

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1421

2007 HOUSE AGRICULTURE

HB 1421

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1421

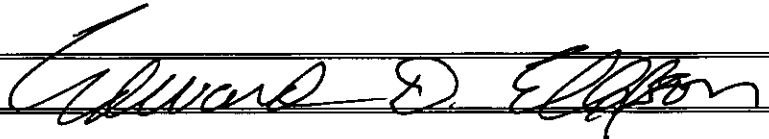
House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: 1-25-07

Recorder Job Number: 1957

Committee Clerk Signature



Minutes:

CHAIRMAN JOHNSON: COMMITTEE MEMBERS WE WILL OPEN ON HB 1421.

REPRESENTATIVE HEADLAND: I am here in support of HB 1421. This is Another bill that is trying to address what cruelty and torture might be. It is a pretty Simple bill. The bill just deals with the definition humane treatment of animals What this bill will do simply if it will bring new language that would help make clear What is considered humane treatment of farm animals. That is about all I have To say. Any questions?

VICE CHAIRWOMAN KINGSBURY: Are there questions from REPRESENTATIVE HEADLAND? So none, thank you. We will take testimony in support of HB 1421.

REPRESENTATIVE BRANDENBURG: I support the bill. It is about doing the Right thing. Make sure we take care of animals and property.

VICE CHAIRWOMAN KINGBURY: Are there questions for REPRESENTATIVE BRANDENBURG? Thank you. Other support for 1421?

SUSAN KELLER: Chairwoman Kingsbury and Committee Members,

I am State Veterinarian. [[[please read printed testimony]]] We support The intent of HB 1421.

CHAIRWOMAN KINGSBURY: Are there questions for Susan Keller.

REPRESENTATIVE MUELLER: Thank you Madam Chairwoman.

Susan, two issues, you mentioned there are a lot of these bills floating
Around out there. Could we put these bill together?

SUSAN KELLER: I think they are well intentioned.

REPRESENTATIVE MUELLER: Is there any thing in 1421 that runs contrary to
Humane treatment of animals. In your opinion.

SUSAN KELLER: A situation of people in agriculture think that we should be
Taking action.

REPRESENTATIVE MUELLER: One more question. The term usual and
Customary practice of -----? Department?

SUSAN KELLER: We would be taking legal action to say that this is not
Acceptable standard of care.

CHAIRWOMAN KINGSBURY: Other support of HB 1421

BRIAN KRAMER: Good Morning Madam Chairwoman and committee members
I am here on behalf of ND Farm Bureau in support of HB 1421. [[[PLEASE
SEE AND READ PRINTED TESTIMONY.]]]

CHAIRWOMAN KINGSBURY: Representative Onstad.

REPRESENTATIVE ONSTAD: [[COULD NOT HEAR THE QUESTION]]

VICE CHAIRWOMAN KINGSBURY: Any other support for 1421?

CRAIG: I am involved in a hog operation. We feed up to 5000 hogs.

We have two hunting dogs and they have free run. Keep dog fenced during
Gestation. There is piglet crushing. Producer safety. Zone heating for
Dogs. We care for animals and keep them healthy. Taking care of animals

Is a way of life.

CHAIRWOMAN KINGSBURY: QUESTIONS. THANK YOU.

REPRESENTATIVE BOE: In HB 1208 we had a number of exclusions.

Show, fair competition, parades, rodeos, buggy rides, pleasure riding.

Activities that involve training or teaching. Do you think that would weaken

The bill?

CRAIG: I strongly support this bill.

CHAIRWOMAN KINGSBURY : Any other questions.

DAVID: Center, ND I am in favor of HBA 1421. The way livestock is raised

Today is way better then it was 20 years ago when I grew up. When I get to

Our farrowing barn and it is 70 degrees in there. I know that I am treating my

Animals good. I don't use gestation crates. My gestation is open lots

And there again you go back to what Craig said about you have animals

Fighting. Taking care of animals as far as feeding. Sometimes it is just

A little risky when you go in with 20 hungry pigs and you come with a pail

Of grain. For my well being and my workers well being I feel that the individual

Treatment of animals is better then the pen treatment. Also I feel that in the

Farrowing barn, farrowing crates might not be the best thing for the sows.

Going back to the little pigs it is way better for the little pigs. It is kind of like

In a budget situation for a farmer, business you have to weigh out what

Is better in the end. By putting this wording in 1421. It will protect the

Livestock producer. All kinds of producers.

CHAIRMAN KINGSBURY: Questions?

IS THERE ANY OPPOSITION FOR HB 1421? WE WILL CLOSE THE HEARING.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1421

House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: 2-2-07

Recorder Job Number: 2675

Committee Clerk Signature

Edward D. Ellefson - MK

Minutes:

CHAIRMAN JOHNSON: COMMITTEE MEMBERS, WE WILL OPEN ON HB 1421.

CLERK: HB 1421 IS RELATING TO THE HUMANE TREATMENT OF ANIMALS.

REPRESENTATIVE HEADLAND: Were the language is to be inserted there have been some wording that is not included.

CHAIRMAN JOHNSON: Discussion on wording on 1421.

CHAIRMAN JOHNSON: I HAVE A MOTION ON THE AMENDMENTS.

REPRESENTATIVE HEADLAND: That is with the changes and the language in the amendment that it does not include.

REPRESENTATIVE HEADLAND: I MAKE A MOTION TO MOVE THE AMENDMENTS ON HB 1421.

REPRESENTATIVE BRANDENBURG: SECONDED THE MOTION AS TO THE AMENDMENTS.

CHAIRMAN JOHNSON: ALL IN FAVOR OF AMENDMENTS SIGNIFY BY SAYING YES.

REPRESENTATIVE BRANDENBURG: I MAKE A MOTION FOR A DO PASS AS AMENDED.

REPRESENTATIVE BOE: I SECOND THE MOTION.

REPRESENTATIVE A HEADLAND: MR. CHAIRMAN, JUST SO EVERY ONE UNDERSTANDS. THIS GOES IN THAT OTHER AMENDMENT AS WELL. THAT OTHER AMENDMENT YOU KNOW.

VICE CHAIR WOMAN KINGSBURY: WE VOTED ON THAT. DID WE NOT?

CHAIRMAN JOHNSON: WHICH OTHER AMENDMENT? THE ONE I HANDED OUT YESTERDAY.

CHAIRMAN JOHNSON: I THOUGHT THIS ONE REPLACED THAT.

REPRESENTATIVE HEADLAND: NO IT DOES NOT REPLACE THE FIRST AMENDMENT. IT IS JUST LANGUAGE ADDED TO THAT. WOULD IT BE EASIER MR CHAIRMAN TO MOVE BOTH AMENDMENTS?

CHAIRMAN JOHNSON: JORDON, THE INTERN FOR HOUSE AGRICULTURE, EXPLAINED THE VOTES AS TO WHAT THE AMENDMENTS WAS VOTED ON.

REPRESENTATIVE HEADLAND: JUST SO I AM CLEAR, MY INTENT IS TO MOVE BOTH SETS OF AMENDMENTS. WHEN I GAVE THIS TO THE INTERN HE INCORPORATED THIS NEW LANGUAGE INTO THE OTHER AMENDMENT. THIS AMENDMENT COVERS BOTH, SO WE DON'T NEED TWO AMENDMENTS.

CHAIRMAN JOHNSON: VOTING ON PASSAGE FOR BILL AS AMENDED.

REPRESENTATIVE BRANDENBURG MADE A MOTION FOR A DO PASS AS AMENDED.

REPRESENTATIVE BOE: SECONDED THE MOTION.

CHAIRMAN JOHNSON: OK WE WELL TAKE A VOTE ON HB 1421 AS AMENDED.

THE VOTE WAS 9 YES 4 NO 0 ABSENT.

REPRESENTATIVE KINGSBURY: CARRIED HB 1421.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1421

House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: 2-9-07

Recorder Job Number: 3305

Committee Clerk Signature

Edward D. Ellefson mk

Minutes:

HB 1421 was taken to the floor and was brought back to our committee because I couldn't find the amendments on the screen. It was amendment in committee and then further amended and that is what we were looking for, was the further amendment.

Jordon again further explained that amendment that LC accidentally forwarded version 0101 instead of a version 0102. This committee has already voted on the version 0102 that included those amendments. So we will have to go forward with a new amendment to this engrossed version because it already went on the floor.

I am unsure as to how the problem with the vote came in the 13-4 versus 9-0-4 but it will come forth as recommended by the committee.

Jordon suggested that they may want to correct the vote by voting again.

Rep. Onstad: made a motion that they reconsider so we can start the process over.

Rep Mueller: Seconded the motion

Jordon suggested that they amend the journal to correct the vote.

Rep. Froelich; asked that the clerk get the vote back in the journal to correct the vote.

Jordon suggested that they vote on the bill to correct the original error rather than override the first vote.

Page 2

House Agriculture Committee

Bill/Resolution No. "Click here to type Bill/Resolution No." 1421

Hearing Date: "Click here to type Hearing Date" 2-9-07

Rep. Headland would like for the vote to show 13-0 vote.

Jordon said the action on the floor was called back to the committee. He was going to look up the information necessary to correct the journal.

We will take a voice vote on reconsidering on HB1421 to do a Do Pass on the amended bill.

Vote 13 Yes 0 No 0 absent.

Rep. Belter made a motion Do Pass as further amended.

Rep Brandenburg seconded motion.

Vote is 13 yes 0 no 0 absent.

Carrier is Rep Kingsbury.

House Amendments to HB 1421 (70768.0101) - Agriculture Committee 02/02/2007

Page 1, line 1, after "to" insert "create and enact two new sections to chapter 36-21.1 of the North Dakota Century Code, relating to agricultural and game and fish activities; and to", replace "section" with "sections", and after "36-21.1-01" insert "and 36-21.1-02"

Page 1, line 13, after "2." insert:

""Adequate care" means normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter, and health care, as necessary to maintain good health in a specific species of animal.

3."

Page 1, line 14, overstrike "3." and insert immediately thereafter "4."

Page 1, line 15, overstrike "4." and insert immediately thereafter "5."

Page 1, line 16, remove "The"

Page 1, remove lines 17 through 19

Page 1, line 20, overstrike "5." and insert immediately thereafter "6."

Page 1, after line 21, insert:

"SECTION 2. AMENDMENT. Section 36-21.1-02 of the North Dakota Century Code is amended and reenacted as follows:

36-21.1-02. Overworking, mistreating, or abandoning animals.

1. No person may overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when unfit for labor.
2. No person may deprive any animal over which the person has charge or control of necessary food, water, or shelter.
3. No person may keep any animal in any ~~enclosure~~ building, room, cage, or pen without ~~exercise and wholesome change of air~~ adequate care.
4. No person may abandon any animal.
5. A person shall reclaim an animal within forty-eight hours of the agreed-upon time for termination of a boarding contract and pay all charges for boarding the animal.
6. No person may allow any maimed, sick, infirm, or disabled animal of which the person is the owner, or of which the person has custody, to lie in any street, road, or other public place for more than three hours after notice.
7. No person may willfully instigate, or in any way further, any act of cruelty to any animal or animals, or any act tending to produce such cruelty.
8. No person may cage any animal for public display purposes unless the display cage is constructed of solid material on three sides to protect the

caged animal from the elements, and unless the horizontal dimension of each side of the cage is at least four times the length of the caged animal. This subsection does not apply to the North Dakota state fair association, to agricultural fair associations, to any agricultural display of caged animals by any political subdivision, or to district, regional, or national educational livestock or poultry exhibitions. Zoos which have been approved by the health district or the governing body of the political subdivision which has jurisdiction over the zoos are exempt from this subsection.

SECTION 3. A new section to chapter 36-21.1 of the North Dakota Century Code is created and enacted as follows:

Animal husbandry - Agricultural management. The usual and customary practices of animal husbandry and the usual and customary practices of a science-based agricultural management system do not constitute cruelty, torture, or the inhumane treatment of animals and a person who engages in these usual and customary practices is not in violation of this chapter.

SECTION 4. A new section to chapter 36-21.1 of the North Dakota Century Code is created and enacted as follows:

Game and fish activities. Any lawful activity under title 20.1 does not constitute cruelty, torture, or the inhumane treatment of animals and a person who engages in the lawful activity is not in violation of this chapter."

Renumber accordingly

Date:
Roll Call Vote #:

FEB 2007
HB 1421

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House AGRICULTURE Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

move
Amendments

Action Taken

Do PASS

Motion Made By

HEADLAND

Seconded By

BRANDENBURG

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chairman			Tracy Boe		
Joyce Kingsbury Vice Chairman			Rodney J Froelich		
Wesley Belter			Phillip Mueller		
Mike Brandenburg			Kenton Onstad		
Ben Vig			Ben Vig		
Craig Headland					
Brenda Heller					
John D Wall					
Gerry Uglem					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

HB 1421

Date:
Roll Call Vote #:

FEB 2-07

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House _____ AGRICULTURE _____ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

AS Amended

Action Taken

DO PASS AS Amended

Motion Made By

BRANDENBURG

Seconded By

BOE

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chairman	✓		Tracy Boe	✓	
Joyce Kingsbury Vice Chairman			Rodney J Froelich	✓	
Wesley Belter	✓		Phillip Mueller		
Mike Brandenburg	✓		Kenton Onstad		
Mike Brandenburg			Ben Vig	✓	
Craig Headland	✓				
Brenda Heller					
John D Wall					
Gerry Uglem	✓				

Total (Yes)

9

No

4

Absent

0

Floor Assignment

Kingsbury

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

TURBID
IN

REPORT OF STANDING COMMITTEE

HB 1421: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1421 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact two new sections to chapter 36-21.1 of the North Dakota Century Code, relating to agricultural and game and fish activities; and to", replace "section" with "sections", and after "36-21.1-01" insert "and 36-21.1-02"

Page 1, line 13, after "2." insert:

""Adequate care" means normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter, and health care, as necessary to maintain good health in a specific species of animal.

3."

Page 1, line 14, overstrike "3." and insert immediately thereafter "4."

Page 1, line 15, overstrike "4." and insert immediately thereafter "5."

Page 1, line 16, remove "The"

Page 1, remove lines 17 through 19

Page 1, line 20, overstrike "5." and insert immediately thereafter "6."

Page 1, after line 21, insert:

"SECTION 2. AMENDMENT. Section 36-21.1-02 of the North Dakota Century Code is amended and reenacted as follows:

36-21.1-02. Overworking, mistreating, or abandoning animals.

1. No person may overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when unfit for labor.
2. No person may deprive any animal over which the person has charge or control of necessary food, water, or shelter.
3. No person may keep any animal in any ~~enclosure~~ building, room, cage, or pen without ~~exercise and wholesome change of air~~ adequate care.
4. No person may abandon any animal.
5. A person shall reclaim an animal within forty-eight hours of the agreed-upon time for termination of a boarding contract and pay all charges for boarding the animal.
6. No person may allow any maimed, sick, infirm, or disabled animal of which the person is the owner, or of which the person has custody, to lie in any street, road, or other public place for more than three hours after notice.
7. No person may willfully instigate, or in any way further, any act of cruelty to any animal or animals, or any act tending to produce such cruelty.

8. No person may cage any animal for public display purposes unless the display cage is constructed of solid material on three sides to protect the caged animal from the elements, and unless the horizontal dimension of each side of the cage is at least four times the length of the caged animal. This subsection does not apply to the North Dakota state fair association, to agricultural fair associations, to any agricultural display of caged animals by any political subdivision, or to district, regional, or national educational livestock or poultry exhibitions. Zoos which have been approved by the health district or the governing body of the political subdivision which has jurisdiction over the zoos are exempt from this subsection.

SECTION 3. A new section to chapter 36-21.1 of the North Dakota Century Code is created and enacted as follows:

Animal husbandry - Agricultural management. The usual and customary practices of animal husbandry and the usual and customary practices of a science-based agricultural management system do not constitute cruelty, torture, or the inhumane treatment of animals and a person who engages in these usual and customary practices is not in violation of this chapter.

SECTION 4. A new section to chapter 36-21.1 of the North Dakota Century Code is created and enacted as follows:

Game and fish activities. Any lawful activity under title 20.1 does not constitute cruelty, torture, or the inhumane treatment of animals and a person who engages in the lawful activity is not in violation of this chapter."

Renumber accordingly

Date: 2-13-07
Roll Call Vote #:

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1421

House _____ AGRICULTURE _____ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Move to Reconsider

Motion Made By Rep Onstad Seconded By Mueller

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chairman			Tracy Boe		
Joyce Kingsbury Vice Chairman			Rodney J Froelich		
Wesley Belter			Phillip Mueller		
Mike Brandenburg			Kenton Onstad		
Mike Brandenburg			Ben Vig		
Craig Headland					
Brenda Heller					
John D Wall					
Gerry Uglem					

Total (Yes) 13 No 0

Absent _____

Floor Assignment _____

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

Noice

Date: 2-8-07
Roll Call Vote #: (1)

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1421

House AGRICULTURE Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

No Pass

Motion Made By

Rep Branden

Seconded By

Rep Uglem

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chairman	<input checked="" type="checkbox"/>		Tracy Boe	<input checked="" type="checkbox"/>	
Joyce Kingsbury Vice Chairman	<input checked="" type="checkbox"/>		Rodney J Froelich	<input checked="" type="checkbox"/>	
Wesley Belter	<input checked="" type="checkbox"/>		Phillip Mueller	<input checked="" type="checkbox"/>	
Mike Brandenburg	<input checked="" type="checkbox"/>		Kenton Onstad	<input checked="" type="checkbox"/>	
Mike Brandenburg	<input checked="" type="checkbox"/>		Ben Vig	<input checked="" type="checkbox"/>	
Craig Headland	<input checked="" type="checkbox"/>				
Brenda Heller	<input checked="" type="checkbox"/>				
John D Wall	<input checked="" type="checkbox"/>				
Gerry Uglem	<input checked="" type="checkbox"/>				

Total (Yes) 13 No 0

Absent

0

Floor Assignment

Rep Hall

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

Date: 2-9-07
Roll Call Vote #: (2)

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1421

House AGRICULTURE Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No pass as amended

Motion Made By Rep Belter

Seconded By Rep Brandenburg

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chairman	<input checked="" type="checkbox"/>		Tracy Boe	<input checked="" type="checkbox"/>	
Joyce Kingsbury Vice Chairman	<input checked="" type="checkbox"/>		Rodney J Froelich	<input checked="" type="checkbox"/>	
Wesley Belter	<input checked="" type="checkbox"/>		Phillip Mueller	<input checked="" type="checkbox"/>	
Mike Brandenburg	<input checked="" type="checkbox"/>		Kenton Onstad	<input checked="" type="checkbox"/>	
Mike Brandenburg	<input checked="" type="checkbox"/>		Ben Vig	<input checked="" type="checkbox"/>	
Craig Headland	<input checked="" type="checkbox"/>				
Brenda Heller	<input checked="" type="checkbox"/>				
John D Wall	<input checked="" type="checkbox"/>				
Gerry Uglem	<input checked="" type="checkbox"/>				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep Kingsbury

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

REPORT OF STANDING COMMITTEE

HB 1421: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1421 was placed on the Sixth order on the calendar.

Page 1, line 21, after the period insert "The term does not include:

- a. Any activity that requires a license or permit under chapter 20.1-03;
- b. Any activity that is usual and customary practice in production agriculture;
- c. Any show, fair, competition, performance, or parade;
- d. A rodeo;
- e. A wagon or buggy ride;
- f. Trail or pleasure riding; or
- g. Any activity that involves the training or teaching of animals."

Renumber accordingly

2007 SENATE AGRICULTURE

HB 1421

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1421

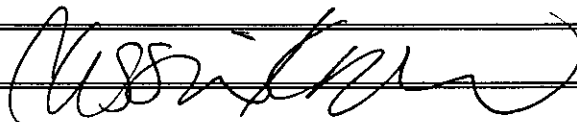
Senate Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: March 2, 2007

Recorder Job Number: 4262

Committee Clerk Signature



Minutes:

Sen. Flakoll opened the hearing on HB 1421, a bill relating to the agricultural and game and fish activities and to the humane treatment of animals. Members present (6), absent (1)-Sen. Wazek.

Rep. Headland, district 29, testified in favor of the bill.

Rep. Headland- This bill is the result of about 3 different bills that we had in the house. It is a simple bill that helps to clarify how we treat animals and how they can be used for different activities, it tries to protect them and how we use them from activists.

Sen. Klein- This bill was a result of what? Did we have no rules?

Rep. Headland- this bill came before us because in other states activists have challenged current statues and have been able to stop animal agriculture because of the language.

Sen. Taylor- the game and fish 20.01 just mean that the hunting activities are defined as not cruelty?

Rep. Headland- that is correct.

Sen. Taylor- we didn't have anything on rodeo and such competitions.

Rep. Headland- that is correct.

Sen. Flakoll- does this cover in any way the research activities?

Rep. Headland- I believe that it does but you may need to get someone else to answer that.

Rep. Brandenburg, district 28, testified in favor of the bill.

Rep. Brandenburg- I also stand in support of this bill. I think that it cleans up the language that we have in code right now and makes it more specific on how we treat our animals.

Brian Kramer, NDFB, testified in favor of the bill.

Brian Kramer- we also stand in support of this bill.

Sen. Froelich was also in support of the bill.

No opposition to the bill.

Sen. Flakoll closed the hearing.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1421

Senate Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: March 2, 2007

Recorder Job Number: 4301

Committee Clerk Signature

Passa / Crow

Minutes:

Sen. Flakoll opened the discussion on HB 1421.

Sen. Klein motioned to adopt the amendments and was seconded by **Sen. Erbele**, roll call vote 1: 6 yea, 0 nay, 1 absent. **Sen. Klein** motioned for a Do Pass as amended and was seconded by **Sen. Erbele**, roll call vote 2: 6 yea, 0 nay, 1 absent. **Sen. Erbele** was designated to carry the bill to the floor.

Sen. Flakoll closed the discussion.

Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1471

Senate Agriculture Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Adopt amendments

Motion Made By Klein Seconded By Erbele

[illegible]

Total (Yes) 6 No 0

Absent

Floor Assignment

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

Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1421

Senate Agriculture

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

DO Pass as Amended

Motion Made By

Klein

Seconded By

Erbe

[illegible]

Total (Yes)

4

No

0

Absent



Floor Assignment

Sen. Erbele

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

REPORT OF STANDING COMMITTEE

HB 1421, as reengrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1421 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact two new sections to chapter 36-21.1 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to agricultural and game and fish activities; and to"

Page 1, after line 24, insert:

"c. Any scientific research conducted at a public or private facility or laboratory by or under the direction of a qualified researcher;"

Page 2, line 1, replace "c." with "d."

Page 2, line 2, replace "d." with "e."

Page 2, line 3, replace "e." with "f."

Page 2, line 4, replace "f." with "g."

Page 2, line 5, replace "g." with "h."

Page 3, remove lines 4 through 15

Renumber accordingly

2007 TESTIMONY

HB 1421

Roger Johnson
AGRICULTURE COMMISSIONER

Dr. Susan Keller
STATE VETERINARIAN

Dr. Beth Carlson
DEPUTY STATE VETERINARIAN

Nathan Boehm, Mandan
PRESIDENT
DAIRY CATTLE

Paula Swenson, Walcott
SECRETARY
SHEEP

Dr. Charlie Stoltenow, Fargo
CONSULTING VETERINARIAN



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VETERINARIAN

Dr. Kenneth Throlson, New Rockford
BISON

Shawn Schafer, Turtle Lake
NONTRADITIONAL LIVESTOCK

**Testimony of Susan J. Keller, DVM
State Veterinarian
House Bill 1421
Agriculture Committee
Peace Garden Room
January 25, 2007**

Chairman Johnson and members of the Agriculture Committee, I am State Veterinarian Susan Keller. I am here today on behalf of the State Board of Animal Health and the North Dakota Department of Agriculture in support of the intent of HB1208. The Bill would amend section 36-21.1-01, relating to the inhumane treatment of animals. The bill lists certain activities which are exempted from being considered 'cruel' or 'torture'.

The bill helps to clarify and support the exemption from inhumane treatment, those activities that are 'usual and customary practices within animal husbandry or a science-based agricultural management system.' There are many unforeseen circumstances and situations associated with inhumane treatment of animals and many varying opinions on what is and what is not inhumane. It is my understanding that the entities under NDCC §36-21 will still be left to investigate and determine whether or not an allegation of inhumane treatment is valid. I assume this bill will not

preclude regulatory action if warranted within those listed activities. Since the Board of Animal Health works with multiple agencies to resolve some of the more serious and chronic cases involving livestock, there is oversight through people directly associated with animal agriculture, to help determine what the appropriate action should be. Our office and the Board of Animal Health are keenly aware that there are groups that wish to stop traditional agricultural practices, because they have determined certain activities to be inhumane by their standards. The Board of Animal Health and their contracted agents, look to standards set by the AVMA and other science based organizations to help determine within an activity, what is considered acceptable and what is not.

Chairman Johnson and committee members, we support the intent of HB1208. This is a complex issue and I would be willing to answer any questions now or later regarding this bill or other bills that have been introduced concerning inhumane treatment of animal activities and associated penalties.



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Testimony on House Bill 1421

Presented by

Brian Kramer

January 25, 2007

Good morning Chairman Johnson and members of the House Agriculture Committee. I am here on behalf of North Dakota Farm Bureau in support of HB 1421.

The bill provides language to insure that usual and customary animal husbandry practices are not considered inhumane treatment of animals. Science-based agricultural management systems (things like gestation crates, farrowing crates, tethering of animals) are also not considered inhumane treatment of animals.

This is necessary to provide protections to livestock producers from harassment, frivolous lawsuits, and/or penalties for generally accepted animal agriculture practices. We are seeing folks being taken to court for animal cruelty and inhumane treatment because they use farrowing crates to provide health and safety measures for a mother sow and her baby pigs.

Animal rights activists are always looking for a vulnerable target and have been successful in getting atrocious laws passed in other states. Florida and Arizona passed laws banning the use of gestation and farrowing crates – science based agricultural management practices that provide for the health and well being of a mother sow and her piglets. Indiana has adopted laws against tethering of animals. Taken literally, 4-H youth in that state could be cited for having show cattle tied at fairs or homeowners could be cited for tying their dogs in the yard.

These could be considered worst-case scenarios, but the risk is real. Our organization does not want to see one of North Dakota's leading industries – animal agriculture – subjected to this type harassment. We believe that the language in HB 1421 will go a long way to protect this vitally important sector of our economy.

No person in their right mind wants to see animals subjected to cruel or torturous situations, least of all farmers and ranchers who rely on these animals for their livelihood. We all want to provide an environment conducive to their health and well-being. In our pursuit of these ideals, we must be careful not to over-regulate and impose unintended consequences. That is why this bill is before you. Changes need to be adopted to ensure modern agricultural practices and science-based animal husbandry and management are allowed to proceed.

We hope you will agree and give HB 1421 a "Do Pass" vote from the committee.

Thank you for your time. I would try to respond to any questions you may have.

11-33-02 Board of county commissioners to designate districts.

1. For any or all of the purposes designated in section 11-33-01, the board of county commissioners may divide by resolution all or any parts of the county, subject to section 11-33-20, into districts of such number, shape, and area as may be determined necessary, and likewise may enact suitable regulations to carry out the purposes of this chapter. These regulations must be uniform in each district, but the regulations in one district may differ from those in other districts. A regulation or restriction may not prohibit or prevent the use of land or buildings for farming or ranching or any of the normal incidents of farming or ranching.

2. Definitions.

- a. For purposes of this section, "farming or ranching" means cultivating land for production of agricultural crops or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not include producing timber or forest products, nor does the term include a contract whereby a processor or distributor of farm products or supplies provides grain, harvesting, or other farm services.
- b. For purposes of this section, "concentrated feeding operation" means any livestock feeding, handling, or holding operation, or feed yard, where animals are concentrated in an area that is not normally used for pasture or for growing crops and in which animal wastes may accumulate. The term does not include normal wintering operations for cattle.
- c. For purposes of this section, "livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, bison, elk, fur animals raised for their pelts, or other animals raised, fed, or produced as part of farming or ranching activities.
- d. For purposes of this section, "nature" means the type or species of livestock.
- e. For purposes of this section, "scope" means the size of the concentrated feeding operation as defined by the number of animal units.
- f. For purposes of this section, "animal units" has the same meaning as defined by subdivision c of subsection 7 of section 23-25-11.
- g. For purposes of this section, "location" means the set-back distance from the structure, fence, or other boundary enclosing a concentrated feeding operation, including any animal waste collection system, to the nearest occupied residence, to the nearest buildings used for non-farming or non-ranching purposes as defined or established in the regulations, or to the nearest land zoned for residential, recreational, or commercial purposes; but it does not include set-back distances for application of manure or other recycled agricultural material that is applied under a nutrient management plan approved by the department of health. Regulations may establish districts in a county for high-density agricultural production where set-back distances for concentrated feeding operations and related agricultural operations are less than other districts in the county. Regulations may establish districts around areas zoned for residential, recreational, or non-agricultural commercial uses for low-density agricultural production where set-back distances for concentrated feeding operations and related agricultural operations are greater than other districts in the county. Set-back distances may not be more than fifty percent greater or less than the set-back

distances provided in subdivision a of subsection 7 of section 23-25-11, and low-density agricultural production areas may not be more than one and one-half miles [2.4 kilometers] from the edge of the area zoned for residential, recreational, or non-agricultural commercial uses.

- h. For purposes of this section, "related agricultural operations" means an agricultural operation or agricultural processing facility that produces a product or by-product that may be used by a concentrated feeding operation.
- i. For purposes of this section, "standards" means regulations relating to nature, scope, and location.

~~2.~~ 3. A board of county commissioners may regulate the nature and scope of concentrated feeding operations permissible in the county; however, if a regulation would impose a substantial economic burden on a concentrated feeding operation in existence before the effective date of the regulation, the board of county commissioners shall declare that the regulation is ineffective with respect to any concentrated feeding operation in existence before the effective date of the regulation.

~~3.~~ 4. A regulation may not preclude the development of a concentrated feeding operation in the county. A regulation addressing the development of a concentrated feeding operation in the county may set reasonable standards, based on the size of the operation, to govern its location.

~~4. For purposes of this section, "concentrated feeding operation" means any livestock feeding, handling, or holding operation, or feed yard, where animals are concentrated in an area that is not normally used for pasture or for growing crops and in which animal wastes may accumulate, or in an area where the space per animal unit is less than six hundred square feet [55.74 square meters]. The term does not include normal wintering operations for cattle. For purposes of this section, "livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, and fur animals raised for their pelts.~~

5. A board of county commissioners may not prohibit, through regulation, the reasonable diversification or expansion of a farming or ranching operation.

6. This chapter does not include any power relating to the establishment, repair, and maintenance of highways or roads.

58-03-11 Establishment of zoning districts - Limitation - Scope of zoning regulations and restrictions.

1. For the purpose of promoting the health, safety, morals, or the general welfare, or to secure the orderly development of approaches to municipalities, the board of township supervisors may establish one or more zoning districts and within such districts may, subject to the provisions of chapter 54-21.3, regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, the height, number of stories, and size of buildings and structures, the percentage of lot that may be occupied, the size of courts, yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land for

trade, industry, residence, or other purposes. All such regulations and restrictions must be uniform throughout each district, but the regulations and restrictions in one district may differ from those in other districts. The board of township supervisors may establish institutional controls that address environmental concerns with the state department of health as provided in section 23-20.3- 03.1.

2. A regulation or restriction may not prohibit or prevent the use of land or buildings for farming or ranching or any of the normal incidents of farming or ranching.

3. Definitions.

- a. For purposes of this section, "farming or ranching" means cultivating land for production of agricultural crops or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not include producing timber or forest products, nor does the term include a contract whereby a processor or distributor of farm products or supplies provides grain, harvesting, or other farm services.
- b. For purposes of this section, "concentrated feeding operation" means any livestock feeding, handling, or holding operation, or feed yard, where animals are concentrated in an area that is not normally used for pasture or for growing crops and in which animal wastes may accumulate. The term does not include normal wintering operations for cattle.
- c. For purposes of this section, "livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, bison, elk, fur animals raised for their pelts, or other animals raised, fed, or produced as part of farming or ranching activities.
- d. For purposes of this section, "nature" means the type or species of livestock.
- e. For purposes of this section, "scope" means the size of the concentrated feeding operation as defined by the number of animal units.
- f. For purposes of this section, "animal units" has the same meaning as defined by subdivision c of subsection 7 of section 23-25-11.
- g. For purposes of this section, "location" means the set-back distance from the structure, fence, or other boundary enclosing a concentrated feeding operation, including any animal waste collection system, to the nearest occupied residence, to the nearest buildings used for non-farming or non-ranching purposes as defined or established in the regulations, or to the nearest land zoned for residential, recreational, or commercial purposes; but it does not include set-back distances for application of manure or other recycled agricultural material that is applied under a nutrient management plan approved by the department of health. Regulations may establish districts in a township for high-density agricultural production where set-back distances for concentrated feeding operations and related agricultural operations are less than other areas in the township. Regulations may establish districts around areas zoned for residential, recreational, or non-agricultural commercial uses for low-density agricultural production where set-back distances for concentrated feeding operations and related agricultural operations are greater than other areas in the township. Set-back distances may not be more than fifty percent greater or less than the set-back distances provided in subdivision a of subsection 7 of section 23-25-11, and low-

density agricultural production areas may not be more than one-half mile [.8 kilometers] from the edge of the area zoned for residential, recreational, or non-agricultural commercial uses.

- h. For purposes of this section, "related agricultural operations" means an agricultural operation or agricultural processing facility that produces a product or by-product that may be used by a concentrated feeding operation.
- i. For purposes of this section, "standards" means regulations relating to nature, scope, and location.

3.4. A board of township supervisors may regulate the nature and scope of concentrated feeding operations permissible in the township; however, if a regulation would impose a substantial economic burden on a concentrated feeding operation in existence before the effective date of the regulation, the board of township supervisors shall declare that the regulation is ineffective with respect to any concentrated feeding operation in existence before the effective date of the regulation.

4.5. A regulation may not preclude the development of a concentrated feeding operation in the township. A regulation addressing the development of a concentrated feeding operation in the township may set reasonable standards, based on the size of the operation, to govern its location.

~~5. For purposes of this section, "concentrated feeding operation" means any livestock feeding, handling, or holding operation, or feed yard, where animals are concentrated in an area that is not normally used for pasture or for growing crops and in which animal wastes may accumulate, or in an area where the space per animal unit is less than six hundred square feet [55.74 square meters]. The term does not include normal wintering operations for cattle. For purposes of this section, "livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, and fur animals raised for their pelts.~~

6. A board of township supervisors may not prohibit, through regulation, the reasonable diversification or expansion of a farming or ranching operation.

7. Sections 58-03-11 through 58-03-15 do not include any power relating to the establishment, repair, and maintenance of highways or roads.