

February 16, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1423

Page 1, line 1, after "to" insert "create and enact a new section to chapter 4.1-01 of the North Dakota Century Code, relating to a model zoning review task force; and to"

Page 2, remove lines 12 through 15

Page 3, overstrike lines 11 and 12

Page 3, line 13, overstrike "demonstrate compelling, objective evidence specific to the county"

Page 3, line 13, remove "created by an"

Page 3, line 14, remove "independent third party"

Page 3, line 14, overstrike "which requires a greater setback within the county, in"

Page 3, overstrike lines 15 through 17

Page 3, line 18, overstrike "subdivision a of subsection 7 of section 23.1-06-15, a"

Page 3, line 18, remove "any"

Page 3, line 18, overstrike "person whose animal"

Page 3, overstrike line 19

Page 3, line 20, overstrike "ordinance"

Page 3, line 20, remove "or party"

Page 3, line 20, overstrike "may request the agriculture commissioner review the"

Page 3, overstrike lines 21 and 22

Page 3, line 23, overstrike "attorney general regarding whether the ordinance and setback are lawful."

Page 3, line 23, remove "An"

Page 3, remove lines 24 through 31

Page 4, replace lines 1 and 2 with:

"c. A board of county commissioners may not adopt or enforce setbacks applicable to animal feeding operations that exceed the setback distances provided in subsection 7 of section 23.1-06-15."

Page 4, line 3, remove the overstrike over "d."

Page 4, line 3, remove "e."

Page 5, line 5, remove "or"

Page 5, line 8, after "operations" insert " ; or

d. Require an existing animal feeding operation to have a permit for improvements or other modifications of an operation that is in current

compliance with state and federal regulations or require an existing operation to have a permit for improvements or other modifications that bring the operation into compliance with state or federal regulations, of the modifications or improvements do not cause the operation to exceed animal numbers of the setback requirement"

Page 5, replace lines 9 through 28 with:

"10. If a party challenges the validity of a county ordinance, determination, decision, or objection related to animal feeding operations, the court shall award the prevailing party actual attorney's fees, costs, and expenses."

Page 7, remove lines 3 through 5

Page 8, remove lines 6 through 11

Page 9, overstrike lines 6 and 7

Page 9, line 8, overstrike "demonstrate compelling, objective evidence specific to the township"

Page 9, line 8, remove "created by"

Page 9, line 9, remove "an independent third party."

Page 9, line 9, overstrike "which requires a greater setback within the township,"

Page 9, overstrike lines 10 through 14

Page 9, line 15, overstrike "ordinance"

Page 9, line 15, remove "any person or party"

Page 9, line 15, overstrike "may request the agriculture commissioner"

Page 9, line 15, remove "to"

Page 9, overstrike lines 16 and 17

Page 9, line 18, overstrike "attorney general regarding whether the ordinance and setback are lawful."

Page 9, line 18, remove "An"

Page 9, replace lines 19 through 29 with:

"c. A board of county commissioners may not adopt or enforce setbacks applicable to animal feeding operations that exceed the setback distances provided in subsection 7 of section 23.1-06-15."

Page 9, line 30, remove the overstrike over "d."

Page 9, line 30, remove "e."

Page 10, line 31, remove "or"

Page 11, line 3, after "operations" insert "; or

d. Require an existing animal feeding operation to have a permit for improvements or other modifications of an operation that is in current compliance with state and federal regulations or require an existing operation to have a permit for improvements or other modifications

that bring the operation into compliance with state or federal regulations, if the modifications or improvements do not cause the operation to exceed animal numbers of the setback requirement"

Page 11, replace lines 4 through 24 with:

"10. If a party challenges the validity of a county ordinance, determination, decision, or objection related to animal feeding operations, the court shall award the prevailing party actual attorney's fees, costs, and expenses."

SECTION 4. A new section to chapter 4.1-01 of the North Dakota Century Code is created and enacted as follows:

Model zoning review task force - Report to the legislative management.

1. Model zoning review task force consists of:
 - a. The agriculture commissioner or the commissioner's designee, as chair.
 - b. The director of the department of environmental quality or the director's designee.
 - c. The executive director of the North Dakota Indian affairs commission or the director's designee.
 - d. Two members from the North Dakota township association. One member must be an agriculture producer.
 - e. Two members from the association of counties. One member must be an agriculture producer.
 - f. One member of the milk producers association of North Dakota.
 - g. One member of the North Dakota stockmen's association.
 - h. One member of the North Dakota pork council.
 - i. One member of the North Dakota corn growers association.
 - j. One member of the North Dakota soybean growers association.
 - k. One member of the North Dakota farmers union.
 - l. One member of the North Dakota farm bureau.
 - m. One member of the North Dakota planning association.
2. The task force shall:
 - a. Develop a new, or update a previously created model zoning ordinance during the 2023-24 biennium.
 - b. Review low-density agriculture districts and applicable setbacks and uses.
 - c. Review current zoning districts for the purpose of creating overlay districts.

- d. Provide a report to the legislative management on changes to the model zoning ordinance.
 - e. Meet every five years to review and update the model zoning ordinance.
3. The agriculture commissioner shall provide the task force with administrative services.
 4. For purposes of this section "model zoning ordinance" means the most current model zoning ordinance related to animal feeding operations in this state."

Renumber accordingly