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**Testimony on House Bill 1371
Dutch Bialke
General Counsel & Senior Policy Advisor
North Dakota Department of Agriculture**

**Senate Agriculture and Veterans Affairs Committee
Thursday, March 30, 2023, 8:30 a.m.
Fort Union Room, State Capitol**

Chairman Luick and members of the Senate Agriculture and Veteran’s Affairs Committee, I am Dutch Bialke. I will testify this morning on behalf of North Dakota Agriculture Commissioner, Doug Goehring.

Chairman Luick and members of the Committee, the Commissioner supports and respectfully recommends acceptance and implementation of the attached proposed minor amendments to the amended version of the first engrossed version of House Bill 1371, specifically amendment version 23.0721.03002.

After the March 24, 2023 initial committee hearing on HB 1371 – the North Dakota Animal Agriculture Farm Freedom Act – and consistent with the history of the development of this bill being a team effort, various agricultural stakeholders continued to review the bill and consequently provided additional valuable input in relation to it.

Accordingly, these several additional proposed minor amendments before you are jointly proposed by the North Dakota Stockman’s Association, the North Dakota Farmer’s Union, and the Commissioner. Most of these proposed amendments have been coordinated with other agriculture organizations as well.

These proposed minor amendments would clarify meanings, remove unnecessary language, and add words that were unintentionally omitted from the previous version.

Specifically, we propose that the term “aquaculture agriculture” be replaced with just “aquaculture”, which is the much more common reference.

Moreover, the definition of “farming or ranching” on page 2, lines 19-23, currently says:

"Farming or ranching" means cultivating farmland or ranchland for production of agricultural crops or livestock, livestock backgrounding, livestock finishing, or the raising or producing of livestock or livestock products, swine or swine products, poultry or poultry products, milk or dairy products, or fruit or horticultural products.

This current definition is unnecessarily wordy, so we propose it be replaced simply with:

Farming or ranching means raising or producing agricultural crops, fruit, horticultural products, livestock or livestock products, or livestock backgrounding, or livestock finishing.

The reasons for this proposed change to the definition of “farming and ranching” is that ranchland is not generally cultivated. Further, in the original definition, all the species listed as well as all the species-products listed would already be captured under the phrase “livestock or livestock products,” so it is not then necessary to list each one of them in the definition. In short, the proposed new replacement definition says the same thing as the old definition, but it is more concise, summarized, and much more readable.

“Livestock backgrounding” is defined on page 3, lines 19-20, no. 13. It basically says that all livestock go to a feedlot. However, not all livestock species go to a feedlot. Given that the term “feedlot” is not defined in the chapter, adding the words “or facility” at the end of the definition would clarify that animals may be backgrounded in facilities other than feedlots. Accordingly, we propose a minor revision to the definition, specifically adding the words “or facility” at the end. The new proposed definition would read: “livestock backgrounding means the feeding or growing of livestock from weaning until the livestock enter a livestock finishing feedlot or facility.”

Likewise, we propose the definition for “livestock finishing” be slightly amended. The definition currently says that livestock finishing usually occurs in a feedlot. This is not necessarily the case for all livestock species. Accordingly, deletion of the words “usually in a livestock feedlot” would consequently clarify the definition. Because the words “usually in a feedlot” add very little to the definition, and could result in confusion, we recommend those words be deleted.

Finally, in everyone further reviewing the proposed amendment, we noticed some minor drafting errors, specifically unintentional word omissions. For example, the word “farm” was left out of “authorized livestock farm corporation” on several occasions. A few other words were unintentionally omitted as well. Accordingly, we propose amendments to correct these omissions and consequently to clarify this proposed legislation.

Chairman Luick and committee members, thank you for your consideration of these additional proposed minor amendments to House Bill 1371. I will respectfully stand for any questions.

23.0721.03002

March 30, 2023

ADDITIONAL PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1371

Pg 1, line 23, remove "agriculture"

Pg 2, line 9, insert "poultry or" before "poultry products"

Pg 2, lines 19-23, amend and replace with:

7 . a . "Farming or ranching" means raising or producing agricultural crops, fruit, horticultural products, or livestock or livestock products, or livestock backgrounding, or livestock finishing.

Pg 2, line 26, remove "agriculture" after "Aquaculture"

Pg 3, line 6, insert "which is" before "allowed"

Pg 3, line 10, insert "which is" before "allowed"

Pg 3, line 20, insert "or facility" after "feedlot"

Pg 3, lines 22-23, delete ", usually in a livestock finishing feedlot,"

Pg 6, line 12, insert "farm" between "livestock" and "limited"

Pg 13, line 11, insert "of the" before "limited liability person"

Pg 13, line 11, delete "limited liability"

Pg 15, lines 9-11, new text is not underlined and should be underlined on the engrossed version 3002: "or which is inactive for three consecutive years as determined by the Agriculture Commission, is subject to the divestment provisions of section 10-06.1-24."

Pg 18, line 14, insert "organization," between "incorporation," and "or"

Pg 25, line 22, insert "farm" between "livestock" and "limited"

Pg 27, line 28, insert "farm" immediately before "limited liability company"

Pg 27, line 29, after "livestock" insert "on farmland or ranchland"

Pg 28, line 18, insert "farm" between "livestock" and "corporation"

Pg 29, line 16, replace "such" with "the"

Re-number accordingly