

June 2007

TITLE 4

Agriculture

Summary of Bills Enacted by 2007 Legislative Assembly

This memorandum summarizes 2007 legislation primarily affecting North Dakota Century Code Title 4. Bills primarily affecting other titles may also affect this title, and relevant provisions of those bills are summarized in this memorandum.

APPROPRIATIONS

Senate Bill No. 2009 appropriates \$5,702,953 to the Agriculture Commissioner to defray the expenses of the Department of Agriculture and provides that agriculture in the classroom grant recipients are nonvoting members of the Agriculture in the Classroom Council.

House Bill No. 1009 appropriates \$1,167,150 to the State Fair Association and directs the association to provide a report on the state of grandstand construction, including the development of a business plan and fundraising efforts.

House Bill No. 1020 appropriates \$186,059,266 to the North Dakota State University Extension Service, the Northern Crops Institute, the Upper Great Plains Transportation Institute, the Main Research Station and branch research centers, and the Agronomy Seed Farm. The bill also provides that a license to grow industrial hemp is not conditioned on or subject to review or approval by the United States Drug Enforcement Agency.

Senate Bill No. 2179 appropriates \$79,500 from the environment and rangeland protection fund and \$79,500 from the oilseed fund to the Agriculture Commissioner for the purpose of mitigating crop damage by blackbirds.

SEEDS

House Bill No. 1022 appropriates \$6,169,502 to the State Seed Department for the purpose of defraying the expenses of the department.

Senate Bill No. 2128 requires the State Seed Commissioner to accept seed samples that are claimed to be new varieties and determine their eligibility for certification. The bill also prohibits the sale or transfer of protected varieties between farmers for the purpose of planting, without approval from the variety owner or developer.

House Bill No. 1124 defines "certified seed" as being randomly inspected and meeting the rules of the State Seed Department at the time of inspection and defines "selection" as a subgroup of a variety. The bill also provides that the State Seed Commission, the State Seed Commissioner, and the State Seed Department make no representations and no warranties regarding merchantability, fitness for a particular purpose, or absence of disease with respect to any seed or crop that they have inspected, analyzed, or verified.

CROPS

Senate Bill No. 2117 prohibits buyers from engaging in unfair acts or practices in connection with a potato production contract or with a purchase of potatoes and provides that a person who engages in such acts or practices is liable to the producer for all damages.

Senate Bill No. 2099 provides that a license is necessary for the processing, as well as the growing, of hemp for commercial purposes.

House Bill No. 1490 authorizes North Dakota State University and any licensed hemp grower to import and resell industrial hemp seed that is certified as having no more than three-tenths of 1 percent tetrahydrocannabinol.

House Bill No. 1164 increases the number of producer and industry representatives on the Northern Crops Council.

House Bill No. 1185 authorizes the Dry Pea and Lentil Council to enter a reciprocal agreement with a governmental entity in another state or province for the return of assessments on dry peas and lentils not grown within the jurisdiction of that entity.

PESTICIDES

Senate Bill No. 2228 requires a person seeking reimbursement for property damage resulting from the application of a pesticide to notify the pesticide applicator by certified mail within 28 days and to allow inspection of the damage by the applicator and up to four representatives.

Senate Bill No. 2095 redefines a commercial applicator as one who engages in the business of pesticide application to the land of another, by air, ground, hand, or any other equipment, for compensation. The bill also provides a definition of a ready-to-use pesticide.

House Bill No. 1085 makes the pesticide container disposal program permanent law.

STATE FORESTER

House Bill No. 1066 increases from \$500,000 to \$1 million the amount by which the State Forester reserve account must be exceeded before state nursery seedlings must be offered at the cost of production.

Senate Bill No. 2028 removes the requirement that the State Forester receive Budget Section approval before using money in the State Forester reserve account.

MISCELLANEOUS

Senate Bill No. 2288 provides that the Office of Renewable Energy and Energy Efficiency may not distribute any payment that would create a negative balance in the ethanol production incentive fund and that if money in the fund during any quarter are insufficient to meet all incentive requests, the payments must be prorated and may not be carried forward.

House Bill No. 1382 prohibits a board of county commissioners from placing a question regarding extension work on a ballot unless the required petitions have been filed at least 60 days before the election.

Senate Bill No. 2107 provides that the Agriculture Commissioner may deposit in the commissioner's operating fund a portion of the fees collected for the inspection and certification of plants and plant products. The amount authorized for deposit is the equivalent of that assessed the commissioner by the United States Department of Agriculture for federal plant export certificates.

Senate Bill No. 2105 updates the edition of the standards manual to which various sampling and testing conducted by the Agriculture Commissioner must conform.