

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

HOUSE CONCURRENT RESOLUTION NO. 3021
(Representatives Froelich, Boucher, Kempenich, Nicholas)
(Senators Erbele, O'Connell)

A concurrent resolution urging the North Dakota Attorney General to support legal action to prevent the importation of live cattle and edible beef products from Canada and other countries where bovine spongiform encephalopathy is present.

WHEREAS, on January 4, 2005, the United States Department of Agriculture published a final rule relaxing restrictions on imports of live cattle and edible beef products from countries known to have bovine spongiform encephalopathy; and

WHEREAS, despite the discovery of bovine spongiform encephalopathy-infected cattle in Canada and the subsequent discovery of a bovine spongiform encephalopathy-infected cow that had been imported from Canada, and in contravention of the United States Department of Agriculture's preexisting policy and international practice not to accept cattle or edible bovine products from a country with bovine spongiform encephalopathy infection, United States Department of Agriculture representatives, up to and including the Secretary of Agriculture and other administration officials, made numerous statements in advance of any meaningful scientific analysis and before completion of the rulemaking process; and

WHEREAS, the United States Department of Agriculture's failure to apply precautionary principles inherent in the legislation it implements and its emphasis of certain economic interests and foreign policy concerns over the health and well-being of United States consumers, cattle, and cattle producers makes the United States Department of Agriculture's issuance of the final rule an action in excess of and inconsistent with its statutory authority; and

WHEREAS, the North Dakota cattle industry is best served by such decisions being based upon sound science rather than political and foreign policy consideration; and

WHEREAS, a legal action enjoining implementation of the United States Department of Agriculture rule and enjoining the importation into the United States of all live cattle from Canada and all edible beef products derived from cattle of Canadian origin has been filed in the United States district court in Billings, Montana; and

WHEREAS, other legal action may be necessary to protect the integrity of the United States cattle herd and the interests of the United States consumer;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Fifty-ninth Legislative Assembly urges the North Dakota Attorney General to support legal action to prevent the importation of live cattle and edible beef products from Canada and other countries where bovine spongiform encephalopathy is present; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor, Attorney General, and the Secretary of the United States Department of Agriculture.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

Filed in this office this _____ day of _____, 2005,
at _____ o'clock _____ M.

Secretary of State