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DESCRIPTION

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Deanna Holbert
Operator's Signature

10/17/03
Date

2003 SENATE AGRICULTURE

SB 2198

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Operator's Signature

10/17/03
Date

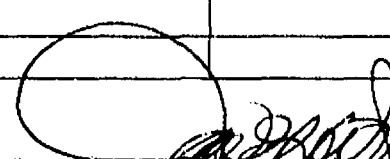
2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2198

Senate Agriculture Committee

Conference Committee

Hearing Date 01/24/03

Tape Number	Side A	Side B	Meter #
2	x		848 - 3313
Committee Clerk Signature 			

Minutes:

Chairman Flakoll opened the hearing on SB 2198. All members were present.

Dr. Larry Schuler, State Veterinarian and Executive Officer of the Board of Animal Health testified in favor of the bill with the proposed amendments. (written testimony)


Senator Erbele has distributed a proposed amendment to the bill that gives the bill the intent they had originally intended. As amended, this section would make the farmed elk penalty section equal to the domestic animal penalty section.

Senator Flakoll asked about the appeal process.

Dr. Schuler said the Board of Animal Health issues a complaint which is sent to the producer.

The producer has the option of requesting a hearing in front of an administrative law judge. The administrative law judge issues an opinion and the Board of Animal Health has the final say in the matter. The producer can take the matter to district court if he is unsatisfied with the decision.

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Operator's Signature

01/17/03
Date

Page 2

Senate Agriculture Committee
Bill/Resolution Number SB 2198
Hearing Date 01/24/03

Senator Flakoll asked if there are many cases appealed?

Dr. Schuler said to date they have had no one appeal.

Senator Urlacher asked if there has been any problem with brucellosis in bison.

Dr. Schuler said the brucellosis and tuberculosis programs apply to bison and cattle. There has not been a case of brucellosis since Dr. Schuler has come to work as the North Dakota State Veterinarian. Recently South Dakota had a brucellosis infected bison herd of several thousand head. That herd has become a research herd.

Senator Klein asked if elk are classified as non traditional or domestic livestock?

Dr. Schuler said in 1999 farmed elk were classified as domestic animals and no longer as non traditional livestock. There is a separate section in the administrative code that deals with farmed elk.

Senator Klein asked if there is a separate section that lists the species classified as non traditional livestock?

Dr. Schuler said there is not a list of non traditional livestock. Under the non traditional livestock there are five categories with varying regulations with each category.

Senator Urlacher asked if the bison in the Teddy Roosevelt Park are tested for brucellosis?

Dr. Schuler said they are periodically rounded up and tested for brucellosis and tuberculosis.

Senator Flakoll asked if an incidence of brucellosis is discovered, do you go back to the herd and deal with it?

Dr. Schuler said in that case they would find all the infected and exposed animals and euthanize them.

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01/17/03
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Page 3
Senate Agriculture Committee
Bill/Resolution Number SB 2198
Hearing Date 01/24/03

Dennis Swanson, buffalo rancher from New Rockford and President of the North Dakota Buffalo Association, testified in favor of the bill. He said bison breeders are very conscious of health issues in bison and have done lots of testing. He said the current testing requirements are very expensive for bison producers. South Dakota and Minnesota have already passed similar legislation. Producers from these states could bypass North Dakota markets if the rules don't change. (meter # 1931)

Craig Gunning, President of the North Dakota Elk Growers, testified in favor of the bill. His industry relies on the health status of their herds and they want to maintain the rules on movement of elk into the state to preserve their health status.

Senator Klein asked if the fence law of 1999 is working well?

Mr. Gunning said with the changes in 1999, going domestic, control by the Board of Animal Health, it is all working well. They have an excellent working relationship with the Board of Animal Health.

Peter Lies, a producer from New Rockford, testified against the bill. (written testimony) He is not in agreement with the North Dakota Elk Growers.

Senator Flakoll asked what is the rational for wanting a grandfather clause?

Mr. Lies said some producers were raising elk before the regulations were put in place and now they are expected to change their way of doing things.

Senator Klein said he knows Mr. Lies has some ongoing issues with the Board of Animal Health. This bill changes a violation to an infraction instead of a misdemeanor. Isn't that an improvement?

Mr. Lies said he continues to have problems with the Board of Animal Health.

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Operator's Signature

01/17/03
Date


2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2198

Senate Agriculture Committee

Conference Committee

Hearing Date 01/30/03

Tape Number	Side A	Side B	Meter #
2	x		11 - 373
Committee Clerk Signature 			

Minutes:

Senator Erbele moved for a Do Pass on the amendment 30412.0101 which softens the penalty to an infraction instead of a class A misdemeanor, seconded by Senator Klein. Passed on a roll call vote. Voting yes were Senator Flakoll, Senator Erbele, Senator Klein, Senator Urlacher, Senator Nichols and Senator Seymour. There were no negative votes cast.


Senator Flakoll clarified the vote that is shown on the floor is the vote on the bill, not on the amendment, since an amendment would never go to the floor that was not approved.

Senator Erbele clarified a tied amendment doesn't go to the floor either.

These comments were concerning some confusion in the floor session today.

It was moved by Senator Erbele, seconded by Senator Nichols, and passed on a roll call vote that the Senate Agriculture Committee take a Do Pass As Amended action on SB 2198. Voting yes were Senator Flakoll, Senator Erbele, Senator Klein, Senator Urlacher, Senator Nichols, and Senator Seymour. Senator Erbele will carry the bill to the floor.

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Operator's Signature

01/17/03
Date

FISCAL NOTE
 Requested by Legislative Council
 01/16/2003

Bill/Resolution No.: SB 2198

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 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.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

This bill should have no fiscal impact on the agency or state budget.

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.

None

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.

None

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.

None

Name:	Jeff K. Welspfenning	Agency:	Agriculture
Phone Number:	328-4758	Date Prepared:	01/20/2003

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Deanne Hall 01/17/03
 Operator's Signature Date

30412.0101
Title.0200

Prepared by the Legislative Council staff for
Senator Erbele
January 21, 2003

JE
1-21-03

PROPOSED AMENDMENTS TO SENATE BILL NO. 2198

Page 2, line 21, remove "2." and replace "from" with "on"

Page 2, line 24, remove "3."

Page 2, line 26, remove "4."

Page 2, line 28, replace "5." with "2."

Page 2, line 30, after the underscored period insert "Any person aggrieved by a decision of the board may appeal the decision as provided in chapter 28-32."

Page 3, line 3, replace "6." with "3."

Page 3, line 4, overstrike "a class A misdemeanor" and replace "and is subject to a court-imposed civil penalty in an" with "an infraction"

Page 3, line 5, remove "amount up to five thousand dollars"

Renumber accordingly

Date: 1/30/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass on Amendment 3042.0101

Motion Made By Sen Erbele Seconded By Klein

Senators	Yes	No	Senators	Yes	No
Senator Tim Flakoll, Chair	✓		Senator Ronald Nichols	✓	
Senator Robert S. Erbele, V. Chair	✓		Senator Tom Seymour	✓	
Senator Jerry Klein	✓				
Senator Herb Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

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Deanna Hall Operator's Signature 10/17/03 Date

Date: 1/30/03
 Roll Call Vote #: (2)

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2198

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number 30412.0101

Action Taken Do Pass As Amended

Motion Made By Erbele Seconded By Nichols

Senators	Yes	No	Senators	Yes	No
Senator Tim Flakoll, Chair	✓		Senator Ronald Nichols	✓	
Senator Robert S. Erbele, V. Chair	✓		Senator Tom Seymour	✓	
Senator Jerry Klein	✓				
Senator Herb Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Erbele

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

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Deanne Hall Operator's Signature Date 1/17/03

REPORT OF STANDING COMMITTEE (410)
January 31, 2003 10:56 a.m.

Module No: SR-19-1421
Carrier: Erbele
Insert LC: 30412.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2198: Agriculture Committee (Sen. Flakoll, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2198 was placed on the Sixth order on the calendar.

Page 2, line 21, remove "2." and replace "from" with "on"

Page 2, line 24, remove "3."

Page 2, line 26, remove "4."

Page 2, line 28, replace "5." with "2."

Page 2, line 30, after the underscored period insert "Any person aggrieved by a decision of the board may appeal the decision as provided in chapter 28-32."

Page 3, line 3, replace "6." with "3."

Page 3, line 4, overstrike "a class A misdemeanor" and replace "and is subject to a court-imposed civil penalty in an" with "an infraction"

Page 3, line 5, remove "amount up to five thousand dollars"

Renumber accordingly

2003 HOUSE AGRICULTURE

SB 2198

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Deanna Hall
Operator's Signature

10/17/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2198

House Agriculture Committee

Conference Committee

Hearing Date 3---06----03

Tape Number	Side A	Side B	Meter #
ONE	A		00 TO 4.2
Committee Clerk Signature <i>Edward D. Elmer</i>			

Minutes:

CHAIRMAN NICHOLAS : Committee Members, we will open the hearing on SB 2198.

I am going to ask Senator Erbele to speak to 2198 as he is the prime sponsor and then we will just reopen the hearing and allow Dr. Schuller to testify on this bill. Senator Erbele go ahead.

SENATOR ERBELE: District 28. I signed on to SB 2198 at the request of Dr. Schuller.

My comments will be brief. What the bill dose as it relates to Bison and will allow them to be in the same category as what is considered domestic animals. It will allow them to move between Sale barns situations the same as all other livestock that are going to a sales barn. We have on sight veterinarians at all of these facilities. They can be checked by on sight Vets. The whole system the same as cattle. I would encourage your support on the bill.

CHAIRMAN NICHOLAS: Any other testimony?

PAUL THOMAS: I am here representing the North Dakota Buffalo Association. We have held three consignment sales in North Dakota over the past years. At those sales the State has

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Deanna Hollister
Operator's Signature

10/17/03
Date

Page 2
House Agriculture Committee
Bill/Resolution Number SB 2198
Hearing Date 3--06--03

required T. B. And infectious diseases testing of those animals. We have since dropped those requirements because of the additcnal requirements. As Senator Erbele had mentioned the buffalo in this state have been declared brusolosis free. It cost between \$7.00 and \$ 15.00 dollars per animal. Some of the buffalo calf's sold for less then \$100.00 dollars so this is a significant portion of just producing an animal. A number of States have passed similar laws that allow North Dakota take our cattle into those states for sale. If we insist on this testing it will encourage producers to sell in other states. This treats buffalo the same as other cattle. I am speaking only to buffalo.

CHAIRMAN NICHOLAS : Any additional testimony in support of this bill? Anyone is opposition to this bill?

CHAIRMAN NICHOLAS: WE WILL CLOSE ON SB 2198.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2198

House Agriculture Committee

Conference Committee

Hearing Date March 14, 2003

Tape Number	Side A	Side B	Meter #
2	X		2320-2595

Committee Clerk Signature *Elizabeth R. Fier*

Minutes: Chair Nicholas: Opened discussion on 2198

Larry Schuler (State Vet): Supports with written testimony.

Chair Nicholas: Closed discussion

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Dennis Hollister
Operator's Signature _____ Date 10/17/03

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2198

House Agriculture Committee

Conference Committee

Hearing Date 3-21-03

Tape Number	Side A	Side B	Meter #
ONE	A		10.2 TO 11.2
Committee Clerk Signature <i>Edward D. Wilson</i>			

Minutes:

CHAIRMAN NICHOLAS : Committee members. As to SB 2198, what are your wished on the bill?

After a short discussion on the bill Chairman Nicholas asked for a motion on the bill.

REP. MUELLER : MADE A MOTION FOR A DO PAS.

REP. BOEHNING SECONDED THE MOTION.

THE ROLL WAS TAKEN. THERE WERE 11 YES 0 NO AND 2 ABSENT.

REP. BOEHNING CARRIED THE BILL.

CHAIRMAN NICHOLAS CLOSED ON SB 2198

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Deanna Walker
Operator's Signature

10/17/03
Date

582198
3-21-03

Date:
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House AGRICULTURE COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By MULLER Seconded By BOEHNING

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN NICHOLAS	✓				
VICE CHAIRMAN POLLERT	✓				
REPRESENTATIVE BELTER	✓				
REPRESENTATIVE BOEHNING	✓				
REPRESENTATIVE KELSCH	✓				
REPRESENTATIVE KINGSBURY	✓				
REPRESENTATIVE KREIDT					
REPRESENTATIVE UGLEM	✓				
REPRESENTATIVE WRANGHAM	✓				
REPRESENTATIVE BOE					
REPRESENTATIVE FROELICH	✓				
REPRESENTATIVE MELLER	✓				
REPRESENTATIVE ONSTAD	✓				

Total (Yes) 11 No 0

Absent 2

Floor Assignment BOEHNING

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Deanna Walker Operator's Signature 10/17/03 Date

REPORT OF STANDING COMMITTEE (410)
March 21, 2003 11:48 a.m.

Module No: HR-51-5405
Carrier: Boehning
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2198: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS**
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2198 was placed on the
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-51-5405

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10/17/03
Date

2003 TESTIMONY

SB 2198

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12/1/03
Date

**Testimony of Larry A. Schuler, DVM
State Veterinarian and
Executive Officer of the State Board of Animal Health
Senate Bill 2198
Senate Agriculture Committee
Roosevelt Park Room
January 24, 2003**

*Summary
Testimony to
House*

Chairman Flakoll and Committee members, my name is Larry Schuler. I am the state veterinarian and executive officer of the State Board of Animal Health. I am here to testify in favor of SB 2198 which deals with modifying the importation requirements for bison, modifying the definition of farmed elk and clarifying the penalty section of the farmed elk statute.

Section 1 would allow bison to move directly from a producer's premises to a licensed auction market or inspected slaughter facility without a certificate of veterinary inspection. Bison and cattle are considered together in both the brucellosis and tuberculosis eradication programs. Therefore, a state's free status for cattle is also the result of a free status in bison. This is an effort to recognize the work that the bison industry has done to eradicate disease in that species. In addition, there is a veterinarian present at licensed auction markets to inspect the animals for other diseases before they are sold and inspectors at slaughter facilities inspect the bison before they are slaughtered.

Section 2 modifies the definition of farmed elk in the statute. Under the present statute if someone is keeping an elk as a pet and does not sell any elk or elk products they would not fit the definition of a "farmed elk". Therefore, we are asking to expand the definition of farmed elk to include all farmed elk "maintained

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Larry A. Schuler
Operator's Signature

12/17/03
Date

for any purpose."

Section 3 is an effort to bring the penalty section of the farmed elk statute to the same level as the other domestic animals. The original farmed elk statute would allow a penalty of up to \$5000. The statute that applies to other domestic animals allows a penalty of up to \$5000 per violation. The goal of this section is to make the penalty section of the elk statute equal to the penalty section of other domestic animals. We support the amendments to the original bill that are being proposed.

Senator Flakoll and committee members I urge a do pass on SB 2198 with the proposed amendments. I will be happy to answer any questions you may have.

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Deanna Hallock
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10/17/03
Date

1-24-03

Do not pass -

copy
to
Dan

Mr. Charnin

members of the Sunday committee.

from Peter's

I have been told that the Legislature
likes to have the Public come of testimony

So I am here ~~to~~ ~~hand~~ ~~the~~
~~minutes~~ of quite time & expense. To ~~figure~~

Figure
out

how this gov. work - yet I do not
understand it. yesterday after the session

wade messer the lobbyist for the cattle industry
came in and joined with some of the committee

about no blood on the floor. (this is not
a joking matter to the NTL producers)

as 2 of the 4 Producer rep. on the NTL C
+ there were here to say there's a problem

they 2 of ~~the~~ cattle producers
that happen to be on the board regulate

NTL. of with there are 3 on the board
got up to testify against or neutral

on the Bill 2196 to only say things
are ok. as they have a NTL and

things are ok, and they do not
want to increase the size of the board

Now today

according to this Bill of
the state would like to control disease
in livestock all they have to do is
appoint a member of that industry to
the board and then the disease must
go away as cattle, sheep & swine
were exempt from rules. then last season
the bison industry got a refer on the board
and now (Puff) apparently buffalo no
longer can carry disease into the state
Line 19. page 1 - Dec 2001 I bought
bison in dist then took them home (where
would ~~be~~ this leave me and my animal now)

They on line 21 page 2 - refer to
page 2 on my yesterday testimony. there
is no real edu. ~~to the~~ produce
in going to the administrative judge
as he only makes ~~recommendations~~ or
decisions that can be or not be
followed by the board. with HO. ~~NTL~~ NTL
member on it.

on June 28²⁹⁻³⁰ page 2 - according to ~~the~~
~~state attorney~~ Mr. Douglas T. Baker
Solicitor General
office of attorney general

The State does not have this
right. ~~See~~ Reply. (June 9/10; at 13 of Page 2)

then on June ~~at~~ 14 & 5 Page 3.
The Board already are doing this so
they must already have the authority
or they are now trying to over step
their legal rights in court and now
trying to make it right.

also I see no stipulation to Grandfather
anything for producers that have raised
Elk in N. Dak for over 75 yr.

Thanks - you
Peter Lee