

2013 SENATE AGRICULTURE

SB 2322

2013 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee
Roosevelt Park Room, State Capitol

SB 2322
February 7, 2013
18456

Conference Committee



To update technological advancements made in fencing.

Minutes:

Written testimony

Vice Chairman Luick opened the hearing on SB 2322 relating to an electrified fence as being within the definition of a legal fence. All committee members were present.

Senator Erbele, District 28, introduced SB 2322 and spoke in support. This bill simply updates the definition of what constitutes a legal fence. He said that technology has changed through the years and electric fences have become highly used, practical fences. They are presently not in the code and he was surprised to see what actually does constitute a legal fence. The standards used for building an electric fence was taken from the language of the Natural Resources Conservation Service's (NRCS) guidelines. They have these standards for cost share purposes.

Senator Luick had a question on fences and legal boundaries.

Senator Erbele replied that with GPS and today's technology with plotting, boundaries are usually sought out and no longer rely on fence lines or tree rows.

Senator Klein was concerned about the strict standards of the codes on the electric fence. He said that he didn't realize we were that specific in the code.

Senator Erbele replied that the reason SB 2322 came forward was a liability issue. There was an accident where cattle got out of an electric fenced area and caused an accident and because it was an electric fence and the electric fence was not considered a legal fence, the rancher was liable. If electric fences were listed in the code as a legal fence, he would not have been liable.

Senator Larsen asked if electric fences were normally permanent and what do these fences look like.

Senator Erbele explained what they would look like and different ways they could be used.

Chairman Miller resumed the chairmanship.

Sheyna Strommen, North Dakota Stockmen's Association testified in support of SB 2322.
Written testimony #1

Senator Larson asked how these were powered and how many volts of electricity.

Sheyna Strommen gave the example of their ranch, they have a solar powered battery that will produce 12 volts.

Senator Larsen was concerned about the volts and questioned if this would be an issue with the animal care bill.

Sheyna Strommen said that as far as the animal cruelty piece she didn't think it should affect. It would have to be argued that the electric fence caused willful serious injury or death. She stated that is only what she would assume.

No opposing testimony

Chairman Miller closed the hearing on SB 2322.

Senator Heckaman moved a **do pass** on SB 2322.

Senator Klein seconded.

Roll call vote: 5-0-0

Motion carried.

Senator Larsen is the carrier.

Date: 2-7-13
 Roll Call Vote #: 1

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2322**

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Heckaman Seconded By Senator Klein

Senators	Yes	No	Senator	Yes	No
Chairman Joe Miller	✓				
Vice Chairman Larry Luick	✓				
Senator Jerry Klein	✓				
Senator Oley Larsen	✓				
Senator Joan Heckaman	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Senator Larsen

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

REPORT OF STANDING COMMITTEE

SB 2322: Agriculture Committee (Sen. Miller, Chairman) recommends DO PASS
(5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2322 was placed on the
Eleventh order on the calendar.

2013 HOUSE AGRICULTURE

SB 2322

2013 HOUSE STANDING COMMITTEE MINUTES

House Agriculture Committee
Peace Garden Room, State Capitol

SB 2322
March 8, 2013
Job #19639

Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

Relating to an electrified fence as being within the definition of a legal fence

Minutes:

Attached #1

Julie Ellingson, North Dakota Stockmen's Assn: (See attached #1) The concept for this bill was bought by one of our long-time members and was adopted as a resolution at our last annual convention.

It adds an electric fencing option to the statute and uses Natural Resource Conservation Service electric fencing standards for the specifications in the bill. Our current fencing definition and entire fencing chapter is antiquated. This chapter would be a good candidate for the agriculture rewrite process.

Chairman Dennis Johnson: Why do we need in code a definition of a legal fence?

Julie Ellingson: You can see in the existing code what constitutes a legal fence. Good fences make good neighbors. There are many areas in our code that reference fences. The member that brought this to our attention had a dispute about whether or not an electric fence in working order was satisfactory.

Opposition: none

Chairman Dennis Johnson: Closed the hearing

Representative Boschee: Moved Do Pass

Representative Fehr: Seconded the motion.

Representative Rust: What is the down side?

Chairman Dennis Johnson: If an electric fence is not recognized as a legal fence and someone's cows are out, they could go to court. With this, it is a legal fence if it is in working order.

Representative Kiefert: Is it more for insurance purposes?

Chairman Dennis Johnson: I would view it more as settling a dispute between neighbors. It is easier to put up an electric fence.

Representative Kiefert: That is the only negative thing I could see. Do insurance companies have a problem with this?

Julie Ellingson: We haven't consulted an insurance company. It goes back to holding up your responsibility as a landowner and abiding by the law to have an adequate fence. The fencing chapter is the one where we get a lot of member inquiries. People are looking for clarity in that chapter. It would take a whole interim to look at that chapter. This is a baby step forward to revising that.

Representative Trottier: I think this will help insurance companies. A new applicant receives questions dealing with fences. Some companies question if an electric fence is proper.

A Roll Call vote was taken: Yes 11, No 0, Absent 2.

Do Pass carries.

Representative Rust will carry the bill.

Date: 3/8/13

Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2322**

House **Agriculture** Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Consent Calendar
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Boschee Seconded By Rep. Fehr

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	X		Rep. Joshua Boschee	X	
Vice Chairman John Wall	AB		Rep. Jessica Haak	X	
Rep. Wesley Belter	X		Rep. Marvin Nelson	AB	
Rep. Alan Fehr	X				
Rep. Craig Headland	X				
Rep. Joe Heilman	X				
Rep. Dwight Kiefert	X				
Rep. Diane Larson	X				
Rep. David Rust	X				
Rep. Wayne Trottier	X				

Total Yes 11 No 0

Absent 2

Floor Assignment Rep. Rust

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

REPORT OF STANDING COMMITTEE

SB 2322: Agriculture Committee (Rep. D. Johnson, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2322 was placed on the
Fourteenth order on the calendar.

2013 TESTIMONY

SB 2322

#1

SB 2322

Senate Ag Committee

Testimony of Sheyna Strommen, North Dakota Stockmen's Association

Good morning, Mr. Chairman and members of the Senate Ag Committee. For the record, my name is Sheyna Strommen and I'm representing the North Dakota Stockmen's Association as we rise in support of SB 2322.

Thank you to Senators Erbele, Andrist and Wanzek and Representatives Brandenburg, Kempenich and Silbernagel for their sponsorship of the bill. This is a bill that was brought forth through the NDSA by one of our members. It passed during our annual convention this fall in Fargo and is an attempt to acknowledge the technological advancements made in fencing.

Ranchers throughout the state use electric fences as a main perimeter of their pastures. Electric fences are also used in comprehensive grazing plans to section off portions of pastures to allow for better grazing management. SB2322 simply expands the definition of a legal fence to include one-, two-, and three-wire electric fences.

The language mirrors the Natural Resources Conservation Service's guidelines for building these types of fences. These are guidelines that ranchers are already familiar with and we believe to be the best choice for expanding the definition.

Thank you.

SB 2322

#1
3/8/13

Good morning, Chairman Johnson and members of the House Agriculture Committee. For the record, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association.

We rise in support of SB 2322, which would update the legal definition of a fence. It is a concept that was brought forth from one of our longtime members and adopted as a resolution at our most recent annual convention.

It is a basic bill that simply adds electric fencing options to the statute and uses commonly used U.S. Department of Agriculture Natural Resources Conservation Service electric fencing standards for the specifications.

The fencing definition - and, frankly, the entire fencing chapter - is antiquated, and this simple change is a first step in bringing the Code up to the 21st century.

We urge your do-pass recommendation.