

2019 SENATE AGRICULTURE

SB 2239

2019 SENATE STANDING COMMITTEE MINUTES

Agriculture Committee
Roosevelt Park Room, State Capitol

SB 2239
2/1/2019
31997 (9:29)

- Subcommittee
 Conference Committee

Committee Clerk: Dan Johnston II/ Meghan Pegel
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Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact section 36-01-36 of the North Dakota Century Code, relating to animal identification program records; and to amend and reenact section 36-01-32 of the North Dakota Century Code, relating to the development and maintenance of animal tracking databases.

Minutes:

4 Attachments

Chairman Luick opens the hearing on SB 2239.

Robert Erbele, District 28 Senator, testifies in favor

Senator Erbele: This bill is simply a technical correction. For several interims in a row, I've had the privilege of chairing the interim Agriculture committee meetings when we were doing the Ag rewrite. That was just going back in the code and cleaning up old language. We couldn't change anything; we just had to update language. This bill deals with the animal databases and the confidentiality of the producers. It got moved, but didn't get moved correctly. I have amendments that legislative council didn't get quite right (**see attachment #1**). As to the details of what section of the code and how it effects it, we have Dr. Susan Keller here to explain the details to you.

(1:55) Dr. Susan Keller, ND State Veterinarian and ND Board of Animal Health representative, testifies in favor (see attachment #2)

Chairman Luick: Have you had a chance to look through the amendments?

Dr. Keller: I have not seen the latest draft from Senator Erbele, but I don't think there will be an issue.

(5:15) Mary Graner, Independent Beef Association of ND, testifies in favor on behalf of Kerry Dockter (see attachment #3)

(6:35) Emery Fiendish, ND Stockmen's Association, testifies in favor on behalf of Julie Ellingson (see attachment #4)

Chairman Luick closes the hearing on SB 2239.

Senator O. Larsen moves to adopt amendment 19.0849.01001 as proposed by **Senator Erbele**. **Senator Klein** Seconds.

A Roll Call vote was taken: 6 yeas, 0 nays, 0 absent. Amendment is adopted.

Senator O. Larsen moves for a do pass as amended. **Vice Chair Myrdal** Seconds.

A Roll Call vote was taken: 6 yeas, 0 nays, 0 absent. Motion carries.

Senator O. Larsen will carry the bill.

OK
128

PROPOSED AMENDMENTS TO SENATE BILL NO. 2239

Page 1, line 9, overstrike "an"

Page 1, line 9, overstrike "database" and insert immediately thereafter "databases"

Page 1, line 11, overstrike "database" and insert immediately thereafter "databases"

Page 1, line 14, replace "**Animal**" with "**Premises identification, animal**"

Page 1, line 14, after "identification" insert a boldfaced underscored comma

Page 1, line 14, after "**and**" insert "**animal**"

Page 1, line 16, replace "pursuant to section 36-01-02" with "for purposes of premises identification, animal identification, or animal tracking"

Page 1, line 17, remove "pursuant to"

Page 1, line 18, remove "section 36-01-02,"

Page 2, line 10, replace the third "the" with "a premises identification, animal identification, or"

Re-number accordingly

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2239**

Senate Agriculture _____ Committee

Subcommittee

Amendment LC# or Description: 19.0849.01001 _____

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 Larsen _____ Seconded By Senator Klein _____

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

Total (Yes) 6 _____ No 0 _____

Absent 0 _____

Floor Assignment _____

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

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2239**

Senate Agriculture Committee

Subcommittee

Amendment LC# or Description: 19.0849.01001

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 Larsen Seconded By Vice Chair Myrdal

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

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Larsen

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

REPORT OF STANDING COMMITTEE

SB 2239: Agriculture Committee (Sen. Luick, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2239 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "an"

Page 1, line 9, overstrike "database" and insert immediately thereafter "databases"

Page 1, line 11, overstrike "database" and insert immediately thereafter "databases"

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Page 1, line 18, remove "section 36-01-02,"

Page 2, line 10, replace the third "the" with "a premises identification, animal identification, or"

Renumber accordingly

2019 HOUSE AGRICULTURE

SB 2239

2019 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Peace Garden Room, State Capitol

SB 2239
3/21/2019
Job #34122

- Subcommittee
 Conference Committee

Committee Clerk: ReMae Kuehn

Explanation or reason for introduction of bill/resolution:

Relating to the development and maintenance of animal tracking databases

Minutes:

Attachments #1 and 2

Senator Erbele, Co-Sponsor: (Attachment #1) Introduced bill. When we did the agriculture rewrite, we had this in the wrong section of code. We would like an emergency clause.

Beth Carlson, Deputy State Veterinarian: The Stockmen's Association and the Board of Animal Health share some oversight over the animal disease traceability. In the past it was called the animal identification program. The Stockmen's Association language was moved out of the animal health chapter. The language for confidentiality protection went with it. This is a correction---not a change.

Representative Skroch: What specific data is collected?

Beth Carlson: It is the address and specific location of the facility. It also pertains to health information associated with that. Some is subject to open records laws and that pertains to what is in 36-01-13. That would be information pertaining to disease. One disease that brought this forward was the Johne's disease control program which is a voluntary program. This change left them open to open records requests. That discourages participation in a voluntary program.

Representative Skroch: How is the data gathered? Is it provided by email or how is it gathered?

Beth Carlson: The initial registration was done by paper. All of our disease information is kept in various ways. Some are lab reports. Some are direct from veterinarians.

Representative Skroch: There is no mandatory reporting required at this time?

Beth Carlson: There is no mandatory registration requirement. There are certain diseases that it is mandatory for veterinarians to report. Anyone who believes certain diseases are present are required to report them.

Representative Skroch: The numbers reported are not current unless they are updated on a regular basis.

Beth Carlson: Once the information is collected, we haven't verified if it is current.

Representative Buffalo: How are livestock cases handled located around the oil patch?

Beth Carlson: If there are animals exposed to contamination, that information will be shared with public health officials. But that is not information that we would share.

Representative Buffalo: If animals die from exposure or from drinking waste water, then you notify public health and then the public?

Beth Carlson: Typically we are notified from health or a member of the public.

Representative Skroch: If this data is voluntarily submitted, what if animals are brought in from a neighboring state with disease. How soon would a rancher have to report that he brought in cattle?

Beth Carlson: When animals are brought in to the state legally, there is a document called "Certificate of Veterinary Inspection" which identifies that group of animals. All information is provided to our office by state of origin. We also work closely with brand inspection.

Julie Ellingson, North Dakota Stockmen's Association: (Attachment #2)

Opposition: None

Chairman Dennis Johnson: Closed the hearing

Representative Headland: Moved to adopt the amendment

Representative Satrom: Seconded the motion

Voice Vote taken. Motion passed.

Representative Schreiber-Beck: Moved Do Pass as amended

Representative Skroch: Seconded the motion.

A Roll Call vote was taken: Yes 14, No 0, Absent 0.

Do Pass carries.

Representative Fisher will carry the bill.

19.0849.02001
Title.03000

Adopted by the House Agriculture Committee

De 3/21/19

March 21, 2019

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2239

Page 1, line 2, remove the first "and"

Page 1, line 4, after "databases" insert "; and to declare an emergency"

Page 2, after line 12, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2239**

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. Headland Seconded By Rep. Satrom

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

**Voice Vote
Motion Passed**

Total **Yes** _____ **No** _____

Absent _____

Floor Assignment _____

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

Add an emergency clause.

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2239**

House **Agriculture** Committee SubcommitteeAmendment LC# or Description: 19.0849.02001**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. Schreiber Beck Seconded By Rep. Skroch

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	X				
Rep. Dwight Kiefert	X				
Rep. Aaron McWilliams	X				
Rep. David Richter	X				
Rep. Bernie Satrom	X				
Rep. Cynthia Schreiber Beck	X				
Rep. Kathy Skroch	X				
Rep. Bill Tveit	X				

Total Yes 14 No 0Absent 0Floor Assignment Representative Fisher

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

REPORT OF STANDING COMMITTEE

SB 2239, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2239 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the first "and"

Page 1, line 4, after "databases" insert "; and to declare an emergency"

Page 2, after line 12, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2019 TESTIMONY

SB 2239

January 31, 2019

SB 2239
2-1-19
** ↑ B1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2239

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Page 1, line 17, remove "pursuant to"

Page 1, line 18, remove "section 36-01-02."

Page 2, line 10, replace the third "the" with "a premises identification, animal identification, or"

Renumber accordingly

COMMISSIONER
DOUG GOEHRING



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www.nd.gov/ndda
SB2239
2-1-19
#2 Pgl

**Testimony of Dr. Susan Keller
North Dakota State Veterinarian
North Dakota Department of Agriculture
Senate Bill 2239
Senate Agriculture Committee
February 1, 2019**

Chairman Luick and members of the Senate Agriculture Committee, I am Susan Keller, North Dakota State Veterinarian, and I am representing Agriculture Commissioner Doug Goehring and the North Dakota Board of Animal Health. I am here today in support of Senate Bill 2239.

The rewrite of the Chapter 36 last session resulted in language very similar to what is being proposed in this bill being inadvertently moved to Chapter 4.1 which covers brand inspection, leaving animal health information unprotected. This language is necessary to ensure producer information is not open to public request without valid reason as listed in this bill. Supporting this bill will help protect producers who are involved in disease investigations. This will help ensure their compliance which in turn assures public health and safety. Furthermore, due to the law rewrite century code citations required correction.

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

SB 2239
2-1-19
H3 Pgt

SENATE BILL #2239

Mr. Chairman, Senate Ag Committee Members:

My name is Kerry Dockter, I am a rancher from Sheridan County, and a member of the Independent Beef Association of North Dakota.

I support the passing of Senate Bill 2239. I believe we need a mechanism in place that can be used for Animal Identification and Tracking for health purposes and disease traceability.

I support this concept with the fact that the database that will be created if it will be kept confidential and only in the hands and under the control of the State Veterinarian and can only be released by written consent of the owner of the herd that the information or data pertains to.

I ask that this committee give great consideration in passing **Senate Bill 2239**.

Thank-you.

Kerry Dockter

SB2239
2-1-19
#4 [initials]

North Dakota Stockmen's Association
Testimony to the Senate Agriculture Committee on SB 2239
Feb. 1, 2019

Good morning, Chairman Luick and members of the House Agriculture Committee. For the record, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association, an 89-year-old beef cattle trade organization representing 3,000 cattle-ranching families.

The Stockmen's Association is in full support of SB 2239. As was described, this information inadvertently got left out of the Code years back when the ag chapter rewrite took place.

Maintaining the confidentiality of information provided to the State Board of Animal Health, our organization and any contractor involved in the administration of the animal tracking database is critically important – not only for the producers supplying the information, but for those of us tasked with this responsibility. SB 2239 corrects the error and provides the protection that used to be there.

We urge your favorable consideration of this bill.

#1
SB 2239
3/21/19

Amendment to Senate Bill No 2239

Page 1, line 4, immediately after "databases" insert ";to provide an effective date; and to declare an emergency"

Page 1, after line 6, insert:

"Section 1. This Act is declare to be an emergency measure."

Page 1, line 8, after "Section" replace "1" with "2"

Page 1, line 13, replace "2" with "3"

Page 2, after line 12, insert"

"Section 4. Effective Date. This Act is effective immediately upon its filing with the secretary of state. "

2
3/21/19

North Dakota Stockmen's Association
Testimony to the House Agriculture Committee on SB 2239
March 21, 2019

Good morning, Chairman Johnson and members of the House Agriculture Committee. For the record, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association, an 89-year-old beef cattle trade organization representing approximately 3,000 cattle-ranching families.

The Stockmen's Association is in full support of SB 2239. As was described, this information inadvertently got left out of the Code years back when the ag chapter rewrite took place.

Maintaining the confidentiality of information provided to the State Board of Animal Health, our organization and any contractor involved in the administration of the premises identification, animal identification and animal tracking databases is critically important – not only for the producers supplying the information, but for those of us tasked with these important responsibilities. SB 2239 corrects the error and provides the protection that used to be there.

We urge your favorable consideration of this bill.