

## NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

**AGRICULTURE COMMITTEE**

Friday, June 15, 2018  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Representative Dennis Johnson, Chairman, called the meeting to order at 10:00 a.m.

**Members present:** Representatives Dennis Johnson, Michael Howe, Craig A. Johnson, Dwight Kiefert; Senators Jim Dotzenrod, Larry Luick, Janne Myrdal

**Members absent:** Representatives Kathy Hogan, Kathy Skroch; Senators Bill L. Bowman, Joan Heckaman

**Others present:** See [Appendix A](#)

**It was moved by Senator Luick, seconded by Senator Myrdal, and carried on a voice vote that the minutes of the April 12, 2018, meeting be approved as distributed.**

**STUDY OF DON/VOMITOXIN, FALLING NUMBERS, AND PROTEIN**  
**North Dakota State University**

Chairman Johnson called on Dr. Richard D. Horsley, Department Head & Barley Breeder, and Dr. Paul Schwarz, Food Safety Program Director, Department of Plant Sciences, North Dakota State University, for a presentation ([Appendix B](#)) regarding grain breeding, genetics research, and the development of vomitoxin- and protein-resistant grains.

In response to a question from Senator Luick, Dr. Schwarz said since the 1990s, the types of chemicals and application methods used to combat grain-related issues have improved. He said he believes they are starting to gain better control over the fungus situation than in the past.

In response to questions from Chairman Johnson, Dr. Horsley said vomitoxin is a signal the fungus that produces the harmful mycotoxins is present in the grain. He said the fungus lives on the seed. He said it is possible if you plant the seed, reinfection can occur. He said to combat the issue, the focus needs to be on both developing resistant grains and developing better fungicides.

In response to questions from Representative Howe, Dr. Schwarz said to reduce variability there needs to be continued emphasis on grain sampling methods and blending. He said he is not sure there is an economically feasible method available to reduce variability completely. He said there is some new technology from a European company that utilizes a vacuum technique to sample the dust from the grain instead of the grain kernels. He said the company is finding good correlation between the dust samples and the actual level of vomitoxin present in the load of grain. He said that may be a promising technology to look at in the future. He said Kansas State University is spending grant money on a forecasting system that will try to predict the probability of grain infections in an area based on the weather conditions present during the growing season.

In response to a question from Senator Luick, Dr. Schwarz said university testing laboratories are using chromatographic testing equipment that is relatively expensive, but allows for the testing of multiple toxins simultaneously. He said most elevators use less sophisticated test kits, which are approved by federal grain inspectors. He said even though the kits have different manufacturers and are less sophisticated, the kits are reliable as long as they have been tested, approved, and are being utilized properly. He said for accuracy the kit must have been approved to test a certain type of grain and is not being utilized to test between multiple grains without cleaning the kit first.

**STUDY OF THE DESIRABILITY AND FEASIBILITY**  
**OF CREATING A STATE WETLANDS BANK**  
**Department of Trust Lands**

Chairman Johnson called on Mr. Mike Humann, Surface Division Manager, Department of Trust Lands, for a presentation ([Appendix C](#)) regarding the role of the department in a potential state operated wetlands bank, amount of land held by the department, and potential uses of the land for wetland mitigation.

In response to questions from Senator Dotzenrod, Mr. Humann said one of the biggest hurdles is that many of the easements required to make wetland mitigation work could prohibit the ability to develop mineral rights in the future. He said the income stream to the department for the trust is a major issue that would need to be overcome to utilize trust lands for wetland mitigation, but it is by no means the only issue that would need to be addressed. He said another consideration is that wetlands are primarily an issue in eastern North Dakota, while the majority of the lands held by the department are in the western part of the state.

### **NORTH DAKOTA STATE SOIL CONSERVATION COMMITTEE STUDY**

Chairman Johnson called on the Legislative Council staff to present a bill draft [[19.0136.01000](#)] regarding mandatory training for soil conservation district supervisors. The Legislative Council staff said as requested by the committee, he worked with Mr. Bruce Schmidt, Program Coordinator, Watershed and Soil Conservation Leadership Development, North Dakota State University Extension Service, to draft a bill to make ongoing training for soil conservation district supervisors mandatory. He said the bill draft requires a supervisor to attend or participate in annual training. He said "participation" was included to incorporate training that may be based online, as opposed to in-person training.

Mr. Schmidt said he supports the bill draft.

In response to a question from Senator Myrdal, the Legislative Council staff said the bill draft delegates control of the ongoing training requirements to the State Soil Conservation Committee. He said, if desired, language can be added to require reporting to a legislative body.

Representative Howe said he is not concerned with the lack of a reporting requirement since the State Soil Conservation Committee asked for a bill draft in the first place. He said the committee is being proactive to address the issue.

In response to a question from Senator Dotzenrod, Mr. Schmidt said the committee includes two members appointed by the Governor to 6-year terms, and an additional five members elected from the districts. He said there are 54 soil conservation districts in the state. He said each voting area consists of around 9 to 11 districts.

In response to a question from Senator Myrdal, Mr. Schmidt said his office will keep data and records on the rules put in place by the committee regarding ongoing supervisor training.

Senator Dotzenrod said he is happy with the bill draft, and if additional concerns are raised the bill can be amended during session.

**It was moved by Senator Luick, seconded by Senator Myrdal, and carried on a roll call vote that the bill draft [[19.0136.01000](#)] relating to mandatory training for soil conservation district supervisors be approved and recommended to the Legislative Management.** Representatives D. Johnson, Howe, C. Johnson, and Kiefert and Senators Dotzenrod, Luick, and Myrdal voted "aye." No negative votes were cast.

**It was moved by Senator Myrdal, seconded by Senator Luick, and carried on a voice vote that the Chairman and the Legislative Council staff be requested to prepare a report and the bill draft recommended by the committee and to present the report and recommended bill draft to the Legislative Management.**

**It was moved by Representative Howe, seconded by Representative Kiefert, and carried on a voice vote that the committee be adjourned sine die.**

No further business appearing, Chairman Johnson adjourned the committee sine die at 11:30 a.m.

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Dustin Assel  
Counsel

ATTACH:3