

2011 SENATE AGRICULTURE

SB 2128

2011 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee
Roosevelt Park Room, State Capitol

SB 2128
January 13, 2011
12893

Conference Committee

Committee Clerk Signature *Greta Nelson*

Explanation or reason for introduction of bill/resolution:

Relating to reimbursement for losses during official tuberculin testing of cattle; and to provide an appropriation.

Minutes:

Attachment #1, #2

Senator Flakoll: Meeting called to order on 2128 January 13, 2011

Senator Bowman: District 39. This bill came to me from a rancher who had bad experience with testing of his herd. He had lost a couple calves when they were testing in early spring. If the feds require the testing, they should have some responsibility. Dr Kelly said they have no responsibility....let's see if we can work out a solution to this problem. What this bill would do, is if an animal is hurt or destroyed by the required test, there would be some restitution to the rancher. After discussion, an email received, they would like to see be required program disease testingother testing that could end up with same consequences. Broadens the definition to be more inclusive to the livestock industry. No problem with that. Another suggested amendment that we would make this a continuing appropriation we wouldn't have to ask for the same money in 2 years. Roll that balance over and fill in the gaps if needed. I am in favor of this. Remember that money can only be spent on this program. Last possible amendment to this bill is the emergency clause, a suggestion unaware if more testing is needed in the springthe most critical time is before they calf. Restrictions and the Board of Animal Health will review these. Proof of the aborted calf within 24 hoursthis is only to subsidize when there is a problem that occurs from the testing. The rancher should be given some restitution to know the state cares about their herd.

Senator Heckaman Doesn't look it as if it will help the rancher you are writing the bill for?

Senator Bowman: Can't make it retroactive No proof that the cows died within 24 after testing or were aborted. Give you credit for this bill as to what happened to you.

Senator Heckaman: Verification....is the cost going to be on the owners back, producers back or is that cost verifying on as part of the program?

Senator Bowman: They would make a call to the local or state vet and document the time/date ...critical to document the facts ...proof of 24 hours. The vet will report to the Board of Animal Health...cost, no idea.

Senator Miller: Any insurance that pays out for this kind of loss?

Senator Bowman: Not aware of any. The insurance is that we become the insurer.

Senator Luick: What is the process for doing the TB test?

Senator Bowman: Veterinarian here will explain.

Beth Carlson: Deputy of State Veterinary with Board of Animal Health Department of Agriculture Senator Luick question the process for TB testing...the animals are all handled ...individual restrained and given injection of one/tenth of a milliliter of tuberculin under in the fold of skin under the tail....three days later/72 hours....they are run through again and check to see if there is any response. Similar to people TB test when going overseas. Additional testing is done, couple different methods ...basic, the animals are handled twice.

Senator Luick: Testhow soon after that is the loss of the fetus/animal?

Beth Carlson: A few injuries when handling the animals....abortion might not be apparent for several days after injury. Extremely rare fetus doesn't show obvious for aborting ...5 days will be apparent

Senator Larsen: Are we talking about the calf aborting from handling or the calf aborting 24 hours after giving the TB injection.....and that caused the calf to abort?

Beth Carlson: The injection doesn't cause abortion or other abnormalities to the development of the fetus. It would be the handling of the animal for testing that would be most likely what causes the problem. Many cases the range cattle that are rarely handled are more likely as they are so high strung.

Senator Larsen: Does the rancher take this animal to the veterinarian? Or does the veterinarian come to his facility.

Beth Carlson: Owner is responsible for presenting the animal for tests. Typically testing done on the farm as it is large number of animals. Concern is if the disease is in the herd, we want to keep them where they are at. Most always done on the farm.

Senator Klein: Question.....someone comes and announces that one in the herd has TB and then the neighbors get to be involved?? How does this circle grow?

Beth Carlson: (Attachment #1)

Senator Klein: Are we helping the neighbors?

Beth Carlson: Would help the farmer of the infected animal. In case of infected herd, you would be de-populating the herd. It would apply to the initial herd.

Senator Miller: Liability to the original farmer, is he responsible for covering the neighbors?

Beth Carlson: If all have done things legally, and imported to the US. meet the importation requirements, then we assume it is not the producers fault. If not met importation requirements, we do not have to provide indemnity for animals that were imported illegally. If we believe producer did something illegal, then liable.

Senator Luick: \$500 original bill, do you lose more grown cows or calves.

Beth Carlson: Not a lot of this has happened....lose is mostly calf near term. New born calf/fetus that is sluffed.

Senator Luick: After abortion...is the animal harmed or other problems with the mother cow?

Beth Carlson: Typically there is no long term damage....although possible.

Senator Flakoll: Question on page 1 line 13 ...confirms the legislation chronological order is? Board shall evaluate each in chronological order....as order received or the order that the animal died.

Beth Carlson: Not involved ...will ask attorney.

Senator Flakoll: Broken leg, this is for death only?

Beth Carlson: Language should be amended

Senator Bowman: Choices: process the animal immediately or take to sale barn.

Senator Luick: Problem with butchering the animal after the testing is done? Is there harm to the meat?

Beth Carlson: The injection is in the skin, not the muscle tissue. Compare with vaccines....not a safety issue, but person's choice.

Senator Flakoll: Catastrophic problem put down and butcher soon??

Beth Carlson: Correct. If animal ill....don't process the animal.

Senator Larsen: The TB injected does not kill the calf or cow ...does the vet take charge of herding the livestock into the squeeze chute or help push?

Beth Carlson: The producer is responsible/handling/chasing to chute

Senator Larsen: TB testing....they are required to get them lined up?

Beth Carlson: Quarantine the animals

Senator Larsen: TB tests in the spring? Can you test in other seasons?

Beth Carlson: Test at any time. Give producer the option of testing time.

Senator Larsen: Issue the TB is state forced to do...?

Senator Miller: Is there a disease that the state has to come in to do this because of negligence as filthIs there an insurance that should be paying the bill?

Beth Carlson: Changes we propose would be if the state veterinarian orders the testing, Board's responsibility to establish importation requirements for livestock. Don't foresee it to be a large problem.

Senator Flakoll: Liability for the state - \$4,900 for the biennium

Beth Carlson: Correct

Senator Flakoll: Age that you don't test TB? Too young to test?

Beth Carlson: TB the animal has a competent response ...if exposed at birth...60 days of age tested.

Senator Luick: Changing to swine how many diseases can harm baby pigs? Are you proposing \$500 for each baby?

Beth Carlson: Up to \$500 ...left to discretion of board. Not compared to cow....go on a percentage bases.

Senator Luick: Twin cows? Same scenario

Beth Carlson: Can't answer

Senator Klein: TB an isolated case....are you on the road often? Quite TB free??

Beth Carlson: Yes, few occurrences.....

Senator Klein: How often

Beth Carlson: Large TB testing twice in 6 years since I have been working.

Senator Heckaman: Who is responsible for the cost and what cost per animal?

Beth Carlson: TByour tax dollar at work ...our services are free. Private TB testing \$10 per animal. Might consider as an amendment because the death was the cause from the handling..... The cost is covered by the spondent or cost covered by producer.

Beth Carlson: Clarify a bit of language in proposed amendments, referred to testing by USDAThe state veterinarian is the only one that has authority to quarantine animals and order testing.if not in agreement with what fed gov requests, we don't want this fund or the state to be liable for something that we were not endorsing.

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

Senator Flakoll: Oppositions?

Senator Flakoll: Close hearing.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee
Roosevelt Park Room, State Capitol

SB 2128
January 20, 2011
13178

Conference Committee

Committee Clerk Signature

Greta Nelson

Explanation or reason for introduction of bill/resolution:

Relating to reimbursement for losses during official tuberculin testing of cattle; and to provide an appropriation.

Minutes:

You may make reference to "attached testimony."

Senator Flakoll: Meeting called to order this 20th day of January at 2:45 pm.

Senator Flakoll: SB 2128 Amendment that have been discussed. Declared emergency it allows in the later part of the bill to have carry over dollars ...have a continuing appropriation and then with more specific language with respect to the claims in chronological that they were received as opposed/deemed in the order that they died. Not sure if I agree with what we are proposing, it extends beyond cattle/livestock and then expands from tuberculin test for cattle/ livestock to disease test for livestock are mandated by state or federal government.

Senator Miller: Curious if there is a situation they have to destroy the herd/flock, what kinds of fund are available to reimburse a situation?

Senator Murphy: It was going to limit to 4,900, so if a whole herd, that would still be the max.. Senator Bowman said that would be a rare situation. Very isolated incident.

Senator Miller: Obviously, that situation happens...concern as to what little funds are we creating?

Senator Flakoll; This is more so with respect to injury or problems caused by working the animals. Something broken outside of the question of if the whole herd brucellosis and have to dispose the herd. How do they do that? That is really outside the question, however, the neighbor has their herd tested and a cow slips a calf after 48 hours, then that could come into play. It is not as to how you would dispose of the animal with the disease.

Senator Klein; Idea is where the neighbors herd needs to be tested and as working the cattle, something happens.....there is another program if there is a major loss for the person who really got the problem.

Senator Flakoll: Federal funds that partially compensate people for that.

Senator Luick: In a testimony, did they say that there were other livestock strains can contract TB, or just cattle?

Senator Flakoll: Other species can contract TB; however, a problem with species as turkeys....longevity....they don't live long enough to take effect. This is beyond the scope....other things, too.

Senator Luick: What about the limit to swine....what are we looking at the limit of hogs?

Senator Flakoll: That would be determined by the state officials in terms of the value and because we have \$500, it is just up to that amount. Example calf could be a much lesser amount depending upon the owner's choice bases is what you get for them at the stock yards.

Senator Luick: Line 22....Is this going to cause a problem if we change tuberculin with disease?

Senator Flakoll: That's what amendments do; it allows them to encompass more tests that could happen again. Brusellosous in cattle would be a good example....expands beyond tuberulous.

Senator Flakoll: On page 1 starting on line 23 and next page the Section 54-44.11 allows for the carryover of funds and on-going appropriation.

Senator Heckaman; I move the amendment to SB 2128 ...the Flakoll Amendent

Senator Miller: Second

Senator Flakoll: Moved and second for SB 2128.....(read the amendments)...discussion?
Clerk take roll for SB 2128

Clerk: Roll call vote...7 yeas/ 0 no/ 0 absent

Senator Flakoll: Carries

Senator Heckaman I move a Do Pass on SB 2128

Senator Klein: Second

Senator Flakoll: Moved and secondDiscussion?

Senator Larsen: How I determined the veterinary comes in the calf is lost, but what is cause of the loss is how the calf is being aborted is the handling of the livestock as to the being testedif the state brought their veterinary and brought handlers and the handlers moved the cattle. Then I can see it would be the fault of the state. When they are bringing their own work and help to round them up.....and if that hurts or kills the calf, the farmer's doing the handling is what caused that? If the veterinary gave an injectionchemical accidently did that and then aborted the calf, then it would be the wrong injection. Then I believe it would be the fault of the state. When a handler is the owner of the cow, they could pick the time...they don't have to do tuberculin test on a certain date...do it at their convenience....do during calving season. Don't think the state is liable.

Senator Murphy: To help answer the question, it might work if you look at the second line; it is an official testing of cattle...which means "state" because it is state induced. That is how you get to the state....that's why the state want to take this on.

Senator Larsen: To me, the state responsibility to have that herd tested with Tuberculin test. It is the handlers that are taking care of those cows, running them up the chutesthe state is not touching or the veterinary. If the veterinary is in the chutes and pushing the cows....too aggressive....the handler that is causing the abortion not the veterinary from the state injecting the test to the cow.

Senator Miller; Range land cattle...identify the source of it now. Run the range cows through the chutedoesn't matter who is handling, there are going to abortion as they are not used to being in a confined area.

Senator Klein: We are trying to help the neighbors....neighbors cows are infected with TB...the veterinary comes in and wants to maintain and free ND of TB. All the neighbors are compelled to bring their cows in and have the test. Just saying it isn't our fault, but requiring us to do this his herd is in a different category, but the neighbors have to come in because the state veterinary has ordered them to be tested. The state veterinary doesn't have a team of handlers; they are there to make sure the tests are run appropriately Unfortunately, sometimes someone's cow/calf dies.....we want to give those guys (their herd had no signs of TB) helpthis is why I think this is an issue that we want to help out. Maintain a disease free state.

Senator Larsen: Range cows are worked 4 times a year, people handling the cows cause the problem rather than the state veterinary.

Senator Miller; If the state were to hire handlers, it would be very costly. Let the producer handle own herd.

Senator Flakoll: Discussion? Clerk take Do Pass for SB 2128

Clerk: 7 yeas/ 0 no/ 0 absent

Senator Flakoll Carries the bill

Senator Flakoll: End of discussion on SB 2128.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2128

Page 1, line 3, after "appropriation" insert "and to declare an emergency"

Page 1, line 2, replace "tuberculin testing of cattle" with "disease testing of livestock required by the state veterinarian"

Page 1, line 7, replace "Tuberculin testing of cattle" with "Disease testing of livestock"

Page 1, line 8, replace "cattle" with "livestock"

Page 1, line 9, replace "cattle" with "livestock" and remove "an"

Page 1, line 10, replace line 10 with "disease testing required by the state veterinarian"

Page 1, line 11, remove "plant health inspection service" and after "herd" insert "or flock"

Page 1, line 12, after "veterinarian" insert "or the state veterinarian's designee"

Page 1, line 13, after "in" insert "the"

Page 1, line 13, after "order" insert "of filing"

Page 1, line 16, replace "cattle's" with "animal's"

Page 1, line 22, replace "tuberculin" with "disease" and replace "cattle" with "livestock"

Page 2, after line 3, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: 1-20-2011
 Roll Call Vote #: 7-0-0

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2128

Senate Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number 2128

Action Taken Do pass Senator Flakoll

Motion Made By Sen. Heckaman Seconded By Sen. Klein

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	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Flakoll

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

REPORT OF STANDING COMMITTEE

SB 2128: 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). SB 2128 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "tuberculin testing of cattle" with "livestock disease testing required by the state veterinarian"

Page 1, line 3, remove "and"

Page 1, line 3, after "appropriation" insert "; and to declare an emergency"

Page 1, line 7, replace "Tuberculin testing of cattle" with "Disease testing of livestock"

Page 1, line 8, replace "cattle" with "livestock"

Page 1, line 9, replace "cattle" with "livestock"

Page 1, line 9, remove "an"

Page 1, remove line 10

Page 1, line 11, replace "plant health inspection service" with "disease testing required by the state veterinarian"

Page 1, line 11, after "herd" insert "or flock"

Page 1, line 12, after "veterinarian" insert "or the state veterinarian's designee"

Page 1, line 13, replace "chronological" with "the"

Page 1, line 13, after "order" insert "of filing"

Page 1, line 16, replace "cattle's" with "animal's"

Page 1, line 22, replace "tuberculin" with "disease"

Page 1, line 22, replace "cattle" with "livestock"

Page 2, after line 2, insert:

"**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

2011 HOUSE AGRICULTURE

SB 2128

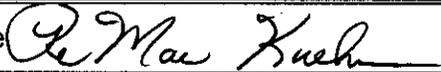
2011 HOUSE STANDING COMMITTEE MINUTES

House Agriculture Committee
Peace Garden Room, State Capitol

SB 2128
March 3, 2011
Job #14893

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to reimbursement for losses during official livestock disease testing required by the state veterinarian; to provide an appropriation; and to declare an emergency.

Minutes:

Senator Bowman, Co-Sponsor: This bill is here because of an incident that happened in Slope County about two years ago. When you sell a cow that is going to be processed, that cow is back tagged, sent to the packing plant, and tested for TB. If it turns up as a suspect, the law requires the herd of cattle to be tested. The law also requires that you have to test the neighbor's cattle. In this case it was about this time of the year. They were getting ready to calf and brought in the whole cow herd and went through the process required by law. He lost a couple of calves doing it. He asked me for help for something he had nothing to do with. Is it right that we don't reimburse that person for the loss? So I talked to state veterinarian. This money is not needed very often. We felt we should try to compensate up to \$500 on an animal. The price of cattle is way up. This is not an opportunity to make money. It is a token back as a result of the test. The Emergency Clause is on the bill because we are coming into calving season again. The Board of Animal Health will set up the rules on how much to allow because they are the governing body for the vets. When the money is gone it is gone until the next biennium.

Chairman Johnson: Was there any other livestock found to be affected?

Senator Bowman: None or none in the one selling.

Representative Holman: Would an insurance agent be able to provide a policy for this.

Senator Bowman: If you pay the premium they can probably come up with something.

Representative Belter: Was there discussion to extend this coverage to animals injured during brand inspection?

Senator Bowman: We didn't discuss that but they did broaden the terminology. It was for Tuberculosis testing only and they widened that because there are other animals tested periodically where the same thing could happen. I'll let the State Vet tell you about that.

Representative Rust: If they also test the neighbor's cattle, that could involve more than one person as there could be neighbors on all sides.

Senator Bowman: I'll let the State Vet talk about the law. Before calving is a bad time to work cattle. It needs to be decided right away not a month later.

Representative Trottier: Would this affect out of state shipment?

Senator Bowman: I didn't design it to be. It is when they test at the processing plant.

Representative Boe: We are in the 300 version of bill. Did you talk in the Senate on line 14 "the board shall provide reimbursement"? What would happen if we changed that to "may"?

Senator Bowman: The intent is "shall" so they will pay something.

Representative Mueller: That animal has to die in order to access these funds? An injury like a broken leg wouldn't be covered?

Senator Bowman: If an animal broke a leg in the chute, and if the animal can be taken to the sale barn there will be a loss. When they are crippled, you take a loss when you sell it. The board could decide to pay up to \$500.

Representative Mueller: Line 9 would not fall in line. It says "die."

Senator Bowman: If you break a leg you are going to die. The sooner you can get the animal to the sale barn the better to recuperate the cost.

Beth Carlson, Deputy State Vet. Dept. of Ag.: (See attached #1)

In answer to shipping out of state:

As the bill is worded, it applies to animals that the State Veterinarian requires to be tested. We have no requirements for animals leaving the state. We have requirements for animals coming into the state but they are tested in other states before they come in.

Representative Wall: Do you think there needs to be a time certain after the cattle have been worked? Should that be added to bill?

Beth Carlson: We did talk about that.

Senator Bowman: The Board of Animal Health will set up the rules for this. They won't allow a month later. It needs to be immediate.

Beth Carlson: There was discussion of a 2-3 day period. It is possible that a pregnant cow may not slough a calf until 4 or 5 days.

Representative Mueller: How many animals may we be talking about? We can't exceed \$4,900 worth.

Beth Carlson: In the time I've been with the board, I can think of just a handful of instances. The number of animals per incident is just 1 or 2. We do offer the producer alternatives for testing dates. This producer could have waited until after calving but he would have been quarantined. He couldn't sell live animals.

Representative Trottier: What if a person doesn't correctly perform the procedure? Does that get rid of the liability?

Beth Carlson: No it doesn't. People handle their cattle for their own purposes. If we are asking them to present the animals to test, we would still observe this.

Representative Boe: What is the time line between when you found a reason to go to the neighbor, then how fast do you test?

Beth Carlson: We start with the herd of interest and then go to herds with immediate fence line contact. This herd was over a month from when we tested the original herd to when we notified the owners, scheduled the test, and made arrangements for staff and equipment.

Representative Boe: What is the window of opportunity for optimum testing? You want it scheduled within how many days?

Beth Carlson: We prefer to get it done sooner rather than later. Most producers also want it scheduled as soon as possible.

Chairman Johnson: If a farmer buys a herd of cows and there are several he can't keep in the fence so he then resells them and they test positive. Do you go back to where that herd comes from?

Beth Carlson: Since they came from out of state we would have to do some testing in the state. Most likely that problem originated in the state of origin. We would test the remaining animals and possibly neighboring herds as well.

Representative Trottier: Do you test all of them?

Beth Carlson: We test 100% of the test eligible animals which varies depending on the disease. For TB we would test all animals 12 months of age and older. For scrapie we would draw blood on every animal on the place. For brucellosis we draw on animals over 12 months of age.

Julie Ellingson, ND Stockmen's Assn.: Our organization is in support of this bill. This bill will help compensate producers if a similar situation arises like the one in Southwestern North Dakota. Livestock producers must comply with the testing requirements for their own good and the health of entire state's livestock industry.

Chairman Johnson: Should we put a timeline in here?

Beth Carlson: I don't have strong feelings about it. I do think it should be a couple of weeks. If you don't, the board will establish an appropriate timeline. If our staff is grossly negligent, the state is already liable. This is if animals are injured through no fault but because they are being handled.

Representative Wrangham: Why are we looking at an emergency clause?

Chairman Johnson: For this season.

Representative Wrangham: On lines 11 & 12 where it says this action can be taken after July 1, 2011, would that prevent any action until after that date.

Senator Bowman: That is the new biennium. Money would be appropriated. Going back to setting time, when I talked with Dr. Keller she said the Board of Animal Health would administrate it. I would like to leave it to the Board of Animal Health.

Representative Boe: I'd say let's roll this out and two years from now it will either be a small disaster or a huge success. We can tweak it from there.

Chairman Johnson: The date is after July 1, yet we need the emergency clause. You can have a claim, but you won't be reimbursed until after July 1.

Representative Schmidt: The last line 23 and on onto the second page, "any moneys that remain unexpended under this section are not subject to cancellation." If they are not subject to cancellation, what are they subject to?

Senator Bowman: The money stays in the budget for the following budgeting cycle. That way we don't have to do this every single budget. That would eliminate going through this process every two years.

Chairman Johnson: If we use some of it, are we going to need reimbursement to not exceed \$4900.

Senator Bowman: If it was necessary that they have to ask for extra money, there is the emergency commission that we have gone to before. The reason I kept the money down, is I have never seen this happen until this incident in Slope County. It is like a pilot program. Then we can adjust that figure the next session with an amendment.

Chairman Johnson: Closed the hearing.

Representative Schatz: Moved Do Pass.

Representative Boe: Seconded the motion.

Representative Belter: I don't think this is a major problem. When cattle are brand inspected, there are many opportunities for injury –yet no compensation for that.

Chairman Johnson: I would think a procedure like this is more invasive than a brand inspection.

Representative Belter: I would disagree.

A Roll Call vote was taken. **Yes: 11, No: 3, Absent: 0,**

DO PASS carries

Representative Schatz will carry the bill.

Date: 3/3/11

Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2128

House Agriculture Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended

Rerefer to Appropriations

Motion Made By Representative Schatz Seconded By Representative Boe

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

Total Yes 11 No 3

Absent 0

Bill Carrier Representative Schatz

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

REPORT OF STANDING COMMITTEE

SB 2128, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman)
recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed SB 2128 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

SB 2128

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



Dr. Morgan Dallman, Beulah
VETERINARIAN

David Pearson, Hettinger
SHEEP

Joel Olson, Almont
COMMERCIAL BEEF CATTLE

Daryl Dukart, Dunn Center
SWINE

Dr. W.P. Tidball, Beach
VETERINARIAN

Dr. Kenneth Throlson, New Rockford
BISON

Shawn Schafer, Turtle Lake
NONTRADITIONAL LIVESTOCK

**STATE BOARD OF
ANIMAL HEALTH**

ND Department of Agriculture
600 E. Boulevard Ave. Dept. 602
Bismarck, ND 58505-0020
(701) 328-2655
1-800-242-7535
FAX (701) 328-4567

Equal Opportunity in Employment and Services

**Testimony of Beth W. Carlson, DVM
Deputy State Veterinarian
Senate Bill 2128
Senate Agriculture Committee
Roosevelt Park Room
January 13, 2011**

Chairman Flakoll and members of the Agriculture Committee, I am Deputy State Veterinarian Beth Carlson. I am here today on behalf of the North Dakota Department of Agriculture and the State Board of Animal Health in support of SB 2128, which seeks to create an indemnity fund to be available should cattle become injured in the course of official tuberculosis testing by the state veterinarian.

NDCC §36-01-08 defines the duties of the State Board of Animal Health. Included in this statute is the mandate to “determine and employ the most efficient and practical means for the prevention, suppression, control and eradication of dangerous, contagious and infectious diseases among the domestic animals and nontraditional livestock of the state...”

As we attempt to fulfill this duty, the Board and the State Veterinarian, in cooperation with the United States Department of Agriculture’s Animal and Plant Health Inspection Service,

Veterinary Services, occasionally must investigate suspected or confirmed cases of diseases such as tuberculosis, brucellosis, scrapie, and others. This generally involves physically handling animals. It is possible, and, on rare occasion, has occurred, that the animals may be injured during this process. Currently, there are no funds available to compensate producers for these losses. This fund would fill that void.

Although this bill deals specifically with tuberculosis testing of cattle, we also deal with other diseases and other species. We have discussed this with Senator Bowman, and he agreed that it might be appropriate to include other diseases and species. As such, I offer the attached friendly amendments to Senate Bill 2128.

Chairman Flakoll and committee members, for these reasons, we urge a do pass on SB 2128 and favorable consideration of the proposed amendments. I would be happy to answer any questions you may have.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2128

Page 1, line 2, replace “tuberculin testing of cattle” with “disease testing of livestock required by the state veterinarian”

Page 1, line 7, replace “**Tuberculin testing of cattle**” with “**Disease testing of livestock**”

Page 1, line 8, replace “cattle” with “livestock”

Page 1, line 9, replace “cattle” with “livestock” and remove “an”

Page 1, line 10, replace line 10 with “disease testing required by the state veterinarian”

Page 1, line 11, remove “plant health inspection service” and after “herd” insert “or flock”

Page 1, line 12, after “veterinarian” insert “or the state veterinarian’s designee”

Page 1, line 16, replace “cattle’s” with “animal’s”

Page 1, line 22, replace “tuberculin” with “disease” and replace “cattle” with “livestock”

Renumber accordingly

#2

SB 2128

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.

The North Dakota Stockmen's Association rises in support of SB 2128, as it establishes a compensation mechanism to support livestock producers who incurred losses associated with mandatory disease testing for tuberculosis.

In order to maintain the health of the domestic herd, even neighboring producers to where a disease case is found must sometime comply with testing in order to identify possible carriers.

This bill would establish a fund to draw from when testing must be conducted and an accident occurs at no fault of the producer's.

North Dakota has a long, illustrious track record of being TB-free and having very high health standards. Thus, suspect cases are relatively uncommon, making injury or death not widespread, but a possibility. We are grateful to the sponsor for coming up with this idea for this fund. However, it is our sincere hope that we will never have to tap into it.

Sen. Bill Bowman and Dr. Beth Carlson made some good points about making this bill more equitable across species and broadening the language to include other diseases, not just TB, because we don't know what challenges are coming down the road. We'd support these amendments, as well as the emergency clause and continuing appropriation language suggested if the committee would find it to be appropriate.

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



#1

Dr. Morgan Dallman, Beulah
VETERINARIAN

David Pearson, Hettinger
SHEEP

Joel Olson, Almont
COMMERCIAL BEEF CATTLE

Daryl Dukart, Dunn Center
SWINE

Dr. W.P. Tidball, Beach
VETERINARIAN

Dr. Kenneth Throlson, New Rockford
BISON

Shawn Schafer, Turtle Lake
NONTRADITIONAL LIVESTOCK

**STATE BOARD OF
ANIMAL HEALTH**
ND Department of Agriculture
600 E. Boulevard Ave. Dept. 602
Bismarck, ND 58505-0020
(701) 328-2655
1-800-242-7535
FAX (701) 328-4567

Equal Opportunity in Employment and Services

**Testimony of Beth W. Carlson, DVM
Deputy State Veterinarian
Senate Bill 2128
House Agriculture Committee
Peace Garden Room
March 3, 2011**

Chairman Johnson and members of the Agriculture Committee, I am Deputy State Veterinarian Beth Carlson. I am here today on behalf of the North Dakota Department of Agriculture and the State Board of Animal Health in support of SB 2128, which seeks to create an indemnity fund to be available should livestock become injured in the course of official disease testing by the state veterinarian.

NDCC §36-01-08 defines the duties of the State Board of Animal Health. Included in this statute is the mandate to “determine and employ the most efficient and practical means for the prevention, suppression, control and eradication of dangerous, contagious and infectious diseases among the domestic animals and nontraditional livestock of the state...”

As we attempt to fulfill this duty, the Board and the State Veterinarian, in cooperation with the United States Department of Agriculture's Animal and Plant Health Inspection Service,

Veterinary Services, occasionally must investigate suspected or confirmed cases of diseases such as tuberculosis, brucellosis, scrapie, and others. This generally involves physically handling animals. It is possible, and, on rare occasion, has occurred, that the animals may be injured during this process. Currently, there are no funds available to compensate producers for these losses. This fund would fill that void.

Chairman Johnson and committee members, for these reasons, we urge a do pass on SB 2128. I would be happy to answer any questions you may have.