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Operator's Signature

Yolanda Rickford

Date

10/16/03

2003 HOUSE AGRICULTURE

HB 1503

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Richard Costa
Operator's Signature

10/16/03
Date

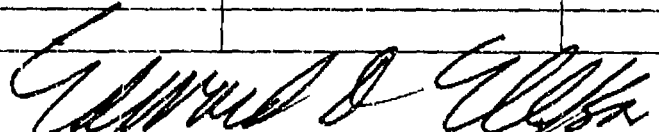
2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1503**

House Agriculture Committee

☐ Conference Committee

Hearing Date February 13, 2003

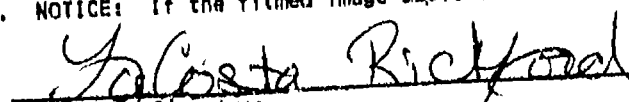
Tape Number	Side A	Side B	Meter #
1	X		6.5
Committee Clerk Signature 			

Minutes:

REP. GENE NICHOLAS, CHAIRMAN Called the hearing to order.

WADE MOSER, NORTH DAKOTA STOCKMAN'S ASSOCIATION, Testified in support of the bill. Thanked Rep. Monson for introducing the bill for them. It was on behalf of a member of theirs who wanted the legislation introduced. There appears to be a lot of changes in the bill, however, our request was, in the trespass section of the statute and specifically, the running at large, the bison are not included. When we approached the legislative council, our intent was just to add the word "bison". This statute had not been amended since 1981, for a very small section. Most of the language had been written in 1943, and had not been changed. The legislative council did a lot of updating of the language. The main meat of it is on page 1, line 9 and 10, where they define what livestock is, and where they added "bison". The problem our membership has run into, is the fact that there are more bison out in the countryside, and we feel they have to be treated like all the other livestock. There was a producer who has had a lot

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Operator's Signature

10/6/03
Date

Page 2
House Agriculture Committee
Bill/Resolution Number HB 1503
Hearing Date February 13, 2003

of trouble in Towner County with bison being out, and the owner not taking the responsibility for them. When he went to the States' Attorney to complain about the bison, the States' Attorney said he could not do it, because they are not covered under the statute.

REP. DAVID MONSON, DIST. 10 Introduced the bill, testified in support of the bill. Stated the bill was introduced on behalf of a constituent of his, who had a problem with buffalo getting out of confinement.

REP. KELSCH Commented, stating she was glad he introduced the bill, because as a graduate of UND, I am glad you are finally saying that those bison cannot be running loose.

COMMITTEE ACTION

REP. BOE Made a motion for a **DO PASS**

REP. KREIDT Second the motion. **MOTION CARRIED**

12 yes 0 no 1 absent

REP. KREIDT Was given the floor assignment.

HB 1503
2-13-03

Date:
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

DO PASS

Motion Made By

BOE

Seconded By

KREIDT

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

Total (Yes)

12

No

0

Absent

1

Floor Assignment

KREIDT

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Operator's Signature

Al Costa Richardson

Date

10/16/03

REPORT OF STANDING COMMITTEE (410)
February 13, 2003 4:27 p.m.

Module No: HR-28-2657
Carrier: Kreidt
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1503: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1503 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-28-2657

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Y. Costa Richardson
Operator's Signature

10/16/03
Date

2003 SENATE AGRICULTURE

HB 1503

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Yolanda Richardson
Operator's Signature

10/16/03
Date


2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1503

Senate Agriculture Committee

☐ Conference Committee

Hearing Date 03/06/03

Tape Number	Side A	Side B	Meter #
1	x		3867 - end
Committee Clerk Signature 			

Minutes:

Chairman Flakoll opened the hearing on HB 1503. All members were present.

Representative Monson introduced and testified in favor of the bill. This is primarily a housekeeping bill brought to his attention by one of his constituents. This piece of code has not been changed since 1943. Livestock, in other areas of the code, has been defined to include bison but it has not been changed here. The constituent has had a problem with a neighbor's bison getting out and being left out and he has no recourse under current law.

Senator Seymour asked the definition of a housekeeping bill?

Representative Monson said a housekeeping bill changes a word here and there to accommodate other changes in other parts of the code.

Senator Urlacher asked if this would have an effect on open range areas or the park?

Representative Monson said he thought wild buffalo in the park would not be considered livestock but he expects Wade Moser will know more about this.

Page 2
Senate Agriculture Committee
Bill/Resolution Number HB 1503
Hearing Date 03/06/03

Wade Moser, Executive Director of the North Dakota Stockmen's Association, testified in favor of the bill.(meter # 4192). There has been a problem with bison running at large and when the affected party contacted his state's attorney to seek relief, the state's attorney said he couldn't prosecute because bison were not included in the livestock at large section of the code. The bill will include bison. They continue to have a problem in Towner county because bison are not worth much and the owner said he is not going to put any more money into them. To answer Senator Urlacher's question, page 1, lines 15, 16 and 17 excepts grazing areas.

Senator Flakoll asked if there is a need for farmed elk to be included in this bill?

Mr. Moser said that's a good question. He said it is his understanding with their fencing requirements, they are fenced in pretty well.

Senator Klein asked if we need an emergency clause so the bison can be rounded up before summer? This would be a tool for the state's attorney.

Senator Urlacher said this is a good idea. This problem exists in other areas of the state.

Mr. Moser said with the drought, it is difficult for the bison producers to find additional pasture because of their fencing requirements. They may be pushing the limit a little.

Senator Urlacher said one problem is determining what is an adequate fence.

Mr. Moser said that is a good question. In the next couple of years the fence issue will need to be addressed. He gets two or three calls per month from insurance agents, attorneys or ranchers wanting to know what is a lawful fence? There is a fence viewers law that is ancient that leaves it up to the county commissioners to determine what is a lawful fence.

Senator Urlacher says he knows it needs to be done but he hopes it isn't over defined and doesn't result in the only way to build a legal fence is to follow specific regulation.

Yolanda Richardson
Operator's Signature

10/16/03
Date

Page 3
Senate Agriculture Committee
Bill/Resolution Number HB 1503
Hearing Date 03/06/03

Chairman Flakoll closed the hearing on HB 1503.

Senator Klein asked if Senator Erbele had any objection to adding an emergency clause?

Senator Erbele said he would insist on it.

Senator Klein moved that an amendment be approved to add an emergency clause to the bill.

The motion was seconded by Senator Nichols. The motion 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 Urlacher and passed on a roll call vote that the Senate Agriculture Committee take a Do Pass As Amended action on HB 1503. Voting yes were Senator Flakoll, Senator Erbele, Senator Klein, Senator Urlacher, Senator Nichols and Senator Seymour. There were no negative votes cast. Senator Erbele will carry the bill to the floor.

Chairman Flakoll moved on to other business of the committee.

Salvatore Riccardi
Operator's Signature

10/16/03
Date

30747.0101
Title.0200

Adopted by the Agriculture Committee
March 6, 2003

JB
3-6-3

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1503

Page 1, line 2, remove the first "and"

Page 1, line 5, after "large" insert "; and to declare an emergency"

Page 7, after line 6, insert:

"SECTION 16. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Page No. 1

30747.0101

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Richard Costa
Operator's Signature

10/16/03
Date

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

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1503

Senate Agriculture Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend. to include every class

Motion Made By LC Seconded By N

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 _____

Floor Assignment _____

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

Yolanda Richardson
Operator's Signature

10/16/03
Date

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

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1503

Senate Agriculture Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Sen Klein Seconded By Sen Urlacher

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. Erbele

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

REPORT OF STANDING COMMITTEE (410)
March 7, 2003 8:31 a.m.

Module No: SR-41-4186
Carrier: Erbele
Insert LC: 30747.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1503: Agriculture Committee (Sen. Flakoll, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1503 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the first "and"

Page 1, line 5, after "large" insert "; and to declare an emergency"

Page 7, after line 6, insert:

"SECTION 16. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Richard Costa
Operator's Signature

10/16/03
Date