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## **AGRICULTURE AND NATURAL RESOURCES COMMITTEE**

Thursday, June 20, 2024

Louise S. Barry Auditorium, Richard H. Barry Hall, North Dakota State University  
Fargo, North Dakota

Representative Paul J. Thomas, Chairman, called the meeting to order at 9:33 a.m.

**Members present:** Representatives Paul J. Thomas, Mike Beltz, Mike Brandenburg, Hamida Dakane, Dori Hauck, Jeff A. Hoverson, Dwight Kiefert, David Monson, Dennis Nehring, SuAnn Olson, Mitch Ostlie, JoAnne Rademacher, Bill Tveit; Senators Cole Conley, Randy D. Lemm, Larry Luick, Janne Myrdal, Terry M. Wanzek, Kent Weston

**Members absent:** Senators Greg Kessel, Mark Weber

**Others present:** Ethan Andress, Department of Agriculture; Aaron Birst\*, North Dakota Association of Counties; David Cook and Greg Lardy, North Dakota State University; and Doug Goehring, Agriculture Commissioner

See [Appendix A](#) for additional persons present.

*\*Attended remotely*

Dr. David Cook, President, North Dakota State University, provided welcoming remarks. He thanked the committee for its dedication to the state's agriculture and higher education sectors.

**It was moved by Senator Myrdal, seconded by Representative Tveit, and carried on a voice vote that the minutes of the February 13, 2024, meeting be approved as distributed.**

### **TRACKING PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM STUDY**

Chairman Thomas presented a bill draft [\[25.0096.02000\]](#) relating to floodplain management powers and ordinances for counties, cities, and townships. He noted:

- The bill draft does not seek to force a jurisdiction to join the National Flood Insurance Program (NFIP).
- The committee and Legislative Assembly must decide whether to require a jurisdiction to exercise floodplain management.

Representative Rademacher presented a bill draft [\[25.0264.01000\]](#) relating to the creation of a floodplain management education and outreach task force.

Mr. Aaron Carranza, Director, Regulatory Division, Department of Water Resources, provided testimony ([Appendix B](#)) regarding the bill draft [\[25.0096.02000\]](#) relating to floodplain management powers and ordinances for counties, cities, and townships. He noted:

- The Department of Water Resources is not responsible for enforcing floodplain management ordinances because that power is afforded to the local jurisdiction exercising floodplain management.
- Participating communities must have the legal authority to enact and enforce floodplain management ordinances to comply with the NFIP.
- Bottineau, McKenzie, and Pembina Counties are not enrolled in the NFIP. However, township residents within Pembina County are covered by the NFIP because all townships within that county are organized townships.

Mr. John Arnold, Deputy Commissioner, Insurance Department, provided testimony ([Appendix C](#)) regarding the bill draft [\[25.0096.02000\]](#) relating to floodplain management powers and ordinances for counties, cities, and townships. He noted if counties are not required to exercise floodplain management, townships should be allowed to exercise floodplain management within the jurisdictional boundaries of the township.

Mr. Matt Gardner, Executive Director, North Dakota League of Cities, submitted a letter ([Appendix D](#)) regarding the bill draft [\[25.0096.02000\]](#) relating to floodplain management powers and ordinances for counties, cities, and townships.

Mr. Aaron Birst, Executive Director, North Dakota Association of Counties, provided testimony regarding bill draft [\[25.0096.02000\]](#) relating to floodplain management powers and ordinances for counties, cities, and townships. He noted:

- The bill draft is not an attempt by the counties to take zoning authority from the townships. However, if a township chooses not to exercise floodplain management, the counties are willing to provide floodplain management on behalf of the nonparticipating township.
- If counties receive the authority to enact and implement floodplain management ordinances, counties also must receive the authority to enforce the adopted ordinances.

Mr. Larry Syverson, Executive Director, North Dakota Township Officers Association, provided testimony ([Appendix E](#)) regarding the bill draft [\[25.0096.02000\]](#) relating to floodplain management powers and ordinances for counties, cities, and townships. He noted:

- The township clerk is required to publish a notice of the annual township meeting no less than 10 days before the scheduled meeting.
- If an updated floodplain map is not implemented, townships could lose zoning and permitting authority within the entire township, not just the floodplain.
- The Federal Emergency Management Agency does not have adequate resources to provide updated floodplain maps quickly.
- Under this bill draft, the Department of Water Resources likely would be responsible for mapping the flood risks within the township.

Committee members expressed support for the bill draft [\[25.0096.02000\]](#) but also questioned whether the bill draft would unduly infringe on local zoning authority.

**It was moved by Senator Luick, and seconded by Representative Brandenburg that the committee approve and recommend to the Legislative Management the bill draft [\[25.0096.02000\]](#) relating to floodplain management powers and ordinances for counties, cities, and townships.**

Committee members expressed concerns about recommending the proposal to the Legislative Management without incorporating the revisions proposed by representatives of the Insurance Department, the Department of Water Resources, the North Dakota Association of Counties, and the North Dakota Township Officers Association.

After further discussion, **Senator Luick withdrew his motion, and Representative Brandenburg withdrew his second.**

Committee members requested the Legislative Council staff to prepare a revised bill draft incorporating the suggestions offered by representatives of the Insurance Department, the Department of Water Resources, the North Dakota Association of Counties, and the North Dakota Township Officers Association for presentation to the committee at its next meeting in September.

## **OWNERSHIP OF PROPERTY AND ASSETS BY FOREIGN ADVERSARIES IN NORTH DAKOTA STUDY**

Mr. Darin Hanson, Director, Homeland Security Division, Department of Emergency Services, provided testimony ([Appendix F](#)) regarding the role of the Department of Emergency Services in monitoring foreign adversaries in the state. He noted:

- The division engages with local law enforcement officials to spread awareness of the North Dakota State and Local Intelligence Center and its mission.

- Complaints reported to the North Dakota State and Local Intelligence Center are investigated locally, and investigation results are shared with state and federal partners.
- A threat exists when other nations seek to send individuals across the southern border of the United States to carry out harmful and nefarious activities.

Mr. Pete Hanebutt, Director of Public Policy, North Dakota Farm Bureau, provided testimony ([Appendix G](#)) regarding the amount of agricultural land in the United States owned by foreign adversaries. He noted land ownership is traceable, and cyberattacks by foreign adversaries are of high concern.

Representative Hoverson provided testimony ([Appendix H](#)) relating to the committee's study of foreign adversaries' ownership of property and assets and presented a bill draft [[25.0067.02000](#)] relating to the filing of beneficial ownership information statements with the Secretary of State and the duties of the Secretary of State. He noted his proposal focuses on business ownership, not land ownership. He noted he will continue to collaborate with relevant state agencies regarding the duties and powers provided for under the bill draft.

## REPORTS

Mr. Doug Goehring, Agriculture Commissioner, provided testimony ([Appendix I](#)) regarding the proposed administrative rules relating to the mitigation of environmental impacts during the construction or operation of energy conversion or transmission facilities and other updates from the Department of Agriculture. He noted:

- The rules would regulate direct and indirect impacts.
- Direct impacts occur when an environment is physically changed due to a project; indirect impacts occur when a project is perceived to affect wildlife in a project area.
- The state funds carbon sequestration and sets clear directives and objectives for the program.

Dr. Ethan Andress, State Veterinarian, Department of Agriculture, provided testimony ([Appendix J](#)) regarding the Highly Pathogenic Avian Influenza (H5N1) circulating through dairy herds and poultry flocks. He noted:

- Researchers have conducted safety studies to determine whether the virus spoils milk or beef harvested from a previously infected dairy cow.
- Safety studies have shown that cooking beef to a temperature of 120 degrees and pasteurizing milk likely will eliminate the virus in consumer products.

Ms. Sarah Lovas, Chair, State Board of Agricultural Research and Education, provided an annual report ([Appendix K](#)) evaluating the results of the research activities and expenditures of the State Board of Agricultural Research and Education. She noted the state's robust crop diversity is a direct result of the research conducted at the North Dakota Agricultural Experiment Station and the education provided by the North Dakota State University Extension Service.

Dr. Greg Lardy, Vice President for Agricultural Affairs, North Dakota State University, invited committee members and members of the public to attend a tour of the Peltier Complex on the North Dakota State University campus at 3:00 p.m. on Thursday, June 20, 2024.

## COMMITTEE DISCUSSION

Chairman Thomas encouraged committee members to review the proposed bill drafts related to the committee's study of foreign adversaries' ownership of property and assets and propose recommendations at the next committee meeting.

No further business appearing, Chairman Thomas adjourned the meeting at 4:15 p.m.

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Dustin A. Richard  
Counsel

ATTACH:11