

2011 SENATE AGRICULTURE

SB 2303

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee  
Roosevelt Park Room, State Capitol

SB 2303  
February 4, 2011  
14017

☐ Conference Committee

Committee Clerk Signature

*Greta Nelson*

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

Relating to the composition of the state board of animal health.

## Minutes:

Attachment: #1, #2, 3, #4, #5

**Senator Flakoll:** Meeting called to order for SB 2303 at 9:00 am, Friday, February 04, 2011.

**Senator Erbele:** Senator District 28 Bring before you SB 2303 which seeks to place someone from the cattle feeding industry on the board. We have nine members on the board and seek to add a tenth member. A definite increase in feeding livestock in ND. The dynamics of the changes here in the cattle industry, the request is brought to me by a constituent and will be testimony about the shifts in the feeding and need for this request. Unlike the other parts of the beef industry, the turn is much quicker in the feed lot area, the med and vaccinations are a lot higher. The transfer of cattle is uniquely different that if a stable cow-calf producer....we have a lot interstate and international movement and culming of cattle that brings this request forward. Others are here to give you more information for this request.

**Senator Klein:** You suggested you move from one type of cattle feeding to another...representative of the board of Animal Health...are they concerned whether you are a cattle feeder, a commercial beef cattle, registered cattle .....aren't cows a susceptible or similar diseases. Aren't we concerned about all the cows, whether a member on the board....do you feel you are still represented even though you have moved from one operation to another?

**Senator Erbele:** Haven't attended a Board meeting. Much more that I need to be aware of. My issue is a bit different as we are dealing with a new breed of cattle. (Red envelop and chairman has a red envelop ..... the bill is not quite clear in how that member should be selected and this amendment will correct that. It will have that the feeder calf council of ND Stockman's would forward the names to be placed on the board for the governor makes the selection. This amendment would clarify that.)

**Senator Klein;** We have a bison member on the board....industry has gone through the struggles. As we look through the list, how necessary is it that we have a membership for a bison member on this board?

**Senator Erbele:** That particular board member came on as bill that I sponsored in 2001, at that time was a merging industry and a lot of international traffic.....so felt it was necessary at that time. I don't know how the discussion goes/flows of the meeting of Animal Health....I would ask that member ....are they at the table on a regular bases? Are they active participation and what is their contribution? I would ask if it is necessary for them to be there based on that.

**Senator Klein;** When you add your bison member, did you bump someone off or expand the board?

**Senator Erbele:** Expanded the board

**Paul Bitz:** J & P Livestock, Napoleon, ND We currently have permit for 5,000 cattle at our feed yard. We have 3 full time employees. The information I have received from ND in the last 10 years, the feeding sector is up by 150 feed yards, about 200,000 cattle which every 1,000 cattle it takes a person to take care of them....so about 200 jobs have been created in the last 10 years through the feeding cattle sector is the fasting growing sector in any of the livestock industries. Currently there is a poultry person, hog person, a dairy person, and buffalo person, on the board. Currently there only 183 dairy farms left in ND, 21,000 milk cows in ND and have the representation. There are 143,000 hogs in ND with a representation on board. The lowest hog numbers since 1899 Buffalo producers, 132 producers.....with all that, we're not asking laws to be changed or cattle brought in that would not be healthy. We are just asking for representation on the board....not to change laws; we feel we should be represented.

**Senator Klein;** One is a commercial beef industry member, how different is that from a cattle feeder? He certainly is feeding cows in the commercial business. Explain the difference the difference between the two.

**Paul Bitz;** The representation when the animal health board was started, most people came to the board with all kinds of livestock.....they knew about all the animals. People are getting into just one entity (type animal) the cattle feeding sector is the most competitive industries as far as break evens and trying to make 10 – 15 dollars. When you are in one sector it is hard to understand the next sector.....quite a difference between cattle.

**Senator Klein;** there may be a difference, but cows operates internally whether a feeder cow or commercial cow, dairy cow.....the board is representing you now....why would we need to add something/person if they are not getting the message to you that you think you need..

**Paul Bitz:** The guy who milks cows doesn't know about cattle feeding. For the most part, they don't understand the feeder sector. The animal health part would be different is that you have cattle moving in and out faster. We should be represented.

**Senator Klein:** Looking the memberships...you have two knowledgeable vets, if someone brings something forward of concern. The vets would share the information with the rest of group....maybe we need a third vet who represents people and issues/concerns brought forth. I think it would be better to have another vet for guidance and answers to health questions

**Senator Miller;** can you explain what the health difference between the cow sectors.....what are the challenges that you feel you need to have representation. What are the diseases.....aren't they pretty close to the same in cattle?

**Paul Bitz:** There are a lot of differences....bring cows to his sales barn

**Senator Miller;** Commercial cows, registered pure bred, dairy, now add feeder cattle...the commercial and feeder cattle are very close.

**Paul Bitz:** They can double up, it is just not represented.....should be a separate representation. A lot of difference in raising cattle.

**Senator Flakoll;** Dr Keller will be able to answer these question when at the podium

**Senator Heckaman;** Have you had an opportunity to take issues to the Board of Animal Health?

**Paul Bitz:** Yes, I have gotten to understand the board better and understand the pressures and stress they have making sure the cattle of ND are safe. The guidelines for ND are different than any other state.....MT and ND are the most regulated animal health boards.

**Senator Heckaman;** Are you looking to get on the board to relax those regulations?

**Paul Bitz:** I just want to be represented.

**Senator Murphy;** One or two issues you could tell us about ...specifically you would like to have some representation on?

**Paul Bitz:** One would be West Fargo....with TB coming in, they were not allowed to sell any MN cattle even if they blocked them off with the TB problem and said they had to go to slaughter. We would have a better chance of catching the people ....there is still cattle coming across the border when we don't know about it. They were not allowed to sell cattle that were designed for slaughter only, their weigh-up cattle .... could not be sold in Fargo. If we've had dairy buy outs and people bring cattle to sale barn, half go to harvest, we just announced (100 cows) they have to go to slaughter....cannot go back to the farm. Starting now, we'll tell you when you can buy cattle when they can stay in ND or SD or any of those things ..... that really hurt the Fargo Livestock barn. Issues I think the state of ND.... (more example given)

**Paul Bitz:** We want to keep our cattle healthy....all I am asking for is representation....one tenth of the board.

**Senator Flakoll;** Questions?

**Sheyna Strommen:** ND Stockman's Association (Attachment #1)

**Senator Murphy:** Is the amendment that Senator Erbele answers your concern?

**Sheyna Strommen:** Yes, it sounded as it would be appropriate to us.

**Senator Flakoll;** How many people do you have on your feeder council

**Sheyna Strommen:** Anyone can attend. There are about an average 40-50 who attend. Meeting about 3 to 4 times a year.

**Senator Flakoll;** How many head do they represent?

**Sheyna Strommen:** Difficult to estimate. We have worked with over 82,000 head of cattle.

**Senator Miller;** Don't all cattle groups depend the feeders to a certain degree....all have a stake in the feeding operations because it is a place for them to put their cattle? Aren't they already represented?

**Sheyna Strommen:** Everyone on the board of animal health and cattle industry representatives has done a good job in representing the cattle industry. There may be some special considerations for the feeding industry as they have more head coming in and out to give vaccinations and get cattle from other sources and need to be aware in what the health requires are because they are moving more head per entity. We are dependent on the cattle feeding industry and everyone has the best intent when they sit on that board. Decisions should be based on science and so we can support a board who bases decisions on science.

**Senator Klein;** When 40 -50 feeders get together, there must be some discussion about being representing on the Board of Animal Health.....has that been in discussion at the meetings? Or become an issue that needs to be addressed?

**Sheyna Strommen:** To my knowledge it hasn't been an item on the agenda.

**Senator Miller;** Adding another person to the board....my opinion, every time you add more people to the board, the board becomes less effective.

**Sheyna Strommen:** A ten member board seems to be manageable certainly we think this proposal would entice and come forward and as for an additional appointment. Maybe can be a cost consideration...they are paid \$135 a meeting.

**Senator Luick;** How often do they meet?

**Sheyna Strommen:** Quarterly

**Senator Flakoll:** Does a person a member of the Stockman's Association to be on the feeder council?

**Sheyna Strommen:** No ....the meetings are open.

**Senator Flakoll:** Do you have all the rights of a member of the Stockman's Association at those meetings? Can a non member chair a feeder council meeting?

**Sheyna Strommen:** No

**Senator Flakoll:** Can they hold an office? At the table or in the audience?

**Sheyna Strommen:** Audience

**Senator Flakoll:** Any questions? Anyone else support the bill?

**Senator Flakoll:** Opposition?

**Mike Heaton:** Rancher from Burleigh County (Attachment #2)

**Senator Flakoll:** Questions?

**Senator Luick:** Would you go into detail on last paragraph of testimony?

**Mike Heaton:** About 10,000 producer and stockman's have 2,500 members, that would be representation 1 of every 4 and if you have to be on the stockman's member, or on the board, or part of the feeder council to have any say, that mean 3 of 4 of us don't have any say in this issue.

**Senator Flakoll:** questions?

**Kenny Granger:** Mandan Angus Cow-Calf Producer (Attachment #3)

**Allen Lund:** Rancher - Selfridge, ND (Attachment #4)

**James Schmitz:** Rancher South east of Bismarck. Cow-Calf operator, farmer, rancher....I am in opposition of this as I feel I am represented now. If you look at the percentage of cattle that are fed in ND, it is less than one tenth that is finished in ND. I give the same shots on my ranch that the feed lots give.....there is no difference in what we do except we are not trading cattle in and out of my yard on a daily bases or bringing them in from out of state. Our cattle are sought after nationwide.....because of our strict health restrictions that we have. This is because of the Board of Animal Health ....they have done an excellent job. Buy feeder pigs in the spring and finish pigs (more examples referring to pigs, bison) I am in opposition of this.

**Senator Miller:** Is there some other segment health that oversees poultry?

**James Schmitz:** They go through the state board of animals. Another comment is the feed lots that keep popping up. I would say 70 -75% feed lots still own a cow-calf, so they are represented.

**Senator Flakoll:** Are you worried about being over represented?

**James Schmitz:** No, I have to look out for the industry ...this is how I make my living and do believe the board does an excellent job.

**Senator Flakoll;** If we would add someone, it would be 3 out of 10.....right?

**James Schmitz:** Correct

**Senator Klein;** You have a concern that if we add another person and start stretching the rules to become lax ....sounds like we have some of the toughest rules in the Midwest.....is a good thing and want to leave it that way?

**James Schmitz:** Pure bred dealer has strict rules....they follow stricter rules than feed lot rules.....I would like it to stay the way it is.

**Senator Flakoll;** Questions? Oppositions?

**Dr Keller:** State Veterinarian for the Ag Dept and Animal Health Glad to answer questions.

**Senator Flakoll;** Do you attend/participate in the board?

**Dr Keller:** Yes, century code requires, it is my responsibility to carry out the policies and orders of the board of animal health and provide a quarterly reports to them. The chairman of AH can call meetings when you asked how often they meet. If there is an urgent need, I will call the president and suggest we have a conference call to answer this person's request. The chairman can decide if they want a meeting other than the quarterly meetings. We do that more frequently than board would like.

**Senator Flakoll;** What are some of the issues you have had that are specific to feeder health?

**Dr. Keller:** Many things said today, I agree with. I agree with Mr. Bitz, whenever you have a lot of animals coming and going and the turn over quicker, it definitely impacts and more financially. An example central was greatly impacted when MN was diagnosed with TB and it was brought to the board's attention that the greatest impact was from their lack of ability to bring call cows in. The board did address that, the board does allow central livestock to bring those call cows in....has been from the beginning to this day without being TB tested.....they do a good job of reconciling....that is really going above what we have done in past. In order to keep that barn in business, we reconcile all the call cows out of there, they segregate them, monitor that movement so that we did not impose additional risk. Done for that barn because it would financially impact them. We make an allowance for central livestock when MN status changed (Example given) the board allowed us to move

animals on a health certificate and they are identified at the barn. The board has to consider requests are economic issue or and if making allowances and going to pose a health risk to the rest of the state, it is a final vote by the entire board. We do have recommendations from Dr Charlie Stone who is an advisor to the board of animal health and Dr Jesse Vulmar, our assistant state veterinarian, and Dr Beth Carlson and they are free to speak to the board and make recommendations prior to votes.

**Senator Flakoll;** Do you having any history in anticipation of attendance of these meetings?  
What is the typical attendance at the meetings?

**Dr. Keller:** They do their best to attend....reasons would only be weather, family, out of town, for not attending. The attendance is excellent.

**Senator Flakoll:** What constitutes a quorum? A majority?

**Dr. Keller:** Yes

**Senator Heckaman:** Are there any animal species not being represented on the board that would be/should be represented?

**Dr. Keller:** A lot of equine issues this year. We do not have an equine member. No poultry rep on the board, but we do have NPIP program in the state....Dr. Jesse Vulmer works in the industry driven group. That is their person to go to in our office. The nontraditional livestock represents many exotic species. The farm belt is not represented not a member but do come to the board meetings and visit with the NTL reps when there is a concern.

**Senator Klein:** Horses an issue....does it take someone from the horse industry to tell you there is a problem? Do they need representation?

**Dr. Keller:** That is a question I cannot answer. Don't know if they feel they should be represented.

**Senator Klein;** It is reacting to the problem... you have reacted to the problem....you are working with the problem even though you do not have a representative.

**Dr. Keller:** We do our best to help with health ....and other issues. We do address as quickly as possible with the staff we have.

**Senator Heckaman;** After you have meetings, do your recommendation come and put in administrative rules or into ....the rules you follow....what are the rules put into?

**Dr. Keller:** Currently we have chapter 36 which is the board of Animal Health regulations, rules, administrative code is 48 and it also allows for board orders and policies. It takes time to put rules and regulations into place when it comes to animal health if we need to do something quickly, the board can issue an order and resend/ retract it giving us flexibility that we see USDA is very frustrated with rule making process they have to go through. It often puts us at risk with disease movement.



**Senator Luick;** In your opinion, are the problems that are have been brought to us today, are you comfortable with the way they are being handled now?

**Dr Keller:** What are you specifically referring to?

Senator Luick: Brought to us by Mr. Bitz.....is there a dire need for this? Confused ....if we already have the numbers of representation....do you feel there is a dire need for another member.

**Dr Keller:** Dire....strong word. However the board has listened and addressed the issues....my position is neutral. We address things from a science bases...my job.

**Senator Flakoll;** At the meetings is there public input or time in the agenda for questions?

**Dr Keller:** There are always allowances for the public to speak.

**Senator Flakoll:** Questions of the quorum to answer how many to pass a vote....majority vote?

**Dr. Keller:** Agreeing with the count for passing votes.

**Senator Klein:** Question about the issue cattle gotten from Aberdeen...certificates? .....they must be a reason for doing that?

**Dr. Keller:** Clarify ....I did work with Mr. Bitz....we have been explaining to USDA Veterinary services they are going to implement new interstate movement requirements for traceability very soon. They want a health certificate, the destination on there where the animals actually go. What's currently happening that they didn't know, we estimated about 50% of the health are to the contact person, the agent might be in down town Mnpls business office....that is not where the animals are. If we were dealing with "foot and mouth" disease...we cannot find those animals quick enough to ....people on vacation, multiple jobs. They are going to demand a health certificate be accurate, Mr. Bitz point was well taken and we said the accredit veterinarian will have to be trained that if animals are bought and sold, sometimes going down the interstate two or three time before they hit a destination, the veterinarian will have to accept when a trucker calls back and says this is where I ended up, they will be allowed to change that health certificate and initial it and state animal health official will have a corrected document. They will be a time allowance for that....24 hours....48 hours....something reasonable. I agree the producers are not intentionally trying to be in violation of importer movement requirements; it is the way the business is. USDA has listened and think there will be no finding of violation of those who call back.

**Senator Flakoll;** Commercial ....do you remember who they are?

**Dr. Keller:** yes....Our current Commercial member is Joel Olson from Almont and Pure bred is Melvin Leland from ND. (Attachment #5)

**Senator Flakoll:** Stated by various parties the question should we have another veterinarian on the board.....if we add another veterinarian....is there an advantage to have another veterinarian on the board.

**Dr. Keller:** I enjoy visiting with the veterinarians and the doctors; we do have that entire veterinarian input.

**Senator Flakoll;** Any other questions?

**Senator Flakoll;** Close hearing for SB 2303

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee  
Roosevelt Park Room, State Capitol

SB 2303  
February 4, 2011  
14029  
Second meeting for this bill

☐ Conference Committee

Committee Clerk Signature

*Greta Nelson*

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

**(Recorded on SB 2345.....Timer on 9:65 – 15:06)**

Relating to the composition of the state board of animal health.

**Minutes:**

You may make reference to "attached testimony."

**Senator Flakoll;** SB 2303

**Senator Miller;** I don't have a problem to adding cattle feeders to this; I have a problem to add more members, but don't know if that is really a problem that one should worry about. I would accept the amendment from Senator Erbele.

**Senator Murphy:** Do we have the amendments?

**Senator Flakoll:** I didn't hear anyone indicate they had other amendments pending.

**Senator Larsen;** I don't know if it is an amendment yet, but the line 16 on page 2 there was a conflict with one person talking if it were constitutional not with that board. I had Erik look that up that it may not be unconstitutional; however it is definitely miss representation of the branch of government that is elected by the people. I don't if there was discussion about not allowing them to be the entity that appoints that if .....or how that the board appoints ....or how that would be?

**Senator Flakoll:** Were you referring to the stockman's Association making a list of admitting two people and then forwarding it to the governor for their selection? If you look in sub section 5 page 2 on line 20 and below, that has been the history of how ....there has been a bit of conflict between people ....we have the Stockman's Association on there, Swine Growers, Buffalo Association, Wool Growers.....were asked to submit names. Hasn't failed any challenges ....that we are aware of.

**Senator Murphy:** My one comment is that most the people in opposition to the bill had a lot of their concerns taken care of by Senator Erbele.

**Senator Miller;** Clarifications...the Stockman's Association will be able to make recommendations to the governor. That what the bill highlights, now with these amendments, the governor can appoint a person.

**Senator Luick;** Line 16 page 2 would be replaced with what? As it stands now, the final board must be a cattle feeder appointed by the feeder council of ND Stockman's Association. Everybody else on here is appointed by the governor. The amendment doesn't address that on that particular line.....or would that just go away?

**Senator Heckaman:** What it does, it takes out line on page 216 and 217 and removes that the Stockman's Association will appoint that member and puts that in the section 5 that says they will recommend to the governor and the governor will make the choice.

**Senator Murphy;** I move the adoption of these amendments for SB 2303

**Senator Flakoll;** The 1001 amendments

**Senator Murphy** The Flakoll amendments, yes

**Senator Luick;** Second

**Senator Flakoll;** sometimes they are particular on things, but in 40 years, they went back for records.....that's why we want to make as clear as possible with the motion and various things.

**Senator Flakoll:** Moved and second to adopt the amendments of the 1001 amendments to SB 2303. Any discussion?

**Senator Flakoll** Clerk to take roll for the adoption of amendments

**Clerk:** 6-0-1 absent (Jerry Klein)

**Senator Flakoll;** Motion carries

**Senator Flakoll** Any other amendments to discuss?

**Senator Heckaman** I move the Do Pass as amend mended on SB 2303

**Senator Murphy:** Second

**Senator Luick:** Clarification...this does or does it not add a tenth member to this board?

**Senator Flakoll;** It would add the tenth member...it takes out the language that says 9 members ....doesn't specify, but it will say members.....we would be adding one as we haven't taken anyone off there....not replacing.

**Senator Luick** I don't understand the necessity of the tie....I would have a hard time voting for something like this if everybody is already being representing. Maybe include or change the language of what particular beef growing industry you are representative of, but just to add another person, we are getting in trouble there.

**Senator Larsen:** As listening to the testimony, here is how I understand it. (Example) There are three cattle producers but they are totally different entities....each one has a different need and voice. This is where the concern is for the board member's vote

**Senator Murphy;** I would rather be on the side of more representation and let them deal with herding the animals (variety) and if the big board is unruly....that is something they can deal with.

**Senator Luick** (I agree with both comments) Is it possible that next session we'll come back and we'll have to consider someone else representing another type animal?

**Senator Flakoll:** We can never predict what might come before us.

**Senator Flakoll:** Discussion?

**Senator Flakoll;** Motion is for a Do Pass on SB 2303

**Senator Flakoll;** Clerk take roll

**Clerk:** 6 – 0 – 1 (Jerry Klein absent)

**Senator Flakoll;** Senator Heckaman will carry the bill

**Senator Flakoll:** Adjourned

PROPOSED AMENDMENTS TO SENATE BILL NO. 2303

Page 1, line 7, remove the underscored period

Page 1, line 8, remove "a. Nine members are"

Page 1, line 10, remove the overstrike over "and"

Page 1, line 10, remove the underscored comma

Page 1, line 11, remove the overstrike over "The"

Page 1, line 11, remove ", and the"

Page 1, line 13, after the underscored period insert "The term of the individual appointed to represent the feeder cattle industry expires on August 1, 2018, and every seven years thereafter"

Page 1, remove line 14

Page 1, line 15, remove "term that expires on August 1, 2018"

Page 1, line 16, remove "c."

Page 1, line 20, remove "a."

Page 1, line 20, remove "appointed by the governor"

Page 1, line 21, remove the overstrike over "a:"

Page 1, line 21, remove "(1)"

Page 2, line 1, remove the overstrike over "b:"

Page 2, line 1, remove "(2)"

Page 2, line 4, remove the overstrike over "e:"

Page 2, line 4, replace "(3)" with "One individual who is actively engaged and financially interested in the feeder cattle industry and who shall represent the industry on the board:"

d."

Page 2, line 6, replace "(4)" with "e."

Page 2, line 8, replace "(5)" with "f."

Page 2, line 10, replace "(6)" with "g."

Page 2, line 12, replace "(7)" with "h."

Page 2, line 15, replace "(8)" with "i."

Page 2, remove lines 16 and 17

Page 2, line 23, after the comma insert "by the feeder council of the North Dakota stockmen's association for the individual representing the feeder cattle industry."

Renumber accordingly

Date: 2-4-11  
Roll Call Vote #: 6-0-1

①

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2303

Senate Senate Agriculture Committee

☐ Check here for Conference Committee

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

Action Taken Amendment

Motion Made By Senator Murphy Seconded By Senator Luick

| Representatives     | Yes | No | Representatives       | Yes | No |
|---------------------|-----|----|-----------------------|-----|----|
| Senator Tim Flakoll | ✓   |    | Senator Joan Heckaman | ✓   |    |
| Senator Oley Larsen | ✓   |    |                       |     |    |
| Senator Jerry Klein |     |    |                       |     |    |
| Senator Larry Luick | ✓   |    |                       |     |    |
| Senator Joe Miller  | ✓   |    |                       |     |    |
| Senator Bill Murphy | ✓   |    |                       |     |    |
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Total (Yes) 6 No 0

Absent 1 Jerry Klein

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

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



Date: 2/4/11  
Roll Call Vote #: 6-0-1

(2)

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2303

Senate Senate Agriculture Committee

☐ Check here for Conference Committee

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

Action Taken Do pass

Motion Made By Heckman Seconded By Murphy

| Representatives     | Yes | No | Representatives       | Yes | No |
|---------------------|-----|----|-----------------------|-----|----|
| Senator Tim Flakoll | ✓   |    | Senator Joan Heckaman | ✓   |    |
| Senator Oley Larsen | ✓   |    |                       |     |    |
| Senator Jerry Klein |     |    |                       |     |    |
| Senator Larry Luick | ✓   |    |                       |     |    |
| Senator Joe Miller  | ✓   |    |                       |     |    |
| Senator Bill Murphy | ✓   |    |                       |     |    |
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Total (Yes) 6 No 0

Absent 1 Jerry Klein

Floor Assignment Heckman

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

**REPORT OF STANDING COMMITTEE**

**SB 2303: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2303 was placed on the Sixth order on the calendar.

Page 1, line 7, remove the underscored period

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**2011 HOUSE AGRICULTURE**

**SB 2303**

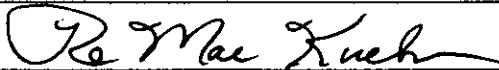
# 2011 HOUSE STANDING COMMITTEE MINUTES

House Agriculture Committee  
Peace Garden Room, State Capitol

SB 2303  
March 24, 2011  
Job #15949

☐ Conference Committee

Committee Clerk Signature



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

Relating to the composition of the state board of animal health.

## Minutes:

**Senator Erbele, Co-Sponsor:** This was brought forward at the request of a constituent of mine who is running a feedlot in the Napoleon area. We would like to add a member to the Board of Animal Health from the feed lot industry in the state. We have about 1 million cows in the state but we don't do a lot of feeding in the state. Feeding has increased in recent years. Adding a person would address some of the differences of animal needs. There is a combination of ruminant animals on there already: buffalo, dairy, registered, commercial.

In the feeding industry there is a much larger turnover. My constituent who has a 4,000 head lot will probably have 12,000 animals move through that facility in a year. I'm also involved in a feeding operation. There is the issue of co-mingling by bringing cattle in from different states. The 1,000 head in my lot would represent 180 producers in that group of cattle. My refrigerator has a higher volume of vaccine because we run everything through three different times. There are more health issues with the mingling and the transport. On the Senate side there was discussion that we already have several vets on the board that know those health issues. The guy in the feedlot is going to know first.

**Representative Mueller:** Page 1, lines 11-13, it talks about 7-year terms. Nontraditional livestock people are addressed in lines above. How is that different from the other groups represented on the board?

**Senator Erbele:** Look to page 2, it may be on there. Toward the middle and down, it does talk about the selection of the person for the committee.

**Julie Ellingson, ND Stockmen's Assn.:** Our association has been well represented over the years on the Board of Animal Health. (See attached #1)

In answering Representative Mueller's question, nontraditional livestock position on the board was a more recent addition. That may be the reason it is written in a little different fashion.

**Vice Chair Kingsbury:** Explain backgrounding side of feeding.

**Julie Ellingson:** When we talk about feeding cattle, there is a variety of ways and different times that you feed cattle. Backgrounding is the period after weaning. They spend time adding weight and then may go to a different feed lot for finishing.

**Representative Headland:** Three seats are already appointed from the cattle industry. Is a third of the board not adequate to provide services already? I am generally resistant to expand board size.

**Julie Ellingson:** The idea behind the bill is because there are some unique situations on how the industries work. There is the opportunity for comingling, etc.

**Representative Headland:** Are the rules by the Board of Animal Health dealing with livestock counterproductive to feeders? How is this going to help expand feeding operations?

**Julie Ellingson:** No, I'm very proud of the work the Board of Animals Health does. The decisions made by the group affect all of animal agriculture. They are liaisons and carry the decisions of the board back to the people.

**Jim Schmidt:** The 60,000 to 90,000 finished cattle, what percentage is ND raised beef?

**Julie Ellingson:** I don't know that, but I can find out.

**Representative Mueller:** This wasn't a burning issue of the Stockmen's Assn. Your testimony says "bring forth the names of qualified candidates for the pool in the governor's consideration." You get to do that three different times. How does that work? Is it safe to say that everybody gets represented in this pool of people that are involved in the cattle industry?

**Julie Ellingson:** Refer back to page 2, line 28. Our association because we have a feeder council is named here. We are the only livestock organization in North Dakota that has a special entity within its umbrella that focuses on the feeding industry. Line 28, "and by any associations within this state representing livestock industries as the governor may permit," our association at every opportunity takes the chance to submit names for the governor's consideration. Any entity is afforded that opportunity to submit names for these positions.

**Representative Mueller:** You are fairly confident that all aspects of the industry have the opportunity to get their names into the governor for appointment to the board.

**Julie Ellingson:** That was the intent of the language starting on line 28. That is how I understand it.

**Representative Boe:** Line 19, page 1 on down to registered beef cattle industry. Can you help me understand in the commercial beef industry, where does that leave off to not include feeder cattle?

**Julie Ellingson:** You are right, that it is a broad description. The current is cow/calf production which is the largest sector in the state.

**Representative Boe:** Should we be coming up with language to narrow this?

**Julie Ellingson:** That would be the will of the committee.

**Chairman Johnson:** There is nothing in the language that prevents you from nominating someone from the feeder industry?

**Julie Ellingson:** I don't think there is specific prohibition. It is how the usage has been in the past.

**Representative Trottier:** I would like to ask Senator Erbele a question. I saw frustration on the last question. Did you have more to add to that?

**Senator Erbele:** The commercial guy is cow/calf. That concern ends when the calf is weaned. My business is totally backgrounding. That is a winter feeding program and a summer grazing program. My frustration was looking at the committee members. I don't know how many cows are represented here.

**Representative Trottier:** Has there ever been anyone on the board from the feeder industry?

**Senator Erbele:** No. It is a very carefully delineated board.

**Chairman Johnson:** Line 20 where they talk about the commercial beef cattle industry, have they been picking from cow/calf because numbers are larger?

**Senator Erbele:** I think that would be, if we are only finishing 90,000 animals in the state and we have a million cows we are not even at 10%. Definitely cow/calf is the largest part of it.

**Jason Schmidt, President of the Stockmen's Assn.:** As far as the different segments in the state, we raise cross-bred cattle and do not have registered animals. I would say there is a big difference between ours and the feeder cattle. We have a different set of goals in mind. We raise the animal from birth through the spring storms and on to weaning in the fall possibly adding some weight at our own place if we have the feed. Then we sell for a profit. A feeder is buying that animal on a margin and owning them for a short period of time to either add a few hundred pounds or to go all the way to the finish. They have a different set of values and health problems. I think they are completely different segments. I didn't think this was needed in the beginning but it is a growing segment.

**Representative Headland:** I don't know how many hogs we have in this state. With the rationale being presented, should the farrowers have a seat and the finishers have a seat?

We could make this board as large as we want if we were going to cover everybody's needs. If the cattle industry is missing something, we need the industry to help us figure this out.

**Jason Schmidt:** That is a good point. They are typically at a confined facility. That is up to you if you think it is necessary. It does have merit.

**Representative Headland:** Can you give me an example of legitimate rules that are antiproduktive for the feeders?

**Jason Schmidt:** No. Purebred people bring a different perspective than the commercial people. The feed lot people are different again. In the end we are all producing beef and have to work together. With feed lot zoning, there are issues in the future.

**Representative Headland:** My assumption is that there is something that feeders either disagree with or are looking to change. Apparently they are not able to get this done through current representation. What is it?

**Jason Schmidt:** I don't know. It was brought from a concerned feeder.

**Representative Boe:** Are the feeders represented by the Stockmen's Association or do they have another association that represents them.

**Jason Schmidt:** Under the Stockmen's umbrella, we have a feeder council that was started many years ago and a seed stock council. Those groups are represented on a committee within our organization. They have the ability to vote but it is passed on to our board and executive committee to carry on. The feeders do not have an organization in the state. We have a 12 member feeder council that meets a couple times a year in our office and discusses issues specifically related to the feeding industry and forward their concerns through us to carry on.

**Senator Erberle:** We don't put a fire extinguisher in the building after the building is on fire. The health issues are totally different. We run the animals through the chute three times within the first six weeks to get their shots. I don't wait until I have an outbreak to deal with the issue.

**Representative Trottier:** Senator Erberle, can you import cattle from out of state with ringworm?

**Senator Erberle:** I don't know. There is a vet here to answer that.

**Dr. Susan Keller, State Veterinarian:** You are not supposed to import cattle with ringworm. It depends on what stage of the infection that the animal could come in. We have a requirement on the health certificate that the veterinarian signs, those animals are not to have an obvious contagious or infectious disease.

**Representative Trottier:** Do cow herds need a health inspection before they leave another state to come into North Dakota?



**Susan Keller:** All animals coming into ND need to have a health inspection.

**Opposition:**

**Kenny Graner, Rancher in Morton Co.:** (See attached #2)

**Representative Wall:** How does adding a seat lower the standards?

**Kenny Graner:** During the Senate hearings, the individual that brought the bill always seemed to be concerned about the paper work. He was always concerned about not being able to bring cattle from other states that were possibly infected from TB. Adding this additional seat would give a chance to work on this individual to work on the entire board to draw down our standards.

**Chairman Johnson:** It would still have to go through the health certificate?

**Kenny Graner:** Yes, the health papers would still be in place. The problems usually deal with health paper work. I still believe this individual would work the board to have them draw down our standards.

**Mike Heaton, Cow/Calf Operator and Backgrounding Feedlot:** (See attached #3)

**Representative Headland:** The Stockmen's Assn. is in support of this bill. Are you a member of the Stockmen's?

**Mike Heaton:** Not at the present time.

**Representative Mueller:** How would it be in the best interest of the feeder industry to bring in bad cattle?

**Mike Heaton:** Some are not in it for the long haul. They want to turn a quick buck. They will do anything and sometimes that is bringing in cattle that shouldn't be here.

**Francis Maher, Menoken Rancher and Served on the Board of Animal Health:**  
(See attached #4)

Why do feeders want a seat?

People buying for feedlots did not know they had to have health certificate to come to ND

What is the definition of a cattle feeder? Every commercial man must be a cattle feeder. If they keep replacement heifers, they have to be in a feed lot.

**Representative Headland:** You are a member of Stockmen's Assn. There is probably a disagreement among Stockmen's members whether this is needed or not?

**Francis Maher:** I won't commit to that. I stand against this bill.

**Alexis Brinkman, ND Ag Coalition:** (See attached #5)

**Neutral:**

**Representative Mueller:** Requests Susan Keller to come to the podium.

**Representative Mueller:** Are there really good reasons or really bad reasons to pass this bill?

**Susan Keller:** I understand the difficult position you are in because I'm in the same position. Whatever is decided, it is my job to work with all board members.

The Board of Animal Health is charged with protecting the health of livestock and nontraditional livestock in the state and even human health. We are protectionist. Our job is to protect people. Sometimes we do have requests for waivers or exemptions of import requirements. A huge part of our job is educational. We tend to be conservative on animal health. Senator Klein asked if I think there is a dire need for this member. My opinion from an animal health standpoint, there isn't a dire need. I don't disagree that maybe there is some concern by some feeders that they are not represented or listened to. Feeders are welcome to come to any meeting or talk to members of the board and bring their interests forward.

**Representative Mueller:** Comments have been made that there would be a lessening of the standards with a feeder cattle representative. If we did add a member, are we going to see a degradation of quality standards?

**Susan Keller:** I don't know. At board meetings we do discuss various concerns. People can be influenced. It may not be the position; it may be the person. I think we have a good system.

**Representative Rust:** On page 2, the last couple of lines, it appears that the name of a feeder person could be submitted to the governor for consideration. Is that correct? These people are not locked out from being submitted now?

**Susan Keller:** A name can be submitted to the governor. That is my understanding. How far does commercial go? I don't know if a feeder person could come under the title of a commercial person. I will look if we have had a feeder representative in the past.

**Representative Trottier:** Nontraditional livestock--what kind of livestock is on their now?

**Susan Keller:** Lions, tigers, bears, white tail deer—anything exotic. Elk are not NTL.

**Representative Trottier:** For those that are cow/calf producers, wouldn't you like to have representation if it was all feeders on the board?

**Representative Boe:** NDCC 36-1-08, duties of the Board of Animal Health. In there is also rules-making authority. If I was going to look at the rules, is that an extensive list?

**Susan Keller:** If you look under Chapter 48, administrative code is where Title 36 is carried out plus there are also the policies and the orders of the board to deal with something quickly. The board may implement a new order or policy immediately. We have a lot more movement of people and livestock with more emerging disease issues. We have had to deal with things more often than 20 years ago.

**Representative Boe:** It has the definitions for the chapter in code. Should we have a definition for the commercial beef cattle industry?

**Susan Keller:** That may be needed. I will defer that to you.

**Representative Boe:** Somebody obviously feels they are not included. They should be specified that they are part or not part.

**Susan Keller:** We have different segments of different species. We have industries that are not represented at all. For example, the equine industry is not represented because they are so segmented. We don't have representation sometimes where I think we should. The fastest growing animal in this country as far as disease concerns and numbers is the goat because of the growing ethnic population. We need to think of diseases not groups.

**Chairman Johnson:** Closed the hearing.

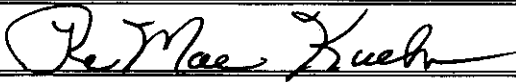
# 2011 HOUSE STANDING COMMITTEE MINUTES

House Agriculture Committee  
Peace Garden Room, State Capitol

SB 2303  
March 25, 2011  
Job #16002

☐ Conference Committee

Committee Clerk Signature



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

Committee Work—relating to the composition of the state board of animal health.

## Minutes:

**Representative Rust:** Is there a Feeder/Beef Cattle Association?

**Representative Boe:** They said there was not an organization.

**Representative Mueller:** Moved Do Not Pass

**Representative Trottier:** Seconded the motion

**Representative Boe:** Yesterday when we were discussing it, I looked in the Century Code under the duties of the Animal Health Board. The duties are well defined and pretty extensive and all the different entities that they are responsible for protecting. If everyone asked for a place on the board, we would have 50 members on the board. I think they are doing a good job the way it is right now. Leave it alone.

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

**DO NOT PASS carries.**

**Representative Mueller will carry the bill.**

Date: 3/25/11

Roll Call Vote # 1

**2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES**

**BILL/RESOLUTION NO.** SB 2303

House **Agriculture** Committee

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

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

☐ Rerefer to Appropriations

Motion Made By Representative Mueller Seconded By Representative Trottier

| Representatives             | Yes | No | Representatives | Yes | No |
|-----------------------------|-----|----|-----------------|-----|----|
| Dennis Johnson, Chair       | X   |    | Tracy Boe       | X   |    |
| 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** 13                      **No** 0

**Absent** 1

**Bill Carrier** Representative Mueller

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

**REPORT OF STANDING COMMITTEE**

**SB 2303, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman)**  
**recommends DO NOT PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).**  
Engrossed SB 2303 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

SB 2303

North Dakota



## STOCKMEN'S ASSOCIATION

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#1

### SB 2303

Good morning, Chairman Flakoll and Senate Agriculture Committee members. For the record, my name is Sheyna Strommen and I represent the North Dakota Stockmen's Association.

The Stockmen's Association has been well represented on the Board of Animal Health, both by the beef industry representatives and the other members representing the various other species. All have the health and well-being of North Dakota's animal agriculture industry in mind and they serve an important role in ensuring a healthy domestic herd. We support their dedication to science-based decision-making and value the resources this board and others have in the highly qualified personnel of the state veterinarian's office.

SB 2303 is not a bill that was initiated by our association or the Feeder Council, but we understand Sen. Erbele's idea to add a new member to the Board of Animal Health to represent the feeding industry, which is arguably the fastest-growing beef industry segment in the state, growing from 60,000 head of finished cattle to more than 90,000 head of finished cattle over the past decade. We've seen the growth in the backgrounding phases. With the discussion of a new packing plant maybe in the future, we expect continued growth in this sector.

If this committee wishes to expand the size of the Board of Animal Health, the Stockmen's Association's Feeder Council would accept the responsibility of bringing forth qualified candidates for the governor's consideration for appointment. If this position is added, however, we'd ask that the bill be amended to make the appointment procedures the same as for the other Board of Animal Health members, for continuity sake and administrative efficiency. With that, I would be happy to answer any questions you may have.



#2

My name is Mike Heaton, I ranch about twenty miles east of Bismarck in Burleigh County. I own a cow-calf operation as well as a back grounding feedlot. The cattle diseases we deal with are the same for the cow-calf operations as it is for feedlot cattle. Therefore I question the need for another board member on the State board of animal health. I have had the opportunity to work with the board of animal health in the past, and was very satisfied with the decisions handed down by the board.

I believe if you add a board member for the feeding segment of our industry, you would set a precedent for all other species of livestock. If you add a feeder for every other species of livestock, the additional board positions would only make the board too large and much less effective.

Another thing that bothers me with this bill is the appointment process to the board. The final member of the board must be a cattle feeder appointed by the feeder council of the North Dakota stockmen's association.

The North Dakota stockmen's association through its memberships represents about 1 out of every 4 cattle producers in the State. I must ask would it be constitutional to grant full nominating authority to an association that does not represent 3 of every 4 people in the States cattle industry?

#3

Good Morning Chairman Flakoll and members of the Agriculture Committee, my name is Kenny Graner and I'm an Angus cow-calf producer from Mandan, ND.

I oppose this bill as written.

I feel we are well represented by the 2 beef positions we currently have on the Board of Animal Health. My concern is this, if you start letting segments of every industry on the Board, it will become too large and cumbersome. With three beef producers on the board, it would be unbalanced and biased towards the cattle industry. Next you may be asked to have three veterinarians and many more industry positions and there would be justification in asking for them.

What I would offer as a solution, is to have 2 beef producers from any segment of the industry and any organization to submit names to the Governor for consideration. The 2 members could represent any combination of the commercial, purebred or feeder segments of the cattle industry. Many producers background and/or finish their own cattle. Let's not limit ourselves to the ND Feeder Council exclusively. It should be allowed to let all beef organizations to submit a name to make a larger pool to choose from.

In closing, the health and quality of the cattle produced in North Dakota is a very good selling point to buyers across the nation. It is my opinion that the veterinarians on the board should have equal say in the health issues of the livestock as they are the ultimate guide to the health issues.

We appreciate your time and consideration of our testimony.

If you have any questions, I'd be glad to try and answer them.

#4

Mr. Chairman, Members of the committee:

My name is Allen Lund. I own and operate a ranch near Selfridge, ND.

I rise in opposition to Senate Bill 2303.

I take exception to the amendment stating **"The final member of the board must be a cattle feeder appointed by the feeder council of the North Dakota Stockmen's Association."**

I also see existing language in this Century Code stating that **"recommendations for the appointment of individuals to the board may be made to the governor by the North Dakota Stockmen's Association for individuals representing commercial beef cattle."**

My operation consists of commercial beef cattle. I also feed cattle so I would venture to say that I am a cattle feeder. Well it looks to me like I am already represented as a feeder by the individual on this board that oversees the commercial cattle industry.

I as well as approximately 75 percent of North Dakota's cattle producers don't belong to the North Dakota Stockmen's Association. We want to have a voice in nominating or appointing a person to this board.

I would ask the committee to oppose this bill.

Thankyou.

Doug Goehring  
AGRICULTURE COMMISSIONER

Dr. Susan Keller  
STATE VETERINARIAN

Dr. Beth Carlson  
DEPUTY STATE VETERINARIAN

Dr. Jesse Vollmer  
ASSISTANT STATE VETERINARIAN

Nathan Boehm, Mandan  
PRESIDENT, DAIRY CATTLE

Melvin Leland, Sidney, MT  
SECRETARY, REG. PUREBRED CATTLE

Dr. Charlie Stoltenow, Fargo  
CONSULTING VETERINARIAN



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SWINE

Dr. W.P. Tidball, Beach  
VETERINARIAN

Dr. Kenneth Throlson, New Rockford  
BISON

Shawn Schafer, Turtle Lake  
NONTRADITIONAL LIVESTOCK

#5

List of  
members.

#1

Good morning, Chairman Johnson and members of the House Agriculture Committee. For the record, my name is Julie Ellingson and I represent the 81-year-old North Dakota Stockmen's Association.

The Stockmen's Association and its beef industry members have been well represented on the Board of Animal Health over the years, both by the beef industry representatives and the other members representing the various other species. All have the health and well-being of North Dakota's animal agriculture industry in mind and serve an important role in ensuring a healthy domestic herd. We appreciate and rely upon their commitment to science-based decision-making and value the resources this board and others have in the highly qualified personnel in the state veterinarian's office.

SB 2303 is not a bill that was initiated by our association or our Feeder Council, but we understand Sen. Robert Erbele's idea to add a new member to the Board of Animal Health to represent the feeding industry, which is the fastest growing beef industry segment in North Dakota – growing from 60,000 head of finished cattle to more than 90,000 head of finished cattle over the past decade. During this same period, we have also seen growth in the backgrounding side of the feeding enterprise.

With the discussion of a new North-Dakota-based packing plant maybe in the future and the continued success of programs to assist producers comply with the environmental regulations required in some concentrated animal feeding scenarios, we expect continued growth in the feeding sector.

If it is the will of the Legislative Assembly to expand the size of the Board of Animal Health to include a feeder representative, our association stands ready to help bring forth the names of qualified candidates for the pool in the governor's consideration.

With that, Mr. Chairman, I'd stand for any questions that the committee has.

#2

Good Morning Mr. Chairman and members of the House Ag Committee,

I am Kenny Graner and I am a 4<sup>th</sup> generation rancher in Morton County. I am opposed to Senate Bill 2303.

My Great Grandfather, Grandfather, Father and I established our Angus cow herd. We always sold calves off the cows in the fall in the beginning of our operation. My father started to background the cows in the 1950's to increase value to the calf crop. Currently, this is the practice we still use today. It has always been a dream to go to the next level and finish our own calves in our own lot to add even more value. My father and I always knew the freight cost of shipping our calves out of state to a packing house would eat up most of the profits. Now we have an opportunity to get a packing plant in North Dakota due to the high interest of the Koreans in our cattle and their desire to build a packing facility in our state. That would put \$25 - 35.00 per head in our pocket due to lower freight costs for all producers in our industry.

I do not understand why there should be a need for another seat on the Board of Animal Health. There are two individuals from our state's beef industry and two Veterinarians that are very competent and doing an excellent job of keeping our herds safe.

In the Senate Ag Committee, the testimony in favor of this bill, in my opinion, all about lowering our standards. If there would be a specific health issue in our feeder cattle industry that would need to be improved upon, I could see a the need for an additional seat, but currently I don't see any.

ND and Montana have the highest health regulations in the industry and we are proud of it! That is why our cattle in the Northern region of this country are of high interest to the domestic and global markets. By loosening our current guidelines and standards, we are at risk of bringing diseased cattle or cattle that have been exposed to disease to infect our cow herds. This would destroy our market.

In closing, I would like to say, if the State Legislature goes forth and establishes this additional seat and if the standards are lowered and our cow herds contracts disease, are you prepared to create an indemnity program to reimburse the ranchers to put the cattle down? The Federal Government currently is broke. The responsibility to keep our cattle industry safe lies in the State Legislature.

For these reasons, I am opposed to Senate Bill 2303.

Thank You,

Kenny Graner  
701-471-8879 701-663-3805  
5355 Highway 1806  
Mandan, ND 58554

#3

Chairman and House Agriculture Committee members

My name is Mike Heaton, I run a cow-calf operation and a back grounding feedlot in Burleigh County. The cattle diseases we deal with are the same for a cow-calf operation as it is for feedlot cattle. North Dakota has a very high standard when it comes to animal health; therefore I question the need for an additional seat on the State board of animal health. I believe there is no way this additional seat on the board will enhance the health standards we presently have, and are proud of. However, if in fact an animal disease such as Tuberculosis (TB) or Foot and Mouth Disease (FMD) are found in either my feedlot cattle or my cow-calf herd, both entities will be quarantined at the same hour of the same day.

One of the biggest changes in the livestock industry is not so much, more cattle being fed in North Dakota, but rather the number of yearlings being run on grass during the summer months. Last summer the adjoining pasture to mine had a couple thousand yearlings in a cell grazing system. Many of the cells were over grazed to the point that these cattle were routinely out, sometimes in the road way, but many times comingled with adjoining herds. When you have two thousand yearlings in one pasture you could easily have cattle from as many as two hundred different origins. This is just one reason to be sure that any changes of the board of animal health should be to improve health standards, not weaken them.

Nearly two years ago I and two other ranchers traveled to Rapid City for a USDA listening session for animal ID. While there we had the opportunity to visit with one of the owners of the ST Onge sale barn. One of the comments made to us was "you need to do something with your State Vet; we can't get breeding age females into ND. There are many times we would like to send these cattle into ND for grazing." Our reply was Dr. Keller does an outstanding job and we won't be asking her to change anything.

On February 18<sup>th</sup> of this year the 19<sup>th</sup> case of Canadian BSE was found. A year ago a feedlot at Carrington made a request to be allowed to bring older Canadian cull cattle into ND without being tested. This cow could have conceivably been in ND. Fortunately the board of animal health denied this request.

ND has many very good cattle feeders, that do not have difficulties abiding by state laws when it comes to having proper health permits and health papers for transporting animals. There is however individuals in the livestock industry who choose not to abide by all the laws when it comes to buying, selling, and transporting livestock. It is these individuals who have a history with the board of animal health. That is why I believe this request is disingenuous.

At the present time the USDA has a diagnostic lab on Plum Island off the coast of New York. This lab tests highly contagious diseases such as TB and FMD, there is a good chance this lab will be moved to Manhattan Kansas. This could be a huge mistake, because of the chance of pathogens escaping. Let's not make any mistakes in ND. If we error, error on the side of caution.

I urge a do not pass recommendation.

H4

REGARDING SENATE BILL NO. 2303 State Board of Animal Health

GOOD MORNING CHAIRMEN AND AG COMMITTEE:

My name is Francis Maher. I live on a ranch at Menoken for the past 50 years. I have been a member of the North Dakota Stockmen's Association for 41 years, founder and member of the Independent Beef Association of North Dakota. And served on the Board of Animal Health for 2 terms 14 years, and as President.

With this experience of serving on the Board of Animal Health and a rancher, I would like to give you my opinion and concerns about this bill.

First of all the board consists of One Commercial Beef, One registered Purebred Cattle, One Dairy Cattle, One Bison, One Swine, One Sheep and the Non-traditional and Two Veterinarians. As you can see, there already is 3 members representing the cattle industry.

Why do we need more people on this board? If 3 cattle and a Bison which is similar to cattle issues, cannot do the job, why will one more on the board with similar issues that the cattle people have, help anything. When I was on the Board and I am sure is still the policy, anyone was welcome to come to a Board of Animal Health Meeting and give us input on any problems or situation on a livestock health issue and bring it to our attention, with the stipulation of having it on the agenda. There is other livestock people NOT represented on this board, and the State Veterinary Office is addressing their health problems and bringing it to the attention of the BOAH. This bill could cause these other livestock people to feel they need a voice also, you will be adding members all the time.

Another thing I would like to address is the wording of this bill.

It states One Cattle Feeder, what is the definition of a cattle feeder? Is it a commercial cattle feeder backgrounding his own cattle, or a feedlot owner buying and selling cattle. All the other members it states, ACTIVELY ENGAGED AND FINANCIALLY INTERESTED, this member it does not say that.

Please take time to ask questions and think if this bill would really gain anything for the BOAH or cause more problems in the future.

This Board of Animal Health is to support and work with the State Vet to help set policy and be responsible for controlling, preventing and eradicating diseases in all animals in the state. With my past experience on this board and working with the State Veterinarian, that is exactly what they have been doing and doing an excellent job. Why change something that is working. THIS IS WHY I STRONGLY OPPOSE THIS SENATE BILL 2303

Thank you

Francis Maher

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North Dakota State University  
and University Extension  
Northern Canola Growers Association  
Northern Food Grade Soybean  
Association  
Northern Plains Potato Growers  
Association  
Northern Pulse Growers Association  
Red River Valley Sugarbeet Growers

#5

**Testimony of Alexis Brinkman  
North Dakota Ag Coalition Administrator  
SB 2303  
March 24, 2011**

Mr. Chairman and members of the Committee, my name is Alexis Brinkman, and I am the administrator of the North Dakota Ag Coalition. I am here today in opposition of SB 2303, which would add a representative from the feeder cattle industry to the State Board of Animal Health.

The Ag Coalition has provided a unified voice for North Dakota agricultural interests for more than 25 years. Today, we represent more than 40 statewide organizations and associations that represent specific commodities or have a direct interest in agriculture. The Ag Coalition takes a position on a limited number of issues brought to us by our members that have significant impact on North Dakota's agriculture industry.

We feel that the beef industry is already well represented on the board with representatives from both the commercial and purebred segments of the industry. Many of these producers are also part of the feeder industry. Additional representatives from the beef industry could cause the board to become unbalanced and cumbersome.

We appreciate your past support on agriculture issues and encourage you to oppose SB 2303.