

Introduced by

Legislative Management

(Agriculture and Natural Resources Committee)

1 A BILL for an Act to create and enact chapters 4.1-01, 4.1-15, 4.1-19, 4.1-54, 4.1-55, 11-38,
2 11-39, and 15-12.1, a new section to chapter 19-02.1, and chapter 54-60.3 of the North Dakota
3 Century Code, relating to revisions of agriculture laws regarding the agriculture commissioner,
4 the northern crops institute, eggs, miscellaneous agriculture laws, the state fair association,
5 county extension agents, the county fair association, agricultural experiment stations, and the
6 agricultural products utilization commission; to amend and reenact subsection 2 of section
7 57-15-06.7 of the North Dakota Century Code, relating to counties levying taxes to fund
8 extension agents; to authorize the legislative council to make certain statutory redesignations;
9 to repeal chapters 4-01, 4-02, 4-02.1, 4-05.1, 4-08, 4-11.1, 4-13.2, 4-14, 4-14.1, 4-14.2, 4-19,
10 4-21.1, 4-21.2, 4-22, 4-23, 4-24, 4-30, 4-32, 4-33, 4-35, 4-35.1, 4-35.2, 4-36, 4-37, 4-40, 4-41,
11 4-43, and 19-07 of the North Dakota Century Code, relating to the agriculture commissioner,
12 agricultural fair associations, the state fair association, agricultural experiment stations, county
13 agents, potato production contracts, the poultry division, unfair discrimination in the purchase of
14 farm products, the agriculturally derived fuel tax fund, the northern crops institute, forestry and
15 tree distribution, nurseries and nursery stock, the trees for North Dakota program, soil
16 conservation districts, agricultural conservation and adjustment, miscellaneous agriculture laws,
17 dairy products regulations, the interstate pest control compact, plant pests, the pesticide act,
18 chemigation regulation, pesticide and pesticide container disposal, the agricultural development
19 act, agriculture in the classroom, crop production products, industrial hemp, meatpacking plant
20 assistance, and eggs; to provide a penalty; and to provide an effective date.

21 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

22 **SECTION 1.** Chapter 4.1-01 of the North Dakota Century Code is created and enacted as
23 follows:

1 **4.1-01-01. Definitions.**

2 As used in this title, unless otherwise provided:

3 1. "Commissioner" means the agriculture commissioner or the designee or authorized
4 representative of the commissioner.

5 2. "Department" means the North Dakota department of agriculture.

6 **4.1-01-02. Salary of agriculture commissioner.**

7 The annual salary of the agriculture commissioner is one hundred five thousand four
8 hundred ninety-one dollars through June 30, 2016, and one hundred eight thousand six
9 hundred fifty-six dollars after that date.

10 **4.1-01-03. Compelling attendance of witnesses and production of books and papers.**

11 The commissioner may compel the attendance of persons at hearings before the
12 commissioner, and the production of books and papers. The commissioner may examine
13 witnesses under oath and may administer oaths. The commissioner's office must file and
14 preserve any testimony taken by the commissioner.

15 **4.1-01-04. Exhibits at fairs.**

16 The commissioner shall have charge of the exhibits of products or resources of the state
17 which are shown at any fair or exposition in the United States. The commissioner shall
18 cooperate with any railroad company doing business in the state, and with any person
19 interested in securing an exhibit at any fair or exposition in the United States.

20 **4.1-01-05. Cooperation with federal agencies in destruction of predatory animals,**
21 **destructive birds, and injurious field rodents.**

22 1. The commissioner may cooperate with the United States department of agriculture,
23 animal and plant health inspection service, or other appropriate federal agency, in the
24 control and destruction of:

25 a. Fur-bearers and field rodents that are injurious to:

26 (1) Livestock;

27 (2) Poultry; or

28 (3) Big and small game.

29 b. Big game threatening human health or domestic livestock; and

30 c. Birds causing crop damage or substantial economic loss or threatening human
31 health.

- 1 2. The control and destruction of animals must be approved by the director of the game
2 and fish department. The commissioner may enter written agreements with the animal
3 and plant health inspection service or other appropriate federal agency, and the
4 director of the game and fish department to determine:
- 5 a. The methods and procedures for the control and destruction of the birds and
6 animals;
- 7 b. The extent of supervision required by the commissioner and the animal and plant
8 health inspection service or other appropriate federal agency; and
- 9 c. The use and expenditure of the funds appropriated by the legislative assembly
10 for the control and destruction of the animals.
- 11 3. The commissioner, in cooperation with the animal and plant health inspection service
12 or other appropriate federal agency, may enter agreements with other governmental
13 agencies and with counties, associations, corporations, limited liability companies, or
14 individuals for control and destruction of birds and animals under this section.

15 **4.1-01-06. Expenditures authorized - Who to approve vouchers - Qualifications of**
16 **hunters and trappers hired - When bounties not payable.**

17 The commissioner may authorize expenditures from funds available for equipment,
18 supplies, and other expenses, including expenditures for personal services of hunters and
19 trappers, as may be necessary to execute the functions of the commissioner under section
20 4.1-01-05. Hunters and trappers employed under section 4.1-01-05 must be state residents.
21 Hunters and trappers employed under section 4.1-01-05 are not entitled to bounty provided by
22 state laws for the killing or extermination of birds and animals under that section. All vouchers
23 for expenditures made by the commissioner under this section must be approved by the duly
24 authorized agent of the animal and plant health inspection service or other appropriate federal
25 agency.

26 **4.1-01-07. Disposition of proceeds of furs, skins, and specimens taken.**

27 All furs, skins, and specimens taken by hunters and trappers paid out of funds appropriated
28 to carry out section 4.1-01-05 must be disposed of in a manner the commissioner determines is
29 in the best interest of the state. If furs, skins, or specimens are sold, the net proceeds of the
30 sales, up to fifteen thousand dollars per biennium, must be used by the United States

1 department of agriculture wildlife services to fund program activities benefiting the state's
2 livestock producers.

3 **4.1-01-08. Marketing bureau.**

4 The commissioner shall establish and maintain a marketing bureau to gather and
5 disseminate statistical information on any agricultural marketing problems of the state and to
6 engage in marketing services of agricultural products. Any moneys received or generated by the
7 pride of Dakota program must be deposited in the agriculture department operating fund in the
8 state treasury.

9 **4.1-01-09. Certified beef program.**

10 The commissioner may collaborate with the state board of animal health, the North Dakota
11 stockmen's association, North Dakota state university beef systems, and the United States
12 secretary of agriculture to develop a source-verified and process-verified beef marketing
13 program known as the certified beef program.

14 **4.1-01-10. Sustainably grown in North Dakota - Application - Logo - Promotion of**
15 **commodities.**

- 16 1. The commissioner may implement a program to promote agricultural commodities
17 sustainably grown in North Dakota.
- 18 2. If a program under subsection 1 is implemented, the program must require a producer
19 to file an application with the commissioner. If a producer demonstrates the producer's
20 growing practices with respect to a particular commodity meet the commissioner's
21 established criteria for sustainability, the commissioner shall authorize the producer to
22 label and market the commodity as being sustainably grown in North Dakota.
- 23 3. The commissioner may develop, and make available for use by authorized producers,
24 a logo indicating the commodity is sustainably grown in North Dakota. The
25 commissioner may actively support and promote the sale and use of products
26 identified as sustainably grown in North Dakota.
- 27 4. The commissioner may establish and charge producers a fee for participating in the
28 program. The commissioner shall forward all fees collected under this section to the
29 state treasurer for deposit in the general fund.
- 30 5. The commissioner may engage in research and educate members of the public
31 regarding agricultural commodities that are sustainably grown in this state.

- 1 6. For purposes of this section, "sustainably grown" means a crop grown using
2 research-based practices resulting in:
3 a. Increased efficiencies in soil and nutrient preservation;
4 b. Decreased reliance on tillage and other soil-depleting practices;
5 c. Increased efficiencies in the use of water;
6 d. Increased efficiencies in the use of other necessary and measurable agricultural
7 inputs;
8 e. Increased yield efficiencies; and
9 f. Greater economic benefit to producers.

10 **4.1-01-11. Advisory committee on sustainable agriculture - Creation - Duties - Powers**
11 **- Compensation - - Report to legislative management - Continuing appropriation.**

12 1. The commissioner shall appoint an advisory committee on sustainable agriculture.

13 a. The committee must include:

14 (1) The chairman of the house agriculture committee or the chairman's
15 designee;

16 (2) The chairman of the senate agriculture committee or the chairman's
17 designee;

18 (3) The commissioner of the department of commerce or the commissioner's
19 designee;

20 (4) The director of the North Dakota state university agricultural experiment
21 station;

22 (5) An agricultural producer who utilizes innovative research-based
23 technologies in farming operations;

24 (6) A representative of an international agricultural corporation; and

25 (7) An individual specializing in the domestic and international marketing of
26 agricultural products.

27 b. If both houses of the legislative assembly are controlled by the same party, the
28 committee also must include one member of the legislative assembly from the
29 minority party, appointed by the chairman of the legislative council.

30 2. The committee shall:

- 1 a. Examine sustainability with respect to conventional farming practices and modern
- 2 technology-based production practices;
- 3 b. Examine production practices that are efficient and able to meet current and
- 4 future global food and nutritional needs;
- 5 c. Examine production practices that promote increased efficiencies in resource
- 6 use, improve human health through access to safe and nutritious food, and
- 7 enhance economic opportunities for individual producers;
- 8 d. Explore metric evaluations to measure the attainment, maintenance, and
- 9 certification of sustainability;
- 10 e. Advise the commissioner regarding the development of a sustainability
- 11 certification program and the marketing and packaging of products containing the
- 12 certification;
- 13 f. Explore the standards held by international private sector certifying groups which
- 14 have the potential to increase sales of North Dakota products; and
- 15 g. Report to the legislative management on the status of committee activities.
- 16 3. The committee may accept gifts, grants, and donations of money, property, and
- 17 services. All moneys received as gifts, grants, or donations are appropriated on a
- 18 continuing basis to the commissioner for the purpose of carrying out this section.
- 19 4. Each legislative member of the committee is entitled to receive per diem
- 20 compensation in the amount established by subsection 1 of section 54-03-20 plus
- 21 reimbursement for expenses as provided by law for state officers if the member is
- 22 attending meetings or performing duties directed by the committee.
- 23 **4.1-01-12. Commodity groups - Agriculture commissioner - Meetings.**
- 24 1. The commissioner may participate, as a nonvoting member, in any regular or special
- 25 meeting of a commodity group, including any executive session held by a commodity
- 26 group.
- 27 2. Annually, the commissioner shall call a meeting of representatives from each
- 28 commodity group to engage in collaborative efforts to promote and market agricultural
- 29 commodities.
- 30 3. For purposes of this section, "commodity group" means the:
- 31 a. North Dakota barley council;

- 1 b. North Dakota beef commission;
- 2 c. North Dakota beekeepers association;
- 3 d. North Dakota corn utilization council;
- 4 e. North Dakota dairy promotion commission;
- 5 f. North Dakota dry bean council;
- 6 g. North Dakota dry pea and lentil council;
- 7 h. North Dakota oilseed council;
- 8 i. North Dakota potato council;
- 9 j. North Dakota soybean council;
- 10 k. North Dakota turkey federation; and
- 11 l. North Dakota wheat commission.

12 **4.1-01-13. Publicly owned land - Noxious weed control or eradication.**

- 13 1. The commissioner shall arrange a noxious weed control or eradication program with
14 all state and federal agencies owning, controlling, or having jurisdiction over land
15 within the state.
- 16 2. Each weed control officer shall arrange a noxious weed control or eradication program
17 with political subdivisions owning or controlling public land within the weed control
18 officer's jurisdiction.
- 19 3. If a federal agency does not control or eradicate noxious weeds on land under its
20 jurisdiction and does not develop a management plan for controlling or eradicating the
21 noxious weeds, the appropriate weed control office shall notify the agency of the
22 failure to control or eradicate the noxious weeds. The federal agency shall provide a
23 report to the weed control authorities detailing the methods used by the federal agency
24 and showing cause why the federal agency is not controlling or eradicating the
25 noxious weeds. The commissioner may specify the forms on which the federal agency
26 report must be submitted.
- 27 4. Upon being notified by a weed board of the federal agency's failure to control or
28 eradicate noxious weeds, the commissioner may hold a public hearing to determine
29 the reason for the failure.

1 **4.1-01-14. Equine slaughter - Establishments.**

2 The commissioner shall monitor federal statutory and regulatory actions related to the
3 slaughter of horses, mules, and other equines, and in particular, actions pertaining to the
4 establishments in which the slaughter and preparation of the carcasses may take place. The
5 commissioner may pursue or support federal legislative, regulatory, or contractual avenues
6 allowing for the slaughter and processing of horses, mules, and other equines in this state,
7 without the restriction that the slaughter or product preparation be conducted in establishments
8 separate from any in which cattle, sheep, swine, or goats are slaughtered or their products are
9 prepared.

10 **4.1-01-15. Agricultural wetland credits - Database.**

11 The commissioner shall create and maintain an electronic database of wetland credits
12 available for purchase by an agricultural landowner.

13 **4.1-01-16. Grape and wine advisory committee - Membership.**

14 The commissioner shall appoint a grape and wine advisory committee. The committee must
15 include:

- 16 1. Two individuals who are grape producers;
- 17 2. One individual who is the producer of a fruit, other than grapes, used in vinification;
- 18 3. Two individuals who own wineries located in this state; and
- 19 4. One representative of the North Dakota grape and wine association.

20 **4.1-01-17. Pipeline restoration and reclamation oversight pilot program - Generally.**

- 21 1. The commissioner shall establish a pilot program providing technical assistance and
22 support to surface owners and surface tenants on pipeline restoration and followup
23 support to surface owners and surface tenants on pipeline reclamation.
- 24 2. The commissioner may contract for ombudsmen to be a resource for technical
25 assistance and followup on pipeline issues. The ombudsmen may not investigate or
26 assist with any pipeline installed before January 1, 2006, or regulated by the public
27 service commission under title 49, and may not assist in easement negotiations.
- 28 3. The pilot program may provide technical education, support, and outreach on
29 pipeline-related matters in coordination with other entities.
- 30 4. The commissioner may contract with local individuals, deemed trustworthy by the
31 surface owners and surface tenants, to be ombudsmen. The commissioner is not

1 subject to the provisions of chapter 54-44.4 when contracting for the services of
2 ombudsmen.

3 **4.1-01-18. Federal environmental law impact review committee.**

4 1. The federal environmental law impact review committee consists of:

5 a. The commissioner, who shall serve as the chairman;

6 b. The governor or the governor's designee;

7 c. The majority leader of the house of representatives, or the leader's designee;

8 d. The majority leader of the senate, or the leader's designee;

9 e. One member of the legislative assembly from the minority party, selected by the
10 chairman of the legislative management;

11 f. One individual appointed by the lignite energy council;

12 g. One individual appointed by the North Dakota corn growers association;

13 h. One individual appointed by the North Dakota grain growers association;

14 i. One individual appointed by the North Dakota petroleum council;

15 j. One individual appointed by the North Dakota soybean growers association; and

16 k. One individual appointed by the North Dakota stockmen's association.

17 2. The committee shall review federal environmental legislation and regulations
18 detrimentally impacting or potentially detrimentally impacting the state's agricultural,
19 energy, or oil production sectors. The committee shall confer with the attorney general
20 with respect to participation in administrative or judicial processes pertaining to the
21 legislation or regulations.

22 3. a. Any member of the legislative assembly serving on the committee is entitled to
23 compensation at the rate provided for attendance at interim committee meetings
24 and reimbursement for expenses, as provided by law for state officers, if the
25 member is attending meetings of the committee or performing duties directed by
26 the committee.

27 b. The compensation and reimbursement of expenses, as provided for in this
28 subsection, are payable by the legislative council.

1 **4.1-01-19. Environmental impact - Cost of participation.**

- 2 1. Any expenses incurred by the commissioner or by the federal environmental law
3 impact review committee in meeting the requirements of section 4.1-01-18 must be
4 paid by the commissioner from the federal environmental law impact fund.
- 5 2. If the attorney general elects to participate in an administrative or judicial process
6 pertaining to federal environmental legislation or regulations, which detrimentally
7 impact or potentially detrimentally impact the state's agricultural, energy, or oil
8 production sectors, any expenses incurred by the attorney general in the participation
9 must be paid by the commissioner from the federal environmental law impact review
10 fund.
- 11 3. For purposes of this section, "expenses" include administrative costs, consulting fees,
12 research costs, expert witness fees, attorney fees, and travel costs.

13 **4.1-01-20. Gifts - Grants - Donations.**

14 The commissioner may accept gifts, grants, and donations for the purposes set forth in
15 section 4.1-01-19, provided the commissioner posts the amount and source of any gifts, grants,
16 and donations on the department's website. Any moneys received in accordance with this
17 section must be deposited in the federal environmental law impact review fund.

18 **4.1-01-21. Federal environmental law impact review fund - Continuing appropriation.**

- 19 1. The federal environmental law impact review fund consists of:
- 20 a. Any moneys appropriated or transferred for the purposes set forth in section
21 4.1-01-19; and
- 22 b. Any gifts, grants, and donations forwarded to the commissioner for the purposes
23 set forth in section 4.1-01-19.
- 24 2. All moneys in the federal environmental law impact review fund are appropriated to the
25 commissioner on a continuing basis for the purposes set forth in section 4.1-01-19.

26 **4.1-01-22. Agriculture in the classroom program.**

- 27 1. The agriculture commissioner shall administer an agriculture in the classroom program
28 with the advice of the agriculture in the classroom council.
- 29 2. The agriculture in the classroom council consists of seven individuals. The agriculture
30 commissioner shall appoint six council members. The seventh council member is the

- 1 superintendent of public instruction or the superintendent's designee. Annually, the
2 council shall elect one of its members to serve as the chairman.
- 3 3. At the call of the chairman, the council shall meet at least twice each year, to confer
4 with and advise the agriculture commissioner regarding issues related to the
5 agriculture in the classroom program.
- 6 4. The agriculture commissioner may award grants and contract with any person for the
7 provision of an agriculture in the classroom program, the development of agricultural
8 curriculum activities applicable to students from kindergarten through grade twelve,
9 and the training of teachers in agricultural curriculum activities.
- 10 5. The agriculture commissioner may:
- 11 a. Consult and work with the superintendent of public instruction, the department of
12 career and technical education, the United States department of agriculture, and
13 any other public or nonpublic entities to provide and promote an agriculture in the
14 classroom program;
- 15 b. Prepare instructional, informational, and reference publications on the North
16 Dakota agricultural economy and rural lifestyles;
- 17 c. Provide training programs for public school teachers in agricultural curriculum
18 activities;
- 19 d. Encourage research on and identification of new instructional, informational, and
20 reference publications relating to this state's agricultural economy and rural
21 lifestyles; and
- 22 e. Monitor the quality and condition of the agriculture in the classroom program.
- 23 6. The agriculture commissioner may accept and expend gifts, grants, and donations in
24 support of the agriculture in the classroom program. If any gifts, grants, or donations
25 are designated for a specific purpose, the commissioner shall honor the purpose
26 provided the purpose is consistent with this chapter.
- 27 7. Members of the agriculture in the classroom council may not receive any
28 compensation for their services on the council, but are entitled to be reimbursed for
29 their expenses incurred in performing their duties in the amounts provided by law for
30 state employees.

1 **SECTION 2.** Chapter 4.1-15 of the North Dakota Century Code is created and enacted as
2 follows:

3 **4.1-15-01. Northern crops institute - Northern crops council - Powers and duties -**
4 **Gifts and grants - Continuing appropriation.**

- 5 1. The northern crops institute is administered by and in conjunction with North Dakota
6 state university.
- 7 2. The northern crops council, in consultation with the president of North Dakota state
8 university, shall appoint the director of the northern crops institute and may remove the
9 director for cause. The director shall manage the institute, hire and compensate
10 necessary personnel within the limits of legislative appropriations, prepare a biennial
11 budget, and serve as executive secretary to the northern crops council. The council
12 shall fix the salary of the director, within the limits of legislative appropriations, in
13 consultation with the president of North Dakota state university.
- 14 3. The president of North Dakota state university may participate in the hiring of a
15 director for the institute, including serving on search committees, advertising, and
16 interviewing and negotiating with candidates.
- 17 4. Funds appropriated to the northern crops institute may not be commingled with funds
18 appropriated to North Dakota state university. Appropriation requests of the northern
19 crops institute must be separate from appropriation requests of North Dakota state
20 university.

21 **4.1-15-02. Northern crops council - Duties - Chairman - Meetings.**

22 The northern crops council shall establish policies for the operation of the northern crops
23 institute.

- 24 1. The council consists of:
 - 25 a. The agriculture commissioner or the commissioner's designee;
 - 26 b. The president of North Dakota state university of agriculture and applied science
27 or the president's designee;
 - 28 c. The president and general manager of the North Dakota mill and elevator
29 association;
 - 30 d. An individual selected by the North Dakota barley council;
 - 31 e. An individual selected by the North Dakota oilseed council;

- 1 f. An individual selected by the North Dakota soybean council;
- 2 g. An individual selected by the North Dakota wheat commission;
- 3 h. No fewer than five nor more than seven individuals who produce northern crops,
- 4 selected by the members referenced in subdivisions a through g; and
- 5 i. No more than four representatives of industries that process northern crops,
- 6 selected by the members designated in subdivisions a through g.
- 7 2. a. The term of office for each member of the council referenced in subdivisions d
- 8 through i of subsection 1 is three years, and those members are limited to two
- 9 3-year terms.
- 10 b. Each term of office begins with the first meeting after the member's appointment.
- 11 3. Annually, the council members shall select one of the individuals referenced in
- 12 subdivisions d through i of subsection 1 to serve as the chairman.
- 13 4. The council shall meet at least three times annually at the times and places as
- 14 determined by the council and may meet in special meeting upon the call and notice
- 15 as may be prescribed by rules adopted by the council.
- 16 5. If a member is unable to attend a meeting of the council, the member may be
- 17 represented by an individual who has a written proxy from the member.

18 **4.1-15-03. Purpose - Powers and duties.**

19 The northern crops institute shall provide technical and marketing assistance through
20 specialized training courses and technical services that facilitate domestic and market
21 development and expanded sales of northern grown crops. The institute shall render services
22 including:

- 23 1. In-plant consultations regarding crop quality problems, product manufacturing, and
- 24 possible purchasing methods and standards.
- 25 2. Short courses in product milling and processing, plant management, county elevator
- 26 management, grain grading, and marketing of crops.
- 27 3. Educational and career and technical education training programs in milling,
- 28 processing, manufacturing, purchasing methods, marketing procedures, product sales
- 29 techniques, and other related subjects to be conducted for users of northern crops.
- 30 4. Short-term investigations, consultation, evaluation, and research to solve technical
- 31 problems involved in the maintenance of quality and utilization of northern crops.

- 1 5. Annual surveys and quality analyses of new northern crops and monitoring of the
- 2 quality and condition of commodities in market channels.
- 3 6. Research on northern crop damage problems and solutions.
- 4 7. Identification of problem areas in marketing northern crops abroad.
- 5 8. Preparation of instructional, informational, and reference publications on the end use,
- 6 technical aspects of marketing, and utilization of northern crops for distribution
- 7 domestically and abroad.

8 **4.1-15-04. Gifts and grants - Continuing appropriation.**

9 The northern crops institute may contract for and accept private contributions and gifts and
10 grants-in-aid from the federal government, private industry, and other sources. Those funds may
11 be spent only for the purposes of this chapter and for any purposes designated in the gift, grant,
12 or donation and those funds are appropriated on a continuing basis to the northern crops
13 institute for those purposes.

14 **SECTION 3.** Chapter 4.1-19 of the North Dakota Century Code is created and enacted as
15 follows:

16 **4.1-19-01. Definitions.**

17 As used in this chapter,:

- 18 1. "Eggs" means eggs in the shell which are the product of a domesticated chicken.
- 19 2. "Poultry" means domesticated fowl bred for the primary purpose of producing eggs,
- 20 meat, or both, including chickens, turkeys, ostriches, emus, rheas, cassowaries,
- 21 waterfowl, and game birds, but excluding doves and pigeons.

22 **4.1-19-02. Administration - Enforcement.**

23 The agriculture commissioner shall administer and enforce this chapter.

24 **4.1-19-03. Purposes - Duties.**

25 The agriculture commissioner shall:

- 26 1. Promote improved poultry breeding practices and cooperate with the board of animal
- 27 health in controlling and eradicating contagious or infectious diseases of poultry.
- 28 2. Act as the official state agency for North Dakota in cooperation with the veterinary
- 29 services, animal plant health inspection service, United States department of
- 30 agriculture, for the purpose of furthering the objectives and supervising the state's
- 31 participation in the national poultry improvement plan.

- 1 3. Act as the state agency to cooperate with the United States department of agriculture
2 to provide federal-state grading service for poultry and poultry products offered for sale
3 at the retail level, to supervise the federal-state poultry grading service, and to enforce
4 regulations at the retail level as to identification by grade of all poultry sold.
- 5 4. Promote the welfare and improvement of the poultry industry and the marketing of
6 poultry and poultry products within the state.
- 7 5. Adopt rules under chapter 28-32 as necessary to effectuate the purposes of this
8 chapter.

9 **4.1-19-04. Licensing - Fees - Bonding.**

10 A person must be licensed by the agriculture commissioner to engage in the business of
11 poultry buyer, processor, packer, hatchery operator, or salesperson. Licenses issued under this
12 chapter expire on July first and must be issued or renewed only upon payment to the
13 commissioner of the license fee of five dollars for each business activity subject to licensing and
14 the furnishing of the bond required by rules adopted by the agriculture commissioner. Engaging
15 in a business activity subject to licensing under this chapter without a valid license or failure to
16 pay any license fee or to furnish the required bond within ten days after it becomes due or
17 required is a violation of this chapter.

18 **4.1-19-05. Penalty.**

- 19 1. Any person who violates any provision of this chapter or rule adopted under this
20 chapter is guilty of a class A misdemeanor.
- 21 2. Any person who violates any provision of this chapter or rule adopted under this
22 chapter may be subject to a civil penalty not to exceed one thousand dollars for each
23 violation. This penalty may be adjudicated by the courts or by the agriculture
24 commissioner through an administrative hearing conducted by an independent hearing
25 officer pursuant to chapter 28-32.
- 26 3. The agriculture commissioner may maintain an appropriate civil action in the name of
27 the state against any person violating this chapter or rule adopted under this chapter.
- 28 4. Any person who knowingly makes a false statement, representation, or certification in
29 any application, record, report, or other document is guilty of a class A misdemeanor.
- 30 5. For purposes of this section, "person" means an individual, partnership, corporation,
31 limited liability company, association, cooperative, or any business entity.

1 **4.1-19-06. Eggs to be graded - Exemption.**

2 1. All eggs sold or offered for sale to an ultimate consumer in this state must be candled,
3 graded, and labeled with the correct grade designation.

4 2. The agriculture commissioner may adopt appropriate rules under chapter 28-32 to
5 provide for registration of egg dealers and standards for candling, grading, and
6 inspecting eggs as to size, quality, purity, strength, holding requirements,
7 transportation, labeling, and sanitation in conformity with United States department of
8 agriculture regulations governing the grading and inspecting of eggs.

9 **SECTION 4.** Chapter 4.1-54 of the North Dakota Century Code is created and enacted as
10 follows:

11 **4.1-54-01. Sale of chemically treated grain - Misdemeanor.**

12 A person may not sell grain for the purpose of human or animal consumption which has
13 been chemically treated for insect or fungus control, without informing the purchaser of the
14 treatment. Any person selling chemically treated grain without informing the purchaser of the
15 treatment is guilty of a class B misdemeanor.

16 **4.1-54-02. North Dakota winter show - Official site of the North Dakota agricultural**
17 **hall of fame.**

18 The North Dakota winter show, an annual exhibition, shall be held in Valley City. No other
19 event may be designated as, nor call itself, the North Dakota winter show, or any similar name
20 designed to confuse the public with the exhibition sponsored every year in Valley City by the
21 North Dakota winter show. The North Dakota winter show is a nonprofit corporation organized
22 under the laws of this state. The North Dakota winter show is the official site of the North Dakota
23 agricultural hall of fame.

24 **4.1-54-03. Agricultural commodity assessments funds - Investment income**
25 **allocation.**

26 1. Notwithstanding any other provision of law, the state treasurer shall invest in
27 accordance with section 21-10-07 all available moneys in:

- 28 a. The potato fund;
29 b. The oilseed fund;
30 c. The dry bean fund;
31 d. The dry pea and lentil fund;

- 1 e. The barley fund;
 - 2 f. The soybean fund;
 - 3 g. The corn fund;
 - 4 h. The honey fund;
 - 5 i. The turkey fund;
 - 6 j. The milk marketing fund;
 - 7 k. The dairy promotion commission fund;
 - 8 l. The state wheat commission fund;
 - 9 m. The ethanol fund; and
 - 10 n. The North Dakota beef commission fund.
- 11 2. The investment of moneys must be made in cooperation with the governing body of
12 the respective agricultural commodity entity. The state treasurer shall establish rules,
13 in cooperation with the agricultural commodity organizations, to be followed regarding
14 the investment of moneys in each fund. The state treasurer shall credit twenty percent
15 of the investment income derived from each fund to the general fund in the state
16 treasury as payment for accounting, printing, data processing, legal, and other
17 services when provided without cost by the state to the agricultural commodity entity.
18 The state treasurer shall credit eighty percent of the investment income derived from
19 each fund to the respective fund.

20 **4.1-54-04. Agricultural commodity promotion groups to report to the legislative**
21 **assembly - Report contents.**

- 22 1. From the first to the tenth legislative day of each regular legislative session, the
23 following entities must file a uniform report at a public hearing before the standing
24 agriculture committee of each house of the legislative assembly:
- 25 a. The North Dakota ethanol council;
 - 26 b. The North Dakota potato council;
 - 27 c. The North Dakota oilseed council;
 - 28 d. The North Dakota dry bean council;
 - 29 e. The North Dakota dry pea and lentil council;
 - 30 f. The North Dakota barley council;
 - 31 g. The North Dakota soybean council;

- 1 h. The North Dakota corn utilization council;
- 2 i. The North Dakota beekeepers association;
- 3 j. The North Dakota turkey federation;
- 4 k. The North Dakota milk marketing board;
- 5 l. The North Dakota dairy promotion commission;
- 6 m. The North Dakota state wheat commission; and
- 7 n. The North Dakota beef commission.
- 8 2. The presiding officer of each house of the legislative assembly may direct the reports
- 9 be filed with some other standing committee of that house. Each report must contain a
- 10 summary of the activities of the commodity group during the current biennium, and a
- 11 single-page uniform statement of revenues and expenditures for the next biennium.
- 12 Each report, except the reports of the North Dakota beekeepers association and the
- 13 North Dakota turkey federation, also must include a state auditor's report on the
- 14 commodity group's single-page uniform statement of revenues and expenditures for
- 15 the previous two fiscal years.

16 **4.1-54-05. North Dakota agricultural hall of fame - Establishment - Induction.**

17 The North Dakota agricultural hall of fame is established at the North Dakota winter show.

- 18 1. To be eligible for induction into the North Dakota agricultural hall of fame, an individual
- 19 must:
- 20 a. Have reached the age of forty-five;
- 21 b. Have been involved in the state's agricultural industry for a minimum of twenty
- 22 years; and
- 23 c. Be nominated for induction by a member of the North Dakota agricultural hall of
- 24 fame committee.
- 25 2. A nomination must be in writing and must include the nominee's personal history,
- 26 education, employment, and history of contributions to and achievements in the state's
- 27 agricultural industry; the nominee's participation in professional organizations; the
- 28 nominee's career-related activities and civic contributions, honors, and awards; a
- 29 statement from the candidate, if possible; and the date and signature of the nominator.
- 30 3. The North Dakota agricultural hall of fame committee shall select inductees by majority
- 31 vote. The selections must be based on the nominee's record of accomplishment in the

1 state's agricultural industry. The committee shall give due consideration to the
2 nominee's participation in organizations represented by members of the North Dakota
3 agricultural hall of fame committee.

4 **4.1-54-06. North Dakota agricultural hall of fame committee - Members.**

5 1. The North Dakota agricultural hall of fame committee consists of the following
6 individuals, each of whom must be selected by the governing body of the entity or the
7 official to be represented:

8 a. A representative of the North Dakota winter show;

9 b. A representative of agricultural media;

10 c. A representative of agriculture in the area of career and technical education;

11 d. A representative of the North Dakota stockmen's association;

12 e. A representative of the North Dakota grain growers association;

13 f. A representative of the North Dakota oilseed council;

14 g. A representative of county extension agents;

15 h. A representative of the agriculture commissioner;

16 i. A representative of the North Dakota pork producers;

17 j. A representative of the North Dakota sheep producers;

18 k. A representative of the national agricultural marketing association;

19 l. A representative of the North Dakota implement dealers association;

20 m. A representative of the North Dakota farm bureau;

21 n. A representative of the North Dakota farmers union; and

22 o. A representative of the national farmers organization.

23 2. The committee, by a two-thirds majority, may add a new agricultural organization to
24 select a representative on the North Dakota agricultural hall of fame committee. The
25 committee, by a majority vote, may remove the name of an organization that no longer
26 exists from the North Dakota agricultural hall of fame committee.

27 3. The representative of the North Dakota winter show shall serve as the chairman of the
28 committee and the secretary of the North Dakota winter show shall serve as the
29 secretary of the committee. The chairman shall determine the time and location of all
30 committee meetings.

1 4. The committee shall determine the number of nominees to be inducted into the North
2 Dakota agricultural hall of fame each year. Any person who is nominated for induction
3 into the North Dakota agricultural hall of fame and fails to receive the requisite votes
4 for induction but receives at least one vote is automatically carried over for
5 consideration for induction the following year. The nominee may provide the
6 committee with updated or additional information to be considered.

7 5. The committee shall select the inductees by secret ballot and shall announce the
8 selection at the North Dakota agricultural hall of fame banquet, to be held each year
9 during the North Dakota winter show. Inductees must receive a plaque and have their
10 photographs displayed at the North Dakota agricultural hall of fame.

11 **4.1-54-07. Purple coneflowers (Echinacea purpurea or Echinacea angustifolia) -**

12 **Unauthorized removal - Penalty.**

13 1. It is a class A misdemeanor for any person to willfully enter upon state-owned land or
14 land owned by another and remove or attempt to remove a purple coneflower,
15 Echinacea purpurea or Echinacea angustifolia, from the land without the express
16 written consent of the landowner. A person in violation of this section is subject to
17 court-ordered restitution to the landowner, and is also subject to a civil penalty of up to
18 ten thousand dollars.

19 2. It is a class A misdemeanor for any person to willfully possess a purple coneflower
20 removed from land in violation of this section. A person in violation of this section is
21 also subject to a civil penalty of up to ten thousand dollars.

22 3. Any vehicle used to transport a purple coneflower removed or possessed in violation
23 of this section is forfeitable property under chapter 29-31.1.

24 **4.1-54-08. Genetically modified seed - Patent infringement - Sampling - Mediation.**

25 1. For purposes of this section, "farmer" means the person responsible for planting a
26 crop on, managing the crop, and harvesting the crop from land on which a patent
27 infringement is alleged to have occurred.

28 2. a. Before a person holding a patent on a genetically modified seed may enter upon
29 any land farmed by another for the purpose of obtaining crop samples to
30 determine whether patent infringement has occurred, the person holding the
31 patent shall:

- 1 (1) Provide written notice to the agriculture commissioner of the person's belief
2 that a patent infringement has occurred and include facts supporting the
3 allegation;
- 4 (2) Provide written notice to the farmer of the allegation that a patent
5 infringement has occurred and request written permission to enter upon the
6 farmer's land; and
- 7 (3) Obtain the written permission of the farmer.
- 8 b. If the farmer withholds written permission, the person holding a patent may
9 petition the district court of the judicial district in which the property is located for
10 an order granting permission to enter upon the farmer's land.
- 11 3. The farmer may accompany the person holding the patent at the time any samples are
12 taken.
- 13 4. If requested by the farmer or the person holding the patent, the state seed
14 commissioner shall accompany the person holding the patent at the time any sample
15 is taken. The state seed commissioner may impose a fee for providing that service.
16 The patent holder and the farmer shall each pay one-half of the fee charged by the
17 commissioner.
- 18 5. If the person holding a patent believes that the crop from which samples are to be
19 taken may be subject to intentional damage or destruction, the person may seek a
20 protection order from the district court. The protection order may not interrupt or
21 interfere with normal farming practices, including harvest and tillage.
- 22 6. The person holding the patent may take samples from a standing crop, from
23 representative standing plants in the field, or from crops remaining in the field after
24 harvest.
- 25 7. The person holding the patent may not obtain more samples than are reasonably
26 necessary to make a determination regarding patent infringement. An equal number of
27 samples must remain in the custody of the state seed commissioner or the farmer for
28 future comparison and verification purposes. All samples taken must be placed in
29 containers labeled as to the date, time, and location from which they were taken. The
30 labels must be signed by the farmer, the person who took the samples, and the state
31 seed commissioner if the commissioner was present at the time the samples were

1 taken. The patent holder and the farmer shall share equally the cost of the containers
2 needed for the second set of samples that are retained by the state seed
3 commissioner or the farmer. The farmer and the person holding the patent shall share
4 equally the cost of the containers and the cost of obtaining the samples.

5 8. Within sixty days from the date the samples are taken, an independent laboratory shall
6 conduct all tests to determine whether patent infringement has occurred. The person
7 holding the patent shall notify the farmer of the test results, by certified mail or by any
8 other method of delivery for which a signature is required, within twenty-one days from
9 the date the results were reported to the person holding the patent.

10 9. The parties may participate in mediation at any time. The mediation must be
11 conducted by a mediator jointly selected by the farmer and the person holding the
12 patent. If the farmer and the person holding the patent are unable to select a mediator,
13 the mediation must be conducted by an independent mediation service.

14 10. If the case is not settled after mediation, either party may file a claim for relief with the
15 federal district court having jurisdiction over the claim. Unless otherwise specified in a
16 contract between the farmer and the person holding the patent, the appropriate state
17 district court is the one that has jurisdiction over that portion of this state in which the
18 farmer's land is located.

19 **SECTION 5.** Chapter 4.1-55 of the North Dakota Century Code is created and enacted as
20 follows:

21 **4.1-55-01. State fair association - North Dakota state fair.**

22 The North Dakota state fair association shall conduct an annual North Dakota state fair,
23 including exhibition of the agricultural, stockbreeding, horticultural, mining, mechanical,
24 industrial, and other products and resources of this state. The North Dakota state fair must be
25 held at Minot, North Dakota, at a site to be selected by the state fair association. No other fair in
26 the state may include in its name the words "state fair".

27 **4.1-55-02. State fair association members.**

28 1. The state fair association membership must be selected in the following manner:
29 a. Three members must be chosen annually from each county, who are residents of
30 the county. From each county, one member must be selected by the county fair
31 board, one member selected by the board of county commissioners, and one

1 member selected by the county agent. In a county in which there is no county fair
2 board or county agent, or neither, the board of county commissioners shall select
3 the members for which there is no other appointing authority under this
4 subsection. A majority of the members must be selected under this subsection.

5 b. By a two-thirds vote of the board of directors, the directors may elect individuals
6 as nonvoting honorary life members in recognition of eminent services in
7 agriculture, horticulture, or associated arts and sciences; long and faithful service
8 in the association; or benefits conferred upon the association.

9 2. The election and selection of members must be made and certified to the state fair
10 association on or before each annual meeting. The term of each member, except
11 honorary life members, begins at the opening of the annual meeting after being
12 chosen under subsection 1 and continues until the opening of the succeeding annual
13 meeting. Each member holds office until that member's successor is chosen and
14 qualified. A member who is a director remains a member through that member's term
15 of office as director. Any member may resign from membership by filing a written
16 resignation with the secretary of the association but memberships are not transferable
17 or assignable. By majority vote of all members of the board, the board of directors may
18 suspend or expel a member for cause.

19 **4.1-55-03. Meetings of the association - Time and place - Notice.**

20 1. The annual meeting of the state fair association must be held as provided in the
21 bylaws of the association. The annual meeting must include election of directors and
22 the transaction of other business of the association. If the election of directors is not
23 held on the day designated for the annual meeting or at an adjournment of the annual
24 meeting, the board of directors shall cause the election to be held at a special meeting
25 as soon thereafter as convenient. The failure to hold the annual meeting at the
26 designated time does not result in a forfeiture or dissolution of the association.

27 2. A special meeting may be held upon the call of the president or by order of the board
28 of directors. The president shall call a special meeting upon request by ten percent or
29 more of the association members.

30 3. The president or board of directors, whichever calls the meeting, may designate any
31 place within the state as the place of an annual or special meeting.

1 4. At least ten but not more than fifty days before an association meeting, written or
2 printed notice stating the place, day, and hour of any meeting of the association must
3 be delivered to each member entitled to vote at the meeting, personally or by mail or
4 by any form of digital communication directed with verification of receipt to a digital
5 communication address at which the member has consented to receive notice.
6 Delivery of notice must be done by, or at the direction of, the president or the secretary
7 or the officers or persons calling the meeting. For a special meeting, or when required
8 by law or the bylaws, the purpose for which the meeting is called must be stated in the
9 notice. If mailed, the notice of the meeting is deemed to be delivered when deposited
10 in the United States mail, addressed to the member at the member's address as it
11 appears on the records of the association with prepaid postage.

12 **4.1-55-04. Compensation and expenses of members.**

13 Each member of the board of directors is entitled to receive compensation in the amount of
14 one hundred thirty-five dollars per day plus reimbursement of expenses as provided by law for
15 state officers while attending meetings or performing duties directed by the board. The board of
16 directors may pay to members rendering unusual or special services to the association special
17 compensation appropriate to the value of the services.

18 **4.1-55-05. Board of directors - Terms.**

19 The affairs of the state fair association must be managed by its board of directors, which
20 must consist of nine members unless otherwise provided in the association bylaws. A decrease
21 in the number of directors may not affect the term of any incumbent director. Each director shall
22 hold office for a term of three years, and until that director's successor has been elected and
23 qualified. The terms of the directors must be staggered so three directors are elected annually.
24 The directors must be members of the state fair association and residents of the state.

25 **4.1-55-06. Annual meeting of the board of directors - Special meetings - Notice.**

26 1. A regular annual meeting of the board of directors must be held immediately after and
27 at the same place as the annual meeting of the association. Notice of the regular
28 annual meeting of the board of directors must be included in the notice of the annual
29 meeting of the state fair association. The board of directors may provide by resolution
30 the time and place for the holding of additional regular meetings of the board without
31 other notice than that resolution.

- 1 2. Special meetings of the board of directors may be called by the president or upon the
2 written request of two of the directors. The president shall fix the time and place for the
3 holding of any special meeting of the board of directors.
- 4 3. Notice of any special meeting of the board must be given to each director at least
5 three days before the meeting by written notice delivered personally, sent by mail, or
6 by any form of digital communication directed with verification of receipt to a digital
7 communication address at which the director has consented to receive notice. Any
8 director may waive notice of any meeting. The attendance of a director at any meeting
9 constitutes a waiver of notice of that meeting, except when a director attends a
10 meeting for the express purpose of objecting to the transaction of any business
11 because the meeting is not lawfully called or convened. Neither the business to be
12 transacted, nor the purpose of any regular or special meeting of the board of directors,
13 need be specified in the notice or waiver of notice of such meeting.

14 **4.1-55-07. Quorum of board of directors to transact business.**

15 A majority of the board of directors constitutes a quorum for the transaction of business at
16 any meeting of the board. If less than a majority of the directors are present at a meeting, a
17 majority of those present may adjourn the meeting from time to time without further notice. The
18 act of a majority of the directors present at a meeting at which a quorum is present is the act of
19 the board of directors unless the act of a greater number is required by law or by the bylaws. A
20 director participating in a meeting through an electronic communication medium may be
21 considered to be present at the meeting for purposes of this chapter.

22 **4.1-55-08. Vacancies and special compensation of board members.**

23 Any vacancy occurring on the board of directors must be filled by the board of directors for
24 the unexpired term of the vacancy. The board of directors may contract for and pay directors
25 rendering unusual or exceptional services to the association special compensation appropriate
26 to the value of those services.

27 **4.1-55-09. Officers - Removal - Vacancies.**

28 The officers of the association must be a president, vice president, secretary, treasurer, and
29 such other officers as may be created by the board of directors. An officer of the association
30 shall perform the duties of the office as prescribed by law, the bylaws, or the board of directors.
31 Any two or more offices may be held by the same individual except the offices of president and

1 secretary. The president, vice president, secretary, and treasurer must be elected annually by
2 the board of directors. Any office created by the board may be filled by appointment at any
3 meeting of the board. Each elected officer holds office until that officer's successor has been
4 duly elected and qualified. Any officer elected or appointed may be removed by the board. The
5 removal of any officer is without prejudice to any contractual rights of the officer. Election or
6 appointment of an officer or agent does not create contractual rights. A vacancy in any office
7 may be filled by the board of directors for the unexpired portion of the term.

8 **4.1-55-10. Officers - Duties.**

- 9 1. The president is the principal executive officer of the association and shall supervise
10 and control the business and affairs of the association and preside at all meetings of
11 the association and the board of directors. The president may sign, with the secretary
12 or any other officer of the association authorized by the board of directors, any deeds,
13 mortgages, bonds, contracts, or other instruments the board of directors has
14 authorized to be executed, except when the signing is expressly delegated by the
15 board of directors, the bylaws, or law to some other officer or agent of the association.
16 The president shall perform all duties incident to the office of president and duties as
17 may be prescribed by the board of directors.
- 18 2. In the absence, inability, or refusal to act of the president, the vice president shall
19 perform the duties of the president and when so acting has all the power of and is
20 subject to all the restrictions upon the president. If there is more than one vice
21 president, the vice president elected or appointed earliest in time shall perform the
22 duties of the president. A vice president shall perform such duties as assigned by the
23 president or board of directors.
- 24 3. If required by the board of directors, the treasurer shall give a bond for the faithful
25 discharge of the treasurer's duties in a sum with that surety as determined by the
26 board. The treasurer shall perform or supervise the performance of all the duties
27 incident to the office of the treasurer and shall:
- 28 a. Keep accurate financial records for the association;
29 b. Deposit all money, drafts, and checks in the name of and to the credit of the
30 association in the depositories designated by the board;

- 1 c. Endorse for deposit all notes, checks, and drafts received by the association as
2 directed by the board, making proper vouchers;
- 3 d. Disburse association funds and issue checks and drafts in the name of the
4 association, as directed by the board;
- 5 e. Give to the president and the board, when requested, an account of all
6 transactions by the treasurer and of the financial condition of the association; and
- 7 f. Perform other duties assigned by the board or the president.
- 8 4. The secretary shall keep the minutes of the meetings of the board of directors; see
9 that all notices are duly given in accordance with the bylaws or as required by law; be
10 custodian of the association records; keep a register of the post-office address of each
11 member as furnished to the secretary by the member; and, in general, perform or
12 supervise the performance of all duties incident to the office of secretary and other
13 duties as assigned by the president or by the board of directors.
- 14 5. Any other officers created by the board of directors may be required to give bonds for
15 the faithful discharge of their duties in such a and with that sureties as determined by
16 the board of directors and shall perform duties assigned to them by the treasurer,
17 secretary, president, or board of directors.

18 **4.1-55-11. Director's liability limited.**

19 The individual members of the board of directors of the state fair association are not liable
20 for the negligence of any person, firm, corporation, or limited liability company staging any
21 show, race, or other amusement at the state fair, nor for the negligence of any person employed
22 by them.

23 **4.1-55-12. Bylaws, rules, and regulations.**

24 The state fair association may make all bylaws, rules, and regulations, not inconsistent with
25 law, which it deems necessary or proper to carry out its responsibilities under this chapter and
26 for the government of the state fair grounds, and for all activities on the state fair grounds, and
27 for the protection, health, safety, and comfort of the public. The bylaws, rules, and regulations
28 are in effect from the time of filing with the secretary of the association.

29 **4.1-55-13. Appointment of necessary employees.**

30 The president, or any other person delegated the authority by the board of directors, shall
31 appoint and employ deputies and other subordinates; contractors, architects, builders, clerks,

1 accountants, and other experts; and agents and servants as required to carry out the functions
2 of the state fair association. Salaries and other compensation must be set by the president and
3 board of directors and any expenses incurred in the performance of employment must be
4 reimbursed in the same manner and for the same amounts as is provided for officials and
5 employees of the state.

6 **4.1-55-14. State fair operating fund - Continuing appropriation.**

7 A special fund for the North Dakota state fair association to be known as the state fair
8 operating fund must be maintained in the state treasury. All income, fees, rents, interest, and
9 any other moneys, from any source derived by the state fair association, must be deposited in
10 that fund for the use of the North Dakota state fair association. Moneys credited to the fund are
11 appropriated as a standing appropriation for the purposes provided in this chapter. The fund is
12 not subject to section 54-44.1-11.

13 **4.1-55-15. Organization under corporation laws - Real property transactions -**
14 **Contracts.**

15 The state fair association has the rights, privileges, and liabilities of a corporation under the
16 corporation laws of this state except as provided by this chapter. The association may purchase,
17 hold, lease, exchange, trade, or sell real estate for the purpose of promoting and conducting a
18 state fair. Real estate controlled by the state fair association may be leased, subleased, rented,
19 or used for other than fair purposes when the property is not needed for fair purposes. The state
20 fair association may contract in its own name, but as an agency of the state, and shall make all
21 of its purchases under the purchasing laws of the state, except as exempted by the director of
22 the office of management and budget.

23 **4.1-55-16. Name in which business conducted and titles taken - Execution of written**
24 **instruments.**

25 All business of the association must be conducted under the name of "North Dakota state
26 fair association". Title to property obtained in regard to the operation of the association must be
27 obtained and conveyed in the name of the state of North Dakota, doing business as the North
28 Dakota state fair association. Written instruments must be executed in the name of the state of
29 North Dakota.

1 **4.1-55-17. Certified audit of state fair association.**

2 The state fair association shall submit annually to the governor and the legislative audit and
3 fiscal review committee an audit report prepared by a certified public accountant based upon an
4 audit of all records and accounts of the association.

5 **4.1-55-18. Attorney general to act as legal adviser.**

6 The attorney general shall appoint an assistant attorney general or a special assistant
7 attorney general to provide legal assistance to the state fair association. The appointment is
8 revocable at the pleasure of the attorney general. This section does not prohibit the state fair
9 association from employing any other attorney to carry out the legal functions of the association
10 or provide additional legal services, other than those provided through the office of the attorney
11 general, necessary for the proper administration of the state fair association.

12 **4.1-55-19. Law enforcement - Arrangements with local law enforcement agencies.**

13 The state fair association shall make arrangements with local law enforcement agencies for
14 the provision of law enforcement personnel. For the purpose of enforcing any state and local
15 laws, rules, regulations, bylaws, and ordinances of the state fair association, negotiations may
16 be entered with local law enforcement agencies for the use of law enforcement personnel or the
17 deputizing of employees of the state fair association. The cost of providing law enforcement
18 personnel is the responsibility of the state fair association, except in the case of law
19 enforcement officials who are functioning in their normal capacity as agents of the state or its
20 political subdivisions. Law enforcement personnel shall wear appropriate badges of office while
21 acting as such.

22 **4.1-55-20. Service of process.**

23 In any action or proceeding upon a claim arising out of the conduct of the state fair, service
24 of process may be made as provided in section 53-05-04.

25 **4.1-55-21. Regulation and licensing.**

26 The state fair association shall regulate all shows, exhibitions, performances,
27 establishments, and privileges carried on during the state fair and ensure those enterprises are
28 properly licensed according to local and state laws. The state fair association may license any
29 enterprises not required to be licensed by state or local laws. The state fair association shall
30 ensure that shows, exhibitions, performances, establishments, and exercise of fair privileges

1 are conducted in compliance with all state and local laws and all rules and regulations of the
2 state fair association.

3 **4.1-55-22. Nonliability of state for debts - Exception.**

4 The state is not liable for any of the debts or liabilities of the state fair association except as
5 appropriations are made for that purpose by the legislative assembly.

6 **4.1-55-23. Annual report.**

7 The secretary or other officer charged with compiling an annual report of the proceedings of
8 the state fair association and its financial condition for the preceding fiscal year by the annual
9 meeting shall file a copy in the office of the agriculture commissioner. The commissioner shall
10 include it, in whole or in part, in the commissioner's biennial report to the governor and the
11 secretary of state.

12 **4.1-55-24. The Iverson grandstand.**

13 The grandstand constructed by the state fair association on the state fairgrounds during the
14 2009-11 biennium is designated the Iverson grandstand.

15 **SECTION 6.** Chapter 11-38 of the North Dakota Century Code is created and enacted as
16 follows:

17 **11-38-01. County extension agent - Petition to authorize or discontinue levy - Election**
18 **- Levy limitations.**

19 1. Upon the filing with the county auditor at least sixty-four days before the date of a
20 general election of a petition to authorize or discontinue a tax levy for extension work,
21 containing the names of twenty percent of the qualified electors of the county as
22 determined by the votes cast for governor in the county in the most recent
23 gubernatorial election, the board of county commissioners shall submit to the qualified
24 electors at the next general election the question of authorizing or discontinuing a tax
25 levy for extension work. Upon approval by a majority of qualified electors of the county
26 voting on the question of authorizing a tax levy for extension work, the board of county
27 commissioners may levy a tax of up to two mills as provided in subsection 2 of section
28 57-15-06.7. Upon approval by a majority of qualified electors of the county voting on
29 the question of discontinuing a tax levy for extension work, the board of county
30 commissioners shall terminate any levy or additional levy previously authorized under
31 this chapter and may terminate county expenditures for extension work.

1 2. The board of county commissioners may submit to the electors at a primary or general
2 election the question of approval of voter-approved additional levy authority for
3 extension work for a period not exceeding ten years and if approved by a majority of
4 the electors voting on the question, the board of county commissioners may levy an
5 additional tax not exceeding the limitation in subsection 2 of section 57-15-06.7.
6 Voter-approved additional levy authority authorized by electors of a county before
7 January 1, 2015, remains in effect through taxable year 2024 or for the time period
8 authorized by the electors, whichever expires first. After January 1, 2015, approval or
9 reauthorization by electors of voter-approved additional levy authority under this
10 section may not be effective for more than ten taxable years.

11 3. The board of county commissioners may appropriate funds out of the county general
12 fund to cover any unanticipated deficiency in funding for extension work. All funds
13 raised by levies under this chapter must be appropriated by the board of county
14 commissioners for the purposes set forth in this chapter.

15 **11-38-02. Form of petitions.**

16 The petitions provided for in section 11-38-01 must be in substantially the following form:

17 PETITION REGARDING LEVY FOR EXTENSION WORK

18 We, the undersigned, qualified electors of _____ County, North Dakota, petition the
19 board of county commissioners that it [levy or discontinue the levy of] a tax not to exceed two
20 mills to employ an extension agent for the purpose of carrying on extension work in cooperation
21 with the North Dakota state university extension service.

22 **11-38-03. Form of ballot.**

23 The question to be voted upon as provided in section 11-38-01 must be submitted on a
24 separate ballot and must be worded as follows:

25 1. For a petition to authorize a levy:

26 For extension work _____

27 Against extension work _____

28 2. For a petition to discontinue a levy:

29 For discontinuing the extension work levy _____

30 Against discontinuing the extension work levy _____

1 **11-38-04. Extension agent selection.**

2 When a majority of the votes are cast to authorize a tax levy for extension work, by the
3 following July first the North Dakota state university extension service shall conduct interviews
4 and select a candidate for extension agent.

5 If a vacancy occurs in the extension agent position, the North Dakota state university
6 extension service, with approval of the board of county commissioners, shall conduct interviews
7 and select a candidate for extension agent.

8 **11-38-05. Discontinuance of extension work levy - Transfer of unobligated funds.**

9 If a majority of the votes cast at an election to discontinue authority for a tax levy under
10 section 11-38-01 are in favor of discontinuing authority for the levy for extension work, the tax
11 levy and the services of the extension agent must be discontinued on the thirty-first day of
12 December following the date of election. Upon the discontinuance of extension work,
13 accumulated and unobligated funds remaining in the special fund for that purpose must be
14 transferred to the county general fund and the special fund must be closed out.

15 **11-38-06. Budgeting for extension work.**

- 16 1. When the board of county commissioners is authorized to make a levy for the
17 employment of an extension agent, the board shall provide an annual budget that
18 stipulates the salary of the agent, field and office expenses, and allowance for staff.
- 19 2. The budget must be revised annually to account for changes in agent and staff
20 salaries and operating expenses. The board of county commissioners annually shall
21 provide the North Dakota state university extension service input on the extension
22 agent's performance. The extension agent's annual salary adjustment must be agreed
23 upon by the board of county commissioners and the extension service based on the
24 agent's annual performance and consideration of county and extension service budget
25 limitations.
- 26 3. After agreeing upon a budget and after deducting the amount of funds contributed
27 from federal and state funds, the board of county commissioners shall levy within the
28 authorization under this chapter or appropriate funds out of the county general fund, or
29 both, to cover the county's share of the budget.

1 **11-38-07. Extension agent to submit monthly account of expenditures.**

2 The extension agent shall submit monthly an accurate itemized account of all expenditures
3 incurred by the agent in the regular conduct of duties to the North Dakota state university
4 extension service for examination and audit. When charges are made by an extension agent for
5 money expended in the performance of official duties and consistent with the approved budget,
6 expenditures must be covered by a subvoucher or receipt according to county policy for
7 reimbursement. The subvoucher or receipt must show at what place, on what date, and for what
8 the money expended was paid. The extension agent shall forward the subvouchers or receipts
9 with the bill, claim, account, or demand against the county. Charges made for transportation
10 expenses may not exceed the amounts provided by section 11-10-15, and must be in itemized
11 form showing the mileage traveled, the days when and how traveled, and the purpose of travel,
12 verified by affidavit. The account must be transmitted and recommended for payment by the
13 North Dakota state university extension service which shall audit and approve or disallow any
14 expense item.

15 **11-38-08. Achievement days - Premiums - Report of extension agent.**

16 In July of each year the office of management and budget shall pay from funds appropriated
17 for boys' and girls' clubwork a sum not to exceed five hundred dollars to the extension agent of
18 each county within the state conducting boys' and girls' achievement days, to be used
19 exclusively for the payment of premiums at the boys' and girls' achievement days. Within thirty
20 days following the boys' and girls' achievement days, the extension agent shall refund to the
21 office of management and budget any balance not expended, which must be remitted to the
22 state treasurer and placed to the credit of the general fund.

23 **11-38-09. Direction and supervision of extension agent.**

24 The North Dakota state university extension service shall actively direct and supervise the
25 work of the extension agent. The extension agent regularly shall request feedback from the
26 board of county commissioners on county programs, based on local and state needs
27 considerations. The work of the county agent may not conflict with state or federal laws or
28 regulations governing appropriations for extension work.

1 **11-38-10. Report to board of county commissioners.**

2 An extension agent shall file a statement of the agent's work with the board of county
3 commissioners either monthly or within a mutually agreed upon timeframe not to exceed one
4 year.

5 **11-38-11. Dissatisfaction with extension agent - Meeting to be arranged.**

6 If the North Dakota state university extension service or the board of county commissioners
7 becomes dissatisfied with the performance of an extension agent or the level of funding support
8 required, the dissatisfied entity shall arrange a joint meeting at which detailed information as to
9 the dissatisfaction with the performance of the agent or the level of funding support required
10 must be presented and such joint action taken as is justified by the evidence.

11 **11-38-12. Administration - Position adjustments - Budget section report.**

12 The state board of agricultural research and education and the president of North Dakota
13 state university shall control and administer the North Dakota state university extension service
14 subject to the supervision of the state board of higher education. Funds appropriated to the
15 North Dakota state university extension service may not be commingled with funds appropriated
16 to North Dakota state university. An appropriation request to defray expenses of the North
17 Dakota state university extension service must be separate from an appropriation request to
18 defray expenses of North Dakota state university. Subject to the availability of funds, the director
19 of the North Dakota state university extension service may adjust or increase full-time or
20 part-time equivalent positions to carry out the mission of the extension service. All full-time or
21 part-time positions must be separate from North Dakota state university. Annually, the director of
22 the North Dakota state university extension service shall report to the office of management and
23 budget and to the budget section any adjustments or increases made under this section.

24 **SECTION 7.** Chapter 11-39 of the North Dakota Century Code is created and enacted as
25 follows:

26 **11-39-01. County fair association organization as nonprofit corporation.**

27 A county fair association must be organized under the nonprofit corporation laws of this
28 state. In addition to the powers and duties of nonprofit corporations under the laws of this state,
29 a county fair association has the powers and duties specified in this chapter.

1 **11-39-02. Fair association - County funding.**

2 1. A fair association may be organized in any county. The officers and directors must be
3 residents of the county or, if the association is to conduct a multicounty fair, residents
4 of one of the participating counties. The association may make written application to
5 the board of county commissioners for a grant to aid in the erection of buildings and
6 other improvements suitable to conduct the fair and to pay premiums and expenses
7 that may be awarded on fair exhibits. An application must include evidence that the
8 association is incorporated in this state as a nonprofit corporation, the names and
9 places of residence of all its officers and directors, and evidence of ownership or right
10 to use of sufficient real property in the county to conduct the fair.

11 2. The board of county commissioners may not provide county funding or official county
12 fair authorization under this chapter to more than one fair association or to any
13 association organized for profit.

14 3. If the board of county commissioners is satisfied the statements in the application are
15 true and the association intends in good faith to annually hold a fair within the county
16 for the exhibition of agricultural, livestock, horticultural, mining, mechanical, industrial,
17 and manufactured products of the county, and of those articles as are usually
18 exhibited at fairs, and other public displays of human art, industry, and skill, the board
19 may provide the association official county fair authorization and funding from
20 revenues derived from the county general fund levy authority. If the funding is
21 approved, the county treasurer shall pay to the secretary of the association, by the
22 following July thirty-first, the amount of funding approved and shall take the receipt of
23 the association for the payment.

24 4. Any amount received by the county fair association must be deposited by the
25 secretary of the association in a special fund.

26 5. To promote holding a county fair, the board of county commissioners may purchase or
27 lease in the name of the county not to exceed two hundred forty acres [97.12
28 hectares] of real estate and construct buildings and improvements for the conduct of a
29 county fair. The board of county commissioners may issue bonds in the name of the
30 county if approved by electors of the county in accordance with sections 21-03-06 and

1 21-03-07 to purchase not to exceed two hundred forty acres [97.12 hectares], of real
2 estate and construct buildings and improvements for the conduct of a county fair.

3 6. Upon the board's own motion, the board of county commissioners may continue to
4 provide funding under this section after the first year's grant of aid.

5 7. The authority of this section may be used by a county to join in formation and funding
6 of a multicounty fair association under terms of an agreement with one or more other
7 counties.

8 **11-39-03. County fair association funding to be submitted to vote.**

9 If the board of county commissioners has voted and ordered county general fund funding
10 for a fair association and a petition is addressed to the board and filed with the county auditor,
11 asking the discontinuance of the funding and containing the signatures of qualified electors of
12 the county in a number equal to twenty percent or more of the total vote cast in the county at
13 the last preceding general election, the board shall submit to the qualified electors of the county
14 at the next succeeding general election the question of whether funding is to be continued. The
15 ballot must be in the following form:

16 Shall the board of county commissioners continue the annual Yes
17 funding in aid of a county fair? No

18 If a majority of all the ballots cast on the question at the election is in favor of discontinuing the
19 funding, the board of county commissioners may not thereafter provide funding in aid of a
20 county fair under this chapter until the question of resuming the annual funding is approved by a
21 vote of the qualified electors of the county. The ballot must be in the following form:

22 Shall the board of county commissioners resume the annual Yes
23 funding in aid of a county fair? No

24 If a majority of the ballots cast on the question at the election is in favor of resuming the funding,
25 the board of county commissioners shall resume the annual funding subject to the other
26 provisions of this chapter.

27 **11-39-04. County fair authorization - Forfeiture.**

28 Any county fair association that fails to hold a county fair for ten consecutive years forfeits
29 its official authorization. After a forfeiture, another fair association may organize within a county
30 and apply, or the forfeiting organization may reapply, to the board of county commissioners for
31 official county fair authorization and aid under this chapter.

1 **11-39-05. Disposition of property.**

2 The board of county commissioners may sell property used for county fair purposes and
3 held in the name of the county upon terms and conditions set by the board. The proceeds of
4 such sale must be placed in the county general fund.

5 If the county fair association fails to hold a fair within the county for two consecutive years,
6 the board of county commissioners may direct that any county property on hand be sold and the
7 proceeds of the sale and any unexpended balance in the county fair fund be transferred to the
8 county general fund.

9 **11-39-06. County funding to cease when fair not held - Misappropriation of funds.**

10 The board of county commissioners shall refuse to provide funding for a county fair
11 association that failed to hold a fair within the county in any year for which it has received
12 funding from the county. In such a case, the board of county commissioners shall inquire into
13 the disposition of moneys paid by the county to the association after its last annual report, and if
14 there has been any misappropriation it shall institute proceedings at once to recover the sum
15 misappropriated. For any such misappropriation, the officers, trustees, or directors of the
16 association shall be liable personally to the county.

17 **11-39-07. Power to make regulations governing premises.**

18 Fair associations may make rules, regulations, and provisions necessary and proper for the
19 government, management, and control of the premises used by them for the holding of fairs and
20 expositions and for the regulation of the use of the premises.

21 **11-39-08. Director's civil immunity.**

22 The individual members of the board of directors of any fair association are immune from
23 civil liability for any act or omission relating to service as a director for the negligence of any
24 person, firm, corporation, or limited liability company staging any show, race, or other
25 amusement at any county or municipal fair and are immune from civil liability for any negligence
26 of any person employed by the board of directors or the association conducting such fair.

27 **11-39-09. Treasurer to give bond - Duty of officers and directors.**

28 The officers and directors of any fair association shall require the treasurer of the
29 association to give a sufficient bond to those officers and directors, conditioned for the faithful
30 keeping of that money as may come into the treasurer's hands as the treasurer. The treasurer
31 may not receive funds of a fair association until the treasurer is properly bonded.

1 **11-39-10. Nonliability of state for debts - Exception.**

2 The state is not liable for any of the debts or liabilities of a fair association except to the
3 extent appropriations are made for that purpose by the legislative assembly.

4 **SECTION 8.** Chapter 15-12.1 of the North Dakota Century Code is created and enacted as
5 follows:

6 **15-12.1-01. Definitions.**

7 In this chapter, unless the context otherwise requires:

8 1. "Agricultural experiment station" means the North Dakota state university main
9 research center, the Dickinson research extension center, the Williston research
10 extension center, the Langdon research extension center, the central grasslands
11 research extension center, the Carrington research extension center, the Hettinger
12 research extension center, the north central research extension center, the agronomy
13 seed farm, and any other department or agency designated by the state board of
14 higher education.

15 2. "Center director" means the administrator in charge of a research or research
16 extension center.

17 3. "Station director" means the administrator of the agricultural experiment station.

18 **15-12.1-02. Agricultural experiment station.**

19 The state board of agricultural research and education and the president of North Dakota
20 state university shall control and administer the North Dakota agricultural experiment station
21 subject to the supervision of the state board of higher education. Funds appropriated to the
22 agricultural experiment station may not be commingled with funds appropriated to North Dakota
23 state university. Appropriation requests to defray expenses of the agricultural experiment station
24 must be separate from appropriation requests to defray expenses of North Dakota state
25 university.

26 **15-12.1-03. Center directors - Research and research extension centers - Records**
27 **and information.**

28 The station director has jurisdiction over the research and research extension centers of the
29 agricultural experiment station. The center director shall administer each research or research
30 extension center. The center director shall report to the station director. Each research or
31 research extension center shall keep detailed records of all research activities. The research or

1 research extension center shall publish and disseminate research results and information for
2 the benefit of this state.

3 **15-12.1-04. Reports.**

4 Each center director shall submit an annual report to the station director. Each report must
5 set forth in detail the investigations and experiments made during the preceding year,
6 recommendations for the welfare of the center, the financial condition of the center, how all
7 moneys have been expended during the preceding year, and the results of all experiments that
8 have been completed during the preceding year. By September first of each year, the station
9 director shall submit these reports, with a report of the North Dakota state university main
10 research center, to the state board of agricultural research and education and the state board of
11 higher education by.

12 **15-12.1-05. North Dakota state university main research center position adjustments -**
13 **Budget section report.**

14 The North Dakota state university main research center must be located on the campus of
15 North Dakota state university of agriculture and applied science. The center is the administrative
16 location of the agricultural experiment station. The center shall conduct research and coordinate
17 all research activities of the agricultural experiment station. The research must have, as a
18 purpose, the development and dissemination of technology important to the production and
19 utilization of food, feed, fiber, and fuel from crop and livestock enterprises. The research must
20 provide for the enhancement of quality of life, sustainability of production, and protection of the
21 environment. The station director may adjust or increase full-time equivalent positions to carry
22 out activities to accomplish the mission of the agricultural experiment station, subject to the
23 availability of funds. All full or partial positions must be separate from North Dakota state
24 university. The station director shall report annually to the office of management and budget and
25 to the budget section any adjustments or increases made under this section. The center may
26 conduct baseline research, including production and processing in conjunction with the
27 research and extension centers of the state, regarding industrial hemp and other alternative
28 industrial use crops. The center may collect feral hemp seed stock and develop appropriate
29 adapted strains of industrial hemp which contain less than three-tenths of one percent
30 tetrahydrocannabinol in the dried flowering tops. The agriculture commissioner shall monitor the

1 collection of feral hemp seed stock and industrial hemp strain development and shall certify
2 appropriate stocks for licensed commercial cultivation.

3 **15-12.1-06. Dickinson research extension center.**

4 The Dickinson research extension center must be located in or near Dickinson in Stark
5 County. The center shall conduct research:

- 6 1. On increasing the carrying capacity of native rangeland, with emphasis on
7 conservation and preservation for future generations;
- 8 2. On grass production to determine how to best compensate for the vagaries of the
9 weather as it influences forage production in the agriculture of western North Dakota;
- 10 3. At the ranch location in Dunn County with beef cattle and swine on breeding, feeding,
11 management, and disease control for the benefit of livestock producers of western
12 North Dakota and the entire state; and
- 13 4. Designed to increase productivity of all agricultural products of the soil by maintaining
14 or improving the soil resource base in the agricultural region of southwestern North
15 Dakota by:
 - 16 a. The identification of adapted crop species and superior crop cultivars;
 - 17 b. Propagation and distribution of selected seed stock; and
 - 18 c. Development of profitable cropping systems that achieve the necessary balance
19 between profitability and conservation of all natural resources.

20 **15-12.1-07. Williston research extension center.**

21 The Williston research extension center must be located in or near Williston in Williams
22 County. The center shall conduct research designed to increase productivity of all agricultural
23 products of the soil while maintaining or improving the soil resource base in the agricultural
24 region of northwestern North Dakota by:

- 25 1. The identification of adapted crop species and superior crop cultivars;
- 26 2. Propagation and distribution of selected seed stocks; and
- 27 3. Development of profitable cropping systems that achieve the necessary balance
28 between profitability and conservation of all natural resources.

29 **15-12.1-08. Langdon research extension center.**

30 The Langdon research extension center must be located in or near Langdon in Cavalier
31 County. The center shall conduct research designed to increase productivity of all agricultural

1 products of the soil while maintaining or improving the soil resource base in the agricultural
2 region of northeastern North Dakota by:

- 3 1. The identification of adapted crop species and superior crop cultivars;
- 4 2. Propagation and distribution of selected seed stocks; and
- 5 3. Development of profitable cropping systems that achieve the necessary balance
6 between profitability and conservation of all natural resources.

7 **15-12.1-09. Central grasslands research extension center.**

8 The central grasslands research extension center must be located within an area bounded
9 by the Missouri River on the west and the James River on the east. The center shall conduct
10 research:

- 11 1. Designed to fulfill needs within an area bounded by the Missouri River on the west and
12 the James River on the east; and
- 13 2. To increase the range-carrying capacity of native range, with emphasis on:
 - 14 a. The conservation and preservation for future generations;
 - 15 b. The stabilization of grass production to discover how to best compensate for the
16 vagaries of the weather and precipitation as it influences forage production in
17 agriculture;
 - 18 c. The identification of the impact of different management systems upon beef
19 production in the central region of the state; and
 - 20 d. The exploration of increased use of crop residues and byproducts for the
21 maintenance of the cowherd.

22 **15-12.1-10. Carrington research extension center.**

23 The Carrington research extension center must be located in or near Carrington in Foster
24 County. The center shall conduct research designed to:

- 25 1. Determine the potential of irrigated agriculture in the region proposed for irrigation
26 development in the state which must be related to both crop and livestock production;
27 and
- 28 2. Increase productivity of all agricultural products of the soil while maintaining or
29 improving the soil resource base in the agricultural region of east central North Dakota
30 by:
 - 31 a. The identification of adapted crop species and superior crop cultivars;

- 1 b. Propagation and distribution of selected seed stocks; and
- 2 c. Development of profitable cropping and integrated crop and livestock systems
- 3 that achieve the necessary balance between profitability and conservation of all
- 4 natural resources.

5 **15-12.1-11. Hettinger research extension center.**

6 The Hettinger research extension center must be located in or near Hettinger in Adams
7 County. The center shall develop the best available technology in breeding, feeding,
8 management, and disease control pertinent to the production of sheep in the state. The center
9 shall conduct research designed to increase productivity of all agricultural products of the soil
10 while maintaining or improving the soil resource base in southwestern North Dakota by:

- 11 1. The identification of adapted crop species and superior crop cultivars;
- 12 2. Propagation and distribution of selected seed stocks; and
- 13 3. Development of profitable cropping systems that achieve the necessary balance
- 14 between profitability and conservation of all natural resources.

15 **15-12.1-12. North central research extension center.**

16 The north central research extension center must be located in or near Minot in Ward
17 County. The center shall conduct research designed to increase productivity of all agricultural
18 products of the soil while maintaining or improving the soil resource base in the agricultural
19 region of north central North Dakota by:

- 20 1. The identification of adapted crop species and superior crop cultivars;
- 21 2. Propagation and distribution of selected seed stocks; and
- 22 3. Development of profitable cropping systems which achieve the necessary balance
- 23 between profitability and conservation of all natural resources.

24 **15-12.1-13. Agronomy seed farm - Investment of reserve income fund.**

25 At the direction of the center director of the agronomy seed farm with the approval of the
26 station director, the state treasurer shall provide for the investment of available moneys in the
27 agronomy seed farm reserve income fund. The state treasurer shall credit the investment
28 income to the agronomy seed farm reserve income fund. The moneys in the fund may be spent
29 only within the limits of legislative appropriation.

30 **15-12.1-14. State board of agricultural research and education - Membership - Terms.**

- 31 1. The state board of agricultural research and education consists of:

- 1 a. The president of North Dakota state university or the president's designee:
- 2 b. The vice president of agricultural affairs at North Dakota state university, who
- 3 serves in an ex officio nonvoting capacity:
- 4 c. The administrator of the agricultural experiment station, who serves in an
- 5 ex officio nonvoting capacity:
- 6 d. The five persons appointed to the state board of agricultural research and
- 7 education by the ag coalition:
- 8 e. The five persons appointed to the state board of agricultural research and
- 9 education by the extension service's multicounty program units:
- 10 f. The agriculture commissioner, who serves in an ex officio nonvoting capacity:
- 11 g. The director of the North Dakota state university extension service, who serves in
- 12 an ex officio nonvoting capacity; and
- 13 h. Two members of the legislative assembly appointed by the chairman of the
- 14 legislative management. The chairman shall appoint one member from each
- 15 political faction. The terms of members are for two years and members may be
- 16 reappointed. The legislative council shall pay the compensation and expense
- 17 reimbursement for the legislative members.
- 18 2. a. The initial five members appointed by the ag coalition shall select their terms by
- 19 lot so that one member serves for one year, one member serves for two years,
- 20 one member serves for three years, one member serves for four years, and one
- 21 member serves for five years.
- 22 b. The initial five members appointed by the extension service's multicounty
- 23 program units shall select their terms by lot so that one member serves for one
- 24 year, one member serves for two years, one member serves for three years, one
- 25 member serves for four years, and one member serves for five years.
- 26 3. At the completion of each initial term, the term of office for each member is four years,
- 27 beginning on July first. An individual may be reappointed to a second four-year term.
- 28 4. a. At least ninety days before the term of a member appointed by the ag coalition
- 29 expires, the ag coalition shall provide to the state board of higher education a list
- 30 of one or more names from which the state board of higher education shall

1 appoint a successor. The state board of higher education shall ensure four out of
2 the five seats are held by agricultural producers.

3 b. At least ninety days before the term of a member appointed by the extension
4 service's multicounty program units expires, the units through their advisory
5 groups shall provide to the state board of higher education a list of one or more
6 names from which the state board of higher education shall appoint a successor.
7 The state board of higher education shall ensure four out of the five seats are
8 held by agricultural producers.

9 5. If an appointed position becomes vacant, the vacancy must be filled for the unexpired
10 portion of the term in the same manner as the initial appointment except that the
11 ninety-day requirement is waived. An individual appointed under this subsection is
12 eligible to serve two full terms after completing the unexpired term for which the
13 individual was appointed.

14 **15-12.1-15. Compensation of board members - Expenses.**

15 Each appointed member of the state board of agricultural research and education is entitled
16 to receive one hundred thirty-five dollars per day as compensation for the time actually spent
17 devoted to the duties of office and is entitled to receive necessary expenses in the same
18 manner and amounts as state officials for attending meetings and performing other functions of
19 office.

20 **15-12.1-16. State board of agricultural research and education - Chairman - Meetings.**

21 The state board of agricultural research and education shall elect one of its members
22 annually to serve as chairman. The board shall meet at the times and locations designated by
23 the chairman in consultation with the vice president of agricultural affairs at North Dakota state
24 university.

25 **15-12.1-17. State board of agricultural research and education - Duties.**

26 Within the policies of the state board of higher education, the state board of agricultural
27 research and education is responsible for budgeting and policymaking associated with the
28 agricultural experiment station and the North Dakota state university extension service. The
29 state board of agricultural research and education shall:

30 1. Determine the causes of any adverse economic impacts on crops and livestock
31 produced in this state;

- 1 2. Develop ongoing strategies for the provision of research solutions and resources to
2 negate adverse economic impacts on crops and livestock produced in this state;
- 3 3. Develop proactive strategies for the extension service to fulfill the mission of improving
4 the lives and livelihood of the citizens of North Dakota by providing research-based
5 education;
- 6 4. Implement the strategies developed under subsections 2 and 3, subject to approval by
7 the state board of higher education;
- 8 5. Develop, with the agricultural experiment station and the North Dakota state university
9 extension service, an annual budget for the operations of these entities;
- 10 6. Develop a biennial budget request based on its prioritized needs list and submit that
11 request to the president of North Dakota state university and the state board of higher
12 education, and forward its prioritized needs list and request without modification to the
13 office of management and budget and the appropriations committees of the legislative
14 assembly;
- 15 7. Maximize the use of existing financial resources, equipment, and facilities to generate
16 the greatest economic benefit from research and extension efforts and to promote
17 efficiency;
- 18 8. Annually evaluate the results of research and extension activities and expenditures
19 and report the findings to the legislative management and the state board of higher
20 education;
- 21 9. Advise the president of North Dakota state university regarding the recruitment,
22 selection, and performance of the vice president of agricultural affairs, the extension
23 service director, and the station director; and
- 24 10. Present a status report to the budget section of the legislative management.

25 **15-12.1-18. Agricultural research fund - Continuing appropriation.**

26 The agricultural research fund is a special fund in the state treasury. Moneys in the fund are
27 appropriated to the state board of agricultural research and education for purposes of
28 agricultural research. Any interest earned by the fund must be returned to the fund.

1 **15-12.1-19. State board of agricultural research and education - Apportionment of**
2 **research funds.**

- 3 1. The state board of agricultural research and education may use up to ten percent of
4 the moneys in the agricultural research fund, not to exceed fifty thousand dollars per
5 year, for administrative expenses and annually shall apportion the remaining proceeds
6 of the agricultural research fund as follows:
- 7 a. Seventy percent to research activities affecting North Dakota agricultural
8 commodities that account for at least two percent of the gross sales of all
9 agricultural commodities grown or produced in the state. The percentage of the
10 dollars available for each agricultural commodity under this section may not
11 exceed the percentage that the gross sales of the agricultural commodity bear to
12 the North Dakota gross sales of all agricultural commodities grown or produced
13 during the previous year, as determined by the agricultural statistics service;
- 14 b. Eighteen percent to research activities affecting North Dakota animal agriculture;
15 and
- 16 c. Twelve percent to research activities affecting new and emerging crops in North
17 Dakota.
- 18 2. The state board of agricultural research and education shall solicit proposals for
19 research from the public and private sectors and shall appoint committees to review
20 the proposals and award the agricultural research grants on a competitive basis. Each
21 committee must consist of a majority of agricultural producers selected in consultation
22 with the agricultural commodity groups representing commodities that are the subjects
23 of the proposed research and may include researchers and other individuals
24 knowledgeable about the proposed area of research. Whenever possible, the
25 committees shall require a grant recipient commit matching funds.
- 26 3. The state board of agricultural research and education shall develop policies regarding
27 the award of research grants, including requirements for matching funds, cooperation
28 with other in-state and out-of-state researchers, and coordination with other in-state
29 and out-of-state proposed or ongoing research projects.

30 **SECTION 9.** A new section to chapter 19-02.1 of the North Dakota Century Code is created
31 and enacted as follows:

1 **Eggs - Labeling and temperature rules.**

2 The state department of health may adopt appropriate rules under chapter 28-32 to
3 establish standards for proper labeling and temperature during the retail storage and sale of
4 shell eggs. As used in this section, "eggs" means eggs in the shell which are the product of a
5 domesticated chicken.

6 **SECTION 10.** Chapter 54-60.3 of the North Dakota Century Code is created and enacted
7 as follows:

8 **54-60.3-01. Agricultural products utilization commission - Composition -**
9 **Appointment.**

10 The agricultural products utilization commission shall administer the agricultural products
11 utilization fund. The commission shall consist of nine members, five of whom must be appointed
12 by the governor for terms of two years each, arranged so that two terms expire in
13 odd-numbered years and three terms expire in even-numbered years. Three members
14 appointed by the governor must be actively engaged in farming in this state and two members
15 appointed by the governor must be actively engaged in business in this state. The agriculture
16 commissioner shall appoint one member for a term of two years which expires in odd-numbered
17 years. The member appointed by the commissioner must be actively engaged in farming in this
18 state. Commission members may be reappointed. Terms of commissioners commence on the
19 first day of July. The commissioner of commerce, the president of North Dakota state university,
20 and the agriculture commissioner, or their designees, are members of the commission. The
21 commission shall elect one of its members as chairman.

22 **54-60.3-02. Agricultural products utilization commission - Authority.**

- 23 1. The North Dakota agricultural products utilization commission may apply for, accept,
24 and expend any appropriation, grant, gift, or service made available from public or
25 private sources.
- 26 2. The commission may administer grant programs including:
- 27 a. A basic and applied research grant program;
- 28 b. A utilization and marketing grant program;
- 29 c. A cooperative marketing grant program;
- 30 d. A nature-based tourism grant program;
- 31 e. A technical assistance grant program for value-added businesses;

- 1 f. A farm diversification grant program;
2 g. An agricultural prototype development grant program;
3 h. An agricultural technologies grant program; and
4 i. A North American marketing grant program.
5 3. As a condition of any grant administered by the commission, the commission may
6 require the recipient repay some or all of the grant if the recipient does not fulfill the
7 conditions of the grant. Repayment may be monetary or any other type or method
8 determined by the commission.

9 **54-60.3-03. Agricultural products utilization commission - Meetings - Personnel -**
10 **Reports.**

11 The agricultural products utilization commission, an office of the department of commerce
12 division of economic development and finance, shall meet as necessary and shall report to
13 each session of the legislative assembly. The commission may secure office space, employ
14 required personnel for the performance of its duties, hire consultants, spend any funds
15 appropriated to the commission, and contract with public entities or private parties for services.

16 **54-60.3-04. Agricultural products utilization commission - Reimbursement -**
17 **Compensation.**

18 Members of the agricultural products utilization commission are entitled to be reimbursed
19 for expenses incurred in the performance of their duties, in the same manner as other state
20 officials are reimbursed, according to sections 44-08-04 and 54-06-09. If not otherwise
21 employed by the state of North Dakota, members of the commission are entitled to receive per
22 diem compensation of one hundred thirty-five dollars for each day of attending meetings and
23 performing other duties relating to official business of the commission. The commission
24 chairman, if not otherwise employed by the state of North Dakota, may receive an additional
25 one hundred dollars for each day of a regular meeting attended as payment for reviewing and
26 evaluating grant proposals.

27 **54-60.3-05. Agricultural products utilization commission - Administrative expenses.**

28 Administrative expenses of the agricultural products utilization commission, including
29 expenses of members of the commission, employment of required personnel, hiring of
30 consultants, and contracting with public or private entities for services may not exceed ten

1 percent of the funds appropriated to the commission by the legislative assembly each biennium,
2 excluding federal funds.

3 **54-60.3-06. Agricultural products utilization fund - Purposes.**

4 The agricultural products utilization fund in the state treasury must be used to fund
5 programs for agricultural research, development, processing, technology, and marketing. The
6 fund must be used to defray the expenses of the North Dakota agricultural products utilization
7 commission. Interest earned on moneys in the fund must be credited to the fund.

8 **SECTION 11. AMENDMENT.** Subsection 2 of section 57-15-06.7 of the North Dakota
9 Century Code is amended and reenacted as follows:

- 10 2. A county levying a tax for extension work as provided in section ~~4-08-15~~11-38-01 may
11 levy a tax not exceeding two mills and if a majority of the electors of the county have
12 approved additional levy authority under section ~~4-08-15~~11-38-01, the county may levy
13 a voter-approved additional tax not exceeding ~~an additional tax~~ of two mills.

14 **SECTION 12. LEGISLATIVE COUNCIL TO REDESIGNATE CHAPTERS IN TITLE 4.1 OF**
15 **THE NORTH DAKOTA CENTURY CODE.** The legislative council shall redesignate chapter
16 4.1-47 as chapter 4.1-24, chapter 4.1-83 as chapter 4.1-29, chapter 4.1-52 as chapter 4.1-42,
17 chapter 4.1-53 as chapter 4.1-43, chapter 4.1-54 as chapter 4.1-44, chapter 4.1-55 as chapter
18 4.1-45, chapter 4.1-56 as chapter 4.1-46, chapter 4.1-57 as chapter 4.1-47, chapter 4.1-73 as
19 chapter 4.1-49, chapter 4.1-74 as chapter 4.1-50, chapter 4.1-75 as chapter 4.1-51, chapter
20 4.1-72 as chapter 4.1-52, and chapter 4.1-88 as chapter 4.1-56.

21 **SECTION 13. REPEAL.** Chapters 4-01, 4-02, 4-02.1, 4-05.1, 4-08, 4-11.1, 4-13.2, 4-14,
22 4-14.1, 4-14.2, 4-19, 4-21.1, 4-21.2, 4-22, 4-23, 4-24, 4-30, 4-32, 4-33, 4-35, 4-35.1, 4-35.2,
23 4-36, 4-37, 4-40, 4-41, 4-43, and 19-07 of the North Dakota Century Code are repealed.

24 **SECTION 14. EFFECTIVE DATE.** Section 11 of this Act is effective for taxable years
25 beginning after December 31, 2016.