

**2011 HOUSE AGRICULTURE**

**HB 1090**

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Agriculture Committee  
Peace Garden Room, State Capitol

HB 1090  
January 6, 2011  
Job # 12610

☐ Conference Committee

Committee Clerk Signature



## Minutes:

**Wayne Carlson, Livestock Development for ND Dept. of Ag.:**  
See attached testimony.

HB 1090 will amend provisions of the ND Century Code to update federal references in the dairy product regulations.

**Representative Boe:** Remind me why we can't change to say "the current revision" instead of why do we have to keep doing the same year?

**Wayne Carlson:** About 10 years ago we did have that kind of standard where we said "any updates in the regulations that are adopted hereon." The attorney general says you can't adopt rules that haven't been passed yet. That's why you see me here every two years.

**Vice Chairman Kingsbury:** I move a **Do Pass** on HB 1090.

**Representative Belter:** Seconded the motion.

**Representative Rust:** The only difference is changing "2007" to "2009"?

**Chairman Johnson:** Yes

**No opposition to the bill**

A Roll Call vote was taken. **Yes: 13, No: 0, Absent: 1,**  
Representative Wrangham)

**DO PASS**

**Representative Boe will carry the bill.**

Date: 1/6/11

Roll Call Vote # 1

**2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES**

**BILL/RESOLUTION NO.** 1090

House **Agriculture** Committee

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

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended

☐ Rerefer to Appropriations \_\_\_\_\_

Motion Made By Rep. Kingsbury Seconded By Rep. Belter

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chair	X		Tracy Boe	X	
Joyce Kingsbury, Vice Chair	X		Tom Conklin	X	
Wesley Belter	X		Richard Holman	X	
Craig Headland	X		Phillip Mueller	X	
David Rust	X				
Mike Schatz	X				
Jim Schmidt	X				
Wayne Trottier	X				
John Wall	X				
Dwight Wrangham	AB				

**Total**    **Yes**   13                      **No**   0

**Absent**   1

**Bill Carrier**       Rep. Boe

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

**REPORT OF STANDING COMMITTEE**

**HB 1090: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **DO PASS**  
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1090 was placed on the  
Eleventh order on the calendar.

2011 SENATE AGRICULTURE

HB 1090

# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Agriculture Committee**  
Roosevelt Park Room, State Capitol

HB 1090  
March 3, 2011  
No Audio

☐ Conference Committee

Committee Clerk Signature

*Greta Nelson*

## **Explanation or reason for introduction of bill/resolution:**

Relating to dairy products regulations.

## **Minutes:**

Attachments: #1

**Senator Flakoll:** Meeting called to order on this 3<sup>rd</sup> day of March, 2011 at 9:00 am for HB 1090. Clerk take the roll.

**Clerk:** All present

**Wayne Carlson:** Livestock Development Director (Attachment #1) Support of HB 1090.

**Senator Flakoll;** Questions?

**Senator Klein;** The importance of the pasteurized milk verses the raw milk. Retail sales of pasteurized milk is labeled with a recommended date of usage/expiration date. If or when milk is returned for replacement (due to a problem), there are many variable reasons for aged or unused milk/milk products that the consumer has returned the product.

**Senator Heckaman;** The difference of taste of raw to pasteurized milk as the raw milk gives a distinct taste of what the cow has been eating .....reflects the taste in the milk when consumed without the pasteurization.

**Senator Miller;** We know this is of value to our dairy industry.... we need continuation to support the shipment of milk to other states for our dairy industry and insure a safe and wholesome product for consumers.

**Senator Luick;** The Dairy industry is important to our state along with the certification and evaluation of milk and dairy products laboratories in ND.

**Senator Flakoll;** Opposition?

**Senator Flakoll:** Close hearing.

**Senator Flakoll;** Committee.....any questions on HB 1090

**Senator Klein;** Move Do Pass for HB 1090

**Senator Luick;** Second

**Senator Flakoll;** Discussion?

**Senator Flakoll;** Moved and second for Do Pass for HB1090 Clerk will take the roll call vote.

**Clerk:** 7-0-0

**Senator Flakoll;** Motion carries. Senator Murphy carries the bill

**Senator Flakoll;** Meeting adjourned

Date: 3/03/11

Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1090

Senate Agriculture Committee

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

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

Motion Made By Senator Klein Seconded By Senator Luick

Senators	Yes	No	Senators	Yes	No
Chairman Flakoll	✓		Senator Heckaman	✓	
Vice-Chair Larsen	✓				
Senator Klein	✓				
Senator Luick	✓				
Senator Miller	✓				
Senator Murphy	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Murphy

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



**REPORT OF STANDING COMMITTEE**

**HB 1090: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS**  
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1090 was placed on the  
Fourteenth order on the calendar.

**2011 TESTIMONY**

**HB 1090**

COMMISSIONER  
DOUG GOEHRING



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**NORTH DAKOTA  
DEPARTMENT OF AGRICULTURE**  
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**Testimony of Wayne R. Carlson**  
**Livestock Development Director**  
**House Bill 1090**  
**House Agriculture Committee**  
**Peace Garden Room**  
**January 06, 2011**

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Chairman Johnson and members of the House Agriculture Committee, I am Wayne Carlson, division director of livestock development for the North Dakota Department of Agriculture (NDDA). I am here today in support of HB 1090, which will amend provisions of the North Dakota Century Code (NDCC) §4-30 to update federal references in the dairy product regulations.

The NDDA regulates milk production from the producer, through the processing and distribution stages to insure a safe and wholesome product for consumers. NDCC§ 4-30 is the law that sets the standards and requirements in all phases of production for milk and milk products.

North Dakota adopts federal regulations in NDCC §4-30 because the Food and Drug Administration (FDA) requires every state to adopt the same standards and regulations for interstate shipment of milk and milk products. The National Conference of Interstate Milk Shipments (NCIMS) develops these standards and regulations. NCIMS is an organization made up of state and federal dairy regulators, producers, and dairy processors. The NCIMS meets

every two years to update and revise existing Grade A milk and milk product standards and regulations. After the FDA approves the revisions to the standards and regulations, the NCIMS publishes the most current version in order for states to adopt into their standards and regulations. This bill updates these references to reflect the most current publications of these federal dairy regulations.

Two of those references are the "Pasteurized Milk Ordinance" (PMO) and the "Procedures Governing the Cooperative State-Public Health Service Food and Drug Administration Program of National Conference on Interstate Milk Shipments." Current publication dates for both of these are "2009" and they were released for general publication in the fall of 2010.

In addition, our state has adopted the latest edition of "Standard Methods for the Examination of Dairy Products," which also needs to be updated to the 2009 edition. This is the current laboratory testing requirements and procedures for milk and milk products.

These changes to the state law are important to our dairy industry because our Grade A milk and milk products will not be able to be shipped to other states if these changes are not adopted.

Chairman Johnson and committee members, I urge a do pass on HB 1090. I would be happy to answer any questions you may have.

COMMISSIONER  
DOUG GOEHRING



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**Testimony of Wayne R. Carlson  
Livestock Development Director  
House Bill 1090  
Senate Agriculture Committee  
Roosevelt Park Room  
March 3, 2011**

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Three of those references are the "Pasteurized Milk Ordinance" (PMO), the "Procedures Governing the Cooperative State-Public Health Service Food and Drug Administration Program of National Conference on Interstate Milk Shipments" and the "Methods of Making Sanitation Ratings of Milk Shippers." Current publication dates for these are "2009" and they were released for general publication in the fall of 2010.

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