

2019 SENATE AGRICULTURE

SB 2079

2019 SENATE STANDING COMMITTEE MINUTES

Agriculture Committee
Roosevelt Park Room, State Capitol

SB 2079
1/4/2019
30407

- Subcommittee
 Conference Committee

Committee Clerk: Dan Johnston II

Explanation on reason for introduction of bill/resolution:

Relating to the definition of pasteurized milk ordinance and to the pasteurized milk ordinance revision.

Minutes:

1 Attachment

Chairman Luick: Opened the hearing on SB 2079.

Nathan Kroch, Dairy Coordinator, ND Department of Agriculture: See Attachment #1 in support of the bill.

(3:31)Chairman Luick: On the second paragraph of the second page, where you talked about the updates of the 2017 revisions, do we have to do anything or is that being handled by another Agency? Or is it all going to be incorporated into this bill?

Nathan Kroch: This bill will take care of everything. We adopt to PMO by reference, and then we use all of the requirements within the PMO for our standards

Senator Hogan: Have we ever had an emergency clause in this, or does this just take effect in August?

Nathan Kroch: This is just a standard; we have never had anything different. It has always been the same 2 years, every two years.

Senator Hogan: So there is no urgency in this?

Nathan Kroch: There is none.

Senator Larsen: Do you know how much milk is exported from North Dakota? I have a question to follow up with.

Nathan Kroch: I do not know specific numbers of the export, that is kind of proprietary information from the plants. However, I would say that a great majority of the milk is actually.

exported across state lines. Both of our plants ship to multiple States, in fact the Fargo plant ships to nearly every State with their yogurt production.

Senator Larsen: How many dairy farms are there in North Dakota that produce Grade-A and Grade-B?

Nathan Kroch: We have 68 total dairies, nine of which are manufacturing grade and then the 59 would be Grade-A. We have certain requirements for which dairies can go into bottles and which ones can go for cheese.

Senator Larsen: A session or two back we decided to do a corporate dairy farms and hog production I think. Like in South Dakota when that failed there and somebody came forward through the courts to have opened up corporate farming there; has there been any movement or have you heard of anybody like the Stockman's Association or the turkey farm people or anybody that has wanted to move that forward, to just have it totally open?

Nathan Kroch: I personally have not had any communications about opening that up and I do not have a lot to do with that, I'm mostly dairy and some meat inspection regulation

Senator Klein: what are we changing? What is changed? Is it just a rubber stamp, you just put the same page in next trip? What can we do, or what are we doing to make things safer for the American or North Dakota consumer. We keep adopting things by reference, which is sometimes troubling in North Dakota, but we do that in this case, what are we adopting? What are some of the changes that we are adopting that weren't in regulation two years ago?

Nathan Kroch: The past conference there were, I think it was, 110 proposals, of which the majority don't pass proposals and changes in the pasteurized milk ordinance. However, the majority of changes were not changes in regulations, but more clarifications and simplification of the language. So many of it is clerical changes, I do not think any of the changes affect milk producers. There are some changes for processors to align with the Food Monetarization Act to allow milk to be in line with the other FDA products.

Senator Klein: Do you know how many "small" dairies we have left in the State?

Nathan Kroch: We do not have any hard data, we do not collect cow numbers or volumes in our office, and we do not keep track of those specifically. It is going more towards a large dairy situation and I think that's economics based. We do still have quite a few that are around fifty-to-one hundred cow, that's seems to be the average.

Senator Klein: You talked about the amount of dairy products we are shipping across State lines, that is primarily in manufacturing form. With 68 dairies we are not producing enough fluid milk for our own consumption, are we?

Nathan Kroch: I am not sure of the percentage we keep in North Dakota, I know we do import milk; it also has to go through the milk marketing board. But a lot of the production is going toward more of a yogurt base. However, the vast majority of our milk is bottled in North Dakota, for North Dakotans and we do not bring in a whole lot from outside.

Senator Klein : There was a study done two years ago, I can't remember the name of the group, but they brought all this information forward on we could do to expand or to provide more opportunities to dairy, do you know if anyone has taken that information and applied it?

Nathan Kroch: I am unfamiliar with that study; it would have been before my time as I have only been with the NDDA for a year.

Chairman Luick: Closed the hearing on SB 2079.

Senator Klein: Moved a Do Pass

Senator Larsen: Seconded

A Roll Call Was Taken: 6 yeas, 0 nays, 0 absent.

Motion Carried.

Senator Klein will carry the bill.

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2079**

Senate Agriculture Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Senator Klein Seconded By Senator Larsen

Senators	Yes	No	Senators	Yes	No
Senator Luick-Chairman	✓		Senator Hogan	✓	
Senator Myrdal-Vice Chair	✓				
Senator Klein	✓				
Senator Larsen	✓				
Senator Osland	✓				

Total (Yes) 6 No 0

Absent _____

Floor Assignment Senator Klein

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

REPORT OF STANDING COMMITTEE

SB 2079: Agriculture Committee (Sen. Luick, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2079 was placed on the
Eleventh order on the calendar.

2019 HOUSE AGRICULTURE

SB 2079

2019 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Peace Garden Room, State Capitol

SB 2079
3/1/2019
Job #33040

- Subcommittee
 Conference Committee

Committee Clerk: ReMae Kuehn

Explanation or reason for introduction of bill/resolution:

Relating to the definition of pasteurized milk ordinance and to the pasteurized milk ordinance revision

Minutes:

Attachment #1

Nathan Kroh, Dairy Coordinator, North Dakota Department of Agriculture:
(Attachment #1)

(3:00)

Representative Richter: On line 7 of the bill, the date 2017, couldn't that be changed to most current revision? With a specific date, we are back every two years.

Nathan Kroh: You could do that. We don't have an option in the end because we are evaluated by the Food and Drug Administration. To keep the interstate shipments open, we have to adopt it.

Representative Tveit: For the last two years we been operating beyond the law. I think his suggestion would fit.

Nathan Kroh: The current edition is the 2017 PMO (Pasteurized Milk Ordinance). It was written in 2018 and adopted in 2019. There is back tracking before everything is adopted.

Chairman Dennis Johnson: We do this every session.

Representative Skroch: The final action was taken in 2019. Why don't we just use 2019 so it looks like it is current?

Nathan Kroh: The NCIMS (National Conference on Interstate Milk Shipments) conference only counts the PMO as the year the conference was taking place. Then they approve everything. When they print it, it is a year to 18 months later.

House Agriculture Committee

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March 1, 2019

Page 2

Representative Tveit: Moved Do Pass

Representative Satrom: Seconded the motion

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

Do Pass carries.

Representative Tveit will carry the bill.

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2079**

House **Agriculture** Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass Without Committee Recommendation
- As Amended Rerefer to Appropriations
- Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Rep. Tveit

Seconded By Rep. Satrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	X		Rep. Ruth Buffalo	X	
Vice Chairman Wayne Trottier	X		Rep. Gretchen Dobervich	X	
Rep. Jake Blum	X				
Rep. Jay Fisher	X				
Rep. Craig Headland	AB				
Rep. Dwight Kiefert	AB				
Rep. Aaron McWilliams	AB				
Rep. David Richter	X				
Rep. Bernie Satrom	X				
Rep. Cynthia Schreiber Beck	X				
Rep. Kathy Skroch	X				
Rep. Bill Tveit	X				

Total **Yes** 11 **No** 0

Absent 3

Floor Assignment Rep. Tveit

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

REPORT OF STANDING COMMITTEE

SB 2079: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2079 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

SB 2079

COMMISSIONER
DOUG GOEHRING



1-4-19

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SB 2079

Attachment #1

**Testimony of Nathan Kroh
Dairy Coordinator
North Dakota Department of Agriculture
Senate Bill 2079
Senate Agriculture Committee
Roosevelt Room
January 4, 2019**

Chairman Luick and members of the Senate Agriculture Committee, I am Nathan Kroh, the Dairy Coordinator for the North Dakota Department of Agriculture (NDDA), and I am representing Agriculture Commissioner Doug Goehring. I am here today in support of SB 2079, which will amend provisions of the North Dakota Century Code (NDCC) §4.1-25 to update federal references in the dairy product regulations.

NDDA regulates milk production from the producer, through the processing and distribution stages to ensure a safe and wholesome product for consumers. NDCC§ 4.1-25 is the law that sets the standards and requirements in all phases of production for milk and milk products.

North Dakota adopts federal regulations in NDCC §4.1-25 because the Food and Drug Administration (FDA) requires every state to adopt the same standards and regulations for interstate shipment of milk and milk products. The National Conference of Interstate Milk Shipments (NCIMS) is an organization made up of state and federal dairy regulators, producers, and dairy processors. The NCIMS meets every two years to update and revise existing Grade A milk and milk product standards and regulations. The FDA has input and must agree with the revisions to the standards and regulations. NCIMS then publishes the most current versions for states to adopt into their standards and regulations. This bill updates these references to reflect the most current publications of these federal dairy regulations.

Three of those references are the "Pasteurized Milk Ordinance" (PMO), the "Procedures Governing the Cooperative State-Public Health Service Food/Drug Administration Program of National Conference on Interstate Milk Shipments" and the "Methods of Making Sanitation Ratings of Milk Shippers." The current publication year for these revisions are "2017".

In addition, our state has adopted the latest edition of "Evaluation of Milk Laboratories," which also needs to be updated to the 2017 revision. This provides the current laboratory testing requirements and procedures for accreditation and evaluation of milk and milk testing laboratories.

These changes to the state law are important to our dairy industry. Other states cannot accept Grade A milk and milk products from North Dakota, if they are not produced and tested within the nationally adopted requirements established by the NCIMS. We currently have processors that currently ship milk products to nearly every state in the country, so it is important that North Dakota accepts the amendments to keep up to date with the NCIMS requirements for all Grade A milk and milk product interstate shipments.

Chairman Luick and committee members, thank you for your consideration of SB2079. I would be happy to answer any questions you may have.



**Testimony of Nathan Kroh
Dairy Coordinator
North Dakota Department of Agriculture
Senate Bill 2079
House Agriculture Committee
March 1, 2019**

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3/1/19

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