

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1434

2001 HOUSE AGRICULTURE

HB 1434

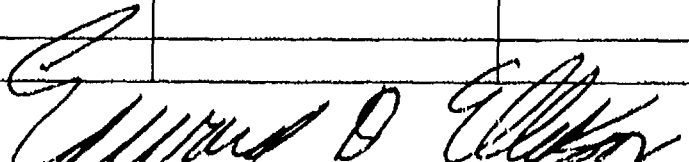
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1434

House Agriculture Committee

Conference Committee

Hearing Date February 15, 2001

Tape Number	Side A	Side B	Meter #
1	x		1 to 791
Committee Clerk Signature 			

Minutes:

Rep. Winrich - District 18: I introduced this bill at the request of the Dakota Resource Council. I will rely on them to discuss the technicalities of this bill.

Chairman Nicholas: Any one else wishing to make comments in support of this bill?

Linda Weiss - Dakota Resource Council: I am here to testify in favor of HB 1434. (see written testimony).

Chairman Nicholas: Do not the State Health Department and the US Food and Drug Administration currently cover this? I think there is a very fast reaction to anything that might be a concern in our food supply. Chemicals released to the market have undergone extensive testing before they are introduced and if they don't meet the testing requirements they are pulled from the market. I don't see the point of this.

Weiss: It is our concern that we need more protection.

Scott _____; We know for the most part that there are residues in food that come from other countries that are not qualified by FDA regulations. This would force those countries to certify those foods would qualify for those regulations. Mad cow and those things are responded to very quickly. But, situations where ingredients to different foods like soy beans or wheat or durum do not get tested as often or as vigorously.

Chairman Nicholas: If we are doing this in 1287, why do we need 1434?

Scott _____; Because passing both bills would enable ND to doubly certified their imports.

Rep. Lemieux: I am surprised, this bill deals only with foods being imported from foreign countries? Is the thrust of this bill to provided food safety for the people of ND?

Scott _____; Yes, it is, we feel that the food we are importing need to be safe under Federal regulations and it would force those countries importing into ND to prove that.

Rep. Pietsch: Do we have any evidence that we have a lot of fruit safety issues affecting ND peop'le as a result of foreign imports of food into the state.

Scott _____; Well, we have had cases of allergic reactions. The biggest problem we have run into is that the testing has not been done on these things. While we haven't had too many problems, we don't want to have any food safety problems.

Rep. Onstad: I address the question if ND accepts this and Minnesota doesn't?

Scott _____; A lot of the trucks that are running fruit come through ND first. So we can do something about it.

Rep. Lemieux: Going back a few years. Was there an instance having to do with beef being brought into this country through Canada and they were imported into Canada for export only? That beef was eventually linked to an outbreak of ecoli.

Scott _____; I think that was correct.

Page 3

House Agriculture Committee

Bill/Resolution Number HB 1434

Hearing Date February 15, 2001

Chairman Nicholas: Any other questions? Anyone else to testify in support of HB 1434? Anyone wishing to testify in opposition to HB 1434? I will close the hearing on HB 1434.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1434

House Agriculture Committee

Conference Committee

Hearing Date 2--16--01

Tape Number	Side A	Side B	Meter #
ONE	A		1370 TO 1618
Committee Clerk Signature <i>William Ellyson</i>			

Minutes:

1A:1370 CHAIRMAN NICHOLAS: Committee Members we will now open on HB 1434.

REPRESENTATIVE JOHNSON MAKES A MOTION FOR A DO NOT PASS IT WAS
SECONDED BY REPRESENTATIVE BRANDENBURG.

REPRESENTATIVE LEMUEUX: Mr. Chairman 1434 talks about food products entering. It
talks about chemical residue in food and 1287 talks about chemical in Agriculture products.

There is a difference in a food product and an Agriculture product. I think if we are sending a
message to the world that we do not want to have the food safety of our country and state
compromised by people will to import products into our country, or food into this country that
could possibly threaten the children and the people in the state and country. The 1434 is an
appropriate follow up to 1287. Food is different then Agriculture products.

CHAIRMAN NICHOLAS: Any further discussion?

The clerk will take the roll on a DO NOT PASS ON HB 1434.

Page 2
House Agriculture Committee
Bill/Resolution Number HB 1434
Hearing Date 2--16--01

CLERK: O.K. we have TEN -- YES THREE -- NO TWO -- ABSENT

REPRESENTATIVE WRANGHAM WILL CARRY THE BILL.

FISCAL NOTE
 Requested by Legislative Council
 01/23/2001

Bill/Resolution No.: HB 1434

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						
Expenditures						
Appropriations						

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

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

As written, HB 1434 requires that food produced or processed in foreign countries cannot be sold in North Dakota unless a signed certificate is obtained from the importer stating it is free of residues or contains residues below established tolerances. Under current law, Chapter 19-02.1, it is unlawful to sell adulterated food products in North Dakota. Any foods containing chemical residues above tolerances set by the federal government or containing residues of chemicals not approved for use by the federal government are considered adulterated.

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.*

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.*

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.*

Name:	Kathy J. Albin	Agency:	Health Department
Phone Number:	328-2392	Date Prepared:	01/25/2001

2-16-01

Date:
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1434

House AGRICULTURE Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Johnson Seconded By B. Brumby

Representatives	Yes	No	Representatives	Yes	No
Eugene Nicholas, Chairman	✓		Rod Froelich	✓	
Dennis E. Johnson - Vice Chairman	✓		Doug Lemieux		✓
Rick Berg	✓		Philip Mueller		
Michael Brandenburg	✓		Kenton Onstad	✓	
Joyce Kingsbury	✓		Sally M. Slandvig	✓	✓
Myron Koppang			Dennis J. Renner	✓	
Edward H. Lloyd		✓	Dwight Wrangham	✓	
Bill Pietsch	✓				

Total (Yes) 10 No 3

Absent 2

Floor Assignment WRANGHAM

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

REPORT OF STANDING COMMITTEE (410)
February 16, 2001 2:22 p.m.

Module No: HR-29-3717
Carrier: Wrangham
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1434: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO NOT PASS**
(10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1434 was placed on the
Eleventh order on the calendar.

2001 TESTIMONY

HB 1434

Dakota Resource Council

P.O. Box 1095
Dickinson, ND 58602-1095
(701) 483-2851

HB 1434

Linda Weiss, Belfield, 575-4234

February 15, 2001

Chairman Nicholas and members of the House Agriculture Committee my name is Linda Weiss. I am from rural Belfield, North Dakota. I am also a member of Dakota Resource Council and co-chair of DRC's affiliate organization, Badlands Area Resource Council, and I am testifying on their behalf in support of House Bill 1434.

This bill complements HB 1287 by protecting North Dakota's consumers from imported food products that contain chemical residues that would not be allowed if the food was produced in the United States. It would require any food coming into North Dakota from a foreign country to have a certificate signed by the producer or processor indicating that the food is safe under United States standards. Again, as in HB 1287 the responsibility for the certificate would fall on shoulders outside North Dakota's borders.

The bill falls under Chapter 19-02, which is the portion of North Dakota Century Code that outlines the state Health Department's responsibilities in enforcement of the Food, Drug, and Cosmetics Act. Under the existing chapter of the Century Code, food is defined as "articles used for food or drink for man or other animals" and "articles used for components of any such article."

The existing chapter of the Century Code also specifies the right of the state to inspect all vehicles containing food, and to seize any food that is suspected of violating any of the prohibited acts listed in the law. If a court finds that the food has indeed been imported in violation of the law, the food must be destroyed at the expense of the food's "claimant or claimant's agent."

The existing chapter of the Century Code also includes a Class B misdemeanor penalty that covers all the prohibited acts listed. Those held accountable are "any person, firm, corporation, or limited liability company having an interest" in the products that have been illegally imported.

In short, this bill would provide an additional safeguard for North Dakota's consumers, in addition to that proposed in HB 1287, against food that has not met U. S. standards. Dakota Resource Council urges the Committee to vote a DO PASS on House Bill 1434. I am open to any questions that I can answer.