

June 2009

## **TITLE 4**

### **Agriculture**

### **Summary of Bills Enacted by 2009 Legislative Assembly**

This memorandum summarizes 2009 legislation primarily affecting North Dakota Century Code Title 4. Bills primarily affecting other titles also affect this title and relevant provisions of those bills are summarized in this memorandum.

#### **AGRICULTURE COMMISSIONER**

**House Bill No. 1009** appropriates \$7,221,883 to the Agriculture Commissioner and sets the commissioner's salary at \$85,830 through June 30, 2010, and at \$90,122 thereafter.

**Senate Bill No. 2438** directs the Agriculture Commissioner to establish an advisory committee on sustainable agriculture and, beginning July 1, 2011, authorizes the Agriculture Commissioner to implement a program to promote agricultural commodities that are sustainably grown in this state.

**House Bill No. 1125** authorizes the Agriculture Commissioner to cooperate with the United States Department of Agriculture Animal and Plant Health Inspection Service in controlling and destroying specifically listed animals. This bill broadens the authorization to include not just coyotes, wolves, bobcats, and foxes, but all fur-bearers; not just injurious field rodents in rural areas, but all such rodents; and not just certain nongame species of birds that cause crop damage or substantial economic loss but all birds that cause crop damage or substantial economic loss or which threaten human health. The bill also extends the authorization to control and destroy big game that threaten human health or domestic livestock.

**House Bill No. 1149** removes the statutory reference to a state entomologist and directs that the Agriculture Commissioner employ an individual with a baccalaureate degree in entomology, plant pathology, or biological sciences.

**House Bill No. 1111** updates the titles of various documents used in the rating, sampling, and labeling of milk and dairy products and authorizes the Agriculture Commissioner to adopt rules governing the labeling and distribution of processed and manufactured milk or milk products.

**House Bill No. 1109** directs the Agriculture Commissioner to call an annual meeting of the commodity groups. The bill also contains several provisions applicable to the commissioner's membership on the various commodity councils and commissions. Those provisions are codified in Title 4.1 and described in the summary of Title 4.1.

**House Bill No. 1459** directs the Agriculture Commissioner to attempt to arrange a noxious weed control or eradication program with all state and federal agencies and requires that a federal agency provide a report to weed control authorities detailing the methods it is using and showing cause why it is not controlling or eradicating the noxious weeds. The commissioner may specify the forms on which the federal agency report must be submitted.

#### **COMMODITIES**

**Senate Bill No. 2242** raises the per diem compensation of individuals serving on agriculture-related boards and commissions to \$135.

**Senate Bill No. 2203** contains several provisions applicable to the North Dakota Barley Council. Those provisions are codified in Title 4.1 and described in the summary of Title 4.1.

**House Bill No. 1413** contains several provisions applicable to the North Dakota Corn Utilization Council. Those provisions are codified in Title 4.1 and described in the summary of Title 4.1.

**Senate Bill No. 2208** contains several provisions applicable to oilseed assessments. Those provisions are codified in Title 4.1 and described in the summary of Title 4.1.

**House Bill No. 1402** contains several provisions applicable to the Wheat Commission. Those provisions are codified in Title 4.1 and described in the summary of Title 4.1.

**House Bill No. 1025** reconciles statutory references resulting from the rewrite of the agricultural commodity chapters. Those provisions are codified in Title 4.1 and described in the summary of Title 4.1.

**House Bill No. 1549** provides that a state license to grow or process industrial hemp for commercial purposes or research is not required if a person is licensed by the United States Drug Enforcement Agency to conduct research.

**Senate Bill No. 2350** requires that the North Dakota Ethanol Council join the other commodity promotion groups in providing a report to the Legislative Assembly between the 1<sup>st</sup> and 10<sup>th</sup> legislative day of each regular session.

**Senate Bill No. 2373** creates a Grape and Wine Program Committee to advise the Agriculture Commissioner on marketing and promotion of the grape and wine industry in this state and to advise the vice president for agriculture and university extension at North Dakota State University and the director of the North Dakota Agricultural Experiment Station on research priorities for the grape and wine industry in this state. The bill also appropriates \$250,000 to the committee for the purpose of providing matching funds for grape research.

## **PESTICIDES**

**Senate Bill No. 2248** provides that restricted use pesticides may be sold only to persons certified as applicators by this state and to persons certified to use restricted use pesticides by another state, provided the pesticide control board determines that the certifying state's requirements are substantially similar to those of this state and further provided that the person does not use the restricted use pesticide in this state. The bill also clarifies that an individual who would be a private applicator, if certified, may not use any restricted use pesticide unless the individual complies with the certification requirements established by the board or is under the direct supervision of a certified applicator.

## **SEED DEPARTMENT**

**Senate Bill No. 2022** appropriates \$6,805,495 to the State Seed Department from special funds.

## **MISCELLANEOUS**

**House Bill No. 1026** reconciles statutory references resulting from the rewrite of the noxious weed chapter. Those provisions are codified in Title 4.1 and described in the summary of Title 4.1.

**Senate Bill No. 2125** designates the State Seed Department as the official seed certification agency of this state.

**House Bill No. 1150** repeals state requirements pertaining to organic food standards in light of applicable federal standards.

**Senate Bill No. 2368** raises the amount that may be levied by soil conservation districts from one mill to two mills.

**House Bill No. 1436** changes the name of the 17-member Legislative Council to the Legislative Management and directs that the State Board of Agricultural Research and Education report to the Legislative Management.

**Senate Bill No. 2009** appropriates \$15,697,150 to the State Fair Association.