

**2013 HOUSE AGRICULTURE**

**HB 1411**

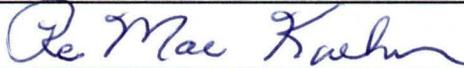
# 2013 HOUSE STANDING COMMITTEE MINUTES

House Agriculture Committee  
Peace Garden Room, State Capitol

HB 1411  
February 15, 2013  
Job #19050

Conference Committee

Committee Clerk Signature



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

Relating to estray lists

## Minutes:

Attachments #1 & 2

**Representative Trottier, Co-Sponsor:** (2:34) North Dakota Stockmen's Association during the month of December shall send two lists of unclaimed estrays for which the association has received payment to the county auditor of each county. If there is an animal in the sale barn and cannot be identified, that check is withheld and given to the Stockmen's Association.

I have included an amendment (#13.0756.02001). That is for page 1, Section 2 where it says "once each month" which has been taken out. Currently the North Dakota Stockmen's Association is going to post a list of estrays on their website so that sale barns, packing plants, and buying stations can pick that up on their website.

Page 2, lines 8 & 9 have been replaced with "Each livestock auction market, buying station, and packing plant shall print and post in a conspicuous place the latest available list required by this subsection."

**Kenny Graner, Independent Beef Association of North Dakota:** In support of HB1411. (See attached #1)

Sale barns and weigh stations are the most obvious place to post. The neighbors might also see a report. There are many older producers who are not comfortable locating information on a computer. The goal of HB 1411 is to help get money back to the rightful owner.

**Representative Fehr:** Are you in support of the amendment that was just offered?

**Kenny Graner:** Yes.

**Chairman Dennis Johnson:** Is there a problem with the sale barn not wanting to post it?

**Kenny Graner:** With the verbiage "once a month" taken out, our intent was not to make it too much of a burden.

**Mike Heaton, Rancher in Burleigh County:** In support of HB 1411. The estray program could use a little updating to make it operator friendly.

**Opposition/Neutral:**

**Larry Schnell, Stockmen's Livestock in Dickinson and President of the North Dakota Livestock Marketing Association:** I am neutral because we are not sure how this will affect us. The way it is written I wanted to make sure that we are not held liable. We have a lot of regulations already.

If you post at an auction market, in a short amount of time there will be a bull sale poster over the top. We will find a conspicuous place if need be. I haven't heard that this is a big problem. We work together with brand inspectors at our market. We do all we can to find the owner. I don't know that a law is needed.

**Representative Fehr:** The original bill says the list would be mailed out. The amendment says that you would pull it up and post it.

**Larry Schnell:** I don't have a problem with any method.

**Larry Schnell:** It is putting it on us to get it done. What happens if we don't?

**Chairman Dennis Johnson:** Do you have many estrays?

**Larry Schnell:** I couldn't tell you.

**Julie Ellingson, North Dakota Stockmen's Association:** We are in a neutral position. (See attached #2)

Also, explained difference between missing livestock and estray list. Missing livestock are reports offered by the owners of the animals. They will call our office and indicate that they lost a number of animals. We already have a missing livestock list on our website and in our association magazine. An estray is an animal that you don't know the owners. That would be in addition to the missing list.

**Representative M. Nelson:** The amendment adds packing plants. How many places would that be? How would the association feel about packing plants?

**Julie Ellingson:** I didn't realize packing plants were on that list. There is already some information exchange with the state processing facilities. We have to maintain their records and make those available to our law enforcement entities and our brand inspection team. They can use those records to identify. We have a system that works quite well.

**Representative Rust:** How many animals would appear on an estray list over a year?

**Julie Ellingson:** There is a process before an animal is considered an estray. Estrays are either found in the county or they are presented for sale at a market and the shipper doesn't have proper proof of ownership. Those proceeds will be held until ownership can be proved. If that doesn't happen within 60 days, then it is turned over to our chief brand inspector. It is a dynamic list with many changes over the year.

Under this bill it requires a list for six years' worth. That coincides with the number of years the owner can make the case to get the dollars back from their animals. Over the course of the year we figured five or six pages worth as an estimate and then multiplied that estimate times the six years to come up with that list.

**Representative Fehr:** If we have a livestock auction that is not computer savvy, will they find that list easily on your website?

**Julie Ellingson:** We work hard to make our information user friendly. Brand inspection is a main link that takes you to the other information. When HB 1026 passes and we upload an updated estray list, we will promote that new feature to livestock producers.

**Representative Fehr:** In the bill it has a monthly timeline. In the amendment there is no timeline to print the list. You are continually updating your website. How often will they need to print it to have a reasonably current list?

**Julie Ellingson:** It does change a lot. I am not sure of the amount of time.

**Representative Fehr:** If the livestock auctions print monthly, is that adequate in your opinion?

**Julie Ellingson:** It may not be current.

**Representative Rust:** I am on your website. Where do you keep the lists?

**Julie Ellingson:** On left side you will see a series of brown boxes. Go to Brand Inspection--that is where you will find the forms. We do not have an estray list on our website at this time. We do have the missing livestock list.

**Representative Rust:** If it is not difficult, just add another button on the left side to make it easier to find the estrays. That would be easier than if you include it with brand inspection.

**Chairman Dennis Johnson:** If a livestock market doesn't post this, what is the penalty?

**Julie Ellingson:** I don't have the answer.

**Chairman Dennis Johnson:** Closed the hearing.

**Representative Belter:** In the rewrite this information will be posted on the website.

**Chairman Dennis Johnson:** This bill is just to give one more avenue for the people that don't use computers.

**Representative Belter:** Moved Do Not Pass

**Representative Headland:** Seconded the motion.

**Representative Belter:** The technology is there and the information will be posted. This is a duplication.

**A Roll Call vote was taken: Yes   9  , No   2  , Absent   2  .** (Reps. Heilman & Haak)

**Do Not Pass** carries without the amendments.

**Representative Rust** will carry the bill.



**REPORT OF STANDING COMMITTEE**

**HB 1411: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **DO NOT PASS** (9 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1411 was placed on the Eleventh order on the calendar.

**2013 TESTIMONY**

**HB 1411**

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1411

Page 1, replace lines 17 through 19 with:

- "2. a. The association shall maintain and make available on its website an updated list of all estrays for which the association received sale proceeds during the preceding seventy-two months.
- b. Each livestock auction market, buying station, and packing plant shall print and post in a conspicuous place the latest available list required by this subsection."

Page 2, replace lines 8 and 9 with:

- "b. Each livestock auction market, buying station, and packing plant shall print and post in a conspicuous place the latest available list required by this subsection."

Renumber accordingly

H /  
2/15/13

Chairman Johnson and Members of the House Agriculture Committee,

I am Kenny Graner, President of the Independent Beef Association of North Dakota (I-BAND). I am here to testify in support of HB 1411 on behalf of I-BAND..

Sale barns and weigh stations are the most obvious places to post the estray lists.

Not only would cattle producers who are missing cattle be able to easily look for information on lost cattle, their neighbors might also see a report and help notify the owner of the animal. There are still many older producers who are not comfortable with locating information on the computer. By posting the list in sale barns and weigh stations, it would give them a convenient place to view the list in a location that they frequently visit.

Ultimately, the goal of HB 1411 is to help get the money back to the rightful owners of the animals.

Thank you for your time and consideration of HB 1411.

Kenny Graner, President of the Independent Beef Association of North Dakota

Mandan, ND

701-471-8879 (cell)

#2  
2/15/13

## **HB 1411**

Good morning, Chairman Johnson and members of the House Agriculture Committee. For the record, I am Julie Ellingson of the North Dakota Stockmen's Association.

The Stockmen's Association administers the state's brand inspection program for the State of North Dakota, and we appear before you in a neutral position to offer some background information as you contemplate this bill.

As you probably remember from testimony earlier this session, the Stockmen's Association, under current statute, is required to publish at least twice in the official county newspaper a list of all estrays found in that county and for which the association received sale proceeds over the year and to distribute such a listing to the county auditors of the respective counties.

HB 1026, the brand chapter rewrite bill that passed out of the House a couple of weeks ago, maintains the county newspaper publication requirements and adds that the association must maintain and post on its website an updated list of all estrays for which the association received sale proceeds during the preceding 72 months, or six years. That is a new reporting requirement that the NDSA accepted to enhance transparency and make this information more quickly available to anyone interested in it.

The estray data will be added to the brand inspection section of the Stockmen's Association website, where viewers can get information about inspection rules; area brand inspectors; in-state and out-of-state auction markets; registered feedlots; weigh stations; rewards; bills of sale; missing livestock; and truck rollover procedures.

HB 1411 would add another reporting responsibility, requiring the association to mail this same estray report to all of the state's auction markets and scales on a monthly basis.

We estimate that six years of estray data would generate about a 36-page report. The cost of printing and mailing the report would be approximately \$1,395 per year, or \$2,790 per biennium.

That concludes my testimony, Mr. Chairman. I would be happy to stand for any questions you might have.