

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1249

2001 HOUSE AGRICULTURE

HB 1249

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1249

House Agriculture Committee

☐ Conference Committee

Hearing Date 1-25-2001

Tape Number	Side A	Side B	Meter #
1	A		1032 TO 3781
Committee Clerk Signature <i>Edward Elyson</i>			

Minutes:

1A:1032: CHAIRMAN NICHOLAS: We will open the hearing on HB 1249.

JIM BOEHM: For the record, my name is Representative Jim Boehm: I represent District 31. I am interdicting HB 1249 which would provide funding for the animal board of health to assist in the control of John's disease, which is spreading across the state and threatening the cattle industry in the state. This has become a very serious problem and must be addressed voluntarily or I will assure you it will be mandatory by certain groups which are not friendly to the dairy and cattle industry. Members of the Committee. I hope you will act favorably on the Bill. That's all I have for now.

1A:1169 LARRY SCHULER, DVM Chairman Nicholas and members of the committee.

My name is Larry Schuler, Prepared text follows and is attached to the minutes.

1A:1626 CHAIRMAN NICHOLAS: Larry is this what is know as mad cow disease or is this something different. Larry stated, yes this is different. Johnne's is a bacterial disease in the same class as T.B. Representative Froelich asked where are we going with this disease? How are you going to test for it.

1A:1674: Dr Schuler: Johnne's is a insidious disease that can be in your heard for three to five years before you even realize it before you see any clinical signs. The potential for infecting the rest of your heard is there without even realizing it until it is there in your heard. Johnne's disease is spread through manure, the other common way is from cow to calf through milk. The other way of spreading the disease is when the calf is still in the uterus of the cow.

1A:1885 CHAIRMAN NICHOLAS: Anyone else wishing to testify.

NATHAN BOEHM: Chairman Nicholas and committee members. I am here representing the State Board of Animal Health. Prepared testimony follows and is attached to these minutes. At the end of the testimony it was asked that Chairman Nicholas and committee PASS THE BILL HB 1249.

1A:2152 REPRESENTATIVE MUELLER: One of the critical issues here is a public perception problem is the connection or potential connection between Johnne's disease and Crones disease. Are you aware of what is doing in research do we find that to be true or dispel that rumor.

1A:2275:DR SCHULLER: The group that Dr. Schuller talks about is Tara. There doing everything possible to get this connection out there so that people will know that it is there.

1A:2330: REPRESENTATIVE MUELLER: Where are we going to get some real scientific

data and is that process ongoing as far as you know?

DR SCHULLER: There is that work going on. There trying to link T.B. and Johne's disease together with DNA testing. These test are expensive. Research money is not always always available.

DUG DUKART: Along with my wife and son we operate a dairy of 88 cows, along with a cow calf operation of 130 beef cows and small grains for feed in Dunn County. I offering testimony in support of the BILL. The first time that Dr Schuller gave me a packet of information which was pretty significant. When reading about it and knowing nothing about it raises a great deal of fear. I sell a lot of my cattle into other herds. Our local veterinarian is a good veterinarian but he is lacking knowledge on Johne's disease. The educational part of the bill for veterinarians education is greatly needed. We had our cows tested. We tested 177 head of cattle. The cost per cow was \$7.63 for the testing. I had one positive for dairy and one for beef cow. It will take four years before I know whether any more of my cows are infected. It is the unknown that is bothersome. Every predictor is in fear of the testing. I feel that the producer and the veterinarian are going to have to hold the price down so that there is more money for research. Any questions.

1A:3195: REPRESENTATIVE RENNER: What was the body condition of your cows that tested positive.

DUG DUKART: Like I said earlier. Neither of the cows showed any outward appearance of being Johne's positive. We see a picture sometimes. They have that dairy cow all bones and so forth. No, these cows were in good condition. One was a seven year old cow and the other was a ten year old cow. That's the way the disease works.

Page 4

House Agriculture Committee

Bill/Resolution Number HB 1249

Hearing Date 1-25-2001?

DR SCHULER: We have what we call the alizer test, it is a blood test, and the sensitivity of that test is kind of shaky. It is about forty percent sensitive. You only find about forth percent of the positive animals. You can't base a lot of information just one heard test. We base the test on the heard test. That means we test 30 animals of one heard. We use more then one test.

1a:3436: CHAIRMAN NICHOLAS: Any other questions.

1A:NANCY KOPP: Asked that the committee support the bill.

1A:3714 CHAIRMAN NICHOLAS: Any other questions. Any other persons wanting to make comments in support of this Bill. Anyone wishing to appear in opposition of this HB1249. We will now close the hearing on HB 1249.

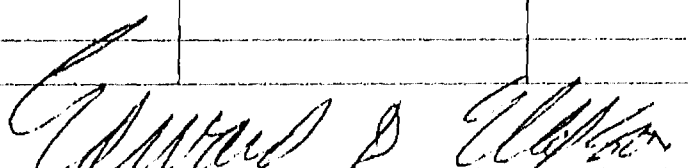
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1249

House Agriculture Committee

☐ Conference Committee

Hearing Date 1-26-2001

Tape Number	Side A	Side B	Meter #
A	A		5685 TO 6160
Committee Clerk Signature 			

Minutes:

1A: 5685 REPRESENTATIVE NICHOLAS: Thank you fellows. Lets consider that last one. Mr. Renner, I move a DO PASS. seconded by Rep. Mueller on HB 1249

It has been moved and seconded. The clerk will take the roll on 1249 for a rereferral to

Appropriations. The total tally is 13 yes's and two Absent and no No's That will be rerefereed to Appropriations. Closed.

Date: 1-15-01
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1111

House AGRICULTURE Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Rep. Nichols Seconded By Rep. Nichols

Representatives	Yes	No	Representatives	Yes	No
Eugene Nicholas, Chairman			Rod Froelich		
Dennis E. Johnson - Vice Chairman			Doug Lemieux		
Rick Berg			Philip Mueller		
Michael Brandenburg	<input checked="" type="checkbox"/>		Kenton Onstad		
Joyce Kingsbury			Sally M. Slandvig		
Myron Koppang	<input checked="" type="checkbox"/>		Dennis J. Renner		
Edward H. Lloyd	<input checked="" type="checkbox"/>		Dwight Wrangham		
Bill Pietsch					

Total (Yes) _____ No _____

Absent 2

Floor Assignment Rep. Nichols

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

REPORT OF STANDING COMMITTEE (410)
January 26, 2001 1:25 p.m.

Module No: HR-13-1738
Carrier: Nicholas
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1249: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1249 was rereferred to the Appropriations Committee.

2001 HOUSE APPROPRIATIONS

HB 1249

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB1249**

House Appropriations Committee

☐ Conference Committee

Hearing Date **February 14, 2001**

Tape Number	Side A	Side B	Meter #
1	x		0 - 1107
Committee Clerk Signature <i>J. O. O. O. O.</i>			

Minutes:

HOUSE APPROPRIATIONS COMMITTEE HEARING ON HB1249

Rep. Boehm: I am introducing HB1249 which provides funding to the Board of Animal Health to assist in the control of Johne's disease, it is a disease which is spreading across the state and the country but is prevalent in the south and is moving more north due inter shipment of cattle. It has become a very serious problem and must be addressed voluntarily because there are groups out there animal life group people that are going to make this mandatory if we don't take care of this problem. I sort of refer to the disease that is happening in Europe, the Mad Cow disease. So I think we need to take care of this problem and to let farmers and ranchers know that this is a potential problem, and the way I would like to see it addressed is by educating our veterinarians so when they go out to check cattle that have the potential of this disease that they get them tested and some kind of assistance in helping with that. The State Veterinarian is going to explain

the disease and how its spread and the amount of money that was requested and how its going to be spent. So I think it would be best to hold the questions until his testimony is given.

Larry Schuler, State Veterinarian. (Followed written testimony)

Rep. Timm: You wouldn't be doing the testing? You will be providing the money to the producers to go out and voluntarily get some local veterinarian to do the testing then?

Schuler: That is correct. To get into the program does not require a whole herd test, it only requires the test 30 animals which will give some kind of statistical number which will indicate if it is present in the herd.

Rep. Timm: I heard someplace that someone made a statement that had some cattle that they said that they wouldn't have this test done because they didn't want to find out that information.

Rep. Gulleason: By eradicating your talking about those animals that have to be eliminated from the herd and disposed of, there is no inoculation that's available as yet?

Schuler: There is no treatment or vaccination for johne's disease.

Rep. Warner: It is a little bit ironic in that the very first bill that I carried, my very first session, was the bill on johne's disease, which eliminated the reporting requirement for the state. I have always had a great interest in cattle diarrhea. Do you anticipate that at some point in the future we are going to be requiring an indemnity program, that it will be a policy of the state to eliminate this disease completely from our state herds and that we would indemnify owners who would destroy their cattle.

Schuler: At this point in time producers want it to be a voluntary program so they want to participate and take the action themselves. There are some groups nationally that are trying to make it a national eradication program, and if that were the case then the USDA or Federal

Government would have to come up with some money for indemnity. It would be the state's discretion whether they wanted to come up with indemnity later on.

Rep. Glassheim: How is the animal health board funded, is there any participation by the people you work with, or by the farmers or ranchers, or is it all state money?

Schuler: The board of animal health is funded by general fund dollars from the state.

Rep. Glassheim: Is there any danger for consumers if these animals with the disease are not taken down.

Schuler: At this point in time there has never been a proven link, its just that some people suspect there is a link. We have been able to isolate the johne's organism from some milk and from some meat of infected animals, but adequate cooking and pasteurization is believed to take care of it.

Rep. Timm: Any other questions? Any other testimony in support of HB1249? Do you anticipate if this program gets going that additional funding will be requested next biennium?

Schuler: At this point in time the money is a request as an incentive to get the program started in the state. I don't know if there will be a request next time or not.

Rep. Timm: Anybody in opposition to HB1249? The hearing on HB1249 will be closed.

END OF APPROPRIATIONS COMMITTEE HEARING ON HB1249.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1249A

House Appropriations Committee

☐ Conference Committee

Hearing Date February 14, 2001

Tape Number	Side A	Side B	Meter #
1	x		1538 - 2118
Committee Clerk Signature <i>Z. Danberg</i>			

Minutes:

HOUSE APPROPRIATIONS COMMITTEE ACTION ON HB1249A.

Rep. Timm: What is the committee's wishes on HB1249? In connection with John's disease.

Rep. Kempenich: Moves a DO PASS. Seconded by Rep. Koppleman.

Rep. Timm: Do you want to give your reason for a do pass on this bill.

Rep. Kempenich: I think its something compared to "Mad Cow " disease found in Europe, and it you don't stay proactive on things like this they have a tendency to get away from you and the livestock industry is fairly large in the state and I think it behooves us to try to stay ahead of these types of problems, and I think this would be a small investment to stay ahead of this problem.

Rep. Timm: Any other discussion? Roll call vote for DO PASS on HB1249. (17) YES (1) NO (3) Absent and not voting. Motion passes. Rep. Boehm will carry the bill on the floor.

End Committee action on HB1249

Date: 2/14/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1249A

House APPROPRIATIONS

Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By KEDPOWICIT Seconded By KUPPELMAN

Representatives	Yes	No	Representatives	Yes	No
Timm - Chairman	✓				
Wald - Vice Chairman	✗				
Rep - Aarsvold	✓		Rep - Koppelman	✗	
Rep - Boehm	✓		Rep - Martinson	✓	
Rep - Byerly		✓	Rep - Monson	✓	
Rep - Carlisle	✓		Rep - Skarphol	✓	
Rep - Delzer	✓		Rep - Svedjan	✓	
Rep - Glassheim	✗		Rep - Thoreson	✓	
Rep - Gulleeson	✓		Rep - Warner	✓	
Rep - Huether	✓		Rep - Wentz	✓	
Rep - Kempenich	✓				
Rep - Kerzman	✓				
Rep - Kliniske	✓				

Total (Yes) 17 No 1

Absent 3

Floor Assignment BOEHM.

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

4 - ABSENT

2001 SENATE AGRICULTURE

HB 1249

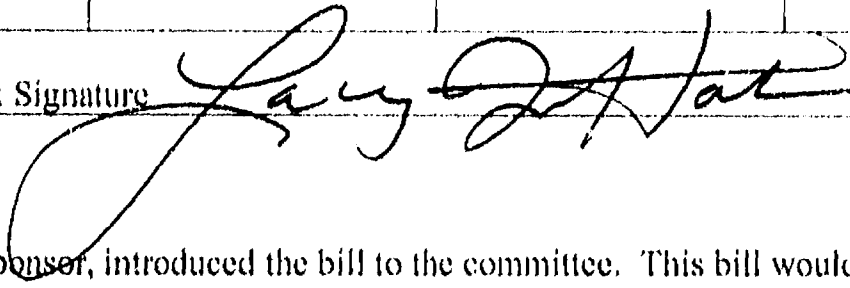
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1249

Senate Agriculture Committee

☐ Conference Committee

Hearing Date March 16, 2001

Tape Number	Side A	Side B	Meter #
March 16 1	X		0.0 - 30.0
Committee Clerk Signature 			

Minutes:

REP. BOEHM; Sponsor, introduced the bill to the committee. This bill would provide funding to the Board of Animal Health to assist in the control of John's Disease which is threatening the cattle industry across the state and in the country. This has become a very serious problem and must be addressed either voluntarily or it will become mandatory.

LARRY SCHULER; State Veterinarian & State Board of Animal Health, testified in support of this bill. See attached testimony.

SENATOR KLEIN; How do you get participation?

LARRY SCHULER; We are trying to do some education and most of it has been through practicing veterinarian, training veterinarian as to the effects of John's disease and letting them go back to their producers that they feel can benefit from a program like this.

SENATOR URLACHER; How is it identified?

LARRY SCHULER; There are two tests for the disease, one is a blood test and there is also a fecal culture test which takes months for results.

SENATOR NICHOLS; Is there a problem with going to slaughter with these animals?

LARRY SCHULER; Right now there is no restrictions as far as selling animals that are testing positive for Johne's Disease. Where we would run into trouble is if an organization or group would make a link between Johne's and Chron's.

SENATOR NICHOLS; Is it more prevalent in dairy herds than beef herds?

LARRY SCHULER; Generally speaking this has always been considered a dairy disease but starting in beef herds.

SENATOR ERBELE; The origin of the disease is it contagious or soil born, what do we know about it in that respect?

LARRY SCHULER; The transmission of the disease is from cow to cow, the majority of it is fecal - oral transmission. One of the main ways of controlling the disease is to control contamination of feed and water, but there is the possibility of transmission through colostrum and the disease can be transmitted to the calf while it is still in the uterus.

SENATOR KROEPLIN; What does the research show for pasteurization and cooking?

LARRY SCHULER; There is research that shows that pasteurization does kill the organism, there is also research that shows it doesn't. Most people believe that pasteurization does kill the organism. As far as cooking the meat would be safe.

SENATOR URLACHER; It seems as though this is a gradual effect and it takes time to identify the animal. What is the period of time that it becomes noticeable?

LARRY SCHULER; Johne's disease has a long incubation period, from the time of exposure to the time that you start seeing clinical disease can be as much as two years. General the exposure

occurs when they are calves and you don't see it until they are adults. The older the animal gets the more resistant they are to the organism, that is one of the problems we have in testing is that it is a long incubation disease and you don't always see the response to the test until they are further on into the disease. You don't pick up the early infections, you have to pick up the late infections.

SENATOR KLEIN; Are there vaccinations you can use to stop spread?

LARRY SCHULER; There is no vaccine for the disease, actually there is a vaccine but is used only in Wisconsin, it creates big knots on the side of the neck, it doesn't control infection and it doesn't control spread of disease but it does control clinical signs. There is no antibiotics that will control the disease. Basically when you have a positive animal your recourse is to sell the animal to prevent infection of other animals in the herd.

SENATOR ERBELE; In terms of dollars, are you saying that this is a voluntary program and if someone wants to test their herd, are they reimbursed for the full amount of the herd. How is the money put out there and what would be the cost to the producer out of pocket or are there any?

LARRY SCHULER; The way to get started into the program is to do a test of 30 animals in your herd, we are not going to require an entire herd test. The 30 animal test is a statistical number that if the disease is in your herd you will probably find with testing 30 animals. We are trying to be easy up front so it doesn't cost a lot to get into the program. As far as the cost for the producer the aspect of it is the risk assessment. Our goal for testing would be to reimburse everyone 100% for the cost of doing a 30 animal test, however it depends on how many people get into the program and whether there is money available, so we would look at maybe going through the year and then determining how many tests were done and dividing the money up accordingly. There is also a risk assessment involved in the program where the veterinarian goes

out to the farm and walks through the farm with the producer identifies areas where the disease could be transmitted on the farm and talks to the producer about means of controlling the disease on the farm. There would be a cost for that and our goal would be to reimburse the producer for part of those costs as well.

SENATOR URLACHER; How does this relate to humans, is it transferable?

LARRY SCHULER; There is a similar condition in humans called Chron's disease and that is fairly similar to what we see with animals. The Johne's organism has been isolated out of some Chron's disease patients but they can't consistently isolate the organism and that is why the debate is still raging between whether or not there is a link between Chron's and Johne's disease.

SENATOR URLACHER; If there was a link and people handling these animals, are they in danger?

LARRY SCHULER; Yes, the exposure most people think it would be through food supplies but research show there is no higher incidents in dairy farmers than there is in the general population but there is still a potential for it.

SENATOR WANZEK; As far as money was this part of the budget?

LARRY SCHULER; They would be additional dollar they were not included in the Governor's budget. The board established a Johne's disease advisory committee which is made up of beef, dairy producers and veterinarians. We have tried to make this a producer friendly program.

NATHAN BOEHM; Board of Animal Health and a dairy farmer, testified in support of this bill. Johne's has an effect on a cow immune system, that effect can cause Mastitis, low reproductively and diarrhea and disease. We need to educate producers. I don't believe that we can clean up this disease total by I think the disease can be managed.

SENATOR KLEIN; Some of these groups that end up on these programs use data to their advantage and that is what really hurts the industry.

SENATOR ERBELE; Is there a considerable work and research being done towards a vaccine to control this disease.

NATHAN BOEHM; Not for the vaccine as much as reliable testing, to be able to test for the disease earlier, get more reliable results and be able to rely on those results.

SENATOR ERBELE; Is there labs working towards control of the disease?

NATHAN BOEHM; There is some research going on there?

NANCY KOPP; North Dakota Veterinarian Medical Assoc., testified in support of this bill. Our association in conjunction with State Board of Animal Health are trying to be proactive in regard to controlling this disease.

BRIAN KRAMER; ND Farm Bureau, testified in support of this bill. We have a policy supporting the voluntary testing program for Johne's disease here in the state we believe that this a preemptive strike.

RICHARD SCHLOSSER; ND Farmers Union, testified in support of this bill.

The hearing was closed.

SENATOR ERBELE moved for a DO PASS and rerefered to Appropriations.

SENATOR KLEIN seconded the motion.

Roll call vote: 6 Yeas, 0 No, 0 Absent and Not voting.

SENATOR ERBELE will carry the bill.

Date: 3-16-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1249

Senate Agriculture Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Erbele Seconded By Sen. Klein

Senators	Yes	No	Senators	Yes	No
Senator Wanzek - Chairman	✓		Senator Kroeplin	✓	
Senator Erbele - Vice Chairman	✓		Senator Nichols	✓	
Senator Klein	✓				
Senator Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Erbele

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

refer to approp.

REPORT OF STANDING COMMITTEE (410)
March 16 2001 1:38 p.m.

Module No: SR-46-5878
Carrier: Erbele
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1249: Agriculture Committee (Sen. Wanzek, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1249 was rereferred to the Appropriations Committee.

2001 SENATE APPROPRIATIONS

HB 1249

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1249

Senate Appropriations Committee

☐ Conference Committee

Hearing Date March 26, 2001

Tape Number	Side A	Side B	Meter #
Tape #2	x		0.0-11.0
Committee Clerk Signature <i>James Boehm</i>			

Minutes:

Senator Nething opened the hearing on HB1249 - to provide an appropriation to the State Board of Animal Health for the purpose of defraying the expenses associated with the control of Johne's disease in North Dakota.

Representative James Boehm, district 31, Mandan and one of the primary sponsors introduced the bill, and introduced Dr. Larry Schuler, who would provide details..

Dr. Larry Schuler, State Veterinarian and Executive Officer of the State Board of Animal Health, testified in support (a copy of his written testimony is attached). He also distributed copies of the resolution by the State Board of Animal Health (a copy is attached).

Senator Solberg: What kind of cooperation, research are you getting with North Dakota State University? Its Veterinary Department?

Dr. Schuler: The NDSU Extension Service has helped us in the training area. I am not unaware of any research being done.

Senator Solberg: If we go ahead with the Johne's program --- and don't do any research as we find herds that have the disease --- what good is it? Has research been done on a national basis?

Dr. Schuler: There is a need to do considerable amount of research; there is an attempt to get ahead of the disease. One area that needs additional education and research is testing. 40-50 percent accuracy on blood test alone; need to have fecal culture and blood test to be sure.

Senator Solberg: 177 thousand dollars this bill, one time shot?

Dr. Schuler: This is a proposal by the Johne's Advisory Group -- not sure of the future at this point, thought this was the start; and then be market driven program..

Senator Thane: Wouldn't it have been appropriate to have had an increase in the department's appropriation? Easier as part of the Governor's proposed budget?

Dr. Schuler: Yes; submitted as an enhancement -- but all involved considered this a better route.

Nancy Kopp (Lobbyist #243), North Dakota Veterinary Medical Association, spoke in support of the bill. A proactive approach to the control of this disease. Association gives 100% support.

Senator Nething: Your percentage accomplished by polling the veterinarians? All responded?

Nancy Kopp: Yes, did a survey, 100% of those who responded (not 100% responded).

Nathan Boehm, Dairy producer testified in support of HB1249. His is one of the herds that has Johne's disease. Appropriately 15% of his herd is infected --- culture positive. This is a difficult disease to detect, there are times the healthy looking, heavy milk producer has the infection. Education is necessary here -- producers need to know which ones are infected, and should mark them according with a "C" -- helping to eliminate spreading of the disease. Urge a do pass.

Senator Robinson: 15% of your herd --- still positive, what is the size of the herd?

Nathan Boehm: The first time around testing was 15% -- it's now 9%. Herd size is 150.

No additional requests for testifying -- either for or against. Hearing closed by Senator Nething.

Senator Nething assigned HB1249 to the Agriculture Commissioner's Subcommittee, Senator Bowman, Chair; Senator Solberg and Senator Tomac.

4-2-01 Full Committee Action (Tape #1, Side A, Meter No. 13.9 - 15.8)

Senator Nething reopened the hearing on HB1249 - Johne's disease.

Senator Bowman, Subcommittee chair, reviewed the testimony, bill, and the subcommittee's findings. He submitted amendments 18186.0101, and led the discussion on same.

Senator Bowman moved the amendments; Senator Robinson seconded. Discussion; call for the vote; Voice Vote: approved.

Discussion on the bill. Senator Bowman moved a DO PASS AS AMENDED; seconded by Senator Robinson. Discussion; call for the vote; Roll call Vote: 14 yes; 0 no; 0 absent and not voting.

Senator Bowman accepted the floor assignment.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1249

Page 1, line 4, after "**APPROPRIATION**" insert "- **REFUND FUND TRANSFER**"

Page 1, line 5, replace "general fund" with "attorney general refund fund from lawsuit settlement collections"

Page 1, line 15, replace "general fund" with "special funds"

Page 1, after line 15, insert:

"The funds appropriated from the attorney general refund fund must be transferred to the department of agriculture operating fund as requested by the state veterinarian."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1249 - Department of Agriculture - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Johne's disease herd status program		\$177,500		\$177,500
Total all funds	\$0	\$177,500	\$0	\$177,500
Less estimated income			<u>177,500</u>	<u>177,500</u>
General fund	\$0	\$177,500	(\$177,500)	\$0
FTE	0.00	0.00	0.00	0.00

Dept. 602 - Department of Agriculture - Detail of Senate Changes

	CHANGE FUNDING SOURCE ¹	TOTAL SENATE CHANGES
Johne's disease herd status program		
Total all funds	\$0	\$0
Less estimated income	<u>177,500</u>	<u>177,500</u>
General fund	(\$177,500)	(\$177,500)
FTE	0.00	0.00

¹ This amendment changes the funding source for controlling and defraying the cost of Johne's disease. General fund money is replaced with funds received through the Attorney General's office from the indirect vitamin products lawsuit settlement.

Date: 4-2-01

Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. AB 1249

Senate Appropriations Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number 18186.0101

Action Taken On pass as amended

Motion Made By Senator Burns Seconded By Senator Johnson

Senators	Yes	No	Senators	Yes	No
Dave Nething, Chairman	✓				
Ken Solberg, Vice-Chairman	✓				
Randy A. Schobinger	✓				
Elroy N. Lindaas	✓				
Harvey Tallackson	✓				
Larry J. Robinson	✓				
Steven W. Tomac	✓				
Joel C. Heitkamp	✓				
Tony Grindberg	✓				
Russell T. Thane	✓				
Ed Kringstad	✓				
Ray Holmberg	✓				
Bill Bowman	✓				
John M. Andrist	✓				

Total Yes 14 No 0

Absent 0

Floor Assignment Senator Burns

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

REPORT OF STANDING COMMITTEE

HB 1249: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1249 was placed on the Sixth order on the calendar.

Page 1, line 4, after "**APPROPRIATION**" insert "- **REFUND FUND TRANSFER**"

Page 1, line 5, replace "general fund" with "attorney general refund fund from lawsuit settlement collections"

Page 1, line 15, replace "general fund" with "special funds"

Page 1, after line 15, Insert:

"The funds appropriated from the attorney general refund fund must be transferred to the department of agriculture operating fund as requested by the state veterinarian."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1249 - Department of Agriculture - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
John's disease herd status program		\$177,500		\$177,500
Total all funds	\$0	\$177,500	\$0	\$177,500
Less estimated income			177,500	177,500
General fund	\$0	\$177,500	(\$177,500)	\$0
FTE	0.00	0.00	0.00	0.00

Dept. 602 - Department of Agriculture - Detail of Senate Changes

	CHANGE FUNDING SOURCE ¹	TOTAL SENATE CHANGES
John's disease herd status program		
Total all funds	\$0	\$0
Less estimated income	177,500	177,500
General fund	(\$177,500)	(\$177,500)
FTE	0.00	0.00

¹ This amendment changes the funding source for controlling and delaying the cost of John's disease. General fund money is replaced with funds received through the Attorney General's office from the indirect vitamin products lawsuit settlement.

2001 TESTIMONY

HB 1249

**Testimony of Larry A. Schuler, DVM
State Veterinarian and
Executive Officer of the State Board of Animal Health
House Bill 1249
House Agriculture Committee
Peace Garden Room
January 25, 2001**

Chairman Nicholas 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 support of HB 1249, which deals with an appropriation to help control Johne's Disease in North Dakota.

Johne's Disease (Paratuberculosis) is a disease of cattle and other ruminants that causes chronic diarrhea, progressive weight loss and eventually death. On dairy operations, economic losses due to Johne's Disease occur through premature culling, reduced milk production and body weight loss. The NAHMS Dairy 96 national study of the dairy industry in the US estimated that if 10 percent of a producer's cull cows showed signs of Johne's Disease, the loss to the producer was estimated to be \$227 per cow per year. On beef cattle operations losses from Johne's Disease are more difficult to determine. It is thought that reduced weight gain, poor body condition and weight loss result in economic losses.

The State Board of Animal Health has recently approved a voluntary Johne's Disease program. The North Dakota Voluntary Johne's Disease Herd Status Program will assist producers with eliminating the disease from their herds through testing and management practices. It will also assign a status to the participating herd based on the prevalence of the disease in the herd or the number of years since Johne's Disease has been found in the herd. Herds with a higher status have a lower risk of Johne's Disease. Herds participating in the North Dakota Voluntary Johne's Disease Herd Status Program benefit not only from increased production but also from a potential increased marketability of animals due to the herd status. Johne's Disease status animals should be easier to market and may demand a premium if the market recognizes the value of disease control and prevention and the cost that this disease is levying on producers.

Testing for Johne's Disease demonstrates responsible herd management and concern for controlling the disease. In North Dakota last year, 370 herds tested at least one animal for Johne's Disease. Of these 370 herd, 210 herds had positive animals. In all there were 496 positive animals out of 3196 animals tested. There were 91 beef herds with positive animals, 75 dairy herds with positive animals and 44 herds where the breed was not specified.

Although scientific opinion varies, the possibility that Johne's Disease may be linked to the human condition known as Crohn's Disease further fuels the need for industry to be active in identifying and controlling Johne's Disease in cattle. If a link is ever established between Johne's Disease and Crohn's Disease the beef and dairy industry would face a huge food safety crisis.

Paratuberculosis Awareness and Research Association (PARA) believes that there is a link between Johne's Disease and Crohn's Disease. PARA is proposing that all milk from herds with positive or untested cows be disposed of as biological waste. They are also proposing that all cattle should be disposed of as biological waste if they do not originate from negative tested herds. While this group's requests are extreme, the request illustrates some of the public perception problems that may occur if there is a link established between Johne's Disease and Crohn's Disease.

The money requested would go primarily to producers who choose to participate in the North Dakota Voluntary Johne's Disease Herd Status Program. Most of the money (\$105,000) would go to producers to help

reimburse them for the laboratory charges for doing the initial herd test required by the program. Another cost that would be incurred by a producer participating in the program is a Risk Assessment conducted by an approved veterinarian. The \$52,000 request would go to the producer to offset some of this expense.

There are a lot of misconceptions about the effect of Johne's Disease in a herd and the diagnosis and management of the disease. Therefore, we are requesting the final \$20,000 to provide for education of producers and veterinarians on the diagnosis, prevention and control of the disease.

Chairman Nicholas and committee members, I urge a do pass on HB 1249. I would be happy to answer any questions you may have.

Testimonial for HB 1249

Chairman Nicholas and members of the committee, my name is Nathan Boehm. I am here representing the State Board of Animal Health and the Johne's advisory committee but foremost I am a dairy producer from Mandan who wants to testify in support of HB 1249.

As a dairy producer who is in the process of testing and cleaning up my herd I know what it takes and how hard it really can be. One of the biggest obstacles is the cost of testing. When the cost of the test runs between \$4 and \$7 per head (volume breaks) even a small herd can add up in a short time. When we as producers see these costs and determine them to be an "extra" we tend to want to say lets wait until prices are better or we have some extra income, "It can wait". It can't wait! I've seen within my herd the decreased efficiency of my cows. They won't breed back; they are more susceptible to other diseases such as heel warts and mastitis. They lose weight and are worth less at slaughter if they don't die first. The economic impacts are real.

As a member of the Board of Animal Health I have had the opportunity to attend some national meetings. These meetings left me with some very large impressions.

1. Federally there will be a push for a national Johne's testing program.
2. There are several groups out there that have very specific agendas regarding Johne's and they care about no one else no matter the consequences.
3. Johne's is a big deal and not to be taken lightly.

As a member of the Johne's advisory committee we set out to develop the North Dakota Voluntary Johne's Disease Herd Status Program, which would allow producers to test their herds and receive a status level as to the amount of disease in their herd. The committee insisted that this program be voluntary, easy to use, and that it be implemented before the USDA implements a mandatory program that might not be so user friendly to the producers of our state. Our program is available to producers to get started in improving their herds and becoming more profitable.

The money that is being asked for in this bill is to help those producers who are saying it can wait. We do not want to pay for all of the testing that is done but to get them started by helping pay for some of the initial testing. We as a committee felt that once

they started in the program and realize the benefits they would continue to participate and that keeps us further from a federally mandated program of which there are enough already.

As a producer I feel that your support of this bill, HB 1249, would start a process that would lead producers away from a potentially serious program.

Chairman Nicholas and members of the committee, I urge a DO PASS on HB 1249. Thank You. I would be happy to answer any questions that you have.

RESOLUTION

STATE BOARD OF ANIMAL HEALTH

A resolution encouraging the Fifty-seventh Legislative Assembly to appropriate funds to the State Board of Animal Health for defraying the expenses associated with the control of Johne's disease in North Dakota.

WHEREAS, Johne's disease (*Mycobacterium Paratuberculosis*), is a chronic, debilitating, and contagious bacterial disease of the intestinal tract occurring in a wide variety of animals, but most often in ruminants, particularly cattle.

WHEREAS, herds with Johne's disease result in animals with diarrhea, weight loss, and most significantly, reduced milk production. Clinically affected animals eventually die.

WHEREAS, no economically viable vaccination or treatment exists to control Johne's disease in cattle.

WHEREAS, medical research is ongoing to determine whether a link exists between Crohn's disease in humans and Johne's disease in cattle.

WHEREAS, the best method for controlling Johne's disease in dairy cattle is a whole-herd management plan including disease testing, record keeping, culling, and education.

NOW THEREFORE, IT IS RESOLVED BY THE STATE BOARD OF ANIMAL HEALTH:

To encourage the Fifty-seventh Legislative Assembly to appropriate funds, through House Bill No. 1249, to the State Board of Animal Health for defraying the expenses associated with the control of Johne's disease in North Dakota.

IT IS FURTHER RESOLVED, that the State Veterinarian shall forward copies of this resolution to the sponsors of House Bill No. 1249, and the North Dakota House and Senate majority and minority leadership.

Johnes Disease Control Funding Request:

- I. Testing Assistance:
 - A. Pay laboratory fees for testing 30 head from herds that wish to participate.
 - 1. Project:
700 herds participating X 30 head=21,000head @ \$5/head = \$105,000
- II. Technical Assistance:
 - A. Pay a portion of the cost of the risk assessment on participating herds provided by a licensed practicing veterinarian in North Dakota.
 - B. 700 herds participating X \$75/ herd = \$52,500
- III. Education:
 - A. Producers and associated industry personnel (dairy fieldmen, inspectors, feed salepersons, etc):
 - 1. Provide informational material and seminars to outline the affects of Johnes Disease in a herd.
 - 2. \$10,000
 - B. Veterinarians and county extension agents:
 - 1. Provide educational background and risk assessment information to veterinarians and county extension agents to assure consistent and correct information is being disseminated to producers.
 - 2. \$10,000
- IV. Total Estimated Cost : \$177,500

**Testimony of Larry A. Schuler, DVM
State Veterinarian and
Executive Officer of the State Board of Animal Health
House Bill 1249
Senate Agriculture Committee
Roosevelt Park Room
March 16, 2001**

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