

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2386

2007 SENATE AGRICULTURE

SB 2386

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2386

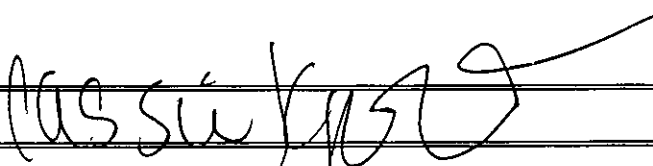
Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: February 1, 2007

Recorder Job Number: 2531

Committee Clerk Signature



Minutes:

Sen. Flakoll opened the hearing on SB 2386, a bill relating to administration of the animal identification program by the state board of animal health. All members (7) were present.

Sen. Seymour, district 5, testified in favor of the bill.

Sen. Seymour- I am in favor of this bill.

Dean Meyer, representing IBAND, testified in favor of the bill. See attached testimony.

Woody Barth, representing ND Farmers Union, testified in favor of the bill. See attached testimony.

Allen Lund, cow/calf producer from Selfridge, ND, testified in favor of the bill. See attached testimony.

Patrick Becker, president of I-BAND, testified in favor of the bill. See attached testimony. He also submitted testimony on behalf of **Kenny Graner**, see attached testimony.

Sen. Flakoll- do you have any thoughts as to what might be a reasonable cost per head or cost per head range to accomplish our objectives?

Patrick Becker- there has never been a cost analysis done as to what is it going to cost, they talk about the animal tracking data, the electronic tags. I guess our policy we are in favor of

some type of a program that incorporates existing policies and try to keep it as minimal as possible.

James Schmidt, farmer/rancher from Menoken ND, testified in favor of the bill. See attached testimony.

Sen. Erbele- is there a federal program?

James Schmidt- they are shifting it to the states hands to be a voluntary program to get the states to get something in place because on the federal level there was to many people against it. Its not just cattle it is all species of animals.

Sen. Erbele- do we have a federally sponsored program, is there something that we as a state can administer from the federal?

James Schmidt- no.

Sen. Klein- if there was a national program the way the law currently reads is that the stockmens would be in charge?

James Schmidt- right, for animals, mules and horses.

Sen. Klein- but if there is we don't want them to no longer be in charge we want to make sure that if the federal program starts it's a go?

James Schmidt- we want it to be handled in the state board of animal health cause they are going to be the ones doing all the trace back, they can still contract. We are duplicating services right now.

Kelly Froelich, representing I-Band, testified in favor of the bill.

Kelly Froelich- I stand in favor of this bill. Animal ID is for health reasons, therefore it makes sense to me that the board of animal health administrate it. I don't believe we need to duplicate services. We are duplicating services and it doesn't make sense to me.

Kent Graham, representing I-BAND, testified in favor of the bill.

Kent Graham- My view is simple, I urge a do pass on this bill. I believe the board of animal health needs to be in charge of this.

Nathan Boehm, dairy producer and chairman of the Board of Animal Health, testified in favor of the bill.

Nathan Boehm- I want to clarify that there is federal money coming yet, we fill out the grant papers through the board of animal health, and the federal money comes down. However at this point this program has been voluntary within the last month or so. We don't know where it is going to go if it will become mandatory or not. There is still federal grant money coming through our office to fund this program.

Julie Ellingson, from the ND Stockmens's Association, testified in opposition to the bill. See attached testimony.

Jack Reich, Blaine Northrop, Darryl Howard and Mary Joeres all representing the ND Stockmen's association were present and in opposition to the bill.

Sen. Taylor- do you have a figure to as to how many have a premises but didn't want to get a number?

Julie Ellingson- I am not sure.

Sen. Klein- I think I heard about some issues with confidentiality, we heard it earlier of concerns that industry may have with keeping their records confidential, and here I am hearing that you are concerned about the way the bill is written because we are going to open up the records from confidentiality. Do you want to just fill me in a little more on what we are doing and how we are treating that.

Julie Ellingson- we are worried about confidentiality. We fear that people for the wrong reasons want access to that information. On the hand outs that I handed out there is a copy of our brand renewal form, these are returned to our office. We fear that by repealing this

section that is outlined in this bill that it opens that information up. We fear about what would happen if this was taken away and we have all the original documents that people could request by open records or whatever it might be to look through those and have information that they don't need and have no use to have.

Sen. Taylor- are brand records confidential now?

Julie Ellingson- I am not sure if I have that answer.

Sen. Flakoll closed the hearing.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2386

Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: February 2, 2007

Recorder Job Number: 2740

Committee Clerk Signature

Cassie Krohn

Minutes:

Sen. Flakoll opened discussion on SB 2386.

Sen. Klein- one of the questions I had was does the animal board of health want to do this?

Sen. Taylor- I had some discussions and Sen. Erbele tried to work on some ways to try to make it work for both parties we didn't really get anywhere on that. I got a phone call from a man with the board of animal health and he said that the relationship is working well right now with the shared duties, there is a lot of resistance from the Stockmen's if they were taken out of the roll as administrator and put in a contracted position. They really don't want to be a contractor and if the issue is pushed the board of animal health would be looking at some new to administrate horses, cattle and mules. Which has worked really well with the Stockmen's and there brand program.

Sen. Erbele motioned for a Do Not Pass and was seconded by **Sen. Taylor**, 7 yeas 0 nays 0 absent. **Sen. Erbele** was designated to carry the bill to the floor.

FISCAL NOTE
 Requested by Legislative Council
 01/24/2007

Bill/Resolution No.: SB 2386

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues			\$0	\$0	\$0	\$0
Expenditures			\$0	\$0	\$0	\$0
Appropriations			\$0	\$0	\$0	\$0

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			\$0	\$0	\$0	\$0	\$0	\$0

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill would change the state's administrator and allocator for any federally sponsored animal identification program for cattle, horses, and mules from the North Dakota Stockmen's Association to the State Board of Animal Health. There is no fiscal impact.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

None

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, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

None

Name:	Jeff Weispfenning	Agency:	Agriculture
Phone Number:	328-4758	Date Prepared:	01/24/2007

REPORT OF STANDING COMMITTEE

SB 2386: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO NOT PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2386 was placed on the
Eleventh order on the calendar.

2007 TESTIMONY

SB 2386

SENATE BILL 2386

Mr. Chairman, members of the committee,

For the record, my name is Dean Meyer, and I am appearing on behalf of the cattlemen's group, I-BAND. There are several members of the association here this morning to voice their support for this legislation.

Senator Seymour and others introduced this bill at our request. You are going to hear from cattlemen on both sides of this issue. Cattlemen who are dedicated to the industry and have spent their lifetime striving to provide their family with a good living, and working to ensure their children and grandchildren will be afforded the same chances. We all want the same thing, but sometimes we differ in how that should be done.

This bill would remove the North Dakota Stockmen's Association from being the *only program* administrator of any federal sponsored animal identification program, and place ~~it~~ under the administration of the board of animal health. That is it. Simple and straightforward. The board of animal health would still be able to contract that job out if it so desires. This would not prohibit the board from doing that, but it would be an option, not a requirement.

I don't think anything in my years in the livestock industry has created so much controversy as a National Animal Identification System. Hearings have been held across the nation. I think most of us can recall when it was part of the country-of-origin labeling legislation. That national legislation said that country-of-origin labeling would not mandate individual animal ID. That changed to require animal ID by a certain date, and COOL was left by the wayside. The individual ID has been changed to be a voluntary animal ID. At least for now.

But the Independent Beef Association of North Dakota feels strongly that, since even a voluntary system is being created for tracking animal disease, the administration should be placed under the auspices of the Board of Animal Health.

We are not talking a marketing tool here. We are not talking about registering cattle as North Dakota born and bred, all natural beef, or North Dakota fed. We are talking about a database that is created for the purpose of identifying and tracing back an animal that is infected with a disease. We are talking about a system that is being developed to protect the general population, as well as our industry. We feel that as this program goes forward, it should be a function of government, not a private group. Isn't this what the Board of Animal Health should be doing?

We urge the committee support Senate Bill 2386.

Thank you

North Dakota Farmers Union

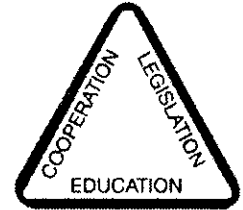
PO Box 2136 • 1415 12th Ave SE • Jamestown ND 58401

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WEBSITE: www.ndfu.org

E-MAIL: ndfu@ndfu.org



SB 2386
Senate Agriculture Committee

Chairman Flakoll and Members of the Senate Agriculture Committee,

My name is Woody Barth; I am here representing the members of North Dakota Farmers Union. I am here to testify in support of SB 2386.

North Dakota Farmers Union believes our states animal identification program should be administered and maintained by our state's board of animal health and not by a private organization.

Allowing our state's board of animal health to administer this program will provides the least possible cost to producers, encourages full participation and allows for adequate liability protection.

We urge a do pass on SB 2386.

Thank you Chairman Flakoll and members of the committee. I will answer any questions at this time.

February 1, 2007

Mr. Chairman, members of the committee,

My name is Allen Lund. I'm a cow/calf producer from Selfridge, N.D.

I stand in favor of S.B. 2386.

First of all I would like to state that the National Animal Identification System (NAIS) belongs in the hands of the state boards of animal health and the state veterinarian's offices. It does not belong in the hands of private organizations. This program was designed to identify and trace back animals, only in the event of a disease outbreak. If a disease outbreak were to occur in North Dakota, it would fall on the shoulders of the state board of animal health to get a handle on it as fast and as effectively as possible. It only makes sense then that they should be the ones in charge of administering, designing and implementing this program to best fit the needs of the North Dakota livestock industry. When the USDA first introduced the NAIS, approximately four years ago, private organizations flocked to the table in an attempt to get their hands on a piece of the grant money that was floating around. Other than becoming a cash cow for private organizations, nothing has been accomplished in finding a least cost, workable effective program for a voluntary animal ID system.

The North Dakota Stockmen's Association represents a fraction of the states livestock industry, while the North Dakota State Board of Animal Health represents the states livestock industry in its entirety.

Therefore, I would ask for your support in putting the state board of animal health in charge of administrating and allocating any federally sponsored animal identification programs within this state.

Thank you,

Allen Lund
1967 hwy 24
Selfridge, N.D. 58568
(701) 422-3747

**DIRECTORS
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President
701-422-3396

Allen Lund
Secretary
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Kelly Froelich
701-422-3636
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**DIRECTORS
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701-222-3688

TREASURER

Carol Maher
701-673-3161

<http://i-band.org>
E-mail: beef@i-band.org

January 31, 2007

Mr. Chairman and Members of the Committee:

My name is Patrick Becker; I ranch with my two sons in Sioux County on a ranch started by my father in the 1940's. Presently, I serve as President of I-BAND; I rise in support of SB 2386. There are several reasons we support the State Board of Animal Health as the states administrator and allocator of any animal identification program.

Dairy, swine and sheep and non-traditional livestock are administered by the state board of animal health right now. It does not make sense to have the beef animals administered under a private organization, this is duplication of services.

Since the sole purpose of the NAIS is for fast animal trace back in the event of an animal disease outbreak. The program would be more efficient and effective if administered by the state health officials who ultimately would have to handle an animal disease outbreak and quickly get it under control. Having administration through any private organization merely adds one more step to the process thus taking more time, as any problems would have to be referred back to health officials for them to handle.

We are also concerned about the financial ramifications as there has never been a cost analysis done as to cost per head to the producer. Last month I heard from an Australian rancher where they have a mandatory ID program in place and the cost is \$37.50 per head/per year. Any private organization administering such a program will not do this without profiting from it. The purpose of the NAIS is to protect against animal disease outbreak, it makes sense to keep this program at the state level where all tax payers can help pay for it rather than have the producers shoulder the lions share of the funding burden. It will benefit everyone so everyone should share the cost.

Another area of concern we have is the proposed marketing benefits producers could derive from NAIS. Data containing age and source verification and carcass data compilation could be available to producers. Producers can do this already if they so choose. The NAIS is strictly for animal health, nothing else. We do not need a private organization compiling this data under the guise of NAIS. We believe the confidentiality of this information is extremely important and that state health officials will collect only data the NAIS was designed to collect for trace back and make every effort to keep this information confidential

In closing we appreciate what this committee and all legislators do. You make many individual sacrifices to make this legislative process work and we thank you for that.

Patrick L Becker

From: Kenny Graner [granerangus@extendwireless.net]
Sent: Wednesday, January 31, 2007 9:29 PM
To: Patrick L Becker; Allen Lund
Cc: granerangus@extendwireless.net
Subject: Fw: Hearing tomorrow

Pat,
Mary and I cannot attend the hearing tomorrow. Can you please submit this on our behalf?

Thanks,

Kenny and Mary

Mr. Chairman and members of the committee, I am Kenny Graner: Farmer/Rancher, Husband, Father of 4, and 4th Generation Rancher in Morton County. I am unable to attend this hearing, as I am unable to get away from the ranch during feeding time.

I believe that if the Federal Government imposes a Mandatory ID System, it should be handled under the Board of Animal Health. There is no need for duplicating services through an outside entity such as the North Dakota Stockmen's Association. This will help control costs to the producer.

Mandatory ID is strictly a "Health Issue" and should be supported through Federal Funding, not a private entity.

This Bill is written so the Board of Animal Health can still contract an outside person to help run the ID program, if need be.

We support a "Do Pass" on this bill.

Kenny and Mary Graner
5355 Hwy 1806
Mandan, ND 58554
701-663-3805

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Version: 7.5.432 / Virus Database: 268.15.15/581 - Release Date: 12/9/2006 3:41 PM

1/31/2007

In support of :

Senate Bill 2386

My name is James Schmidt. I am a farmer/Rancher from Menoken ND
I run a 300 cow / calf operation and I background my calves.

Confidentiality is my biggest concern, so we cannot allow another organization to administrate animal ID on horses, mules and cattle when the State Veterinarian and Board of Animal Health are going to have to do all the trace back in case of a disease out break.

The USDA came out and dropped the mandatory ID system to a voluntary one because of all the organizations and tag companies trying to use it for various marketing programs and out cry of producers and public.

Right now the ND Stockman's submits names to the governor for appointments on the board of Animal Health. There for horses, mules and cattle will be represented when dealing with animal trace back for diseases.

The ND Stockman's right now have two past directors on the Board of Animal Health -Past President Jeff Dahl and past director Francis Maher.

The USDA will save (roughly \$120,000.00) a year because we will not be having the duplicating of services as is now.

The State Veterinarian has all other species and it does not make sense to split horses, mules, and cattle out from the State Vets hands.

The State Vet and Brand Inspection already work together on tracing cattle for ownership so they do have a working relationship. The Stockman do need credit for the work they have displayed on using brands for trace back for an ID system, but they have been paid for their time as well.

Further more the stockmans ~~are~~ ~~not~~ were in favor
on house bill 1420 because they didn't want to
see duplicating of SERVICES And thats what
we are doing now with Animal I.D.

Right now its a voluntary program but we
need to be proactive and not wait and take the
wait and see attitude the USDA wants to
have a 100% premiss ID By 2009

James Schmitt

North Dakota



STOCKMEN'S ASSOCIATION

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Testimony on SB 2386

Julie Ellingson, North Dakota Stockmen's Association

Good morning, Chairman Flakoll and Ag Committee members. For the record, my name is Julie Ellingson of the North Dakota Stockmen's Association and I'm here to OPPOSE SB 2386.

As you well know, the North Dakota Legislature designated our association as the state administrator of any animal identification program for cattle, horses and mules back in the 2001 legislative session. The bill that enacted that legislation was nearly unanimously passed in both chambers, and for good reason. The North Dakota Stockmen's Association is a natural fit for animal identification administration. We already manage the state's brand inspection and brand recording programs and have a long, proven track record of animal identification and traceback with producers and health officials alike.

Long before the North Dakota Legislature handed us this important responsibility and long before RFID, EID and NAIS became industry buzzwords, our association was preparing for changes that could occur if a national animal identification program was put in place. Our staff and volunteer leaders have been engaged in identification discussions for nearly a decade to make sure that whatever system would be or will be adopted is one of common-sense – simple, effective, cost-efficient and not duplicative of systems and services already in place. We owe that to the producers we represent.

With that in mind, we have long advocated incorporating brand programs into the National Animal Identification System because the programs and field staff are already in place and, with a little tweaking, can accomplish the traceback goals in a workable system already supported by

North Dakota



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the industry. As the administrator of both programs, we can make sure that happens. In the words of Wade Moser, our executive vice president, who regrettably couldn't be here today, "The last thing we need is a bureaucrat chasing around when our brand inspectors are already doing that work."

Since 2001, we have worked in concert with the State Board of Animal Health in animal identification programs and, specifically, premises registration. At last count, North Dakota was 11th in the nation for premises registration, with nearly 7,900 premises registered. Because of our day-to-day contact with livestock producers and by dovetailing premises registration with the recent brand renewal process, the North Dakota Stockmen's Association, and Mary Goeres, our animal ID coordinator and brand recorder, specifically, registered approximately 5,800 of those, or 73 percent, through our office. We are even more proud to have done so with no cost and very little hassle to producers – just the way we like it.

We appreciate our strong working relationship with the Board of Animal Health and, particularly, our relationship with Dr. Jim Clement and Becky Bass and their assistance with registering "exception premises," or those requiring global position coordinates. Dr. Clement has also championed our position on incorporating brands to make animal identification feasible for livestock producers.

When the U.S. Department of Agriculture released its latest National Animal Identification System User Guide earlier this winter, we think they may have had our state in mind when it pegged the NAIS as a state, federal and industry partnership. This one line on the front cover of that User Guide, pretty well sums up the 66 pages that follow and the direction animal ID is going in America.

North Dakota



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Among the key points identified in the document is this: "NAIS is a state, federal and industry partnership that continues to evolve to meet producer demands. [It] works best if there is active involvement and feedback from the states, the industry and producers."

In another section entitled "Roles and Responsibilities," USDA stresses the partnership again and states, "The responsibility for implementing and administering NAIS is shared among numerous entities – state and tribal governments, industry groups/private companies and USDA," and specifically identifies the North Dakota Stockmen's Association as a contact, along with the State Board of Animal Health, for animal identification in North Dakota.

After working cooperatively for this long and being ahead of every other place in the country in animal identification, it would seem foolish to change direction now, especially after the national direction seems to be using North Dakota as its model.

This is also a pivotal time, since our chief brand inspector, Darryl Howard, is currently serving as the president of the International Livestock Identification Association and is working to coordinate the western brand states to adopt similar systems.

Why do we care so much about this? Our animal identification program certainly isn't a profit center for our association. It's not that we don't have other things to do either. It's because we represent North Dakota livestock producers, we have a vested interest in making animal identification in our state workable, effective and common-sense and we already have a highly trained workforce in place and brand programs that dovetail right into this all.

We also have concerns about repealing the section of the Century Code that deals with confidentiality of animal ID records. We have literally thousands of original brand renewal documents with premises registration information on them on file in our office, and we fear that

North Dakota



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repealing this section will make the information that has already been collected vulnerable.

In closing, when you are considering your vote on this bill, I urge you to consider the old adage, "If it ain't broke, don't fix it." We'd appreciate your do-not-pass recommendation.



United
States
Department
of
Agriculture

National Animal Identification System (NAIS)

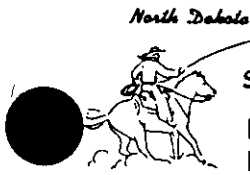
A User Guide

And Additional Information Resources

Draft Version
November 2006

*A State - Federal - Industry Partnership
The NAIS is a Voluntary Program*

The November 2006 User Guide is the most current plan for NAIS and replaces all previously published program documents, including the 2005 Draft Strategic Plan and Draft Program Standards and the 2006 Implementation Strategies.



STOCKMEN'S ASSOCIATION

North Dakota Stockmen's Association • 407 South 2nd St.
Bismarck, ND 58504 • (701) 223-2522 • www.ndstockmen.org

Application for Livestock Brand

RENEWAL

<i>Office Use Only</i>	
Amount Rec'd _____	Date Rec. _____
Cash _____	Check # _____
385 _____	386 _____ 387 _____

Your brand will expire on January 1, 2006.

All brand information must be re-recorded exacty as shown above. The only exception is an address change, legal name change or the addition or deletion of a name(s). See instruction sheet on how to change ownership.

To renew a brand, review the information above and in the space provided below, please make the necessary changes in address and /or add name(s). If the brand is to be recorded in more than one name, indicate which of the following terms is to be used between names: "or," "and" or "and/or." If no preference is indicated, the word "or" will be recorded.

For any other changes, call the NDSA office at 701-223-2522.

Check here if you DO NOT want a premises number issued to you.

If you DO want a premises number (no additional cost) please fill out the reverse side of this form.

EACH OWNER MUST SIGN THE APPLICATION. Brands for trusts must be recorded in the name of the trustee(s). Brands may be recorded under a ranch name if the name is the same as the owner, or by providing copies of incorporation papers, fictitious name certificate or trade name registration, which have been filed with the North Dakota Secretary of State. All those who will be doing business with the brand must be listed as owners.

_____	_____	_____
<i>(Applicant please sign here)</i>	<i>(Applicant please sign here)</i>	<i>(Applicant please sign here)</i>
_____	_____	_____
<i>(Applicant please sign here)</i>	<i>(Applicant please sign here)</i>	<i>(Applicant please sign here)</i>

THE FEE FOR RENEWING A BRAND IS \$25.00 PER POSITION PER SPECIES.
(Example: One cattle position and one horse position equals \$50.00. Three cattle positions equal \$75.00.)

If you should renew this brand, it will remain registered to you until January 1, 2011.

PLEASE NOTE: The brand as indicated above represents your brand as recorded by the North Dakota Stockmen's Association. The owner is cautioned to adhere strictly both as to the character of the brand and to the position to be branded.

