

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1464

2005 HOUSE AGRICULTURE

HB 1464

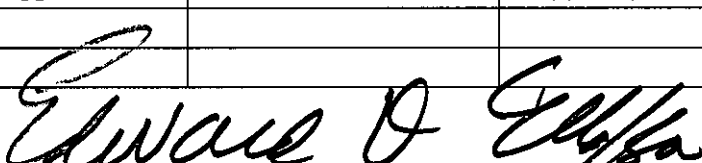
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1464

House Agriculture Committee

☐ Conference Committee

Hearing Date 1---28---05

Tape Number	Side A	Side B	Meter #
TWO	A		00 TO 24.5
Committee Clerk Signature 			

Minutes:

CHAIRWOMAN KINGSBURLY: Committee Members, we will open on HB 1464.

REPRESENTATIVE NELSON: DISTRICT 7. The bill exempts some of the recording requirements for producers of feed lots. The Health Department and the North Stockman's association worked very closely with each other to make those rules workable for producers as well as the regulatory branch of government. With that there are several areas of recording that we thought we need legislative approval rather than going through the rules process. That is why this bill was introduced. In the age we live in post 9--11 it would make it very easy for terrorist to come into this country and upset our food supply. The livestock is very concerned about this. This is a workable bill. I will turn this over to Wade Moser.

WADE MOSER: NORTH DAKOTA STOCKMAN ASSOCIATION: We feel that a lot of The feed lot application information is no one's business, including cattle numbers and feedlot designs. To me it is almost a far-fetched thing to even think about, but when you have the

information on cattle numbers, and specific location on how many head you have in when they come in, then they go out those kinds of things are probably valuable to someone who really wants to do damage. The one-page bill sponsored by Representative Nelson say the Health Department must keep a feedlot Appalachian and all of the information it contains out of public view unless it is requested by a state or federal agency, a prosecutor or a judge. Developers of cattle or hog feed lots should not have to publicly disclose more then their names and addressees on applications for Health Department permits a group of ruat lawmakers believe. they consider the secrecy a need anti-terrorism measure. We have been attending some national meetings. The people that attend are concerned with the lack of secrecy. People out there would like to see our economy in shambles. We want the Health Department to be able to do there work but there is just information they don't need. Keep zoning information in counties and townships. We get calls almost daily from people that want a list of the feed lots in the state.

MADAM CHAIRWOMAN KINGSBURY: Testimony in favor of bill. In opposition of bill.

JACK MCDONALD: NORTH DAKOTA NEWSPAPER ASSOCIATION AND THE NORTH DAKOTA BROADCASTERS ASSOCIATION. This is a broad bill. Mr. Moser just mentioned what he want kept confidential is the size of the feed lot, where it is going to be located the type of engineering. That is where controversy comes in the communities where the feed lots are going in. How many cattle to be fed etc. How many pigs. Disposal ponds, where located. The base of the ponds. We are not trying to get tax records etc. The personal information is confidential. I think people want to know when a feed lot is coming into there area. Again, we are not anti business. At the same time, I don't think you can ignore that feedlots are controversial. People do get upset. If you were building a feedlot outside Edgley

Page 3

House Agriculture Committee

Bill/Resolution Number HB 1464

Hearing Date 1---28---05

Your neighbors would like to know.

CHAIRWOMAN KINGSBURY: Other testimony.

DAVID GLATT: I am section chief of the Environmental health Section of the North Dakota

Department of Health. We would like to have the opportunity to meet with representatives from

these groups to draft amendments to this bill. [[PLEASE SEE DAVID GLATT'S PRINTED

TESTIMONY ON THIS BILL WHICH HE READ]] He did say in his testimony that he felt

There will be a legal challenge costing either the state or producer for appropriate legal

council. There are going to be amendments offered as to this bill.

CHAIRWOMAN KINGSBURY We will close on HB 1464

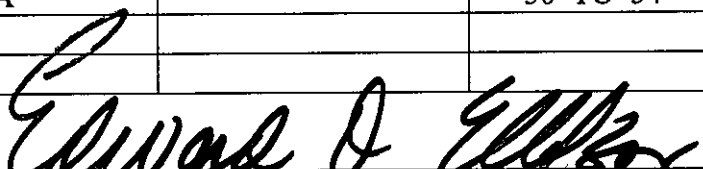
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1464

House Agriculture Committee

☐ Conference Committee

Hearing Date 2---10---05

Tape Number	Side A	Side B	Meter #
THREE	A		50 TO 54
Committee Clerk Signature 			

Minutes:

CHAIRMAN NICHOLAS: Committee Members. We have the amendment on HB 1464.

The amendment dealt with Animal feeding operation record requests. It states that if an individual makes inquiries on more than three files in any one request, the department shall charge the individual a fee sufficient to cover the cost of mailing the notice to the owners and operators whose files are being examined etc.

CHAIRMAN NICHOLAS: Is there any discussion on the amendment.

CHAIRMAN NICHOLAS: Committee Members, what are your wishes.

REPRESENTATIVE BELTER MADE A MOTION FOR A DO PASS WITH AMENDMENT.

REPRESENTATIVE BRANDENBURG SECONDED THE MOTION.

CHAIRMAN NICHOLAS ASKED FOR A VOICE VOTE ON AMENDMENT. IT PASSED.

THE CHAIR ASKED FOR A MOTION ON HB 1464 AS AMENDED.

REPRESENTATIVE BOE MADE A MOTION FOR A DO PASS.

Page 2

House Agriculture Committee

Bill/Resolution Number HB 1464

Hearing Date 2---10---05

REPRESENTATIVE UGLEM SECONDED THE MOTION.

THE ROLL WAS TAKEN

THERE WERE 13 YES

0 NO

0 ABSENT

REPRESENTATIVE BOE CARRIED THE BILL

CHAIRMAN NICHOLAS CLOSED ON HB 1464

FISCAL NOTE
Requested by Legislative Council
03/14/2005

Amendment to: Engrossed
 HB 1464

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

This bill will require the Heath Department to keep a written record of each individual requesting certain information regarding animal feeding operation permits and providing such information to the owner and operator of the animal feeding operation.

Very little fiscal impact for the Department.

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.*

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.*

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.*

Name:	Kathy J. Albin	Agency:	Health
Phone Number:	328.4542	Date Prepared:	03/15/2005

FISCAL NOTE

Requested by Legislative Council
02/15/2005

Amendment to: HB 1464

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

This bill will require the Health Department to keep a written record of each individual requesting certain information regarding animal feeding operation permits and providing such information to the owner and operator of the animal feeding operation.

Very little fiscal impact for the Department.

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.*

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.*

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.*

Name:	Kathy J. Albin	Agency:	Health
Phone Number:	328.4542	Date Prepared:	02/15/2005

House Amendments to HB 1464 - Agriculture Committee 02/14/2005

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to information in feedlot permits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Animal feeding operation record requests. The state department of health shall keep a written record of each individual who requests information and the type of information requested regarding an animal feeding operation permit. Within seven business days of receiving the request, the department shall provide written notice to the owner and operator of the animal feeding operation describing the type of information that has been requested and the name and address of the requester. If an individual makes inquiries on more than three files in any one request, the department shall charge the individual a fee sufficient to cover the cost of mailing the notice to the owners and operators whose files are being examined and a reasonable fee for copying the records. If only the name and address is requested from any single or group of files, notification of the owner or operator of the animal feeding operation is not required."

Renumber accordingly

HB 1464

2-10-05

Date:
Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House HOUSE AGRICULTURE COMMITTEE Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number MOVING ON A ROAD

Action Taken DO PASS

Motion Made By BELTER Seconded By BRANDENBURG

Representatives	Yes	No	Representatives	Yes	No
REP. EUGENE NICHOLAS CHAIRMAN			REP. TRACY BOE		
REP. JOYCE KINGSBURY VICE CHAIRMAN			REP. ROD FROELICH		
REP. WESLEY BELTER			REP. PHILLIP MUELLER		
REP. M. BRANDENBURG			REP. KENTON ONSTAD		
REP. CHUCK DAMSCHEN					
REP. CHAIG HEADLAND					
REP. GARY KREIDT					
REP. GERALD UGLEM					
REP. JOHN WALL					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

HB 1464

Date:

Roll Call Vote #: 2-10-05

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House HOUSE AGRICULTURE COMMITTEE

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

AS Amend

Action Taken

DO PASS

Motion Made By

BOE

Seconded By

UGLEM

Representatives	Yes	No	Representatives	Yes	No
REP. EUGENE NICHOLAS CHAIRMAN	✓		REP. TRACY BOE	✓	
REP. JOYCE KINGSBURY VICE CHAIRMAN	✓		REP. ROD FROELICH	✓	
REP. WESLEY BELTER	✓		REP. PHILLIP MUELLER	✓	
REP. M. BRANDENBURG	✓		REP. KENTON ONSTAD	✓	
REP. CHUCK DAMSCHEN	✓				
REP. CHAIG HEADLAND	✓				
REP. GARY KREIDT	✓				
REP. GERALD UGLEM	✓				
REP. JOHN WALL	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment BOE

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

REPORT OF STANDING COMMITTEE

HB 1464: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1464 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to information in feedlot permits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Animal feeding operation record requests. The state department of health shall keep a written record of each individual who requests information and the type of information requested regarding an animal feeding operation permit. Within seven business days of receiving the request, the department shall provide written notice to the owner and operator of the animal feeding operation describing the type of information that has been requested and the name and address of the requester. If an individual makes inquiries on more than three files in any one request, the department shall charge the individual a fee sufficient to cover the cost of mailing the notice to the owners and operators whose files are being examined and a reasonable fee for copying the records. If only the name and address is requested from any single or group of files, notification of the owner or operator of the animal feeding operation is not required."

Renumber accordingly

2005 SENATE AGRICULTURE

HB 1464

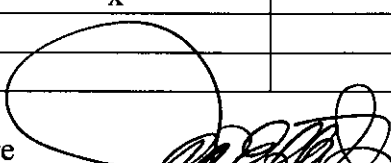
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1464

Senate Agriculture Committee

☐ Conference Committee

Hearing Date March 4, 2005

Tape Number	Side A	Side B	Meter #
1	x		61 - 1306
Committee Clerk Signature 			

Minutes:

Chairman Flakoll opened the hearing on HB 1464, a bill relating to information in feedlot permits.

Wade Moser, North Dakota Stockmen's Association, testified in favor of the bill. The North Dakota Stockmen's Association has been working on rules and regulations concerning feedlots and feedlot permits and expressed some concern about what information could be made available to the general public and in what fashion. Since the new EPA rules have come down and the Health Department has issued new rules, there will be a lot more producers that have to submit information to the Health Department to get a permit, depending on the size of the facility. Included will be a lot of business information, design and engineering work, information on the number of cattle and when they are coming in and out. They do not want to keep information from those who need it for zoning purposes but they are concerned that the health department could be a quick stop for someone to get a list of producers and a lot of information about their

operations. The information could be made available to telemarketers. As amended, the bill will not impact zoning, they will be able to get the information they need.. When it comes to the necessity for information for health purposes, it is up to the Health Department to decide when that is necessary. There is a concern about terrorist activities and getting too much information in the hands of people who don't need it. Foot and mouth disease is a concern, it spreads quickly and could have a huge impact on the industry. They don't want to make it easy for someone who intends to do harm to get a list of feedlots. Granted, terrorists could get the information on their own but we don't want to make it easy. This is a concern with lines 14 - 16. The terrorists don't want to harm our livestock, they want to hurt our economy. This may seem farfetched but it is a topic being discussed in the national media, for example the current issue of BEEF magazine entitled Biosecurity for the Ranch with a section in it entitled "Dealing With Terrorist Threats". The sponsors of the bill and the North Dakota Stockmen's Association have been criticized by the press for this stand but they have information from USDA that says feedlots are a target and the North Dakota Stockmen's Association has a serious concern. Their intent was that if someone called the Health Department and asked if a producer had a permit for their feedlot they could say yes or no without giving a compiled list of everyone in North Dakota that has a feedlot.

Senator Flakoll asked if the North Dakota Stockmen's Association has a yearly publication that is distributed to the general public that has a listing of participating feedlots with their names and addresses. (meter 534)

Mr. Moser said they have annual publication and in it they list custom feeders who choose to be included. Some of those feeders are getting to be more concerned about how they go about attracting customers and the biosecurity issues of having people come onto their place, perhaps

requiring the use of rubber boots. This is a changing industry. In the past they have always invited everyone in and that has begun to change.

Senator Flakoll asked if their monthly publication lists new members of the North Dakota Stockmen's Association.

Mr. Moser said they list the name and town.

Senator Flakoll asked about the design information, would that be on file with the local subdivision.

Mr. Moser said the design information goes to the Health Department, the local zoning authority does not need that information. The health department determines if the design meets their requirements.

Senator Flakoll asked if telemarketers are a big concern with the do not call list.

Mr. Moser said it is an inconvenience to be on mailing lists too.

Senator Taylor asked with the currentness of the topic, what are other cattle feeding states doing.

Mr. Moser said he doesn't know what they are doing on the state level. The Texas and Kansas cattle feeders have taken the lead in putting meetings together because of their concentration of feedlots.

Senator Flakoll asked if Mr. Moser sees conflicts between HB 1464 and HB 1448.

Mr. Moser said not that he is aware of.

Dennis Fewless, North Dakota Health Department, testified in favor of the bill. (written testimony) (meter 841)

Senator Flakoll asked what the amendment would do.

Mr. Fewless said the section of code that deals with charges for records is being amended this session and has the allowed charges for copying records.

Senator Flakoll asked how that would work with blueprints or engineering plans.

Mr. Fewless said that is a good question, they would have to be sent out to a printer.

Brian Kramer, North Dakota Farm Bureau, testified in favor of the bill. (meter 1099) The proprietary information of feedlot owners and operators should be kept confidential.

Mary Kay Kelsch, Assistant Attorney General, appeared to answer questions. They suggested the changes to the Health Department. HB 1286 changes the fees that are set in code for copying. The fees cover regular size copies only. For larger copies, the charge would be the cost to the copying agency.

Chairman Flakoll closed the hearing on HB 1464.


2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1464

Senate Agriculture Committee

☐ Conference Committee

Hearing Date March 10, 2005

Tape Number	Side A	Side B	Meter #
1	x		91 - 763
Committee Clerk Signature 			

Minutes:

Chairman Flakoll opened the discussion on HB 1464. All members were present.

Chairman Flakoll asked if the subcommittee of Senator Taylor and Senator Erbele needed more time.

Senator Taylor said they have looked over the bills and do not see a conflict, the bills are very specific, one on animal ID and one on feedlot permits.

Senator Erbele said 1448 is good to go as we have it, we will need to amend 1464. Senator Taylor is looking up what we need to amend on that.

Senator Erbele said they have talked to the North Dakota Stockmen's Association. In line 14, the last sentence should be struck. The bill will then say in line 8 that the owner will be notified of the type of information requested and this will apply even if they are only requesting the name and address.

Senator Flakoll said you are looking to repeal the exemption on the name and address.

Senator Erbele said yes. They would strike the last sentence.

Senator Erbele moved an amendment to strike the last sentence of the bill.

Senator Taylor seconded the motion.

Senator Seymour asked the theory.

Senator Erbele said if someone requests any information, the permit holder will be notified.

The motion passed on a roll call vote 5-1-0.

Senator Taylor reviewed the amendment recommended by the Attorney General to take out the language about charging a reasonable fee and replacing it with as allowed in section 4404 18 subsection 2.

Senator Taylor moved to amend by removing "reasonable fee" and adding "as allowed in section 4404 18 subsection 2."

Senator Erbele seconded the motion.

The motion passed on a roll call vote 6-0-0.

Senator Erbele moved a do pass as amended on HB 1464.

Senator Klein seconded the motion.

The motion passed on a roll call vote 6-0-0.

Senator Erbele will carry the bill.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1464

Page 1, line 14, remove "reasonable", after "records" insert "as allowed ^{under} in section 44-04-18", ~~and~~
and remove "If only the name and address is requested from any"

Page 1, remove lines 15 ^{and} through 16

Renumber accordingly

Date: 3/10/05
Roll Call Vote # 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1464

Senate Agriculture Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend - strike last sentence

Motion Made By Sen. Erbele Seconded By Sen. Taylor

Senators	Yes	No	Senators	Yes	No
Senator Flakoll		✓	Senator Seymour	✓	
Senator Erbele	✓		Senator Taylor	✓	
Senator Klein	✓				
Senator Urlacher	✓				

Total (Yes) 5 No 1

Absent 0

Floor Assignment _____

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

Date: 3/10/05
Roll Call Vote # 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1464

Senate Agriculture Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend -

Motion Made By Sen. Taylor Seconded By Sen Erbele

Senators	Yes	No	Senators	Yes	No
Senator Flakoll	✓		Senator Seymour	✓	
Senator Erbele	✓		Senator Taylor	✓	
Senator Klein	✓				
Senator Urlacher	✓				

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Attorney General's recommended amendment,
remove reasonable fee, add as
allowed in section 4404 18 ss 2*

Date: 3/10/05
Roll Call Vote # 3

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1464

Senate Agriculture Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Sen. Erbele Seconded By Sen. Klein

Senators	Yes	No	Senators	Yes	No
Senator Flakoll	✓		Senator Seymour	✓	
Senator Erbele	✓		Senator Taylor	✓	
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 10, 2005 3:25 p.m.

Module No: SR-44-4701
Carrier: Erbele
Insert LC: 50688.0301 Title: .0400

REPORT OF STANDING COMMITTEE

HB 1464, as engrossed: 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). Engrossed HB 1464 was placed on the Sixth order on the calendar.

Page 1, line 14, remove "reasonable", after "records" insert "as allowed under section 44-04-18", and remove "If only the name and address is requested from any"

Page 1, remove lines 15 and 16

Renumber accordingly

2005 TESTIMONY

HB 1464

Testimony

House Bill 1464

House Agriculture Committee

Friday, January 28, 2005; 10:15 a.m.

North Dakota Department of Health

Good morning, Chairman Nicolas and members of the House Agriculture Committee. My name is David Glatt, and I am section chief of the Environmental Health Section for the North Dakota Department of Health. I am here today to provide information regarding the potential impact of House Bill 1464.

As currently written, House Bill 1464 could be in conflict with federal and state laws, specifically as they relate to the required public review and input process. This process ensures that the public has an opportunity to review and provide comment on a permit application and that actions taken by the government are transparent to all concerned. It is our experience that this process results in permits that are defensible not only in the court of law, but also in the court of public opinion. The way we interpret House Bill 1464 is that it could eliminate this transparent process and dictate that the state release only the name and address of the individual requesting a permit. I have no doubt that at some point this will result in a legal challenge costing either the producer or the state for appropriate legal council. It is also my understanding that there are federal laws which identify the type of information that must be available for review to the public for specific operations after the permit has been issued.

We are aware of some but not all of the concerns expressed by the producer groups. In an effort to get a better understanding of their concerns and to draft legislation that would be compliant with the public-input process and community right-to-know laws, we would like the opportunity to meet with representatives from these groups to draft amendments to this bill. The objective of the amendments would be to limit when and to whom information could be released.

This concludes my testimony. I would be happy to answer any questions you may have regarding this issue.

HB 1464

Section 1. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

The Department must keep a written record of each person who requests information and the type of information requested from an animal feeding operation permit application file or permit file. The Department must notify the owner and operator within 7 working days by mail of the type of information that has been requested and the name and address of the person making the request. If a person makes inquiries on more than three files with any one request, that person requesting the information must provide sufficient money for mailing of the notice to the owners and operators whose files are being examined as part of the fee for copying the records under subsection 2 of section 44-04-18. If only the name and address is requested from any single or group of files, no notification of the owner or operator of the animal feeding operation is required.

Testimony

House Bill 1464

Senate Agriculture Committee

Friday, March 4, 2005; 9 a.m.

North Dakota Department of Health

Good morning, Chairman Flakoll and members of the Senate Agriculture Committee. My name is Dennis Fewless, and I am director of the Division of Water Quality for the North Dakota Department of Health. I am here today to provide testimony in support of the amendments to House Bill 1464.

As originally written, House Bill 1464 was potentially in conflict with federal and state laws relating to the required public review and input process. This process ensures that the public has an opportunity to review and provide comment on an animal feeding operation permit application and that actions taken by the government are open to all concerned. It is our experience that this process results in permits that are defensible not only in the court of law, but also in the court of public opinion.

We have considered the concerns expressed by the producer groups and believe the amendments made to House Bill 1464 address those concerns, are workable and are not in conflict with federal and state laws relating to the public review and input process.

The Attorney General's Office suggested that we offer an additional amendment concerning the reference to fees charged for copying records. The proposed amendment on page 1, line 14, remove "reasonable" and after "records" insert as allowed in section 44-04-18.

This concludes my testimony. I am happy to answer any questions you may have.