

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1170

2001 HOUSE AGRICULTURE

HB 1170

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1170

House Agriculture Committee

Conference Committee

Hearing Date 1-19-2001

Tape Number	Side A	Side B	Meter #
ONE	A		00 to 572
Committee Clerk Signature <i>Edward A. Johnson</i>			

Minutes:

A BILL for an Act to amend and reenact sections 4-30-03.1, 4-30-03.2, 4-30-03.3, 4-30-03.4, 4-30-03.6, 4-30-03.7, 4-30-03.8, 4-30-13.1, 4-30-18, 4-30-20, 4-30-36, 4-30-36.2, 4-30-36-3 and 4-30-36.4 of the North Dakota Century Code, relating to elimination of references to the sale of cream and to update references to federal laws and regulations; and to repeal sections 4-30-19, 4-30-21, 4-30-22, 4-30-23, 4-30-24, 4-30-25, 4-30-26, and 4-30-42 of the North Dakota Century Code, relating to standards for production and sale of cream.

1A:00: VICE CHAIRMAN DENNIS JOHNSON: We will now go to HB 1170.

1A:74: Wayne Carlson, Livestock Services Coordinator N.D.D.A.: I am also the acting Dairy Director for the Department. I am here to testify on HB 1170. I am also presenting a proposed amendment to the bill with my written testimony. Please see written testimony attached.

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House Agriculture Committee

Bill/Resolution Number HB 1170

Hearing Date 1-19-2001

1A:315 Representative Renner: Wayne, am I reading this correctly? Is the sale of farm cream prohibited. Is there any exceptions, I know this is going on. We know there are sales of farm cream to neighbors and yes it is strictly illegal. It is transactions going on between neighbors. We do try to stop it if we can. We can't get or don't want to get into what is going on between farmers. Yes, we have received complaints. Yes we will investigate it. Give them a phone call and say its illegal.

1A:450: REPRESENTATIVE RENNERT: Why is it illegal for someone to sell a couple of quarts of cream to supplement there income. The law was put in for health reasons. It protects the general public. Farm cream is not pasteurized. It is not properly handled. There is no inspection of the cream. Because of those reasons the U.S.D.A would eliminate those problems by prohibiting the sales.

1A:541: Chairman D. Johnson: Are there any other questions? Others to testify in support of this bill and amendments. Any opposition We will close the hearing on HB 1170.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1170

House Agriculture Committee

Conference Committee

Hearing Date 1-19-01

Tape Number	Side A	Side B	Meter #
THREE	A		00 TO 324
Committee Clerk Signature			

Minutes:

1A:00 CHAIRMAN NICHOLAS: Chairman Nicholas opened on HB 1170. Amendments were discussed. It was decided that the Amendments were not in proper form and the committee closed on HB1170. The Committee will reopen on this Bill next week. The Committee will take action at that time.

1A:320 CHAIRMAN NICHOLAS: Chairman Nicholas closed on HB 1170

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HBO 1170

HOUSE AGRICULTURE Committee

Conference Committee

Hearing Date 2--1--01

Tape Number	Side A	Side B	Meter #
ONE	A		2680 TO 2931
Committee Clerk Signature <i>Samuel D. Clayton</i>			

Minutes:

CHAIRMAN NICHOLAS: Committee Members please open your Bill Books to HBO 1170.

We have the amendments. We have heard the Bill. I think that we can dispose of it.

Representative Lemieux moves for the Amendments. Seconded by Rep. Renner. All in favor

say yes. O.K. THE HOUSE WILL ENTERTAIN A MOTION ON HBO 1170 AS

AMENDMENDED. REPRESENTATIVE LEMIEUX MAKES A MOTION FOR A DO PASS.

IT WAS SECONDED BY REP. KINGSBURY. THE CLERK WILL TAKE THE ROLL.

THERE WERE ""12 YES""0 NO""3 ABSENT""

REPRESENTATIVE KINGSBURY WILL CARRY THE BILL

FISCAL NOTE

Requested by Legislative Council

12/26/2000

Bill/Resolution No.: HB 1170

Amendment to:

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill has no fiscal impact to the state. It eliminates the reference to the sale of cream in the existing law, clears up some confusion regarding who is eligible to file for bond claims, and updates the references to latest editions of FDA and USDA requirements.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

None

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

None

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for*

expenditures and appropriations.

None

Name:	Jeff Weispfenning	Agency:	Agriculture
Phone Number:	328-4758	Date Prepared:	12/28/2000

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1170

Page 1, line 1, after "sections" insert "4-30-01, 4-30-02, 4-30-02.1," and after "4-30-03.4" insert
", 4-30-03.5"

Page 1, line 3, remove "and" and after "4-30-36.4" insert ", 4-30-37, 4-30-38, 4-30-47, and
4-30-48"

Page 1, after line 7, insert:

"SECTION 1. AMENDMENT. Section 4-30-01 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-30-01. Definitions. In this chapter, unless the context ~~or subject matter~~ otherwise requires:

1. "Approved laboratory" means a laboratory in which the entire facilities and equipment have been approved by the department as being adequate to perform the necessary official tests in accordance with the North Dakota laws and the rules of the department.
2. "Cheese factory" means a place where cheese is made for commercial purposes.
3. "Commissioner" means the agriculture commissioner ~~of agriculture~~ or the commissioner's designee.
4. "Composite sample" means a mixture of single samples of milk or milk products taken from different lots or deliveries, the amount taken each time being in proportion to the amount of milk or milk products delivered. Composite samples are usually taken for determining the butterfat content of a product and are tested at a frequency of not less than once every fifteen days. Preservatives may be added.
5. "Condensery" means a place where condensed or evaporated milk is produced or where milk is changed to a thick liquid by evaporation of a part of the water.
6. ~~"Cream station" means any place other than a creamery where deliveries of cream are weighed, graded, sampled, tested, or collected for purchase.~~
7. ~~"Creamery" means a place where butter is made for commercial purposes.~~
8. "Dairy animal" means any mammal maintained for the commercial production of milk to be offered for sale for use in the processing or manufacturing of milk or dairy products.
9. 7. "Dairy or dairy farm" means a place where one or more dairy animals are kept, a part or all of the milk or milk products from which is sold or offered for sale.
10. 8. "Department" means the department of agriculture.

- ~~44~~ 9. "Distributor" means a person who purchases milk or milk products and transports them to a retail dealer or a consumer.
- ~~42~~ 10. "Drying plant" means a place which manufactures dry milk products obtained by the removal of water from milk or milk products.
- ~~43~~ 11. "Filled dairy products" means any milk, cream, or skimmed milk, or any combination thereof, whether or not condensed, evaporated, concentrated, frozen, powdered, dried, or desiccated, or any food product made or manufactured therefrom, to which has been added, or which has been blended or compounded with, any fat or oil other than milkfat so that the resulting product is in imitation or semblance of any dairy product, including but not limited to milk, cream, sour cream, butter cream, skimmed milk, ice cream, whipped cream, flavored milk or skim milk drink, dried or powdered milk, cheese, cream cheese, cottage cheese, creamed cottage cheese, ice cream mix, sherbet, condensed milk, evaporated milk, or concentrated milk; provided, however, that this term shall not be construed to mean or include:
- a. Any distinctive proprietary food compound not readily mistaken for a dairy product, where such compound is customarily used on the order of a physician and is prepared and designed for medicinal or special dietary use and prominently so labeled;
 - b. Any dairy product flavored with chocolate or cocoa, or the vitamin content of which has been increased, or both, where the fats or oils other than milkfat contained in such product do not exceed the amount of cacao fat naturally present in the chocolate or cocoa used and the food oil, not in excess of one-hundredths per centum of the weight of the finished product, used as a carrier of such vitamins; or
 - c. Oleomargarine.
- ~~44~~ 12. "Grading" means the examination of milk or milk products by sight, odor, taste, or laboratory analysis, the results of which determine a grade designating the quality of the product.
- ~~45~~ 13. "Ice cream plant" means a place where ice cream is made for commercial purposes.
- ~~46~~ 14. "Ice milk plant" means a place where ice milk is made for commercial purposes.
- ~~47~~ 15. "Imitation milk" or "imitation milk product" means a food product or food compound made to resemble milk or a milk product when any of the following occurs:
- a. The food physically resembles milk or a milk product. "Physical resemblance" means those characteristics relating to the composition of food, including fat and moisture content, nonfat solids content, and functional ingredient or food additive content such as emulsifiers, stabilizers, flavor, or color additives.
 - b. The packaging used resembles the packaging used for milk or for a milk product.
 - c. The food product or food compound is displayed in a retail establishment in the same manner as milk or a milk product.

- d. Verbal or pictorial expressions are used on the food products or food compounds, labeling, or in advertisements or other similar devices used to promote the food products or food compounds that state or imply that the food is milk or a milk product.
- e. The food product or food compound in any other way is manufactured, packaged, or labeled so as to resemble the identity, intended use, or physical and sensory properties of milk or a milk product. "Physical and sensory properties" means those characteristics relating to flavor, texture, smell, and appearance of a food product or food compound.
- ~~18.~~ 16. "Milk ~~or cream hauler~~" means a person who owns vehicles used to transport raw milk from a dairy farm to a dairy facility.
- ~~19.~~ 17. "Milk plant or bottling plant" means a place where milk or milk products are collected, handled, processed, stored, and prepared for distribution.
- ~~20.~~ 18. "Milk solids or total solids" means the total amount of solids in milk.
- ~~21.~~ 19. "Overrun" means the increase in volume of a manufactured product due to the incorporation of water, air, or other substance commonly used in the manufacturing processes.
- ~~22.~~ 20. "Pasteurization" as applied to milk or skim milk means the process of heating every particle of milk to at least one hundred forty-five degrees Fahrenheit [62.78 degrees Celsius] and cream and other milk products to at least one hundred fifty degrees Fahrenheit [65.55 degrees Celsius], and holding it at such temperature continuously for at least thirty minutes; or heating every particle of milk to at least one hundred sixty-one degrees Fahrenheit [71.67 degrees Celsius] and cream and other milk products to at least one hundred sixty-six degrees Fahrenheit [74.44 degrees Celsius], and holding it at such temperature continuously for at least fifteen seconds in approved and properly operated equipment. When applied to cream for buttermaking, the cream shall be held at a temperature of not less than one hundred sixty-five degrees Fahrenheit [73.89 degrees Celsius] for at least thirty minutes or not less than one hundred eighty-five degrees Fahrenheit [85.00 degrees Celsius] for at least fifteen seconds. Nothing contained in this definition may be construed as barring any other process which has been demonstrated to be equally efficient which assures proper pasteurization and keeping quality, which is consistent with the most desirable quality, and which is approved by the dairy commissioner.
- ~~23.~~ 21. "Peddler" means a person who purchases milk or milk products and sells them directly to consumers at any place other than from a store, stand, or other fixed place of business.
- ~~24.~~ 22. "Person" means individuals, firms, partnerships, associations, trusts, estates, corporations, and limited liability companies, and any and all other business units, devices, or arrangements.
- ~~25.~~ 23. "Processing or manufacturing" means the treatment of milk or milk products by pasteurizing, bottling, churning, adding flavors to, freezing, dehydrating, packaging, coagulating, or treating in any manner which changes the natural, physical, or chemical properties of the original product.
- ~~26.~~ 24. "Producer dairy" means a dairy farm which sells milk or cream to a dairy plant for processing or manufacturing.

