

2009 HOUSE AGRICULTURE

HB 1527

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1527

House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: January 29, 2009

Recorder Job Number: 8100

Committee Clerk Signature

*ReMae Kach*

Minutes:

**Vice Chairman Brandenburg, Bill Sponsor:** In the past few years we've had a lot of growth in the organic area. It came to my attention in dealing with seed that the organic farmers would have the proper seed. If you look at the bill, (reads all of #1 of Section 1)

This would give a program dealing with organic seed that the farmers use. We do have the State Seed Dept. dealing with GMO seed, corn, soybeans, and other areas that we have a program in place already. That would make sure we have pure seed that doesn't have weeds in it. The Commissioner shall determine the nature of the size of the samples submitted and the manner. The Ag. Commissioner may not have the resources to handle this but he could give his stamp of approval so the State Seed Dept. may even have to have a part in this in order to be able to get that guidance to the State Ag. Commissioner. If determined that the seed is free of prohibitive noxious weed seeds, the seed is within state tolerance levels for restricted noxious weed seeds, and the analysis complies with all other seed laws of this state. Finally, the commissioner may establish and charge a fee for performing the purity test required by this section.

There is a lot of seed that is just sold from farmer to farmer. Is that seed pure?

**Representative Mueller:** Do you know of any circumstances that call for a certification process? I think you're calling for it in all organic seeds situations.

**Vice Chairman Brandenburg:** This is the beginning of a program of an industry that needs some guidance. If there is somebody going into organics that is not familiar with it would they know where to buy the proper seed. This would keep the industry clean.

**Representative Vig:** How has it been now?

**Vice Chairman Brandenburg:** There's a national certification program. I know there are some people that do organic farming and do a good job. This bill is about people not following guidelines.

**Representative Rust:** Is there anything in regard to testing of seeds as it comes into the state of North Dakota.

**Vice Chairman Brandenburg:** There may be some people here who can talk to the specifics of the national program.

**Informational:**

**Ken Bertsch, State Seed Commisioner:** This bill is entirely related to Chapter 4 which puts it in the Seed Dept. code. The Agriculture Commissioner doesn't have anything at all to do with this. Section 1, Paragraphs 2 & 3 are fine. Those could be implemented. Where we run into a few glitches is Paragraph 1. The bill requires that all seed sold in the state for organic purposes is tested and comes out with a certificate of purity. I'm not sure how you would have a reporting mechanism so that we would understand if the seed was being sold for organic purposes. Any seed that is sold in the state with a few minor exceptions has to carry a label and that label contains all the information in regard to the weed seed content of that bag. We wouldn't know who has to have the certificate of purity. There are a few instances when seed doesn't have to be labeled. Those are in a farmer to farmer transaction and common seed.

There is so little common seed marketed in the industry. Almost all seed needs to have a label which means that it has been purity tested. The person purchasing knows what is in the bag. The bill also requires that all seed purchased for the purpose of organic production needs to have a certificate of purity. Whose responsibility is it that it carries this certificate?

**Representative Rust:** Are organic seeds tested before they come into North Dakota?

**Ken Bertsch:** Maybe yes/Maybe no. We wouldn't have knowledge of that. In regard to the National Organic Program, I think they are required to plant organic seed unless no other seed is available. If so, an organic producer who couldn't find an organic seed to plant would go looking in the market for a seed product and would probably come across a certified seed product. If it's certified, it has been tested and labeled with the number of weeds per pound and what types of weeds are involved.

**Vice Chairman Brandenburg:** Some organic farmers do a good job where their fields are clean and others are a mess. How does that work with the National Program?

**Ken Bertsch:** I'm not an expert on the National Organic Program. The NOP probably requires a producer to submit an evidence of seed source. There's a difference between organic certified seed and certified organic seed. Certified organic seed, I think, is a part of the NOP. It's certified to have been produced under organic conditions. Organic certified seed is certified seed. You can't use the term certified seed unless you're dealing with the products we certify.

**Chairman Johnson:** Do you see the need for legislation like this?

**Ken Bertsch:** I'm not sure if the bill addresses the real problem.

**Vice Chairman Brandenburg:** Is there anyone here that can explain the National Program?

No response

**Chairman Johnson:** Closed the hearing

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1527

House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: February 5, 2009 (**Committee Work**)

Recorder Job Number: 8815 (24'20")

Committee Clerk Signature	<i>Re Mac Kueh</i>
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Minutes:

**Representative Mueller:** I move a **Do Not Pass**.

**Representative Vig:** **Seconded the motion.**

**Representative Rust:** In my notes I have an email from a Marvin Baker with the Newton

News. Organic seeds are tested before they enter North Dakota by credible sources.

Sources that have been in business for a long time. It is an unnecessary expense.

Anyone know more?

**Vice Chairman Brandenburg:** I know Marvin. He does a good job with organics.

**Representative Mueller:** I think what we are doing with this bill is being very inconsistent. A farmer doesn't have to certify seed unless he chooses to if he wants to buy it from a neighbor. Nobody that farms does that. So to single this group out with a different standard, I think isn't right.

A Roll Call vote was taken on **Do Not Pass**.

**Yes:** 10, **No:** 2, **Absent:** 1, (Representative Froelich).

**Representative Mueller will carry the bill.**

# FISCAL NOTE

Requested by Legislative Council  
01/20/2009

Bill/Resolution No.: HB 1527

**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).*

HB 1527 implements a purity testing requirement for organic seed planted in ND. Bill provides for the Seed Department to set and collect fees for the purity testing program. No serious fiscal impact is assumed since the number of tests would be very low.

**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.*

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.*

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.*

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.*

No fiscal impact

<b>Name:</b>	Ken Bertsch	<b>Agency:</b>	ND State Seed Dept.
<b>Phone Number:</b>	701-231-5415	<b>Date Prepared:</b>	01/20/2009

Date: 2/5/09Roll Call Vote #: 12009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1527House Agriculture

Committee

☐ Check here for Conference Committee

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

Action Taken

☐ Do Pass☒ Do Not Pass☐ Amended

Motion Made By

Rep. Maeller

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		✓	Richard Holman	✓	
Joyce M. Kingsbury	✓		Phillip Mueller	✓	
David S. Rust	✓		Benjamin A. Vig	✓	
Mike Schatz	✓				
Gerry Uglem	✓				
John D. Wall	✓				

Total (Yes) 10 No 2Absent 1

Bill Carrier

Rep. Maeller

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

**REPORT OF STANDING COMMITTEE**

**HB 1527: Agriculture Committee (Rep. D. Johnson, Chairman) recommends DO NOT PASS (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1527 was placed on the Eleventh order on the calendar.**