

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2056

2007 SENATE AGRICULTURE

SB 2056

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2056

Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: January 4, 2007

Recorder Job Number: 615

Committee Clerk Signature



Minutes:

Senator Tim Flakoll- chairman opened the hearing on SB 2056, a bill relating to the statement of purpose for the licensure of veterinarians. All members (7) were present.

Nancy Kopp from the ND Board of Veterinary Medical Examiners testified in favor of the bill.

She testified on behalf of **John R. Boyce**, executive secretary of ND Board of Veterinary Medical Examiners, who was out of town on a business trip.

A copy of testimony had been emailed by **John Boyce** and was presented by **Nancy Kopp**- see attached testimony

Sen. Flakoll- This bill really wont change anyone's lives if it passes or doesn't pass is that correct?

Nancy Kopp- Mr. Chairman and members of the committee no it wont.

No testimonies in opposition

Sen. Flakoll closed the hearing

Sen. Klein motioned for a Do Pass and was seconded by **Sen. Taylor**. The motion carried on a roll call vote 7yeas 0 nays 0 absent. **Sen. Klein** was designated to carry the bill to the floor

REPORT OF STANDING COMMITTEE (410)
January 4, 2007 11:53 a.m.

Module No: SR-02-0233
Carrier: Klein
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2056: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2056 was placed on the
Eleventh order on the calendar.

2007 HOUSE AGRICULTURE

SB 2056

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB2056

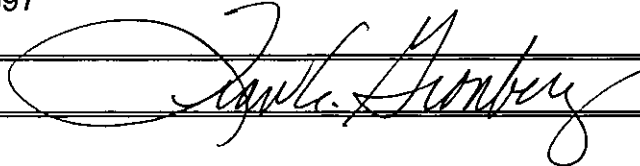
House Agriculture Committee

Check here for Conference Committee

Hearing Date: 3-8-07

Recorder Job Number: 4697

Committee Clerk Signature



Minutes:

Chairman Johnson opened the hearing.

John R. Boyce, Executive Secretary of the Board of Veterinary Medical Examiners:

(testimony attached)

Rep Mueller: I am not familiar with the repeal.. Why should we pass this?

Boyce: The Legislative Council doesn't like purpose statements and some of it is confusing and can be misinterpreted.

Rep Froelich: I would like a copy of what you are talking about from the code book.

(he was given a copy)

Nancy Kopp, ND Board of Veterinary medical Examiners: We support this bill. We struggled with defining some of the terms within the purpose. This bill does not enhance or diminish veterinary medicine. (Nancy had a copy of the code - copy attached)

Chairman Johnson: Has this come about from reviewing the codes? Or has there been a problem?

Kopp: The initial draft started with the state board and in their review they saw some inadequacies and it started out with the purpose and the definition of livestock because they treat other species. There is a section that follows that has definitions.

Rep Boe: When was this put on the books?

Someone responded around 1963.

No opposition

Chairman Johnson closed the hearing on SB 2056.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2056

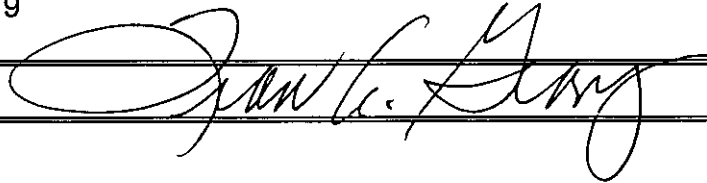
House Agriculture Committee

Check here for Conference Committee

Hearing Date: 3-8-07

Recorder Job Number: 4719

Committee Clerk Signature



Minutes:

Chairman Johnson: We'll work on SB 2056.

Rep Mueller moved a Do Pass on SB 2056

Rep Onstad seconded the motion

(Yes) 11 (No) 0 (Absent) 2

Carrier: Rep Heller

Date:
Roll Call Vote #:

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

House Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number 2054

Action Taken _____

Motion Made By Mueller Seconded By Onstad

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

Total (Yes) 11 No 0

Absent 2

Floor Assignment Rep Heller

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

REPORT OF STANDING COMMITTEE (410)
March 8, 2007 3:50 p.m.

Module No: HR-44-4794
Carrier: Heller
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2056: Agriculture Committee (Rep. D. Johnson, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2056 was placed on the
Fourteenth order on the calendar.

2007 TESTIMONY

SB 2056

SB 2056
1.4.07

North Dakota Board of Veterinary Medical Examiners

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President

Frank Walker, DVM
New Rockford, ND
Secretary

Gerald R. Buchholz, DVM
Bismarck, ND

John R. Boyce, DVM, PhD
Executive Secretary

Senate Bill No. 2056

Senate Agriculture Committee, January 4, 2007

John R. Boyce, Executive Secretary, North Dakota Board of Veterinary Medical Examiners

The North Dakota Board of Veterinary Medical Examiners has submitted several proposed amendments to the veterinary medical practice act (NDCC 43-29) for consideration by the 2007 Legislature. These amendments are included in House Bill 1052. In preparing the amendments, the board noted several inaccuracies in the practice act's statement of purpose (43-29-01). Several possible revisions were discussed by the board. The statement of purpose was also discussed in two open sessions hosted by the North Dakota Veterinary Medical Association, but there was no consensus on what changes, if any, should be proposed. The board also considered the recommendation on page 95 in the Legislative Council's 2007 North Dakota Legislative Drafting Manual, which states: "A statement of legislative policy, purpose, or intent should not be used. Such statements are unnecessary as the purpose of a properly drafted bill should be self-evident. It is unknown how future amendments to the substantive provisions of the bill affect, or are affected by, a legislative policy, purpose, or intent statement that is not amended to reflect those future amendments. In addition, statements contained in a declaration of finding or intent may be used for a purpose unintended by the drafter." During a conference call on November 21, the board voted to propose repeal of the purpose statement, which SB 2056 accomplishes.

Thank you for your consideration of this legislation. I regret that I am not able to present this testimony in person, but I will be out of state on a business trip on January 4.



North Dakota Board of Veterinary Medical Examiners

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John R. Boyce, DVM, PhD
Executive Secretary

Senate Bill 2056

House Agriculture Committee, March 8, 2007

John R. Boyce, Executive Secretary, North Dakota Board of Veterinary Medical Examiners

The North Dakota Board of Veterinary Medical Examiners submitted several proposed amendments to the veterinary medical practice act (NDCC Chapter 43-29) for consideration by the 2007 Legislature. These amendments were included in House Bill 1052, which has now passed both the House and the Senate.

In preparing the amendments to the practice act, the board noted several inaccuracies in the practice act's statement of purpose (43-29-01). Several possible revisions were discussed by the board. The statement of purpose was discussed in open sessions hosted by the North Dakota Veterinary Medical Association in Fargo on September 27 and in Bismarck on November 9. At these meetings, there was no consensus on what changes, if any, should be proposed.

The board also considered the recommendation on page 95 in the Legislative Council's 2007 North Dakota Legislative Drafting Manual, which states: "*A statement of legislative policy, purpose, or intent should not be used. Such statements are unnecessary as the purpose of a properly drafted bill should be self-evident. It is unknown how future amendments to the substantive provisions of the bill affect, or are affected by, a legislative policy, purpose, or intent statement that is not amended to reflect those future amendments. In addition, statements contained in a declaration of finding or intent may be used for a purpose unintended by the drafter.*"

During a conference call on November 21, the board voted to propose repeal of the purpose statement, which SB 2056 accomplishes.

Thank you for your consideration of this legislation. I will be happy to answer any questions you may have.

CHAPTER 43-29 VETERINARIANS

43-29-01. Purpose of the chapter. This chapter must be deemed an exercise of the police powers of the state of North Dakota acting through the legislative assembly to the end that the general welfare of the agricultural public, the livestock industry, and the people as a whole will be preserved and enhanced through the control and supervision hereby vested in the North Dakota state board of veterinary medical examiners, in licensing of veterinarians, defining their scope of activity in treatment of livestock, fixing their responsibility in the conduct of their practice, listing the requirements necessary to pass an inspection of their facilities, listing of the educational requirements necessary for licensing renewal, listing of the rules of professional conduct, defining the handling of abandoned animals, defining the duties and conduct of graduate veterinary technicians, and preventing unqualified persons from engaging in veterinary practice by instituting the necessary legal proceedings for the law's proper enforcement.

43-29-01.1. Definitions. As used in this chapter, unless the context otherwise requires:

1. "Accredited or approved college of veterinary medicine" means any veterinary college or division of a university or college which offers the degree of doctor of veterinary medicine or its equivalent and which conforms to the standards required for accreditation or approval by the American veterinary medical association.
2. "Accredited program in veterinary technology" means any postsecondary educational program of two or more academic years that has fulfilled the essential criteria established by the committee on veterinary technician education and activities and approved by the American veterinary medical association house of delegates.
3. "Animal" means any animal other than a human being. The term includes any mammal, bird, fish, reptile, or fowl, whether wild or domestic, living or dead.
4. "Board" means the board of veterinary medical examiners.
5. "Certificate" means a certificate issued by the educational commission for foreign veterinary graduates or the educational equivalence program of the American association of veterinary state boards, indicating the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited or approved college of veterinary medicine.
6. "Licensed veterinarian" means a person who is licensed by the board to practice veterinary medicine.
7. "Licensed veterinary technician" means a person who has graduated from an accredited program in veterinary technology or an equivalent program as determined by the board, and who has passed an examination prescribed by the board.
8. "Practice of veterinary medicine" means to:
 - a. Diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions. The term includes the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, the use of any manual or mechanical procedure for testing for pregnancy, or for correcting sterility or infertility, or to render advice or recommendation with regard to any of the above.