

1999 HOUSE AGRICULTURE

HB 1457

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1457

House Agriculture Committee

Conference Committee

Hearing Date 2-05-99

Tape Number	Side A	Side B	Meter #
ONE HB 1457		x	0 to 29
Committee Clerk Signature <i>Robin Hanson</i>			

Minutes:

Summary of bill: Require the posting and publishing of notices regarding permit applications for confined animal feeding operations.

Rep Fairfield: (Testimony attached) This bill is an effort to produce good relations between agriculture producers and their neighbors. You can call it a good neighbor bill. Establishes a standardized public notification process when planning to start a 1000 head or larger feed lot.

Has an amendment from the pork producers.

Rep Rennerfeldt: Are we doing anything with this bill as there isn't any penalty? What's the use of passing the bill.

Rep Fairfield: Did not want to make it burdensome for producers. The only penalty is they can not get a certificate to operate until they have held the public notification.

Rep Warner: Can you give me the definition of 1 animal unit.?

Rep Fairfield: Knew someone was going to ask me that. 1 cow, 3 hogs, 30 turkeys.

Rep Stefonowicz: Sec 4 of the bill states the governmental entity can't issue the permit for 30 days have passed since the posting of the notice.

Rep Fairfield: That's the govt entity that's allowing the permit.

Rep Brandenburg: Would every farmer that has hogs on his farm have to do this?

Rep Fairfield: Just the new and expansion units.

Rep Koppang: Isn't this a local problem?

Rep Fairfield: This is to try to promote good relations between neighbors. If move is to larger units we to foster better relations.

Rep Renner: If I'm out in the country 6 to 10 miles I'd have to get permission.

Rep Rennerfeldt: Don't we already have enough laws on the book? This is an erosion of property rights.

Rep Fairfield: No, I don't see this as an erosion of property rights.

Rep Berg: If zoning is properly done then this wouldn't apply.

Rep Fairfield: You are right.

Dennis Johnson: ND FU supports HB 1457 (Testimony attached) # 6 good

Rep Froelich: In support of bill as one of the sponsors.

Dennis----: ND Dept of Health, In feed lot rules we don't have anything pertaining to this but we are working on this.

Rep Stefonowicz: You could refuse a permit on these grounds if rules not followed,

Chm Nicholas: What you are telling us is you are putting this into rule and regulation so there probably isn't any need for this legislation.

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House Agriculture Committee

Bill/Resolution Number Hb 1457

Hearing Date 2-4-99

Dennis: We havn't gone as far as the proposed legislation would go.

Motion by Rep Brusegaard for a DO NOT PASS second by Rep Berg

Vote total.. YES 10 NO 4 ABSENT 1

Bill carrier.. Rep Brusegaard

Date: 5-99
Roll Call Vote #:

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HR 1957

House Agriculture Committee

Subcommittee on _____
or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Amended Do not pass

Motion Made By Brusegaard Seconded By Berg

Representatives	Yes	No	Representatives	Yes	No
Eugene Nicholas, Chaiman	✓		Bob Stefonowicz		✓
Dennis E. Johnson, Vice Chm	✓				
Thomas T. Brusegaard	✓				
Earl Rennerfeldt	✓				
Chet Pollert	✓				
Dennis J. Renner	✓				
Michael D. Brandenburg	✓				
Gil Herbel	✓				
Rick Berg	✓				
Myron Koppang	✓				
John M. Warner		✓			
Rod Forelich		✓			
Robert E. Nowatzki		✓			
Phillip Mueller		✓			

Total (Yes) 10 No 4

Absent 1

Floor Assignment Brusegaard

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

REPORT OF STANDING COMMITTEE

HB 1457: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1457 was placed on the Sixth order on the calendar.

Page 2, line 12, replace "does not apply" with "applies" and replace "involving" with "that requires an approval to operate from the state department of health."

Page 2, remove line 13

Renumber accordingly

1999 TESTIMONY

HB 1457



*Representing the Diocese of Fargo
and the Diocese of Bismarck*

Christopher T. Dodson
Executive Director and
General Counsel

To: House Agriculture Committee
From: Christopher T. Dodson, Executive Director
Subject: House Bill 1457 Notices for Feedlot Operations
Date: February 5, 1999

The North Dakota Catholic Conference supports House Bill 1457.

In their recent joint statement on rural issues, the Roman Catholic bishops of North Dakota expressed their concern about the growth and operation of large concentrated animal feeding operations. Their concern was not limited to questions concerning ownership and the environment. It also included concern for "how such operations affect the common good of the community."

Respect for life, and above all for the dignity of the human person, must be the ultimate guiding norm for any sound economic or agricultural progress. Life and dignity are best respected and protected in community. Too often around the nation, large concentrated animal feeding operations have destroyed rather than strengthened communities. Too often those problems have occurred because there did not exist adequate input from the community before those operations started.

House Bill 1457 is a welcome bill because it helps guarantee community notice in the permitting of what are often controversial operations. It does not prevent those operations, but it does place them in the proper context of neighbor, rather than a mere business venture. House Bill 1457 makes good sense because it helps create good neighbors and, therefore, promotes the common good.

We urge a **Do Pass** recommendation on House Bill 1457.

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Testimony on HB 1457
House Agriculture Committee

Dennis L. Johnson
North Dakota Farmer's Union

Chairman Nicholas and Committee Members

I support HB 1457 for the following reasons:

- 1) Agriculture is making some changes. The value added concept is popular in our state.
- 2) The permits described in the bill pertain to confined animal feeding operations. (CAFO) The change is that these are now getting bigger.
- 3) For any governmental entity to maintain some level of control with these coming changes, bills such as HB 1457 must come into place.
- 4) The bill simply identifies the posting locations, the investors, and information sources, brief plan, and public hearing.
- 5) NDFU has developed policy on this because of the cooperative feedlot idea the organization considered establishing.
- 6) It is a "good neighbor policy" to let those people living near projects like these know what is being built by them. Good communication can prevent lots of potential problems.

Do you have any questions?

TO: Rep Fairfield

From: Bob BERGQUIST
NORTH DAKOTA Pork Producers Council.

Rep Fairfield,

We would like to offer our support to
HB 1457. We will not have anyone here on
Friday. Please call myself or David Pollant
at the Pawlwood Inn if you have any
questions or comments.

Thanks

Bob Bergquist

North Dakota Pork Producers Council resolution of support for HB 1457

The North Dakota Pork Producers Council supports the passage of HB 1457 with our proposed amendment to paragraph 5.

HB 1457 provides for a more comprehensive notification process prior to permitting of confined animal feeding operations. We feel that open discussion and disclosure of a farmer's planned expansion or construction of a feedlot will not hinder the responsible growth of the livestock industry in North Dakota. Rather, factual dialog may help dispel concerns of neighbors based on rumor and innuendo.

We would urge consideration of amending paragraph 5 to read :

5. "This section shall apply to any confined animal feeding operation that requires an approval to operate from the North Dakota State Department of Health."

Our rationale for offering this amendment is that confined feeding operations smaller than 1000 animal units have the potential to adversely affect the environment and the quality of life of near by residents. As such, all feedlots permitted by the Heath Department should be required to provide the same level of disclosure as the larger farms.



Daryl Dukart
President, North Dakota Pork Producers Council

TESTIMONY
REPRESENTATIVE APRIL FAIRFIELD
HOUSE AGRICULTURE COMMITTEE
HB 1457

House Bill 1457 is a simple--straightforward bill designed to promote good relationships between agriculture producers and their neighbors. You might even call it a "good neighbor" bill because its intention is to reduce conflicts and promote open dialog between producers and rural residents

Currently, local zoning authorities may require public notification, but the majority do not. The North Dakota Health Department may also require a notification process in certain circumstances. However, there is no blanket public notification process. House Bill 1457 establishes a standardized public notification process for ag producers seeking a permit for a Confined Animal Feeding Operation (CAFO) of over 1000 animal units.

The idea is to begin the public discussion early. This is good for both producer and neighbor. Neighbors may feel more comfortable about the project if they know that they have been involved and given consideration from the beginning. On the other hand, if they don't find out about the operation until some point during the construction, perhaps through a rumor, they may feel threatened, wondering what the "big secret" is even though that may only be a perception and not the intention of the ag producer.

Ultimately, this may help a producer avoid costly delays and legal problems and enjoy the support of neighbors and community.

The notification process is designed to be as simple and painless as possible. When an application for a permit is made, a three step notification takes place at the nearest post office, the county seat and in the county newspaper.

This notice includes a description of the operation, the names of the applicants and the administrative procedures being followed by the government entity issuing the permit.

Compliance should not be onerous to the producer. The cost for notice would be minimal and since the permit is conditional on the notification process, there is no penalty attached for noncompliance.

With the move toward larger livestock operations, this could be one step in avoiding future problems and developing a "good neighbor" policy.

*Pork Producer Handout