

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1448

2005 HOUSE AGRICULTURE

HB 1448

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1448

House Agriculture Committee

Conference Committee

Hearing Date 1---27---05

| Tape Number                                      | Side A | Side B | Meter #    |
|--|--------|--------|------------|
| FIVE   |        |        | 32 TO 48.7 |
|  |        |        |            |
|  |        |        |            |
| Committee Clerk Signature <i>Edward J. Elger</i> |        |        |            |

Minutes:

CHAIRMAN NICHOLAS: Committee Members. We will open on HB 1448.

DR. SUSAN KELLER: Testimony of State Veterinarian Dr. Susan Keller. {{ Dr Keller read her testimony---please read.}}

REPRESENTATIVE MUELLER: Why do we need Bill.

WADE MOSER: We will be tracking in the future. We need information. We don't want information to get into hand of terrorist. See line seven "collected, or maintained by the state veterinarian or the North Dakota stockmen's association. The bill puts us all in the same playing field. They can't come to us for information when they can't get it from someone else. The names are no one's business. Someone might just need a mailing list. We just don't need to create a mailing list for anyone. If you have all of these locations identified across the country, and we know what happened on 9-11 as to terrorist. We don't need to get cattle

Page 2

House Agriculture Committee

Bill/Resolution Number HB 1448

Hearing Date 1--~~7~~--05

27

locations in hand of terrorist. A vile of hoof and mouth virus coming across from Canada or Mexico is something we don't need. Information just should not be assemble

CHAIRMAN NICHOLAS: Other testimony on HB 1448?

BRIANT KRAMER: FARM BEAURO. This is a lot of information people don't need.

We are in support of bill.

CHAIRMAN NICHOLAS: Any other testimony for or against this bill?

CHAIRMAN NICHOLAS: JACK MCDONALD AGAINST BILL. APPEARING ON BEHALF OF NORTH DAKOTA NEWSPAPER ASSOCIATION AND THE NORTH DAKOTA BROADCASTERS ASSOCIATION. [[PLEASE READ TESTIMONY]]

CHAIRMAN NICHOLAS CLOSED ON HB 1448.

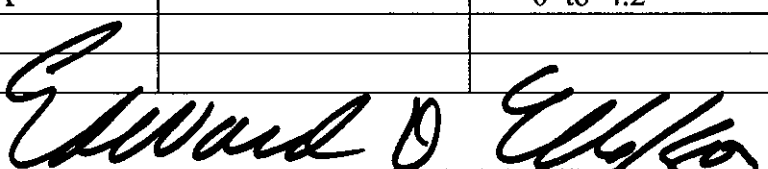
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1448

House Agriculture Committee

Conference Committee

Hearing Date 2--10--05

| Tape Number  | Side A | Side B | Meter #  |
|--|--------|--------|----------|
| TWO  | A      |        | 0 to 4.2 |
|  |        |        |          |
| Committee Clerk Signature  |        |        |          |

Minutes:

CHAIRMAN NICHOLAS: Committee Members. We will go to HB 1448.

The bill is relating to animal identification program records.

WADE MOSER: Wade read the amendment. The amendment is attached. He stated after reading the amendment that it pretty much hog housed the bill. Representative Kempenich worked with the Agriculture Department and he drafted this amendment.

CHAIR: Wade would you like a copy of this?

WADE MOSER: Well I guess Mr. Chairman the only thing would stand out to the Stockman's Association is the very bottom deal. After visiting yesterday with Anita and the Department of Agriculture and the Attorney Generals Office Because the ND STOCKMAN ASSOCIATION Are not considered a Government Entity. There had to be something written in there. The Attorney Generals Office said there was a gray area. That what section four is. The very last

section and all it does is and all it dose it throws it in the same department if the state were to apply. If they violate any gray areas involved.

CHAIRMAN NICHOLAS: So we would be putting the Stockman's Association as an entity. The Attorney Generals office said there is a gray area for which is at state entity and a private entity. This is the language we put in there to cover the fact that the ND STOCKMAN IS OPEN TO ND OPEN MEETING LAWS. Things like that. They suggested we put this into the amendment. This is so there will be no questions down the road.

CHAIRMAN NICHOLAS: What about the policing of the Stockman's Association presently. The brand inspectors. That which the Stockman's handle. They have policing or arrest powers. Do they need ?

WADE MOSER: There has never been a time as to providing public services. I am not sure why we have that concern. Section 3 being in there ""does not preclude the exchange of information between state veterinarian the STOCKMEN ASSOCIATION. We carry out Responsibility.

REPRESENTATIVE FROELICH: Chairman Nicholas, as to number four, This is not just the ND DAKOTA STOCKMAN ASSOCIATION. This is any public entity. There is a gray area. Say a hard ware -- soft ware deal going on with sale's barn. They could not turn around and collect the data they work with. Again there is a gray area. We know the Stockman's Association come in here.

CHAIRMAN NICHOLAS: I will give you until tomorrow morning rather then take action. We want your organization to be satisfied. I need to take action on this tomorrow. We will bring this up again tomorrow morning. CHAIRMAN NICHOLAS CLOSED ON HB 1448

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1448

House Agriculture Committee

Conference Committee

Hearing Date 2---11---05

| Tape Number                                      | Side A | Side B | Meter #  |
|--|--------|--------|----------|
| ONE  | A      |        | 18 TO 21 |
|  |        |        |          |
|  |        |        |          |
| Committee Clerk Signature <i>Edward D. Elson</i> |        |        |          |

Minutes:

CHAIRMAN NICHOLAS: Committee Members, please turn to HB 1448. Wade do you want to address your amendment to the Bill.

WADE MOSER: Wade explained the amendment. Wade read where "public entity"

Includes any person that has contracted with the state for the provision of services related to the premises or animal identification program. [[[please see entire amendment as to section etc ]]

CHAIRMAN NICHOLAS: Are there any questions of Wade committee members? Thank you Wade.

CHAIRMAN NICHOLAS: Is there any other discussion committee members.

O.K. I will entertain a motion on HB 1448.

REPRESENTATIVE FROELICH MADE A MOTION FOR A DO PASS

REPRESENTATIVE BELTER: SECONDED THE MOTION.

THE CHAIR ASKED THAT THE ROLL BE TAKEN.

Page 2

House Agriculture Committee

Bill/Resolution Number HB 1448

Hearing Date 2---114---05

THERE WERE 13 YES

0 NO

0 ABSENT

REPRESENTATIVE FROELICH CARRIED THE BILL.

CHAIRMAN NICHOLAS CLOSED ON HB 1448



**PROPOSED AMENDMENTS TO HOUSE BILL NO. 1448**

Page 1, line 6, replace "Animal" with "Premises and animal" and replace "Any information created," with:

1. Except as provided in subsection 2, the following information is confidential and not subject to the open records requirements of section 44-04-18:
  - a. Any information created, collected, or maintained by the state veterinarian or the North Dakota stockmen's association regarding premises or animal identification.
  - b. The name and address of the owner of the premises or of any animals identified under this section.
  - c. The name and address of the lessee of any premises or of any animals identified under this section.
2. The state veterinarian may not release any information designated as confidential under subsection 1 except:
  - a. Upon the written consent of every person identified or identifiable by the information;
  - b. In accordance with federal law for the purpose of a national animal identification program;
  - c. To any state or federal agency for the purposes of animal disease control and animal disease traceback;
  - d. To the attorney general and any other law enforcement agency pursuing a criminal investigation; or
  - e. Pursuant to an order issued by a court upon a showing of good cause.
3. This section does not preclude the exchange of information between the state veterinarian and the North Dakota stockmen's association.
4. A violation of this section is subject to section 44-04-21.2. For purposes of applying section 44-04-21.2, "public entity" includes the North Dakota stockmen's association and any other person that has contracted with the state for the provision of services related to the premises or animal identification program."

Page 1, remove lines 7 through 14

Re-number accordingly

**House Amendments to HB 1448 - Agriculture Committee 02/11/2005**

Page 1, line 6, replace "Animal" with "Premises and animal" and replace "Any information created," with:

- "1. Except as provided in subsection 2, the following information is confidential and not subject to the open records requirements of section 44-04-18:
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Page 1, remove lines 7 through 14

Re-number accordingly

HB 1448

Date: 2-11-05  
Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

House HOUSE AGRICULTURE COMMITTEE Committee

Check here for Conference Committee

Amended 202 H4

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By BELTER Seconded By DAMSCHEN

| Representatives                       | Yes | No | Representatives         | Yes | No |
|---------------------------------------|-----|----|-------------------------|-----|----|
| REP. EUGENE NICHOLAS<br>CHAIRMAN      |     |    | REP. TRACY BOE          |     |    |
| REP. JOYCE KINGSBURY<br>VICE CHAIRMAN |     |    | REP. ROD FROELICH       |     |    |
| REP. WESLEY BELTER                    |     |    | REP. PHILLIP<br>MUELLER |     |    |
| REP. M. BRANDENBURG                   |     |    | REP. KENTON ONSTAD      |     |    |
| REP. CHUCK DAMSCHEN                   |     |    |                         |     |    |
| REP. CHAIG HEADLAND                   |     |    |                         |     |    |
| REP. GARY KREIDT                      |     |    |                         |     |    |
| REP. GERALD UGLEM                     |     |    |                         |     |    |
| REP. JOHN WALL                        |     |    |                         |     |    |
|                                       |     |    |                         |     |    |
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*Voices*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

HB 1448

Date: 2-11-05  
Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

House HOUSE AGRICULTURE COMMITTEE Committee

Check here for Conference Committee

Legislative Council Amendment Number AS Amended

Action Taken DO PASS

Motion Made By FROELICH Seconded By BELTER

| Representatives                       | Yes | No | Representatives         | Yes | No |
|---------------------------------------|-----|----|-------------------------|-----|----|
| REP. EUGENE NICHOLAS<br>CHAIRMAN      | ✓   |    | REP. TRACY BOE          | ✓   |    |
| REP. JOYCE KINGSBURY<br>VICE CHAIRMAN | ✓   |    | REP. ROD FROELICH       | ✓   |    |
| REP. WESLEY BELTER                    | ✓   |    | REP. PHILLIP<br>MUELLER | ✓   |    |
| REP. M. BRANDENBURG                   | ✓   |    | REP. KENTON ONSTAD      | ✓   |    |
| REP. CHUCK DAMSCHEN                   | ✓   |    |                         |     |    |
| REP. CHAIG HEADLAND                   | ✓   |    |                         |     |    |
| REP. GARY KREIDT                      | ✓   |    |                         |     |    |
| REP. GERALD UGLEM                     | ✓   |    |                         |     |    |
| REP. JOHN WALL                        | ✓   |    |                         |     |    |
|                                       |     |    |                         |     |    |
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Total (Yes) 13 No 0

Absent 0

Floor Assignment FROELICH

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

**REPORT OF STANDING COMMITTEE**

**HB 1448: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1448 was placed on the Sixth order, on the calendar.**

Page 1, line 6, replace "**Animal**" with "**Premises and animal**" and replace "Any information created," with:

- "1. Except as provided in subsection 2, the following information is confidential and not subject to the open records requirements of section 44-04-18:
  - a. Any information created, collected, or maintained by the state veterinarian or the North Dakota stockmen's association regarding premises or animal identification;
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  - a. Upon the written consent of every person identified or identifiable by the information;
  - b. In accordance with federal law for the purpose of a national animal identification program;
  - c. To any state or federal agency for the purposes of animal disease control and animal disease traceback;
  - d. To the attorney general and any other law enforcement agency pursuing a criminal investigation; or
  - e. Pursuant to an order issued by a court upon a showing of good cause.
3. This section does not preclude the exchange of information between the state veterinarian and the North Dakota stockmen's association.
4. A violation of this section is subject to section 44-04-21.2. For purposes of applying section 44-04-21.2, "public entity" includes any person that has contracted with the state for the provision of services related to the premises or animal identification program."

Page 1, remove lines 7 through 14

Re-number accordingly

2005 SENATE AGRICULTURE

HB 1448

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1448

Senate Agriculture Committee

Conference Committee

Hearing Date March 4, 2005

| Tape Number               | Side A | Side B | Meter #    |
|---------------------------|--------|--------|------------|
| 1                         | x      |        | 4015 - end |
| 1                         |        | x      | 0 - 660    |
| Committee Clerk Signature |        |        |            |

Minutes:

**Chairman Flakoll** opened the hearing on HB 1448, a bill relating to animal identification program records.

**Representative Froelich** introduced the bill. The bill deals with the national animal ID program that is voluntary now and potentially could become mandatory. Producers have three questions about the program, what will it cost, who will pay for it and will the records be confidential. We can't answer the first two questions but we can help with the third. The North Dakota Stockmen's Association and the State Veterinarian are working together to implement the program in North Dakota. The state vet could release information if required by the USDA and there is a procedure for getting the information back to a producer from the state vet. Another producer could not get the records, nor could anyone else, PETA for example.

**Senator Flakoll** asked if the federal government gets the records, could an organization such as PETA get them from the feds, through the federal open record law.

**Representative Froelich** said that is a concern. This program is in the working stages now. He understands they are working on confidentiality now but you never know what the feds will do. That is why we want to keep the records in North Dakota unless USDA needs them for a specific incident. Perhaps North Dakota can take the lead in this.

**Senator Flakoll** asked if the health department would have access to the records.

**Representative Froelich** said Dr. Keller will answer that. If there were a health concern the state vet would contact the state agencies. The purpose of the bill is to protect the records of the producers.

**Dr. Susan Keller**, state veterinarian, testified in favor of the bill. (written testimony) (meter 4807)

**Senator Flakoll** asked if there were some type of outbreak, anthrax for instance, will there be trouble keeping the information confidential if you are meeting with the State Department of Health, are they subject to the open records law.

**Dr. Keller** said right now if someone wanted information, if there is a rumor out there, they give them the information. This bill deals with the ID information, if they have a database with premises ID tied to a disease investigation, they would like to keep that confidential so that no one's name is released. They are required to give any zoonotic information to the health department and they do that if there is a human health aspect. They are not trying to hide anything. During investigations a lot of time there are reputations being damaged unnecessarily before you even find out there is a confirmed, valid disease to investigate.



**Senator Flakoll** asked if Dr. Keller were asked by someone in the media if there was an outbreak (and assuming there was) of anthrax, she would confirm it but would not release the names of producers or locations.

**Dr. Keller** said that is correct. Now they ask the media to keep this confidential and they do, they might release the name of the county but not the exact location.

**Senator Flakoll** asked what if someone from her department leaked information.

**Dr. Keller** said it would be a violation and it would be dealt with internally as a matter of policy.

**Senator Taylor** asked if nothing is done federally, the state law will stand.

**Dr. Keller** said she has asked APHIS about this. She has asked if they make a confidentiality rule federally will that cover the state. They have said it will cover the information on a federal database or server. As North Dakota moves forward with this program, they do not want to give all control in an animal health emergency to the federal government. If they are really going to try to do a trace back in 48 hours rather than 48 months, they want to keep it in the state level so it is real time. We need to have the same protection that they are developing at the federal level to protect us at the state level.

**Senator Flakoll** asked what happens if an animal is sent from a feedlot in North Dakota that goes to a packing house in Nebraska. Are we going to have collaborative agreements.

**Dr. Keller** said the states have been told by APHIS at a national meeting to take care of this and many states are enacting it.

**Senator Seymour** asked who is going to pay for this. This will cost money.

**Dr. Keller** said they always say it will be a cooperative arrangement and the federal government will pick up some of the cost of the infrastructure. The ultimate concern is how much will this

cost producers. They are not in favor of a mandatory program until it is determined how it will be paid for.

**Wade Moser**, North Dakota Stockmen's Association, testified in favor of the bill. (meter 6173)

They have worked closely with the Board of Animal Health and Dr. Keller to make this a workable piece of legislation. They are also concerned about cost and they have asked USDA and others involved what this is going to cost and no one has an answer and that makes them nervous. Confidentiality is another concern. Since the program is voluntary now, they will get better participation if the records will be confidential. This program will be tied to the brand inspection program, starting this July and because they have federal grant money to do this it will not cost producers any extra money to get into the system and be renewed every five years.

When it comes to tracking animals, that will be a different deal, their involvement is they have the workforce out there, at the auction markets. If their staff were to violate the requirements, it says on number 4 on page 2 that they would be subject to 44-04 21.2. They want to be sure everyone plays by the rules. There will be outside vendors that will help with the programming. They realize federal legislation also needs to be in place before the program becomes mandatory.

**Senator Flakoll** asked if the North Dakota Stockmen's Association board would have access to the records.

**Mr. Moser** said no. The North Dakota Stockmen's Association staff would enter the information into the system. If the directors would ask for it, he doesn't think they would share it with them.

**Senator Flakoll** said there could be a lot of pressure on a board member from the media.

**Mr. Moser** said he understands that. The North Dakota Stockmen's Association wants to have the information available to Dr. Keller so her department can do their job.

**Brian Kramer**, North Dakota Farm Bureau, testified in favor of the bill. (meter 361, side B)

When their national organization discussed the issue, there were three concerns expressed, confidentiality of records, liability and cost of the program. The confidentiality issue can be addressed here at the state level.

**Senator Flakoll** asked if confidentiality would be tied to who pays the bill.

**Mr. Kramer** said they have had some members say that. We don't know what the costs are going to be and it could be prohibitive.

**Chairman Flakoll** closed the hearing on HB 1448.

**Chairman Flakoll** asked Senator Erbele and Senator Taylor to look over HB 1464 and HB 1448 and see if there are any conflicts between the two and to review the proposed amendments to HB 1464.

**Chairman Flakoll** said the committee will revisit this next week.


2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1448

Senate Agriculture Committee

Conference Committee

Hearing Date March 10, 2005

| Tape Number   | Side A | Side B | Meter #  |
|---|--------|--------|----------|
| 1   | x      |        | 91 - 228 |
|   |        |        |          |
| Committee Clerk Signature  |        |        |          |

Minutes:

**Chairman Flakoll** opened the discussion on HB 1448. All members were present.

**Chairman Flakoll** asked if the subcommittee of Senator Taylor and Senator Erbele needed more time.

**Senator Taylor** said they have looked over the bills and do not see a conflict, the bills are very specific, one on animal ID and one on feedlot permits.

**Senator Erbele** said 1448 is good to go as we have it, we will need to amend 1464. Senator Taylor is looking up what we need to amend on that.

**Senator Erbele** moved a do pass on HB 1448.

**Senator Taylor** seconded the motion.

The motion passed 6-0-0.

**Senator Taylor** will carry the bill.

Date: 3/10/05  
Roll Call Vote # 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. ENR0528 1448

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Sen. Erbele Seconded By Sen. Taylor

| Senators         | Yes | No | Senators        | Yes | No |
|------------------|-----|----|-----------------|-----|----|
| Senator Flakoll  | ✓   |    | Senator Seymour | ✓   |    |
| Senator Erbele   | ✓   |    | Senator Taylor  | ✓   |    |
| Senator Klein    | ✓   |    |                 |     |    |
| Senator Urlacher | ✓   |    |                 |     |    |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Taylor

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

**REPORT OF STANDING COMMITTEE (410)**  
March 10, 2005 9:46 a.m.

**Module No: SR-44-4604**  
**Carrier: Taylor**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1448, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1448 was placed on the Fourteenth order on the calendar.**

2005 TESTIMONY

HB 1448

Thursday, January 27, 2005

HOUSE AGRICULTURE COMMITTEE  
HB 1448

CHAIRMAN NICHOLAS AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing here today on behalf of the North Dakota Newspaper Association and the North Dakota Broadcasters Association. We generally oppose legislation that appears to require sweeping and broad closure of public records such as HB 1448 does.

We have never objected to a legitimate and very specific need for closure of records if the bill is drawn narrowly to meet those needs and actually solves an existing problem. In this instance, the bill closes any and all records of any kind that in anyway could be connected or associated with any federally sponsored animal identification program. This really cuts a wide swath. It would mean any records involving the expenses of those programs, payroll and employee information, aggregated statistics, how much the programs were costing, how the association was running the program and where the funds the funds were going, how much money was received, etc., would all be closed. And, since the bill makes these records confidential...and not just exempt....it gives no discretion to the Stockmen's Association in this regard. Except for the parties listed, the association could not release this information to anyone else, even the participants in the program.

We believe the bill is too broad. It should be revised to limit it to the very specific information sought to be protected. Some of this information may already be able to be protected under the state's trade secrets laws, for example. We think even members of the cattle industry would object to such a broad closure of these records that removes all accountability.

If you have any questions, I will be happy to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.



Roger Johnson  
AGRICULTURE COMMISSIONER

Dr. Susan Keller  
STATE VETERINARIAN

Dr. Beth Carlson  
DEPUTY STATE VETERINARIAN

Francis Maher, Menoken  
PRESIDENT  
COMMERCIAL BEEF CATTLE

Nathan Boehm, Mandan  
SECRETARY  
DAIRY CATTLE

Dr. Neil Dyer, Fargo  
CONSULTING VETERINARIAN



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NONTRADITIONAL LIVESTOCK

Testimony of State Veterinarian Dr. Susan Keller  
House Bill 1448  
House Agriculture Committee  
Peace Garden Room  
January 27, 2005

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Chairman Nicholas and member of the House Agriculture Committee, I am Dr. Beth Carlson, Deputy State Veterinarian, speaking on behalf of Dr. Keller. I am here today in support of HB 1448, which will make animal identification program records confidential.

On April 27, 2004, Agriculture Secretary Ann Veneman announced the framework for implementing the National Identification System (NAIS). The NAIS has evolved since 2002 when industry leaders developed the National Food Animal Identification Plan and also the United States Animal Identification Plan (USAIP). The USAIP was a partnership of more than 100 animal and livestock professionals from 70 associations, organizations, and government. USDA will continue to seek input from industry and other interested parties throughout the design and implementation of the NAIS.

A national animal identification system is needed to help protect American animal agriculture from foreign or domestic disease threats. Finding potentially sick or exposed animals early in an outbreak is essential to containing or eradicating a disease quickly which would help to limit the scope and expense of an outbreak. Quick actions also help to minimize the impact on domestic and foreign markets.

Many years and many millions of dollars have already been invested in disease eradication programs and a NAIS will be critical to complete these programs. APHIS and state veterinarians have cited historical examples where the current animal identification systems in place have failed in being able to track animals to the source of the outbreak. We must continually strive to create identification systems that achieve the goal of 48 hour (or less) tracebacks, which are not cost prohibitive for producers.

Each state's and tribe's animal health authority is responsible for administering and maintaining a premise's registration system for the region under its purview. The animal health official will be able to obtain unique national premises identification numbers through USDA's premises number allocator. Key pieces of information will be sent to the national premises information repository *and in North Dakota will also be maintained in the state veterinarian's office*, so that it will be available to do immediate traces. Under the National Animal Identification Project, the ND State Board of Animal Health has hired Dr. Jim Clement as the Animal Identification Coordinator to assist producers who wish to voluntarily participate in registering their premises.

To ensure uniformity of operations across the United States, APHIS and state animal health entities will develop and administer key regulatory elements of the plan with industry input.

USDA recognized the concerns about the confidentiality of this information and is working on options to allay these concerns. The national repositories will only include information for animal disease tracking purposes. Proprietary production data will remain in private databases. USDA is pursuing options for appropriately protecting the information in the NAIS repository from public disclosure.

*Likewise, states must address the need to protect the premises and animal identification related information under the NAIS, which will be held for disease tracking purposes. This information database must not be accessed by those with harmful intentions and not directly involved with animal health related emergencies. Access to the data should only be granted;*

- 1. Upon written consent of every person identified or identifiable by the information.*
- 2. To state or federal animal health officials, in pursuit of official duty.*
- 3. Pursuant to an order issued by a court upon a showing of good cause.*

Thank you for your concern as we proceed to develop a premises and animal identification database that will be consisted with the NAIS.

Chairman Nicholas and committee members, I urge a do pass on HB 1448. I would be happy to answer any questions you may have.

PROPOSED CHANGES TO AMENDMENT 0202 FOR HOUSE BILL 1448

4. A violation of this section is subject to section 44-04-21.2. For purposes of applying section 44-04-21.2, "public entity" includes any person that has contracted with the state for the provision of services related to the premises or animal identification program."

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Roger Johnson  
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STATE VETERINARIAN

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STATE VETERINARIAN

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Testimony of State Veterinarian Dr. Susan Keller  
House Bill 1448  
Senate Agriculture Committee  
Roosevelt Room  
March 4, 2005

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Chairman Flakoll and members of the Senate Agriculture Committee, I am Dr. Susan Keller, State Veterinarian. I am here today in support of HB 1448, which will make animal identification program records confidential.

On April 27, 2004, Agriculture Secretary Ann Veneman announced the framework for implementing the National Identification System (NAIS). The NAIS has evolved since before 2002 when industry leaders developed the United States Animal Identification Plan (USAIP).

A national animal identification system is needed to help protect American animal agriculture from foreign or domestic disease threats. Finding potentially sick or exposed animals early in an outbreak is essential to containing or eradicating a disease quickly which would help to limit the scope and expense of an outbreak. Quick actions also help to minimize the impact on domestic and foreign markets.

Each state's and tribe's animal health authority is responsible for administering and maintaining a premise's registration system for the region under its purview. The animal health official will be able to obtain unique national premises identification numbers through USDA's premises number allocator. Key pieces of information will be sent to the national premises information repository and in North Dakota, will also be maintained in the state veterinarian's office, so that it will be available to do immediate traces. Under the National Animal Identification Project, the ND State Board of Animal Health has hired Dr. Jim Clement as the Animal Identification Coordinator to assist producers who wish to voluntarily participate in registering their premises. The Board of Animal Health and the North Dakota Stockmen's Association (NDSA) will be working together on animal identification. By law, the NDSA shall serve as the state's administrator and allocator for that portion of any federally sponsored animal ID program which pertains to cattle, horses and mules. The NDSA will also be involved with NAIS premises registration. Their premises registration efforts will intensify as they begin to renew brands in July 2005. We will share cattle, horse and mule information with the NDSA.

To ensure uniformity of operations across the United States, APHIS and state animal health entities will develop and administer key regulatory elements of the plan with industry input.

USDA recognized the concerns about the confidentiality of this information and is working on options to allay these concerns. The national repositories will only include information for animal disease tracking purposes. Proprietary production data will remain in private databases.

USDA is pursuing options for appropriately protecting the information in the NAIS repository from public disclosure.

*Likewise, states must address the need to protect the premises and animal identification related information under the NAIS, which will be held for disease tracking purposes. This information database must not be accessed by those with harmful intentions and not directly involved with animal health related emergencies. Access to the data should only be granted;*

1. *Upon written consent of every person identified or identifiable by the information.*
2. *To state or federal animal health officials, in pursuit of official duty.*
3. *Pursuant to an order issued by a court upon a showing of good cause.*

Thank you for your concern as we proceed to develop a premises and animal identification database that will be consisted with the NAIS.

*out*

Chairman Flakoll and committee members, I urge a do pass on HB 1448. I would be happy to answer any questions you may have.