity laws be consistent. During the late stages of the rewrite it was discovered that groups such as wheat, barley, soybeans and others have county representatives as part of their laws. We feel that adding the county designation to corn will add to the consistency of commodity laws and a better relationship with the county agent system across the state.

The North Dakota Corn Utilization Council founded in 1991 only designates districts. We have two districts that comprise 18 and 22 counties and have had instances that county agents have said they are not required to elect a corn representative because it is not part of state law. These county agents have requested that this get clarified.

Corn acres are rapidly expanding across the state and we feel that with the commodity rewrite now would be the proper time to insert this language.

Our only point is that in 4-10.6-08 Assessment shall be imposed upon all corn purchased by the first designated handler in this state.

Likewise under 4.1-04-10 line 25 should read corn purchased by the first designated handler in this state.



2/12/09  
James  
Schmidt

16  
1413

1991 Harvested State Total		570,000	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
1991 Harvested State Total		570,000	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
2007 Harvested State Total		2,350,000	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
District #1 Total		156,000	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Richland		"	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
District #2 Total		85,400	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Cass		67,200	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Traill		12,100	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Steele		6,100	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
District #3 Total		49,200	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Grand Forks		14,000	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Nelson		1,700	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Walsh		4,500	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Pembina		6,700	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Cavalier		200	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Ramsey		600	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Benson		5,300	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Towner		400	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Rolette		1,200	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Pierce		3,400	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
McHenry		5,400	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Bottineau		500	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Ward		3,400	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Renville		400	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Mountrail		600	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Burke		300	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Divide		0	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
Williams		600	1991 Corn Acres Harvested		2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Production (bushel)		2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production

District #	1991 Corn Acres Harvested	2007 Corn Acres Harvested	1991 % of State Total	2007 % of State Total	1991 Corn Production (bushel)	2007 Corn Production (bushel)	1991 % of State Production	2007 % of State Production
<b>District #5 Total</b>	<b>42,700</b>	<b>378,300</b>	<b>7.49%</b>	<b>16.10%</b>	<b>3,007,200</b>	<b>46,952,000</b>	<b>5.86%</b>	<b>17.22%</b>
Griggs	2,100	34,500	0.37%	1.47%	200,000	4,442,000	0.39%	1.63%
Barnes	12,000	137,000	2.11%	5.83%	865,500	16,880,000	1.69%	6.19%
Stutsman	16,600	150,000	2.91%	6.38%	1,040,800	19,090,000	2.03%	7.00%
Foster	7,900	42,200	1.39%	1.80%	649,300	5,118,000	1.27%	1.88%
Eddy	4,100	14,600	0.72%	0.62%	251,600	1,422,000	0.49%	0.52%
<b>District #6 Total</b>	<b>102,800</b>	<b>189,000</b>	<b>18.04%</b>	<b>8.04%</b>	<b>10,106,500</b>	<b>25,040,000</b>	<b>19.70%</b>	<b>9.19%</b>
Ransom	55,300	83,000	9.70%	3.53%	5,451,200	10,560,000	10.63%	3.87%
Sargent	47,500	106,000	8.33%	4.51%	4,655,300	14,480,000	9.07%	5.31%
<b>District #7 Total</b>	<b>80,100</b>	<b>282,000</b>	<b>14.05%</b>	<b>12.00%</b>	<b>6,454,500</b>	<b>38,110,000</b>	<b>12.58%</b>	<b>13.98%</b>
LaMoure	24,700	150,000	4.33%	6.38%	2,011,900	20,170,000	3.92%	7.40%
Dickey	55,400	132,000	9.72%	5.62%	4,442,600	17,940,000	8.66%	6.58%
<b>District #8 Total</b>	<b>53,800</b>	<b>360,800</b>	<b>9.44%</b>	<b>15.35%</b>	<b>3,092,700</b>	<b>32,160,000</b>	<b>6.03%</b>	<b>11.80%</b>
Logan	1,700	25,500	0.30%	1.09%	132,600	2,126,000	0.26%	0.78%
McIntosh	1,100	25,500	0.19%	1.09%	61,200	2,614,000	0.12%	0.96%
Kidder	6,300	15,200	1.11%	0.65%	664,000	1,866,000	1.29%	0.68%
Wells	10,400	62,000	1.82%	2.64%	580,000	6,681,000	1.13%	2.45%
Sheridan	2,400	8,200	0.42%	0.35%	94,100	743,000	0.18%	0.27%
Burleigh	7,500	28,000	1.32%	1.19%	330,400	2,508,000	0.64%	0.92%
Emmons	2,700	61,000	0.47%	2.60%	247,500	5,553,000	0.48%	2.04%
Sioux	300	4,100	0.05%	0.17%	19,500	409,000	0.04%	0.15%
Morton	3,500	14,600	0.61%	0.62%	169,800	1,097,000	0.33%	0.40%
Oliver	2,400	8,100	0.42%	0.34%	90,500	768,000	0.18%	0.28%
McLean	2,300	30,200	0.40%	1.29%	181,500	2,625,000	0.35%	0.96%
Mercer	900	6,400	0.16%	0.27%	50,300	589,000	0.10%	0.22%
Grant	8,300	15,000	1.46%	0.64%	322,800	1,103,000	0.63%	0.40%
Dunn	1,300	8,400	0.23%	0.36%	35,600	421,000	0.07%	0.15%
Stark	0	10,500	0.00%	0.45%	0	670,000	0.00%	0.25%
Hettinger	300	13,000	0.05%	0.55%	6,900	871,000	0.01%	0.32%
Adams	300	5,200	0.05%	0.22%	5,500	277,000	0.01%	0.10%
Bowman	200	7,000	0.04%	0.30%	4,000	427,000	0.01%	0.16%
Slope	200	2,300	0.04%	0.10%	3,800	118,000	0.01%	0.04%
Golden Valley	400	5,900	0.07%	0.25%	18,500	367,000	0.04%	0.13%
Billings	0	1,600	0.00%	0.07%	0	120,000	0.00%	0.04%
McKenzie	1,300	3,100	0.23%	0.13%	74,200	207,000	0.14%	0.08%