

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1095

2001 HOUSE AGRICULTURE

HB 1095

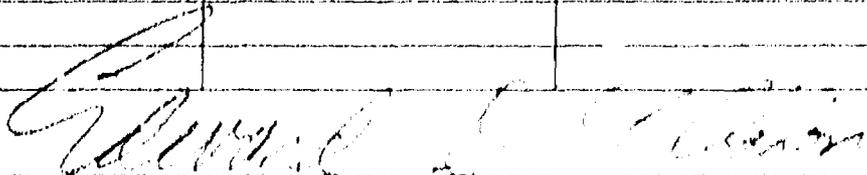
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1095

House Agriculture Committee

Conference Committee

Hearing Date 1-11-2001

Tape Number	Side A	Side B	Meter #
ONE	A		2300 to 2960
Committee Clerk Signature 			

Minutes:

A Bill for an Act to amend and reenact section 4-14.1-05 of the North Dakota Century Code, relating to compensation of members of the agricultural products utilization commission.

1A:2012: Chairman Nicholas: We will open the hearing on HB1095.

I believe Mr. Gaebe is here and will give us some testimony on 1095.

1A:2030: Mr. Gaebe: Thank you Chairman Nicholas. My name is Lance Gaebe. I work with the executive director of Agriculture Products Utilization Commission which is presenting this bill I guess you guys are presenting requested Agriculture Products Utilization Commission. I'm the sole employee of that commission, it is covered by state statues for two primary purposes One is to disperse the ethanol program. Ethanol production program expenses grants which amounts to about \$1,500,000.00 for Ethanol for ethanol production and probable we are better know for dispersing grants. I did not provide any written testimony for you this morning because the Bill is self explanatory Really because of an audit that happened three weeks after

I started this spring. There are nine members on the commission, five of whom are appointed by the Governor, one appointed by the Agriculture Commissioner and the three other are statutory members are President of N.D.S.U., the Agriculture Commissioner and director of (??) but the other six are entitled to receive compensation of a per-diem of fifty dollars per day for meeting attended and the chairman was receiving an additional one hundred dollars per day and what happened in the audit we realized that the other members were meeting with the Governor etc., the other members were not receiving per-diem. In the write up as to the audit we decided to raise the compensation to the level other commission members receive. You will note there is a FISCAL NOTE attached to this bill. This is the first FISCAL NOTE that I have ever prepared and I hope it is somewhat understandable but really it's fairly minor cost to make this increase. That is why the Agricultural Commission is getting this Bill rather than the Appropriations Committee. I will be happy to respond to any questions.

Chairman Nicholas: What is your total budget? What are your grants? What are you bringing in. I know that is not pertinent to the Bill.

Mr. Gaebe: Our appropriations authority is we have the authority to grant three million dollars but our collections are not up to what are appropriations. We have the authority to collect nine hundred and ninety five thousand dollars from the Agricultural Fuel Tax Fund. That fund is declining. We will collect about six hundred and thirty five thousand. We also have the authority to receive five hundred thousand in grants. We have only been able to qualify for one hundred thousand so we are collecting substantially less than we are authorized to receive. So, the short answer to your question is that we are able to provide slightly less than a million dollars in grants.

Page 3
House Agriculture Committee
Bill/Resolution Number HB 1095
Hearing Date 1-11-2001

CHAIRMAN NICHOLAS: So you have about two million for grants. Any other questions committee members have in regards to this bill. O.K. Any further, anyone else wishing to offer testimony in regards to this legislation? O.K. we will close the hearing on HOUSE BILL 1095 and as long as we have the HB 1095 in front of us....What is the committees wishes on 1095?

REPRESENTATIVE BERG: I move a do pass.

CHAIRMAN NICHOLAS: Representative moves a do pass. Is there a second?

REPRESENTATIVE KOPPANG: Mr. Chairman, I would just like to make a comment. There was discussion on the Bill. It was then decided that there was no more discussion and the Clerk was asked to take the roll. The vote to pass the bill was (FOURTEEN YES'S---NO NO'S AND ONE ABSENT).

CHAIRMAN NICHOLAS: Who would like to carry this BILL? Representative Froelich...It is all yours. All right the previous BILL that we heard. The committee members: Do you want to open your book to HB 1079 again. The Chair will entertain a motion on 1079. Representative Renner.

REPRESENTATIVE RENNER: Do Pass.

CHAIRMAN NICHOLAS: Representative recommends a do pass. Is there a second.

REPRESENTATIVE BERG: I second.

CHAIRMAN NICHOLAS: Seconded by Representative Berg. Is there any further discussion? O.K. the clerk will take the roll. The roll was taken and passed. The totals were (TWELVE....YES'S---TWO NO'S-----AND ONE ABSENT)

CHAIRMAN NICHOLAS: Who would like to carry this bill? Representative Pietsch do you want take this one. All right. O.K. committee members I have two other things before we

Page 4
House Agriculture Committee
Bill/Resolution Number HB 1095
Hearing Date 1-11-2001

depart. At 2:00PM this afternoon. I would like you all to come down here to the committee room. I have had a request from some folks in regards to genetic engineering. The wheat commission will be here, some of the commodity groups, grain growers, there is some real interest in genetically altered wheat in what they might do to our markets. There has been some interest in putting in some legislation and I have asked these people to at least give the committee

some input before we look at any kind of legislation. My concern with genetic engineered crops is that we are dealing with a whole host of areas. We have other states to contend with and we feel that we need this input. There was other conversation at to the subject of this afternoons meeting. That's the only two announcements before we leave. Money \$20.00 dollars was collected from each Representative for lunch money as to committee meetings. Ed Ellefson, Agricultural Clerk collected the money.

FISCAL NOTE

Requested by Legislative Council
12/14/2000

Bill/Resolution No.: HB 1095

Amendment to:

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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$3,850		\$3,850	
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

The appointed Commission members are currently authorized to receive \$50 per diem per meeting attended, the chair is entitled to an additional \$100 per meeting. The changes suggested in this bill would create two changes 1) the per diem for commission members is increased by \$12.50 per day and 2) that per diem can be disbursed for time spent on other official business of the commission outside of meetings. The section will slightly increase the administrative expense of the APUC, but will not hinder its ability to remain under the 10% administrative expense cap required in NDC 4-14.1-06. The expense will be part of the operating budget of the commission.

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.*

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.*

The commission meets quarterly for two days and holds a one day organizational meeting annually. These nine days multiplied by \$50 multiplied by the two years in the biennium for the five members entitled to receive this per diem yields \$4500 current expenditure. Likewise the chair is entitled to an additional \$100. Similarly, calculated yields \$2700.

The proposed change would increase the cost to \$5625 for the five members and to \$2925 for the chair.

$$5625 + 2925 = 8550$$

$$4500 + 2700 = 7200$$

$$8550 - 7200 = 1350$$

In addition, the proposed change would compensate members for business conducted outside of meetings. an estimate of twenty yearly incidences of commissioners participating in official APUC business was used to calculate the additional \$2500 potential expenditure.

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.*

Name:	Lance Gaebe	Agency:	Agricultural Products Utilization Commission
Phone Number:	701 328-5350	Date Prepared:	12/15/2000

Date: 1-11-01
 Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 1095

House AGRICULTURE Committee

- Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By REP. RENNER Seconded By REP. BELG

Representatives	Yes	No	Representatives	Yes	No
Eugene Nicholas, Chairman	✓		Rod Froelich		✓
Dennis E. Johnson - Vice Chairman	✓		Doug Lemieux	✓	
Rick Berg	✓		Philip Mueller	✓	
Michael Brandenburg			Kenton Onstad	✓	
Joyce Kingsbury	✓		Sally M. Standvig		✓
Myron Koppang	✓		Dennis J. Renner	✓	
Edward H. Lloyd	✓		Dwight Wrangham	✓	
Bill Pietsch	✓				

Total (Yes) 12 No 2

Absent 1

Floor Assignment REP. PIETSCH

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

REPORT OF STANDING COMMITTEE (410)
January 11, 2001 1:43 p.m.

Module No: HR-03-0906
Carrier: Pietsch
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1095: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS
(12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1095 was placed on the
Eleventh order on the calendar.

2001 SENATE AGRICULTURE

HB 1095

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1095

Senate Agriculture Committee

Conference Committee

Hearing Date February 16, 2001

Tape Number	Side A	Side B	Meter #
Feb. 16 1	X		52.2 - End
		X	0.0 - 3.7
Committee Clerk Signature <i>Lacey J. Jah</i>			

Minutes:

LANCE GAEBE; APUC, introduced the bill to the committee. This legislation increases member compensation pay from \$50 to \$62.50 and reimbursed for business outside of commission meetings.

SENATOR WANZEK; In HB 1250 we gave them the flexibility to set their fees but they cannot exceed \$75. What if we did that instead of a set fee that would make it more consistent and uniform throughout the code?

LANCE GAEBE; I don't think there would be any resistance to that.

SENATOR NICHOLS; Has the 2 cents from the farmers refund been steady are is it going down

LANCE GAEBE; It has been declining about 6% per year.

The hearing was closed.

SENATOR KLEIN moved for a DO PASS on this bill.

SENATOR NICHOLS seconded the motion.

Page 2

Senate Agriculture Committee
Bill/Resolution Number HB 1095
Hearing Date February 16, 2001

Roll call vote: 6 Yeas, 0 No, 0 Absent and Not voting.

SENATOR KROEPLIN will carry the bill.

REPORT OF STANDING COMMITTEE (410)
February 16, 2001 3:23 p.m.

Module No: SR-29-3756
Carrier: Kroeplin
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1095: Agriculture Committee (Sen. Wanzek, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1095 was placed on the
Fourteenth order on the calendar.