

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

1128

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*Dennis G. Hall*  
Operator's Signature

10/2/03  
Date

2003 HOUSE AGRICULTURE

HB 1128

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Deanna Holladay  
Operator's Signature

10/2/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1128

House Agriculture Committee

☐ Conference Committee

Hearing Date 1--16--03

Tape Number	Side A	Side B	Meter #
ONE	A		0 TO 4.3
Committee Clerk Signature <i>Edward D. Olson</i>			

Minutes:

CHAIRMAN NICHOLAS: We will open the hearing on HB 1128.

JEFF OLSON: Good Morning Mr. Chairman and Committee Members. My name is Jeff Olson. I am a program manager at the Department of Agriculture. I am here to testify in support of HB 1128 a bill that amends Chapter 19-14 of the North Dakota Century Code. This Bill is a housekeeping Bill. {{{{{{PLEASE SEE ATTACHED TESTIMONY}}}}}}.

CHAIRMAN NICHOLAS: Any questions committee members?

JEFF OLSON: We are talking about any drug that can be added to livestock feed. That is not vitamins and so forth. Medications that are not usually on the feed tag.

CHAIRMAN NICHOLAS: Any other questions? Thank you Jeff.

CHAIRMAN NICHOLAS: Any other testimony in favor of this Bill. Any opposition?

CHAIRMAN NICHOLAS: The Chair will entertain a motion on HB 1128.

REPRESENTATIVE KELSCH MADE A DO PASS MOTION IT WAS SECONDED BY

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*Deanna Holbrook*  
Operator's Signature

*10/2/03*  
Date

Page 2  
House Agriculture Committee  
Bill/Resolution Number HB 1128  
Hearing Date 1--16--03

REPRESENTATIVE ONSTAD.

CHAIRMAN NICHOLAS: The clerk will take the Roll on HB 1128

THERE WERE 12 YES 0 NO 1 ABSENT

REPRESENTATIVE KREIDT WILL CARRY BILL.

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10/2/03  
Date

**FISCAL NOTE**  
Requested by Legislative Council  
01/03/2003

Bill/Resolution No.: HB 1128

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$1,300	\$0	\$1,300	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

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

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

The amendment that asks for a late fee for registrations that are not registered or re-registered by the renewal date. Approximately ten percent of the states 1310 Livestock Medicine registrations are late to renew their registrations.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Increase the General fund by approximately \$1,300 per biennium.

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

No additional expenditures will occur.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

No effect on appropriations.

Name:	Jeff Welspfenning	Agency:	Agriculture Department
Phone Number:	328-4758	Date Prepared:	01/07/2003

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Operator's Signature

10/2/03  
Date

HB 1128

Date: 1-16-03  
Roll Call Vote #:2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.House AGRICULTURE COMMITTEE☐ Check here for Conference Committee

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

Action Taken 12/15 PMSMotion Made By KelchSeconded By ONSTAD

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

Total (Yes)

12

No

0

Absent

1

Floor Assignment

KREIDT

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Operator's Signature

Dawnna G. Hall

Date

10/2/03

**REPORT OF STANDING COMMITTEE (410)**  
January 16, 2003 3:31 p.m.

Module No: HR-07-0689  
Carrier: Kreidt  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
HB 1128: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS**  
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1128 was placed on the  
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-07-0689

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*Domena H. Hall*  
Operator's Signature

*10/2/03*  
Date

2003 SENATE AGRICULTURE

HB 1128

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*Dorena G. Hall*  
Operator's Signature

10/2/03  
Date




2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1128

Senate Agriculture Committee

☐ Conference Committee

Hearing Date 03/06/03

Tape Number	Side A	Side B	Meter #
1		x	2838 - 5045
Committee Clerk Signature 			

Minutes:

Chairman Flakoll opened the hearing on HB 1128. All members were present.

Jeff Olson, Program Manager for the North Dakota Department of Agriculture, testified in favor of the bill. (written testimony)

Senator Flakoll asked on page 4, line 10, what does mandamus mean? (meter # 3126)

Mr. Olson said it is a legal terminology used by the attorney general's office.

Senator Flakoll asked what kind of type A medications are we looking at?

Mr. Olson said he would refer that question to Gary Wagner, the coordinator in this area.

Senator Urlacher asked if this bill will expand this regulation to feed additives?

Mr. Olson said they are presently registering medicated feed, that has nutritional type additives, vitamins and minerals. They want to discontinue this registration and add the drug additives.

Senator Urlacher asked if the nutritional additives are regulated by the health department?

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Operator's Signature

10/2/03  
Date

Page 2  
Senate Agriculture Committee  
Bill/Resolution Number HB 1128  
Hearing Date 03/06/03

Mr. Olson said FDA still has regulatory power over them. He doesn't think the health department does this.

Senator Flakoll asked if rumensin would be covered by this?

Mr. Nelson said rumensin would be covered only in the type A form.

Senator Seymour asked about the fiscal note of \$1300. What will you do with it?

Mr. Olson said that will go to the general fund.

Senator Klein asked if there has been a problem that has caused this to be addressed at this time?

Mr. Olson said there has not been a big problem. They try to keep in step with other states. They try to keep uniform policy across state borders and with FDA.

Senator Klein asked if the \$10 penalty is worth the effort?

Mr. Olson said the \$10 is meant to be an incentive to get the products registered on time.

Senator Klein asked if this is paid by the manufacturer? Maybe its not a very big incentive.

Mr. Olson said the \$10 would cover the added administrative work necessary to process a late application.

Senator Uriacher said its really the end user that foots the bill.

Senator Flakoll asked about page 4 lines 21 - 22. What is meant by each day of noncompliance constitutes a separate violation?

Mr. Olson said this is language from the attorney general's office.

Senator Flakoll confirmed if a product was in noncompliance for 100 days there would be a fine of \$50,000?

Mr. Olson said that is correct. The penalty is be not to exceed \$500 per day. They usually don't go to the max unless it is a very severe violation.

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*Dorinda G. Baller*  
Operator's Signature

10/2/03  
Date

Page 3  
Senate Agriculture Committee  
Bill/Resolution Number HB 1128  
Hearing Date 03/06/03

Senator Nichols said even though it has been called a housekeeping bill, there is a lot of new language. Is this typical?

Mr. Olson said the attorney general's office review drafts of agency bills and sometimes they add language. It happened twice this session.

Senator Nichols asked how often does a penalty have to be assessed over many days?

Mr. Olson said usually once they have been notified, the product is pulled until it is registered or recalled. Sometimes this happens with old products and the Agriculture Department tries to help with disposal.

Senator Urlacher asked if the Agriculture Department goes and looks to be sure it is off the shelf?

Mr. Olson said they do random checks and can issue a stop sale order if they find a non-registered product.

Senator Flakoll asked in the case of a class B misdemeanor, who is charged?

Mr. Olson said they can take enforcement action against an entity or person selling the product.

If they abide by the stop sale order, no further action is taken. (meter #4351)

Senator Flakoll asked what if a product is illegal in North Dakota but legal in Minnesota? Could a farmer go to Minnesota and get it and bring it into North Dakota?

Mr. Olson said he would have to find an answer for that question.

Gary Wagner, North Dakota Department of Agriculture, stood for questions.

Senator Flakoll asked if vitamins are included?

Mr. Wagner said no, vitamins are considered strictly nutritional.

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*Deanna Hall*  
Operator's Signature

10/2/03  
Date

Page 4

Senate Agriculture Committee

Bill/Resolution Number HB 1128

Hearing Date 03/06/03

Senator Flakoll asked if there is any conflict in the language because some vitamins are said to prevent disease.

Mr. Wagner said the wording is regulated by FDA.

Senator Flakoll asked about crossover uses, for example iodine. It can be used internally or externally for the treatment or prevention of ringworm.

Mr. Wagner said it depends on how the product is labeled.

Chairman Flakoll closed the hearing on HB 1128.

Senator Klein said in reviewing this, Senator Urlacher made a good point. The consumer will shoulder the additional cost. He is not comfortable with the penalties and enforcement.

It was moved by Senator Klein, seconded by Senator Nichols and passed on a roll call vote that the Senate Agriculture Committee take a Do Not Pass Action on HB 1128. Voting yes were Senator Erbele, Senator Klein, Senator Urlacher, Senator Nichols and Senator Seymour. Voting no was Senator Flakoll. Senator Klein will carry the bill to the floor.

After discussion Senator Klein moved to reconsider the action on the bill, seconded by Senator Nichols, passed on a roll call vote. Voting yes were Senator Flakoll, Senator Erbele, Senator Klein, Senator Urlacher, Senator Nichols, and Senator Seymour. There were no negative votes cast.

It was moved by Senator Klein, seconded by Senator Nichols and passed on a roll call vote that the Senate Agriculture Committee take a Do Pass action on HB 1128. Voting yes were Senator Flakoll, Senator Erbele, Senator Klein, Senator Urlacher, Senator Nichols and Senator Seymour. There were no negative votes cast. Senator Nichols will carry the bill to the floor.

Chairman Flakoll moved on to other business of the committee.

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Operator's Signature

Date

10/2/03

Date: 3/6/03  
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. ~~1182~~ 1128

Senate Agriculture Committee

☐ Check here for Conference Committee

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

Action Taken Do Not Pass

Motion Made By Sen Klein Seconded By Sen Nichols

Senators	Yes	No	Senators	Yes	No
Senator Flakoll, Chairman		✓	Senator Nichols	✓	
Senator Erbele, Vice Chairman	✓		Senator Seymour	✓	
Senator Klein	✓				
Senator Urlacher	✓				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Sen Klein

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

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Deanna Baller

Date

10/2/03

Date: 3/6/03  
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1/28

Senate Agriculture Committee

☐ Check here for Conference Committee

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

Action Taken move to reconsider

Motion Made By Sen Klein Seconded By Sen Nichols

Senators	Yes	No	Senators	Yes	No
Senator Flakoll, Chairman	✓		Senator Nichols	✓	
Senator Erbele, Vice Chairman	✓		Senator Seymour	✓	
Senator Klein	✓				
Senator Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

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

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

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Dorena Ballantyne  
Operator's Signature

10/2/03  
Date

Date: 3/6/03  
Roll Call Vote #: 3

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1128

Senate Agriculture Committee

☐ Check here for Conference Committee

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

Action Taken Do Pass

Motion Made By Sen Klein Seconded By Sen Nichols

Senators	Yes	No	Senators	Yes	No
Senator Flakoll, Chairman	✓		Senator Nichols	✓	
Senator Erbele, Vice Chairman	✓		Senator Seymour	✓	
Senator Klein	✓				
Senator Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen Nichols

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

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Domena Holladay  
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10/2/03  
Date

**REPORT OF STANDING COMMITTEE (410)**  
March 6, 2003 12:12 p.m.

Module No: SR-40-4083  
Carrier: Nichols  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
**HB 1128: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS**  
**(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1128 was placed on the**  
**Fourteenth order on the calendar.**

(2) DESK, (3) COMM

Page No. 1

SR-40-4083

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2003 TESTIMONY

HB 1128

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Diana G. Galt  
Operator's Signature

10/2/03  
Date

Roger Johnson  
Agriculture Commissioner  
www.agdepartment.com



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Toll Free (800) 242-7535  
Fax (701) 328-4567

600 E Boulevard Ave., Dept. 602  
Bismarck, ND 58505-0020

**NORTH DAKOTA DEPARTMENT OF AGRICULTURE  
LEGISLATIVE TESTIMONY**

Testimony of Jeff Olson,  
Registration Coordinator  
House Bill 1128  
January 16, 2003  
9:00 a.m.  
House Agriculture Committee  
Peace Garden Room

Chairman Nicholas and members of the committee. My name is Jeff Olson. I am a Program Manager at the Department of Agriculture. I am here to testify in support of HB 1128 a bill that amends Chapter 19-14 of the North Dakota Century Code. This bill is a housekeeping bill to clarify existing language and to add a late fee for registering livestock medicines.

Confusion concerning the language used in the current law has created problems with the registrants. We also deleted the requirement to register all medicated stock feeds and added a requirement to register "Type A Medicated Articles" as livestock medicines. "Type A Medicated Articles" are primarily drugs added to feed to create a medicated livestock feed, whereas Medicated Stock Feeds are used primarily for nutritional purposes.

A fiscal note was prepared showing an increase of approximately \$1,300 to the general fund because of the addition of a late fee. This figure was based on the approximately 1,240 livestock medicine registrations and the projection of approximately 70 new registrations based on the Type A Medicated Article requirements for a total projected registration of 1,310 products.

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Operator's Signature

10/2/03  
Date

Rational for including each section follows:

Section 1. Changes the term "Livestock Medicine Defined" to "Definitions". This also eliminates the inclusion of all medicated stock feed and defines "Type A Medicated Article".

~~I would also like offer an amendment to delete the word devices from section one. It is nearly impossible to enforce the registration of devices as it is all inclusive. It includes items such as syringes pipettes and kits used in delivering the drug. We feel it is more appropriate to register the medications than the devices.~~

Section 2. Line 12 changes the language from the "second ensuing" year to read "every even numbered" year. This allows the department to maintain a registration process that is cost effective and time efficient. It also allows the department to coordinate registration renewals.

Section 4. Adds a penalty fee for the late renewal of livestock medicine registrations as allowed for other product registrations and that encourages timely registrations prior to product sales.

Section 7. At the request of the Attorney General's office, clarification to the section was added for enforcement compliance to make it uniform to other registration chapters in the Century Code.

Section 8. At the request of the Attorney General's office, this change defines the penalty provision of this chapter to include a civil penalty and to allow for an administrative hearing according to chapter 28-32.

Thank you for considering HB 128. I would be happy to answer any questions.

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*Donna Hall*  
Operator's signature

10/2/03  
Date

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**NORTH DAKOTA DEPARTMENT OF AGRICULTURE  
LEGISLATIVE TESTIMONY**

Testimony of Jeff Olson,  
Program Manager  
House Bill 1128  
March 6, 2003  
11:00 a.m.  
Senate Agriculture Committee  
Roosevelt Park Room

Chairman Flakoll and members of the committee. My name is Jeff Olson. I am a Program Manager at the Department of Agriculture. I am here to testify in support of HB 1128 a bill that amends Chapter 19-14 of the North Dakota Century Code. This bill is a housekeeping bill to clarify existing language and to add a late fee for registering livestock medicines.

We deleted the requirement to register all medicated stock feeds and added a requirement to register "Type A Medicated Articles" as livestock medicines. "Type A Medicated Articles" are primarily drugs added to feed to create a medicated livestock feed, whereas Medicated Stock Feeds are used primarily for nutritional purposes.

In an effort by the Department to maintain a registration process that is cost effective and time efficient, we are proposing to change the language in Section 2, from "second ensuing" year to "every even-numbered" year. All registrations at this time follow the even-numbered year timeline.

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10/2/03  
Date

In Section 4, the Department is proposing to add a penalty fee of ten dollars for the late renewal of livestock medicine registrations. This provision is allowed for other product registrations and it also encourages timely registrations prior to product sales. A fiscal note was prepared showing an increase of approximately \$1,300 to the general fund because of the addition of a late fee. This figure was based on ten-percent of the approximately 1,240 livestock medicine registrations and the projection of approximately 70 new registrations for the Type A Medicated Article requirements for a total projected registration of 1,310 products.

Section 7 was made at the request of the Attorney General's office. This clarification to the section was added for enforcement compliance to make it uniform to other registration chapters in the Century Code.

Section 8 was also made at the request of the Attorney General's office. This change defines the penalty provision of this chapter to include a civil penalty and to allow for an administrative hearing according to chapter 28-32.

Thank you for considering HB 1128. I would be happy to answer any questions.

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