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**Testimony of
Matt Perdue
North Dakota Farmers Union
Before the
Senate Agriculture and Veterans Affairs Committee
March 23, 2023**

Chairman Luick and members of the committee,

Thank you for the opportunity to testify on House Bill No. 1423. My name is Matt Perdue, and I am testifying on behalf of North Dakota Farmers Union's (NDFU) members.

NDFU supports HB 1423. We thank each of the groups and the Department of Agriculture for the series of meetings on this bill before it passed the House. HB 1423 reflects several proposals that were discussed and agreed to by that group.

NDFU is especially supportive of three specific provisions of this bill:

1. **Section 1, Subsection 9(d) and Section 3, Subsection 9(d)** allow operations to make improvements and modifications without requiring a permit, as long as that operation does not exceed its current animal number threshold. This change provides commonsense regulatory relief for existing operations who wish to make improvements.
2. **Section 1, Subsection 10 and Section 3, Subsection 10** require the court to award the prevailing party legal fees in a suit challenging the validity of county ordinances. We believe this reciprocal standard provides a disincentive for unnecessary policies and litigation.
3. **Section 4** establishes a Model Zoning Review Task Force. This task force will review and update the current model zoning ordinance, which was completed in 2000. An update to the model zoning ordinance after 23 years is warranted. The task force will also review other zoning and land use policies pertaining to animal agriculture. NDFU appreciates the opportunity to be represented on the task force.

As we shared during the group discussions, NDFU is less comfortable with striking the language in Section 1, Subsection 8(c) and Section 3, Subsection 8(c). Striking that language removes counties' or townships' authority to exceed the setbacks established in Century Code. We have two general concerns with the provision:

1. Philosophically, we are concerned about the loss of local control. We believe most political subdivisions enact ordinances in good faith. We are optimistic that livestock friendly regulations could be promoted while preserving local control.
2. On a practical level, we are concerned that the change may cause confusion within the context of the model zoning ordinance update. If the model zoning ordinance is updated with the intent of adopting it into statute next session, the standard counties and townships are required to adopt will also change. For some counties and townships, that will require two updates to their ordinances in a matter of one or two years.



Acknowledging the concern highlighted above, we believe the current bill contains many beneficial provisions. We appreciate the ongoing work among all groups to promote animal agriculture and value-added development. We look forward to continued collaboration to grow North Dakota's agricultural economy.

Thank you for the opportunity to testify. I will stand for any questions.