

2011 HOUSE AGRICULTURE

HB 1244

2011 HOUSE STANDING COMMITTEE MINUTES

House Agriculture Committee
Peace Garden Room, State Capitol

HB 1244
January 20, 2011
Job #13135

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Rules governing the preparation of equine carcasses.

Minutes:

Rep. M. Nelson, Sponsor: Passed out state regulation that the part of the bill authorizes.
(See attached #1)

The thing that bothered me is that of all the animals in the world we single out horses for special treatment. We don't single out bears, moose, or anything else. With this bill once you would run an equine through a slaughter facility, it has to be dedicated to the horses. Even a private individual who wanted to pay a local custom slaughter place to process a horse that he owned for either his family or his meat eating animals, he couldn't do that unless the facility became an only equine slaughter facility. I didn't think that is where we want to go. The state regulation goes beyond what was authorized in the law. The law authorized separate from those in which cattle, sheep, swine, and goats are slaughtered. The state regulation basically takes all establishments. For example the regulation would cover the buffalo plant at New Rockford where the state law specifically did not mention buffalo. Horses have become the symbol that the Humane Society of the United States has used. We know that federal funds can't be used for inspecting horse slaughter. We see quite an industry of moving horse slaughter out of the country. If you went up to Quebec, basically every supermarket has horse meat in it because the traditions of the French people of eating horse meat. If you go out to the west coast, Vancouver and such, it has become trendy out there so a lot of Canadians are also eating horse meat.

Some of the common places where horse meat was used were zoos. It was used as a cheap source of feed for large animals. Now under this state law they don't have the option of having a slaughter facility slaughter horses for them. We know every week there are horses selling at auction markets for nothing. This has impacted many producers in my area. The restrictions on horse slaughter have destroyed salvage value of their horses.

I ask for your support of this bill.

Representative Holman: I looked up this provision was added in 1999. I am looking for a reason why someone put that in there.

Rep. Nelson: I don't think PETA descended on the state. As close as I can trace it back, it goes to a couple of ranchers but I haven't been able to find an accurate history of what was behind the authorization and the regulations.

Representative Holman: I looked to see if this was an offshoot from two years ago when we heard the horse slaughter bill. This doesn't seem to be connected to that at all.

Rep. Nelson: I've run into this law about twice in my life. One was when the buffalo slaughtering plant was in severe financial trouble. I thought it would be a good idea for them to look into horse slaughter because where they were marketing their buffalo in Europe was also where the horse market was. But the regulation was such that if they ran a single horse into that facility, they couldn't slaughter buffalo anymore.

The other time was two years ago when you were looking at the study bill. I wanted to come down and serve horse burger at the legislature and the State Meat Inspector indicated to me there was literally no legal way to serve horse burger.

Representative Rust: To what extent does the removal of section in the law affect the state regulation?

Rep. Nelson: That is somewhat of a mystery to me in that the current state regulation goes beyond the current law and I don't know that by removing this that we prohibit the State Agriculture Dept. from making such regulations. Certainly not if there was a public health concern. There is no health concern with horse meat. There would more health concern with pigs, cattle, etc. Personally I would just delete the whole section. The other part of it is a labeling requirement. If people are going to a private slaughter, just like now, the "not for sale" is stamped on there.

Why are horses singled out? There is an interesting history. The Norwegians held horses highly in the culture. There was no sacrifice that you could make to the pagan gods higher than a horse. When Christianity came, the slaughter and eating of horses was outlawed because of the association with the pagan religion. The Icelanders so loved their horses, they would not convert to Christianity if that was the issue. The Icelanders to this day have horses and they eat horses because that was waved as a condition of becoming Christians.

Representative Rust: It would appear to me that the language you are striking is similar to the first sentence of the state regulation. Is state regulation done through administrative rules?

Rep. Nelson: Yes. This is a part of administrative code of North Dakota. I don't know where exactly but I know it is under the Agriculture Commissioner.

Julie Ellingson, ND Stockmen's Association: We are in support this bill. We agree that the current provision seems to be unnecessary. As we understand it, this bill would apply to allow processing facilities to diversify their operations. There are already requirements that maintain the conspicuous identification of horse meat as well as other inspections that would also apply and food safety standards would also be met.

Dr. Grondahl with the Agriculture Dept. manages the state meat inspection program might be able to provide some clarification. There could be some impediments yet with some of the food safety inspection requirements. Last session we discussed the feasibility study relating to equine processing. I had the privilege of serving on the task force that reviewed and went through that process and worked with a law firm based out of Washington to analyze the possibilities and challenges that still remain. That report will be filed with the Legislative Council very soon.

The bad news is there are those impediments that we talked about last session that still exist. We are still waiting the final state meat inspection rules related to interstate shipment of meat as well as because Congress is moving forward with a continuing resolution all the regulations related to the prohibitions of federal inspection still apply. What was encouraging is we have seen some movement within Congress to reconsider that prohibition. Even though there are some challenges we would still support and ask for a Do Pass on this bill. We think it is an opportunity to continue the dialogue and to send a signal to others who are watching this issue that this is important to the state of North Dakota not only as a private property rights issue but also a way to deal with the growing problem of many unwanted horses.

Representative Mueller: Is there any equine meat processing being done in this state or country?

Julie Ellingson: To my knowledge there are none for human food.

Representative Mueller: Canada?

Julie Ellingson: Yes, facilities do exist in both Canada and Mexico.

Dr. Andrea Grondahl, Director of the State Meat Inspection Program: Our department is neutral on this bill. I wanted to provide clarification on some of the questions.

The statute and regulation in place that was created in 1999 was at the time of creation of the State Meat Inspection Program. The only reason those were put in place is because the federal meat inspection act stipulates that a state program has to be equal to the federal program. Both the statute and the regulation in place mirror what is in the federal meat inspection act and what is in federal regulation. The regulation is more stringent. It does include buffalo and all species subject to inspection. That was the definition we stuck to using "animals" instead of specifying each livestock.

Chairman Johnson: If we pass this, you could inspect a facility that is processing horse meat and not be affected by the federal government?

Andrea Grondahl: There is some concern that if this statute and the corresponding regulation was removed that we may have the FSIS United States Department of Agriculture may have concerns about our program being equal.

Representative Rust: What is the penalty?

Andrea Grondahl: I don't know if there is a penalty. There would just be a concern on FSIS's behalf whether or not we are equal to federal. If we can't prove we are equal to, then the whole program is in jeopardy of not being in place of FSIS designating North Dakota as being under federal inspection.

Chairman Johnson: So at the end of the day we could get all of our facilities shut down or just the ones that are processing horse meat?

Andrea Grondahl: FSIS would come in and take over all the plants currently under state inspection which includes the inspected facilities and our custom exempt establishments.

Representative Schmidt: Earlier this month I received an email from our district. She was very concerned of what the status of Mr. Froelich's effort was. Since being a freshman, I had no idea. We looked into this with Shane Goettle and John Mittleider. My thoughts are that it is the same. They said there is a two-phase study done by Congress. The first one was, is it federally legal to have a horse slaughter plant? Mr. Goettle's response was that is done but there are a lot of "ifs" and "nots" and "whatfors." It wasn't settled as to if we could legally under federal law do this. The second part Congress was working on was the economics of a slaughter plant and that is not completed yet. This seems to be the same thing?

Andrea Grondahl: My understanding, it is illegal under federal law to slaughter horses. They made it illegal to use any federal funds for the inspection of horses. That removes the possibility of federal inspection. That is when state inspection was looked at as a possibility of allowing horse slaughter. To my knowledge it would perfectly legal to slaughter horses for sale within North Dakota. But federal law prohibits sale of equine meat or any meat slaughtered under state inspection outside of state borders. With this new program that Julie referenced, there is a new law that allows interstate shipment of state inspected product. If that goes through, there may be a possibility but there may still be some impediments because of that disallowance of federal funds. If they have to oversee a state inspected plant, then it is using federal funds. There is some question of whether or not it is legal. It would be legal for sale within North Dakota but outside of North Dakota that is still in question.

Chairman Johnson: Would that put our plants in jeopardy if they are processing horses in the same plant?

Andrea Grondahl: I do not believe so. There is nothing to my knowledge that would create a problem with that.

Representative Wrangham: There are some slaughter plants in Texas?

Andrea Grondahl: There are no slaughter plants for horses in the United States for human food. There are some that slaughter horses for pet food.

Chairman Johnson: Texas and Illinois were the last two plants in the United States that were still in operation when the federal inspectors got pulled.

Representative Schmidt: If I want horses slaughtered to give to a zoo in Bismarck, I could do that?

Andrea Grondahl: Yes.

Representative Schmidt: I am from out of state and I bought several horses here and they were slaughtered here, I cannot take that meat to where I am for human consumption or for any type of consumption?

Andrea Grondahl: You could take that meat with you if it is for your own consumption but you cannot sell it in another state.

Sandy Clark, ND Farm Bureau: We stand in support for a Do Pass of HB 1244.

Opposition: None

Chairman Johnson: Closed the hearing.

Roll Call Vote was taken. **Yes:** 12, **No:** 0, **Absent:** 2.

Chairman Johnson will carry the bill.

Date: January 20, 2011

Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1244

House **Agriculture** Committee

Legislative Council Amendment Number _____

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

☐ Rerefer to Appropriations

Motion Made By Representative Headland Seconded By Representative Mueller

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chair	X		Tracy Boe	AB	
Joyce Kingsbury, Vice Chair	X		Tom Conklin	X	
Wesley Belter	AB		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	X				

Total **Yes** 12 **No** 0

Absent 2

Bill Carrier Chairman Dennis Johnson

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

REPORT OF STANDING COMMITTEE

HB 1244: Agriculture Committee (Rep. D. Johnson, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1244 was placed on the
Eleventh order on the calendar.

2011 SENATE AGRICULTURE

HB 1244

2011 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee
Roosevelt Park Room, State Capitol

HB 1244
March 3, 2011
14917

☐ Conference Committee

Committee Clerk Signature

Greta Nelson

Explanation or reason for introduction of bill/resolution:

Relating to rules governing the preparation of equine carcasses.

Minutes:

Attachments: #1, #2, #3

Senator Flakoll; Meeting called to order the 3rd day of March, 2011 HB1244 at 2:00 pm.

Rep Marvin Nelson: (Attachment #1) Requires marked and labeled to treat the horse. Copy of State regulationcan't slaughter horses (equines) at facility where other animals are slaughtered.

Senator Flakoll; In terms of the product, a person has to own the horse and have it slaughtered at facility and then they cannot sell it for commercial use?

Rep Nelson: Under state slaughter rules, you could sell, but it would have to be a whole, half, quarter.....not packaged/cuts of meat

Senator Flakoll: A person could buy a horse and sell to others as long as they met the qualifications?

Rep Nelson: Right, you can't be out retail cutting. Whole, half, quarter is the way the law works.

Senator Flakoll; At the facility could they sell a half to the public and then have it processed in that facility?

Rep Nelson: The person (public) would have to buy the meat from the owner of the animal.

Can have it processed at the facility and have it cut for the desire of the person buying.

Senator Flakoll; Brand inspection?

Rep Nelson: When they go through the sales ring, required to be brand inspected if they are sold. Treat the horse same as a cow.

Senator Heckaman: How does this related to the federal law?

Rep Nelson: Directly, it doesn't relate. Nothing in this is going to change the fed law.....everyone has concerns. This was done with the idea of promoting state inspection for retail cuts and sell meat across state lines. The horse slaughter might provide some impediment to that. It has been about a decade and still waiting my feeling it is not that big an issue. Not recognizing their state system as nothing is happening. There is not a lot of horse slaughter and unusual to single out the horse for treatment....no public health or safety concerns, no diseases that horses have spread. It is more of a cultural "taboo" than anything else and is a melting pot we don't all come from the same cultures. We are shipping many horses to Quebec and they handle horse meat along with the west coast....becoming "trendy" to be eating horse meat. Other foreign countries are eating horse meat.

Senator Flakoll; Process facilities, there is a point where you need to go in and designate a day for "horse slaughter"clean/flush the system so not a cross contamination of disease or otherwise....just product wise. Is there anything in this bill that requires that?

Rep Nelson: Not any treated any differently than any other animal(s) would be. Probably more so during the deer season when many take deer into the processing facilities. Many concerns at that time with the deer processing. People don't necessarily want to eat horse meat, but it is less dangerous than other animals being processed there. Cleaning instruments, it would be less important for horse than other animals process in those facilities. Can't run a processing operation that won't have some animals slaughtered that would be against some cultures.

Senator Luick; My concern, run horse through the plant.....what keeps other people from bringing other animals in to have them slaughtered? What are their regulations on other animals?

Rep Nelson; Exactly the same things would stop them from doing it today, if this bill passes. Under the rules, there is nothing to keep the dog slaughter in this state. Local butchers are not interested in the horse slaughter, however, there are a few interested in doing this or would like to provide this service.

Julie Ellingson: ND Stockman's Association (Attachment #2)

Sandy Clark: North Dakota Farm Bureau.....Support HS1244....recommend a Do Pass

Senator Flakoll; Opposition?

Dr. Andrea Grondahl: State Meat Inspection Director Dept of Agriculture (Attachment #3)

Senator Luick: Anyway this could be amended to match or work with USDA laws?

Dr Grondahl: Not aware of anythingit has been discussed and not aware of any that would be "equal to" status.

Senator Miller: How long would it take for USDA inspection to become jeopardized....is it instant, overnight, or some time involved?

Dr Grondahl: Would not be an overnight thing. The process would happen where I submit an annual report in Nov and explain the changes, so this bill would be included at that time. They take several months to go over all the documentations provided. They would submit it to their policy division who would make the determination if that makes ND not equal to USDA. At that time, we would have a chance to respond to it and try to come up with corrective actions or a way to appease USDA. It would not be an automatic.....it would take time in answering them.

Senator Flakoll: If we put an effective date of Oct 2012, what would that do? We would have the 2013 session to modify if necessary if there were any changes necessary or required?

Dr Grondahl: That could help somewhat. The USDA is within the state federal office and the office responsible for auditing our program. They are the ones who said this is creating a problem but the policy division would make that determination. It would give us the time frame to submit to them and have them make the official determination and change it back if needed.

Senator Flakoll: What do you define as several months?

Dr Grondahl: Months....prioritized if that state has an upcoming on sight state audit. If you don't have an on sight audit, we shouldn't have for 2 to 3 years, so we a low priority. They still haven't gotten into our Nov reports.....maybe not get into it until June or July. Six months this year.....last year it was 2 month as we were scheduled for an on sight audit.

Senator Flakoll: Base your report on a calendar year?

Dr Grondahl: Calendar year

Senator Luick: Federal inspection for certain plants and states have certain plants they inspect....would this take over jurisdiction over all of them or would only apply to the state inspected facilities?

Dr Grondahl: Three classifications of plants: custom exempt, state inspected, federally inspected, we inspect the first two.....custom and state. Those are the plants that would affect.....not the effect the federal inspected plants.

Senator Heckaman: In the bill the part we are taking out is currently any slaughter of equine must take place in establishment separatedoes that mean a separate line over here, a separate room, or completely separate building all together?

Dr Grondahl: It does mean completely separate facilities. Separate buildings.

Senator Flakoll; Why are equine different from sheep, pigs, etc why different slaughtered in a traditional as beef slaughter facility?

Dr Grondahl: Questioned this myself. Has more to do with political reasons than food safety reasons. This is a very ancient regulation in the day when horse wrestling was more common and passing horse meat off as beef as it has a very similar appearance. This regulation was written to help avoid these things from happening.

Senator Flakoll; Are horses the only animal this is pertaining to? So we can do dogs, etc

Dr Grondahl: Yes

Senator Miller: If we have some ability to change it is jeopardizes our standing. This is a rule making authority, but come back in with some other suggestion?

Dr Grondahl: My idea has some merit, my concern would be cost of the rule making process.....changing the rule to allow slaughter in same facility and changing back if USDA is not satisfied.

Senator Miller; Custom exempt would not fall into any federalnot jeopardize.....right?

Dr Grondahl: Correct

Senator Miller: Your opinion would that probably be the most likely place for someone to do horse slaughter?

Dr Grondahl: Not sure would actually be more likely the state inspected because the customs you can only go back to the owner of the animal; whereas if done under state inspection they could potentially sell it.

Senator Luick: Do you know if other states are slaughtering horses or if any movement to get the USDA to change the law?

Dr Grondahl: Rumor that they are horse slaughter facilities that slaughter just for pet food only.....aren't any for human food. Not aware of USDA making any changes to current statutes ...there is a push for them to do so. Nebraska is looking at creating/or a way to slaughter horses and sell out of state for human consumption.

Senator Heckaman; Has ND Dept of Ag had requests to do this? How do we do that as Nebraska has been doing?

Dr Grondahl: We have had a few inquiries on horse slaughter.....conversations about horse slaughter in ND, but not anything seriousall my information there is no way unless the federal law is changed.

Senator Flakoll; Can someone bring in a horse (live) from another state to a facility in ND to have it processed?

Senator Flakoll; The transport of livestock falls under the board of animal health so is not my area of expertise, but understand any livestock can be transported across state line and go directly to slaughter house if going to another owner. Not aware of equines.

Senator Flakoll; Closing the hearing on HB1244

2011 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee
Roosevelt Park Room, State Capitol

HB 1244
March 4, 2011
14949

☐ Conference Committee

Committee Clerk Signature

Greta Nelson

Explanation or reason for introduction of bill/resolution:

Relating to rules governing the preparation of equine carcasses.

Minutes:

Senator Flakoll: Meeting called to order for HB 1244 this Friday morning, March 4, 2011

Senator Flakoll: The commissioner report to USDA and Sunset it on June 30, 2013. Not looking for a motion at this point but think about this as it makes the bill better on the concerns that were discussed yesterday.

Senator Klein: Apology for not being here during the time the concerns were discussed. May we have an overview of the conversation on the concerns that were discussed yesterday?

Senator Flakoll: Their concerns were if this bill were to pass.....decision as on the House side, they did not testify in opposition to the bill. After reviewing it....don't believe they are in total agreement within their building. They were concerned that the USDA may not allow this and it throw things off with other species. The bill came to us and now someone can take their horse to a facility to have it slaughtered and processed.....that would be allowed. Under current law once an equine is process at a facility, they can only process animals after that point. Question came on the lines flag raiseduntil we get something official in front of them, we fix it in January of emergency clause put on it. They mentioned a period of time to get a ruling based upon their annual report ranging from 2 months to 6 months after they have filed the report. We are at the mercy of the USDA....hate to sunset it to March 1.

Senator Miller: Good amendment to the bill, not causing any harm to our meat inspection program. If they do see a problem with this change in federal law, I cannot foresee them shutting us down. That would be a profound thing to do to a state. They would give us lee-way and it is only a 3 month range of time until back in session and be able to make those corrections. If we add these amendments, the bill is good.

Senator Luick: Unfortunate....if there is no health issue involved; it is detrimental that the USDA has control over this on our level. I do agree with the amendments

Senator Flakoll; Question asked during testimony.....why horses singled out? More for political reason rather than science. Those same facilities could process dogs and cats if so choose.....not horses. Pushed the effective day to Oct 2012.....we would be back in session in 3 months and then could fix something if need be at that time.

Senator Heckaman; I think we should roll on this bill. Listening to the ND Stockman's, they were looking at the dates....they would be good and the opportunity to touch on them again 2013 if we need to. I move the amendments 11.0493.01001 to HB 1244

Senator Luick; Second

Senator Murphy; Missed the testimony yesterday.....asked someone who would be involved Senator Kleingrinding meat in your business. Would you be comfortable with the amendment as written here?

Senator Klein; How this relates to the grocery store.....currently we clean our equipment between all meat processing....this seems odd to have separated animals....horses are not accepted while other animals are permitted.

Senator Luick; Dr Grondahl mentioned yesterday how horse meat resembles beef meat. Wasn't it a fast food restaurant that got into trouble because they processed horse meat instead of beef? Maybe this stems from this?

Senator Flakoll; We're on the amendment side and will wait for the bill side of this.

Senator Klein; Inspection and issues related to the federal government and always have to be equal to the federal law. That is how our fed inspection program has gone.....I can grind deer meat and not need state meat inspection but add ingredient (salt and pepper) now I have to have state meat inspection. Adding this ingredient....puts me under purview of the meat inspection. Otherwise the state health dept also come to the store and does the same inspection and goes through the same process. Important to keep specific track of all meats going into disposal tubs/buckets.....all is required to be labeled. It appears the fed gov wants the states to take over the inspections as to save them money and put it on the responsibility of the state.

Senator Flakoll; Clerk take roll for the adoption of 11.0493.01001 amendments of HB 1244

Clerk: 7-0-0

Senator Flakoll; Motion carries

Senator Heckaman: Move Do Pass HB 1244

Senator Luick; Second

Senator Flakoll; Keep in mind, these horses processed are not a part of selling them commercially on the shelf at the grocery stores. It is about bringing in your own animal and having it processed and taking it home for your own personal use.

Senator Flakoll; Clerk take roll call vote for Do Pass as amended HB 1244 (Reminder this will then if it were to pass the senate, go back to the House and they will decide if they want to concur or not concur. If they do not concur with our changes, then it will go to a conference committee which we will each have 3 members. It takes a vote of 2 members from each chamber to get it out of conference committee. If they do concur, then it goes to the floor of the House for a vote.....straight up-straight down vote as amended.)

Clerk: 7-0-0

Senator Flakoll; Motion carries..... Senator Miller carries

Senator Flakoll; Meeting adjourned

2011 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee
Roosevelt Park Room, State Capitol

HB1244
March 4, 2011
14967

☐ Conference Committee

Committee Clerk Signature

Greta Nelson

Explanation or reason for introduction of bill/resolution:

Relating to rules governing the preparation of equine carcasses.

Minutes:

Senator Flakoll; Moving back to HB 1244

Julie Ellingson: Stockman's Association. Visiting after the amendments were passed out, I encountered an Ag Dept employee, Dr. Grondahl and mentioned it has passed and amendments are agreeable to our association. The one concern Dr Grondahl had was in relationship if the bill or program was viewed as a "not equal" to the federal....if there was a way to revert back to the current administrative rule? Is that something she would like to have that favor reflected in those amendments or would be satisfied by coming back to the session? She was unable to be here today. I said I would be in your hearing for another reason and I would bring forth that idea. Maybe it is good to go as is. Again, we are supportive of the amendment and appreciated the Do Pass. Just relaying the message and wondering if there is an opportunity to save the state some money if you would have to revert to the former rule?

Senator Miller; If we did that, essentially, the bill has no teeth, so you go to the USDA and say we have passed this bill. They expressed it has to be taken off... it is somewhat difficult to remove. They will have to decide whether we are going to hassle the state of ND or are we going to accept this.

Senator Flakoll; Dana, from the Ag Commissioner's office, and I visited about the bill. He talked about looking to amend their current report to indicate that this is coming down the pipe line and they need to get a ruling on this before we leave this session. This would be very helpful and if there is a problem, we could fix it before we leave.

Julie Ellingson: We certainly do appreciate your Do Pass and agree with the amendments.

I wanted to deliver the information that I found to be helpful.

Senator Flakoll; Meeting adjourned

2011 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee
Roosevelt Park Room, State Capitol

HB 1244
March 18, 2011
Job # 15663

☐ Conference Committee

Committee Clerk Signature

Greta Nelson

Explanation or reason for introduction of bill/resolution:

Relating to rules governing the preparation of equine carcasses.

Minutes:

You may make reference to "attached testimony."

Senator Flakoll: Meeting called to order March 18, 2011 on HB 1244. The ruling is if we were to go ahead with the bill, it would prevent anyone from doing multiple species processing at a facility after they do an equine specie.

Senator Miller; It indicated because of the entanglement of Federal funds and our meat inspection program, it would jeopardize federal funding due to the fact there is currently a prohibition on federal funds to be used for inspection of a horse slaughter facility.

Senator Flakoll; Without objection, the entertaining motion to reconsider our actions for which we passed..... (interruption by committee member)

Senator Murphy; Move Reconsider our actions for by which we passed HB 1244

Senator Miller: second

Senator Flakoll: Discussion?

Senator Flakoll: It is a motion to reconsider our action with which we passed out HB 1244. A "yes" vote means to bring the bill back.

Senator Flakoll; Clerk take the roll

Clerk: 7-0-0

Senator Flakoll; Senator Murphy. I move a Do Not Pass on HB 1244

Senator Miller; Second

Senator Flakoll; Discussion?

Senator Klein; We are unable to move this issue forward, last session we urged congress and USDA to revisit the rules as it applies to horse slaughter. Shouldn't we send them a message to continue to look into this? There are concerns that our slaughter plants are inspected and are equal to federal rules and congress should do what they can to have USDA look into these rules and see if we can change them?

Senator Flakoll; Should we have an amendment of real seriousness?

Senator Klein; They need to know we are serious about having this amended. It is very troubling to know/have them exempt horses from the slaughter houses.

Senator Flakoll; We would have the option to send them a gram to use this as a vehicle.

Senator Luick; We have to send a message to the federal level/USDA whatever we need to do to get them to give this attention to get it straighten out.

Senator Heckaman; In the memo we received, is there any indication that the state will continue to push for this issue as there was nothing received or will it just be dropped?

Senator Flakoll; Basically just an analysis of what the Feds had ruled.

Senator Murphy; Passage of this bill would jeopardize your processing facility? Were you thinking like a resolution?

Senator Klein; Considering "Hog Housing" this and sendingwhatever parties this in Washington and putting them aware ND is open for business of agriculture is prevalent and we harvest animals on a daily bases, we follow the rules, horses are animals.

Senator Murphy; If it is the wish of the committee, I could retract my motion for "Do Not Pass"?

Senator Heckaman; Attended a national conference the states at the conference sat with their lead delegation on the Agricultural Committee and sent a resolution to the government to US Ag Dept and congress. That came from the top state leaders and apparently that hasn't been acted on so not sure how affective another resolution from us would be considered.

Senator Klein; We are the top state leaders (ND) in agriculture and this committee now....it would be another resolution from the ND legislature. The conference committee would come into play It is troublingin my district we have facilities sitting empty, we had ideas after the last go around. We can't do anything, we can only do horses and can't get by with slaughtering one specie.....it doesn't make sense. Just putting this out for discussion.

Senator Flakoll; Do we wish to act on this one? Senator Murphy would pull it back if that is your desire. Do you want to act on the motion?

Senator Miller; Had the intern make copies of resolution we sent last session for committee's consideration.

Senator Flakoll; Left hand column.....the punch out words could be "need, processing, processing, horse".

Senator Flakoll; Senator Murphy did said you didn't officially pull back your motion or did you?

Senator Klein; Looking at Senator Miller's resolution from last session, looks as if it would be a good starting point again. Can we ever encourage them enough....could be wasting our time? Are we under the gun to get all these bills out of here immediately....we have a couple weeks? I am up for discussion.

Senator Murphy; I would like to re-track my motion for "Do Not Pass" HB 1244

Senator Miller; second

Senator Flakoll; Motion and second have been re-tracked. Put note on then that they have been rescinded.

Senator Klein; If you would to allow us, I would work with Senator Miller who would have information in his file and we could work together as quickly as possible. We could have it ready to go by next Thursday.

Senator Flakoll; Close meeting.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee
Roosevelt Park Room, State Capitol

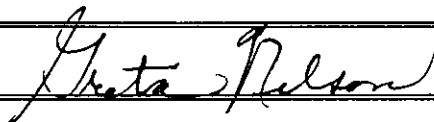
HB 1244

March 24, 2011

Job # 15929 (Continuing on same audio as HB 1367)

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to rules governing the preparation of equine carcasses.

Minutes:

(HB 1244 is on the same Job# 1529 as HB 1367 and begins at 18:27 – 9:20 minutes on the timer.)

Senator Flakoll; Meeting called to order

Senator Klein; After we had to reconsider this bill, we discussed killing the bill. Senator Miller and I reviewed some of the language. Put out some ideas for changes.

Senator Miller: Met with Attorney Thomas and the results of the conversation covers what we want. We want to make certain we stay vigilant on this issue and gives the Ag Commission a bit of authority to continue monitoring and properly expresses the Legislative Assembly's will when possible to move on this issue. Therefore, I move the client's amendments.

Senator Klein; Second

Senator Flakoll: 1002 amendments. Discussion?

Senator Flakoll; These are Hog House amendments.....replace the entire bill. Get information to clerk from the Feds about why the bill as it came to us would not work. Senator Miller add this to the recordsthat is the bases why we had to back away from this and had a bill that allowed horse slaughter in facilities that also process beef, swine, sheep, etc.. The Fed Gov ruled once you slaughter a horse, you cannot slaughter any other kind of animal in that facility other than horses after that point. We had to back off our amendments, but we had the ruling from the fed gov before it created any problems for us. That was our original intent. We have a problem Senator Miller, can you withdraw your amendment?

Senator Miller; I withdraw my motion.

Senator Klein: I move to reconsider action where we pass HB 1244

Senator Miller; Second

Senator Flakoll; Moved and second to reconsider action HB 1244. If we wish to amend it, we need to get the bill physically in front of us. Clerk take roll for reconsideration for HB1244

Clerk: 7-0-0

Senator Flakoll; Motion carries

Senator Flakoll; Bill before us

Senator Miller: Move the Klein amendments to HB 1244

Senator Klein; second

Senator Flakoll; Moved and second for HB 1244 to adopt the 1002 amendments. Discussion?

Senator Murphy; This is reads like a quasi resolution where as we ask the Ag Commissioner to purse the Fed Gov in terms of giving permission to have this happen?

Senator Miller; The bill will do the amendments as they adopt the bill, they will act in a way as a resolution, but codifies the legislatures' position on this issue that the instructing the Ag Commissioner to continue monitor and pursue any changes that could occur and make this possible.

Senator Flakoll; It is a bit hybridized resolution as it is also that, also a call to action if the Ag Commissioner to pursue or support legislation that would do what we wish we could have done through our action as we passed the bill out earlier. Discussion? Clerk take the roll for adoption of 1002 amendments.

Clerk: 7-0-0

Senator Flakoll; Motion carries

Senator Miller; Move HB 1244 for Do Pass as amended

Senator Klein; Second

Senator Flakoll; Move and second for Do Pass HB 1244 as amended. Discussion?
Clerk take roll.

Clerk: 7-0-0

Senator Flakoll: Motion carried. Senator Miller will carry the bill.

Senator Flakoll: Stand at ease.

March 3, 2011

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1244

Page 1, line 2, after "carcasses" insert "; to provide an effective date; and to provide an expiration date"

Page 1, after line 14, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on October 1, 2012.

SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 2013, and after that date is ineffective."

Renumber accordingly

Date: 3/4/11

Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1244

Senate Agriculture Committee

Legislative Council Amendment Number 11. 0493. 01001

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

Motion Made By Senator Heckaman 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

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

Date: 3/4/11

Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1244

Senate Agriculture Committee

Legislative Council Amendment Number 11.0493.01001

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

Motion Made By Senator Heckaman 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 Miller

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

Date: 3/18/11

Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1244

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 Murphy

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

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

RESCINDED

Date: 3/18/11

Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1244

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 Murphy Seconded By Senator Miller

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

Total (Yes) _____ No _____

Absent _____

Floor Assignment Senator

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

Date: 3/24/11

Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1244

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 Miller

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

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

March 23, 2011

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1244

In lieu of the amendments adopted by the Senate as printed on page 661 of the Senate Journal, House Bill No. 1244 is amended as follows:

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 4-01 of the North Dakota Century Code, relating to equine carcasses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

Equine slaughter - Establishments.

The agriculture commissioner shall monitor federal statutory and regulatory actions related to the slaughter of horses, mules, and other equines, and in particular, those actions pertaining to the establishments in which the slaughter and preparation of the carcasses may take place. The agriculture commissioner may pursue or support federal legislative, regulatory, or contractual avenues that would allow for the slaughter and processing of horses, mules, and other equines in this state, without the restriction that the slaughter or product preparation be conducted in establishments separate from any in which cattle, sheep, swine, or goats are slaughtered or their products are prepared."

Renumber accordingly

Date: 3/24/11

Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1244

Senate Agriculture Committee

Legislative Council Amendment Number 1002

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

Motion Made By Senator Miller Seconded By Senator Klein

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

Total (Yes) _____ No _____

Absent _____

Floor Assignment Senator

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

Date: 3/24/11

Roll Call Vote # 3

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1244

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 Miller Seconded By Senator Klein

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 Miller

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

REPORT OF STANDING COMMITTEE

HB 1244: Agriculture Committee (Sen. Flakoll, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1244 was placed on the Sixth order on the calendar.

Page 1, line 2, after "carcasses" insert "; to provide an effective date; and to provide an expiration date"

Page 1, after line 14, insert:

"**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on October 1, 2012.

SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 2013, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1244: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1244 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on page 661 of the Senate Journal, House Bill No. 1244 is amended as follows:

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 4-01 of the North Dakota Century Code, relating to equine carcasses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

Equine slaughter - Establishments.

The agriculture commissioner shall monitor federal statutory and regulatory actions related to the slaughter of horses, mules, and other equines, and in particular, those actions pertaining to the establishments in which the slaughter and preparation of the carcasses may take place. The agriculture commissioner may pursue or support federal legislative, regulatory, or contractual avenues that would allow for the slaughter and processing of horses, mules, and other equines in this state, without the restriction that the slaughter or product preparation be conducted in establishments separate from any in which cattle, sheep, swine, or goats are slaughtered or their products are prepared."

Renumber accordingly

2011 TESTIMONY

HB 1244

#1

Testimony HB 1244 in front of the Senate Agriculture Committee by Rep. Marvin Nelson 3/3/2011

State regulation:

The slaughter of horses, mules, and other equines and the preparation and handling of the products thereof must be conducted in establishments separate from those used for the slaughter and preparation of other animals. All carcasses, parts, meat, meat food products, or other products thereof must be conspicuously labeled, marked, branded, or tagged "Horse Meat" or "Horse Meat Product" by a method approved by the department.

HB 1244

#2

Good afternoon, Chairman Flakoll and members of the Senate Agriculture Committee. For the record, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association.

Our association rises in support of HB 1244, which is a simple private property rights issue, in our perspective. The bill would allow meat processing businesses to diversify their operations with the custom harvest of equine if they chose to.

Changing the law to allow them to conduct multi-species harvest in one facility simply gives them another option to consider and another possible market if equine harvest fits into the company's business model.

The bill maintains the conspicuous labeling requirements currently required, which assures that the meat is identified as such, and does nothing to change or limit the food safety regulations that are already in place.

Of course, our organization feels passionately about the topic of equine harvest, as we are witnessing the horse market continue to erode and the number of unwanted and abandoned horses continue to grow ever since the nation's dedicated horse processing facilities were closed due to the equine harvest ban. That's a broader issue that still is unresolved with many federal obstacles still impeding change, as the feasibility study endorsed by the legislative body last session revealed.

This bill is a small step forward, allowing processors to add an equine enterprise to their other species enterprises and allowing private individuals to have an equine processed for their personal use.

For these reasons, we support HB 1244 and we respectfully ask that you do the same.

COMMISSIONER
DOUG GOEHRING



ndda@nd.gov
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**NORTH DAKOTA
DEPARTMENT OF AGRICULTURE**
STATE CAPITOL
600 E BOULEVARD AVE DEPT 602
BISMARCK ND 58505-0020

#3

**Testimony of Dr. Andrea Grondahl
State Meat Inspection Director
North Dakota Department of Agriculture
House Bill 1244
Senate Agriculture Committee
Roosevelt Park Room
March 3, 2011**

Chairman Flakoll and members of the Senate Agriculture Committee, I am Dr. Andrea Grondahl, Director of the State Meat and Poultry Inspection Program for the North Dakota Department of Agriculture. I am here today on behalf of Agriculture Commissioner Doug Goehring in opposition of HB 1244, which will remove the ability for the agriculture commissioner to require by rule that equine products be prepared in separate facilities than cattle, sheep, swine, or goat products.

The Federal Meat Inspection Act (FMIA) allows states to operate their own meat inspection program if certain conditions are met. The primary condition being that the State develop and maintain an inspection program that is 'equal to' the federal program, which is operated by the United States Department of Agriculture (USDA). After the North Dakota State Meat Inspection program was created by the 1999 Legislature, the ND Department of Agriculture was tasked with developing the rules, policies, and procedures that would meet the approval of the USDA. States are required by the FMIA to attain this approval prior to implementing their program. In

the rule making process, ND Administrative Code §7-13-05-07 was created, which disallowed the slaughter of equines in the same facilities used to slaughter other species. The only reason this provision was included during the administrative rule-making process is that it was required by USDA for ND to be deemed 'equal to'.

Because there have been several changes regarding horse slaughter in the last several years, I researched whether or not this change in state law could be an issue for the ND State Meat Inspection program. I was told by USDA officials that if our law changed as proposed by this bill, it would have a negative impact on our current standing and could jeopardize our 'equal to' status. If this bill becomes law, the USDA may deem our State's meat inspection program as not 'equal to' and remove our authority to do meat inspection.

Chairman Flakoll and committee members, Commissioner Goehring urges a "do not pass" recommendation on HB 1244. I would like to thank you for the opportunity to testify and would be happy to answer any questions you may have.

Pending North Dakota Legislation Conflicts with the Federal Meat Inspection Act (FMIA)

Background: The North Dakota State Legislature is considering a bill that would amend section 36-24-08 of the North Dakota Century Code to remove a provision that states that the North Dakota Agriculture Commissioner may issue regulations to require that the preparation of equine carcasses, parts, and meat food products take place in establishments separate from those in which other amenable livestock species are slaughtered or in which their carcasses, parts, or meat food products are prepared. North Dakota has issued regulations that provide that “[t]he slaughter of horses mules and other equines and the preparation and handling of the products thereof must be conducted in establishments separate from those used for the slaughter and preparation of other animals (North Dakota Administrative Code, § 17-13-05-07). The North Dakota Department of Agriculture has asked FSIS to provide a written statement on whether enactment of the proposed amendment to section 36-24-08 would affect North Dakota’s cooperative agreement for its “at least equal to” State meat inspection program. For the reasons discussed below, FSIS has concluded that the proposed amendment to section 36-24-08 would be inconsistent with the Federal Meat Inspection Act (FMIA) and, as a result, could jeopardize North Dakota’s “at least equal to” status and its cooperative agreement with the Agency.

FMIA and implementing regulations: The FMIA provides that “[w]hen required by the Secretary... [species designated by regulations in effect on the day before November 10, 2005] and their carcasses, parts thereof, meat and meat food products shall be prepared in establishments separate from those in which other amenable species are slaughtered or their carcasses, parts thereof, meat or meat food products are prepared. (21 U.S.C. 619). Horses, mules, and other equine are the species designated by regulations in effect on the day before November 10, 2005. As you know, FSIS’s implementing regulations provide that that “[t]he slaughter or other preparation of products of horses, mules, or other equines... shall be done in establishments separate from any establishment in which cattle, sheep, swine, or goats are slaughtered or their products are prepared (9 CFR 305.2(b)).

North Dakota’s “at least equal to” status: Except for horses and other equines, the FMIA does not expressly authorize the Secretary to require that other amenable livestock species be slaughtered or their products prepared in separate establishments. Consistent with the FMIA, North Dakota’s current “at least equal to” statute authorizes the ND Commissioner of Agriculture to require separate establishments for the slaughter of horse and other equines and the preparation of their carcasses, parts, and meat food products. If the proposed amendment to section 36-24-08 of the ND Code were enacted, it could potentially render North Dakota’s regulations that require that horses and other equines be slaughtered and their products prepared in separate establishments unenforceable. Such a result would affect North Dakota’s “at least equal to” status because it would be inconsistent with the clearly authorized and legally enforceable separate establishment requirement under 9 CFR 305.2(b).

Additional considerations: Apart from North Dakota’s “at least equal to” status, you should also be aware that if North Dakota were to seek to initiate an inspection program to provide for the slaughter of horses for human food, current law prohibiting the use of appropriated funds to pay the salaries or expenses of personnel to conduct ante-mortem inspection of horses under the

FMIA could also have adverse impacts on the financial contribution that FSIS provides to your State program.

The General Provision in Sec. 744 of the FY 2010 Appropriation provides:

Sec. 744. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to--

(1) inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104-127); or

(3) implement or enforce section 352.19 of title 9, Code of Federal Regulations.

Given the text of this prohibition, and the legislative background for it, it is not clear whether and to what extent this prohibition would apply to a State program for the inspection of horses for human consumption under the FMIA and its requirements regarding State "at least equal to" meat inspection programs.

CHAPTER 695**SENATE CONCURRENT RESOLUTION NO. 4021**

(Senators Miller, Wanzek, Klein)

(Representatives Brandenburg, D. Johnson, S. Meyer)

A concurrent resolution urging Congress to recognize the need for United States Department of Agriculture inspection and regulation of horse processing facilities in the United States.

WHEREAS, the loss of governmentally regulated processing facilities in the United States has challenged the ability of public and private sector entities to deal with unwanted horses; and

WHEREAS, without economically affordable alternatives, individuals are simply abandoning unwanted horses at sale barns, along country roads, and on public lands; and

WHEREAS, the abandonment of horses is done without any regard for the horses' welfare and without regard for damage or injury that can be caused by a freeroaming horse on a road or highway; and

WHEREAS, the abandonment of horses on public lands may negatively impact herds of wild horses including the introduction of congenital defects and diseases; and

WHEREAS, it is estimated that more than 100,000 horses are unwanted by their owners;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Sixty-first Legislative Assembly urges Congress to recognize the need for United States Department of Agriculture inspection and regulation of horse processing facilities in the United States and to allow the transportation and processing of horses and the marketing and exportation of safe and wholesome horse meat; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the United States Secretary of Agriculture, the President of the Senate and Speaker of the House of Representatives of the United States Congress, the chairmen of the Senate and House Agriculture Committees, and to each member of the North Dakota Congressional Delegation.

Filed April 20, 2009

Pending North Dakota Legislation Conflicts with the Federal Meat Inspection Act (FMIA)

Background: The North Dakota State Legislature is considering a bill that would amend section 36-24-08 of the North Dakota Century Code to remove a provision that states that the North Dakota Agriculture Commissioner may issue regulations to require that the preparation of equine carcasses, parts, and meat food products take place in establishments separate from those in which other amenable livestock species are slaughtered or in which their carcasses, parts, or meat food products are prepared. North Dakota has issued regulations that provide that “[t]he slaughter of horses mules and other equines and the preparation and handling of the products thereof must be conducted in establishments separate from those used for the slaughter and preparation of other animals (North Dakota Administrative Code, § 17-13-05-07). The North Dakota Department of Agriculture has asked FSIS to provide a written statement on whether enactment of the proposed amendment to section 36-24-08 would affect North Dakota’s cooperative agreement for its “at least equal to” State meat inspection program. For the reasons discussed below, FSIS has concluded that the proposed amendment to section 36-24-08 would be inconsistent with the Federal Meat Inspection Act (FMIA) and, as a result, could jeopardize North Dakota’s “at least equal to” status and its cooperative agreement with the Agency.

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Additional considerations: Apart from North Dakota’s “at least equal to” status, you should also be aware that if North Dakota were to seek to initiate an inspection program to provide for the slaughter of horses for human food, current law prohibiting the use of appropriated funds to pay the salaries or expenses of personnel to conduct ante-mortem inspection of horses under the

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