

AGRICULTURE

CHAPTER 71

HOUSE BILL NO. 1400

(Representatives Brandenburg, Grueneich, Headland, Kempenich, Pyle, Schreiber-Beck)
(Senators Conley, Erbele, Kessel, Wanzek, Weber)

AN ACT to create and enact a new section to chapter 4.1-01 of the North Dakota Century Code, relating to conservation easements and leaseholds; and to amend and reenact sections 4.1-01-21, 4.1-01-21.1, and 49-22-09.2 of the North Dakota Century Code, relating to the federal environmental law impact review fund, the environmental impact mitigation fund, and mitigating environmental impacts; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-01-21 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The federal environmental law impact review fund consists of:
 - a. Any moneys appropriated or transferred for the purposes set forth in section 4.1-01-19; ~~and~~
 - b. Any gifts, grants, and donations forwarded to the commissioner for the purposes set forth in section 4.1-01-19; and
 - c. Any interest or investment earnings upon moneys in the fund.
2. All moneys in the federal environmental law impact review fund are appropriated to the commissioner on a continuing basis for the purposes set forth in section 4.1-01-19. The state treasurer may invest moneys in the fund in accordance with section 21-10-07.

SECTION 2. AMENDMENT. Section 4.1-01-21.1 of the North Dakota Century Code is amended and reenacted as follows:

4.1-01-21.1. Environmental impact mitigation fund - Report to legislative management - Continuing appropriation - Investments.

1. There is created in the state treasury the environmental impact mitigation fund. The fund consists of all moneys deposited in the fund under section 49-22-09.2 and all interest or investment earnings upon moneys in the fund. All moneys in the fund are appropriated to the commissioner on a continuing basis for disbursement by the commissioner in accordance with this section. The state treasurer may invest moneys in the fund in accordance with section 21-10-07.

2. Moneys in the fund may be used only for:
 - a. Consultation with environmental scientists or engineers, industry specialists, or others for relevant services to analyze or implement mitigation required from the impact of development; ~~and~~
 - b. Creation, restoration, or mitigation of similar habitat affected by the construction or operation of an energy conversion or transmission facility. Mitigation of adverse impacts from development under this section shall be conducted in the following order of priority:
 - (1) The area immediately impacted by the development;
 - (2) The county impacted by the development;
 - (3) The region impacted by the development; and
 - (4) Other areas within the state; and
 - c. Purchasing and maintaining easements or leaseholds.
3. The commissioner is not subject to chapter 54-44.4 when contracting for services under this chapter.
4. In consultation with the federal environmental law impact review committee, the commissioner shall adopt rules pursuant to chapter 28-32 to implement the provisions of this section.
5. Easements or leaseholds purchased by a person to mitigate adverse environmental effects of the construction or operation of an energy conversion or transmission facility under chapter 49-22 must be limited to the operational life of the facility as defined under chapter 49-22. Any payment made to mitigate adverse environmental effects of the construction or operation of an energy conversion or transmission facility under ~~chapter 49-22~~section 49-22-09.2 must be made to the commissioner who shall deposit the payment into the environmental impact mitigation fund. Prior to the public service commission issuing a permit or certificate to an applicant under chapter 49-22, the commissioner shall notify the public service commission of mitigation efforts under this section to create, restore, or mitigate similar habitat affected by the construction or operation of an energy conversion or transmission facility.
6. The commissioner shall provide a biennial report of environmental impact mitigation fund disbursements to the legislative management.
7. For purposes of this section, the environmental impact mitigation fund is not subject to subsection 2 of section 4.1-01-18.

SECTION 3. A new section to chapter 4.1-01 of the North Dakota Century Code is created and enacted as follows:

Conservation easement or leasehold.

The commissioner may purchase and hold an easement or leasehold in the name of the state to administer this title. The commissioner shall terminate any easement or leasehold if the easement or leasehold is no longer necessary.

SECTION 4. AMENDMENT. Section 49-22-09.2 of the North Dakota Century Code is amended and reenacted as follows:

49-22-09.2. Mitigating environmental impacts - Energy conversion facilities - Transmission facilities.

1. If an applicant elects to provide a payment to mitigate the environmental impact of the construction or operation of ~~an~~ a wind energy conversion ~~or transmission~~ facility, the payment must be made to the agriculture commissioner who shall deposit the payment into the environmental impact mitigation fund under section 4.1-01-21.1.
2. Excluding a wind energy conversion facility, if an applicant elects to provide a payment to mitigate the environmental impact of the construction or operation of an energy conversion facility, the payment may be made to the agriculture commissioner who shall deposit the payment into the environmental impact mitigation fund under section 4.1-01-21.1.
3. If an applicant elects to provide a payment to mitigate the environmental impact of the construction or operation of a transmission facility, the payment may be made to the agriculture commissioner who shall deposit the payment into the environmental impact mitigation fund under section 4.1-01-21.1.
4. Nothing in this section shall be construed to limit an applicant from conducting mitigation activities.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 72

SENATE BILL NO. 2333

(Senators Wanzek, Kessel, Sorvaag)
(Representatives Beltz, Brandenburg, Hagert)

AN ACT to create and enact a new section to chapter 4.1-01 of the North Dakota Century Code, relating to a low-carbon fuels fund; to amend and reenact sections 39-04-39 and 54-44.5-09 of the North Dakota Century Code, relating to the distribution of certain vehicle registration fees and ethanol production incentives; to repeal chapter 17-02 of the North Dakota Century Code, relating to ethanol production incentives; to provide a continuing appropriation; to provide for a transfer; and to provide for a report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 4.1-01 of the North Dakota Century Code is created and enacted as follows:

Low-carbon fuels fund - Continuing appropriation.

1. The low-carbon fuels fund is created as a special fund in the state treasury. The fund consists of all moneys transferred to the fund under section 39-04-39. The moneys in the fund are appropriated to the commissioner on a continuing basis to distribute low-carbon fuels incentives and carbon intensity verification under this section.
2. The commissioner shall distribute low-carbon fuels incentives to ethanol production facilities for eligible capital projects that increase the efficiency of a facility and decrease the carbon intensity of the production process. Distributions of low-carbon fuels incentives to an ethanol production facility are limited to fifty percent of the cost of eligible capital projects and may not exceed:
 - a. Three million dollars per biennium;
 - b. Cumulative distributions of ten million dollars per facility; and
 - c. A period of ten years beginning with the first distribution to the facility.
3. For purposes of this section, "eligible capital projects" means construction of new infrastructure or replacement of existing infrastructure for carbon dioxide capture and storage, beneficial use of carbon dioxide, energy efficiency enhancements, or ethanol yield improvements.
4. The commissioner may use up to one million dollars from the fund to contract with an entity to develop a carbon intensity verification process.
5. At least once per biennium, the commissioner shall provide a report to the legislative management regarding the status of the fund, including the revenues deposited in the fund, the low-carbon fuels incentives distributed from the fund, and the balance of the fund.

SECTION 2. AMENDMENT. Section 39-04-39 of the North Dakota Century Code is amended and reenacted as follows:

39-04-39. Distribution of registration fees collected.

1. Any moneys in the registration fund accruing from license fees or from other like sources, in excess of the amount required to pay salaries and other necessary expenses, in accordance with the legislative assembly's appropriation for such purposes, must be promptly deposited in the highway tax distribution fund which must be distributed in the manner as prescribed by law.
2. The state treasurer shall transfer annually from the highway tax distribution fund to the ~~ethanol production incentive~~ low-carbon fuels fund under section 1 of this Act an amount equal to forty percent of all sums collected for the registration of farm vehicles under subsection 5 of section 39-04-19 ~~except that no transfer may be made in an amount that would result in the balance of the ethanol production incentive fund exceeding seven million five hundred thousand dollars until the cumulative total transfers under this subsection equals thirty million dollars.~~

SECTION 3. AMENDMENT. Section 54-44.5-09 of the North Dakota Century Code is amended and reenacted as follows:

54-44.5-09. Office of renewable energy and energy efficiency.

The office of renewable energy and energy efficiency is established within the division of community services. The office shall assist in the development of renewable energy within this state to provide secure, diverse, sustainable, and competitive renewable energy supplies and promote the conservation of energy and the wise use of energy resources in both the public and private sectors. The office shall communicate and disseminate information concerning state and federal energy conservation and renewable energy incentives, including tax credits, financing and grants to business entities seeking to invest in wind-generated power and transmission, ethanol production and distribution, and the development of biodiesel, green diesel, biomass, solar, hydropower, geothermal, and other renewable energy sources. ~~The office also shall manage and distribute all production incentive payments as authorized by chapter 17-02.~~

SECTION 4. REPEAL. Chapter 17-02 of the North Dakota Century Code is repealed.

SECTION 5. TRANSFER - ETHANOL PRODUCTION INCENTIVE FUND TO LOW-CARBON FUELS FUND. The office of management and budget shall transfer any remaining balance from the ethanol production incentive fund to the low-carbon fuels fund on July 1, 2025.

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 73

HOUSE BILL NO. 1235

(Representatives Grueneich, Brandenburg, Dockter, Hagert, Headland, Richter,
Satrom, Stemen)

(Senators Conley, Erbele, Thomas, Wanzek)

AN ACT to amend and reenact subsection 2 of section 4.1-01-27 of the North Dakota Century Code, relating to the agriculture infrastructure grant program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 4.1-01-27 of the North Dakota Century Code is amended and reenacted as follows:

2. The agriculture commissioner, in consultation with the director of the department of transportation, shall award grants to ~~political subdivisions~~ a county, township, or city with a population of one thousand five hundred residents or less, for road and bridge improvements necessary to accommodate value-added agriculture businesses. Grant funding under this subsection may be used for:
 - a. Corridor improvements on city, county, and township roadways; and
 - b. Improvements to roads or bridges that provide access to value-added agriculture businesses.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 74

SENATE BILL NO. 2274

(Senators Kessel, Thomas, Wanzek)
(Representatives Brandenburg, Hagert, Schreiber-Beck)

AN ACT to create and enact a new section to chapter 4.1-01 of the North Dakota Century Code, relating to creating a farm management program within the department of agriculture; to amend and reenact section 15-20.1-03 of the North Dakota Century Code, relating to the powers and duties of the state board of career and technical education; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 4.1-01 of the North Dakota Century Code is created and enacted as follows:

Farm management program.

The commissioner shall implement and oversee a program to:

1. Coordinate new and existing farm management programs offered by a state agency, board, or commission; and
2. Create and expand marketing clubs as adjuncts to new and existing farm management programs.

SECTION 2. AMENDMENT. Section 15-20.1-03 of the North Dakota Century Code is amended and reenacted as follows:

15-20.1-03. Powers and duties of state board relating to career and technical education.

The state board shall have all authority necessary to cooperate with the United States department of education or other department or agency of the United States of America in the administration of acts of Congress relating to career and technical education, including the following powers and duties:

1. To administer any legislation enacted by the legislative assembly of this state pursuant to or in conformity with acts of Congress relating to career and technical education.
2. To administer the funds provided by the federal government and by this state for the promotion of career and technical education and to contract with:
 - a. Any public or private institution or agency, board of trustees of any agricultural and training school, or school district of this state; or
 - b. Any public or private institution or agency, or political subdivision, of another state.

3. To formulate plans for the promotion of career and technical education in such subjects as are an essential and integral part of the public school system of education in this state.
4. To provide for the preparation of teachers.
5. To fix the compensation of such officers and assistants as may be necessary to administer the federal acts and the provisions of this chapter relating to career and technical education and to pay the same and other necessary expenses of administration from any funds appropriated for such purpose.
6. To make studies and investigations relating to career and technical education.
7. To promote and aid in the establishment of schools, departments, or classes, and to cooperate with local communities in the maintenance of career and technical education schools, departments, or classes.
8. To prescribe the qualifications and provide for the certification of teachers, directors, and supervisors.
9. To cooperate with governing bodies of school districts and with organizations and communities in the maintenance of classes for the preparation of teachers, directors, and supervisors of career and technical education, to maintain classes for such purposes under its own direction and control, and to establish and control, by general regulations, the qualifications to be possessed by persons engaged in the training of career and technical education teachers.
- ~~10. To coordinate new and existing farm management programs offered by any state agency or entity.~~
- ~~11. To create and expand marketing clubs as adjuncts to new and existing farm management programs.~~

SECTION 3. APPROPRIATION - AGRICULTURE COMMISSIONER - FARM MANAGEMENT PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,900,000, or so much of the sum as may be necessary, to the agriculture commissioner for the purpose of paying for services related to the farm management program, for the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 75

SENATE BILL NO. 2368

(Senators Kessel, Patten)
(Representatives Kempenich, J. Olson)

AN ACT to create and enact a new section to chapter 4.1-01 of the North Dakota Century Code, relating to a grasslands grazing grant program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 4.1-01 of the North Dakota Century Code is created and enacted as follows:

Grasslands grazing grant program.

1. The agriculture commissioner shall administer a grasslands grazing grant program to provide grants to organizations representing cooperative grazing associations in the state.
2.
 - a. An organization that receives a grant under this program may distribute the funding to cooperative grazing associations for eligible infrastructure projects, which must be located on national grasslands within the state.
 - b. Eligible infrastructure projects include:
 - (1) Water development.
 - (2) Fencing.
 - (3) Conservation initiatives.
 - (4) Compliance with federal permitting requirements, including fees for professional services.
 - (5) Other projects to enhance wildlife habitat, capture carbon, or increase the health of grasslands.
 - c. Program participants shall develop and implement a grazing land plan in compliance with local soil conservation district guidance, and the plan must be approved by the local soil conservation district.
3. To be eligible for a grant, an organization shall provide one dollar of matching funds from nonstate sources for every four dollars of grant funding. The agriculture commissioner shall establish additional guidelines for the program.

Approved March 24, 2025

Filed March 25, 2025

CHAPTER 76

HOUSE BILL NO. 1332

(Representatives Hagert, Brandenburg, Grueneich, Headland, Ista, Lefor, O'Brien,
K. Anderson)
(Senators Meyer, Myrdal, Patten, Thomas)

AN ACT to amend and reenact section 4.1-01.1-07 of the North Dakota Century Code, relating to a value-added agriculture facility incentive program; to provide for a transfer; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁵ **SECTION 1. AMENDMENT.** Section 4.1-01.1-07 of the North Dakota Century Code is amended and reenacted as follows:

4.1-01.1-07. Agriculture diversification and development fund - Continuing appropriation.

1. There is created in the state treasury the agriculture diversification and development fund. The fund consists of all moneys transferred to the fund by the legislative assembly, interest upon moneys in the fund, and payments of interest and principal on loans made from the fund. Moneys in the fund are appropriated to the Bank of North Dakota on a continuing basis for loan disbursements and administrative costs pursuant to this section, and moneys in the fund are appropriated to the agriculture commissioner on a continuing basis for grants and value-added agriculture facility incentive funding pursuant to this section and section 4.1-01-27. The agriculture diversification and development committee shall designate the amount available from the fund for loans, interest rate buydowns, ~~and grants~~, and value-added agriculture facility incentive funding.
2. Loans, interest rate buydowns, or grants under subsections 3 and 4 may be issued from the fund to support new or expanding value-added agriculture businesses that demonstrate financial feasibility, enhance profitability for farmers and ranchers, create jobs, and grow the state's economy. Grants under section 4.1-01-27 may be issued from the fund for infrastructure improvements necessary for the development or expansion of new or existing value-added agriculture businesses. Value-added agriculture businesses include food production or processing facilities; feed or pet food processing facilities; commodity processing facilities; agriculture product manufacturers; and animal agriculture production facilities, including swine, poultry, dairy, and feed lot production facilities.
3. The Bank of North Dakota shall develop policies for loans and interest rate buydowns from the fund in consultation with the agriculture diversification and development committee. The Bank shall review loan applications. To be eligible for a loan under this section, an entity shall agree to provide the Bank with information as requested. The Bank may develop policies for loan

²⁵ Section 4.1-01.1-07 was also amended by section 1 of Senate Bill No. 2327, chapter 78, and section 1 of Senate Bill No. 2342, chapter 77.

participation with local financial institutions. The Bank shall deposit in the fund all principal and interest paid on the outstanding loans. The Bank may use a portion of the interest paid as a servicing fee to pay for administrative costs, which may not exceed one-half of one percent of the amount of the outstanding loans. The fund must be audited annually pursuant to section 6-09-29, and the cost of the audit must be paid from the fund.

4. The agricultural diversification and development committee shall develop policies for grants from the fund to support new or expanding value-added agriculture businesses, including eligibility criteria, maximum grant amounts, and reporting requirements. Based on recommendations from the agricultural diversification and development committee, the agriculture commissioner shall distribute the grant funding.
5. The agricultural diversification and development committee shall develop a value-added agriculture production facility incentive program to provide grants. Grant award funding for the value-added agriculture production facility incentive program under this subsection is limited to thirty million dollars.
 - a. To be eligible for a grant award under the value-added agriculture production facility incentive program, the production facility must:
 - (1) Be located within the state;
 - (2) Be a new construction project on an industrial-ready site with access to existing municipal infrastructure;
 - (3) Have capital investment of at least three hundred fifty million dollars and leverage regional agricultural producer capital investment to support the facility's operations;
 - (4) Have a competing offer from at least one other midwestern state;
 - (5) Produce a new agriculture product or variant of an existing agriculture product to provide a domestic supply of the product and to diversify the market for agriculture products; and
 - (6) Have an estimated economic contribution of at least twenty million dollars when fully operational based on an economic analysis conducted by the Bank.
 - b. Grant funding under the program is a reimbursement for infrastructure, site acquisition, or other capital expenditures necessary for the value-added agriculture facility construction, including natural gas supply, electricity supply, roads, water lines, wastewater lines, storm water conveyance, or rail lines.
 - c. Upon issuance of a certificate of occupancy for the value-added agriculture production facility, the agriculture commissioner shall distribute a grant equal to fifty percent of the total grant award from funding available in the agriculture diversification and development fund.
 - d. Upon achieving fifty percent of the production capacity of the value-added agriculture production facility, the agriculture commissioner shall distribute the remainder of the grant award from funding available in the agriculture diversification and development fund.

- e. The Bank of North Dakota may extend a line of credit of up to thirty million dollars to the agriculture commissioner to support a grant from the fund under this subsection. The interest rate associated with the line of credit must be the prevailing interest rate charged to North Dakota governmental entities.
- f. If the agriculture diversification and development committee approves a grant under this subsection, the agriculture commissioner may access the line of credit under this subsection through June 30, 2029, to provide funding for the grant. Any moneys borrowed from the Bank pursuant to this subsection must be transferred to the fund. If the agriculture commissioner accesses the line of credit, the commissioner shall request from the legislative assembly a deficiency appropriation to repay the line of credit.

SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 2029, and after that date is ineffective.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 77

SENATE BILL NO. 2342

(Senators Thomas, Hogue, Kessel, Klein)
(Representative Beltz)

AN ACT to amend and reenact section 4.1-01.1-07 of the North Dakota Century Code, relating to a value-added milk processing facility incentive program; and to authorize a Bank of North Dakota line of credit.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁶ **SECTION 1. AMENDMENT.** Section 4.1-01.1-07 of the North Dakota Century Code is amended and reenacted as follows:

4.1-01.1-07. Agriculture diversification and development fund - Continuing appropriation.

1. There is created in the state treasury the agriculture diversification and development fund. The fund consists of all moneys transferred to the fund by the legislative assembly, interest upon moneys in the fund, and payments of interest and principal on loans made from the fund. Moneys in the fund are appropriated to the Bank of North Dakota on a continuing basis for loan disbursements and administrative costs pursuant to this section, and moneys in the fund are appropriated to the agriculture commissioner on a continuing basis for grants pursuant to this section and section 4.1-01-27. The agriculture diversification and development committee shall designate the amount available from the fund for loans, interest rate buydowns, and grants.
2. Loans, interest rate buydowns, or grants under subsections 3 and 4 may be issued from the fund to support new or expanding value-added agriculture businesses that demonstrate financial feasibility, enhance profitability for farmers and ranchers, create jobs, and grow the state's economy. Grants under section 4.1-01-27 may be issued from the fund for infrastructure improvements necessary for the development or expansion of new or existing value-added agriculture businesses. Value-added agriculture businesses include food production or processing facilities; feed or pet food processing facilities; commodity processing facilities; agriculture product manufacturers; and animal agriculture production facilities, including swine, poultry, dairy, and feed lot production facilities.
3. The Bank of North Dakota shall develop policies for loans and interest rate buydowns from the fund in consultation with the agriculture diversification and development committee. The Bank shall review loan applications. To be eligible for a loan under this section, an entity shall agree to provide the Bank with information as requested. The Bank may develop policies for loan participation with local financial institutions. The Bank shall deposit in the fund all principal and interest paid on the outstanding loans. The Bank may use a portion of the interest paid as a servicing fee to pay for administrative costs,

²⁶ Section 4.1-01.1-07 was also amended by section 1 of House Bill No. 1332, chapter 76, and section 1 of Senate Bill No. 2327, chapter 78.

which may not exceed one-half of one percent of the amount of the outstanding loans. The fund must be audited annually pursuant to section 6-09-29, and the cost of the audit must be paid from the fund.

4. The agricultural diversification and development committee shall develop policies for grants from the fund to support new or expanding value-added agriculture businesses, including eligibility criteria, maximum grant amounts, and reporting requirements. Based on recommendations from the agricultural diversification and development committee, the agriculture commissioner shall distribute the grant funding.
5. The agriculture diversification and development committee shall develop a value-added milk processing facility incentive program to provide grants.
 - a. Grant funding under this subsection is limited to the lesser of five million dollars or five percent of the total construction cost of building or expanding a value-added milk processing facility in the state capable of processing at least three million pounds [1360777 kilograms] of milk each year.
 - b. Grant funding under the program is a reimbursement for infrastructure, site acquisition, or other capital expenditures necessary for the value-added milk processing facility construction, including natural gas supply, electricity supply, roads, water lines, wastewater lines, storm water conveyance, or rail lines.
 - c. Upon achieving one hundred percent of the processing capacity of the value-added milk processing facility, the agriculture commissioner shall distribute the grant award from funding available in the agriculture diversification and development fund.

SECTION 2. BANK OF NORTH DAKOTA - LINE OF CREDIT - VALUE-ADDED MILK PROCESSING FACILITY INCENTIVE PROGRAM. If the agriculture diversification and development committee approves a grant under this Act, the agriculture commissioner may borrow up to \$5,000,000 through a line of credit from the Bank of North Dakota for deposit in the agriculture diversification and development fund during the biennium beginning July 1, 2025, and ending June 30, 2027. The interest rate associated with the line of credit must be the prevailing interest rate charged to North Dakota governmental entities. If the agriculture commissioner accesses the line of credit, the agriculture commissioner shall request a deficiency appropriation from the seventieth legislative assembly to repay the line of credit.

Approved April 29, 2025

Filed April 30, 2025

CHAPTER 78

SENATE BILL NO. 2327

(Senators Wanzek, Erbele, Conley)
(Representatives Beltz, Brandenburg, Hagert)

AN ACT to amend and reenact sections 4.1-01.1-07 and 4.1-01.1-08 of the North Dakota Century Code, relating to uses of the agriculture diversification and development fund and committee; to provide an appropriation; and to provide for a transfer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁷ **SECTION 1. AMENDMENT.** Section 4.1-01.1-07 of the North Dakota Century Code is amended and reenacted as follows:

4.1-01.1-07. Agriculture diversification and development fund - Continuing appropriation.

1. There is created in the state treasury the agriculture diversification and development fund. The fund consists of all moneys transferred to the fund by the legislative assembly, interest upon moneys in the fund, and payments of interest and principal on loans made from the fund. Moneys in the fund are appropriated to the Bank of North Dakota on a continuing basis for loan disbursements and administrative costs pursuant to this section, and moneys in the fund are appropriated to the agriculture commissioner on a continuing basis for grants pursuant to this section and section 4.1-01-27. The agriculture diversification and development committee shall designate the amount available from the fund for loans, interest rate buydowns, and grants.
2. Loans, interest rate buydowns, or grants under subsections 3 and 4 may be issued from the fund to support new or expanding value-added agriculture businesses that demonstrate financial feasibility, enhance profitability for farmers and ranchers, create jobs, and grow the state's economy. Grants under section 4.1-01-27 may be issued from the fund for infrastructure improvements necessary for the development or expansion of new or existing value-added agriculture businesses. Value-added agriculture businesses include food production or processing facilities; feed or pet food processing facilities; commodity processing facilities; agriculture product manufacturers; and animal agriculture production facilities, including swine, poultry, dairy, and feed lot production facilities.
3. The Bank of North Dakota shall develop policies for loans and interest rate buydowns from the fund in consultation with the agriculture diversification and development committee. The Bank shall review loan applications. To be eligible for a loan under this section, an entity shall agree to provide the Bank with information as requested. The Bank may develop policies for loan participation with local financial institutions. The Bank shall deposit in the fund all principal and interest paid on the outstanding loans. The Bank may use a

²⁷ Section 4.1-01.1-07 was also amended by section 1 of House Bill No. 1332, chapter 76, and section 1 of Senate Bill No. 2342, chapter 77.

portion of the interest paid as a servicing fee to pay for administrative costs, which may not exceed one-half of one percent of the amount of the outstanding loans. The fund must be audited annually pursuant to section 6-09-29, and the cost of the audit must be paid from the fund.

4. The agricultural diversification and development committee shall develop policies for grants from the fund to support new or expanding value-added agriculture businesses, including eligibility criteria, maximum grant amounts, and reporting requirements. Based on recommendations from the agricultural diversification and development committee, the agriculture commissioner shall distribute the grant funding.
5. The agriculture diversification and development committee may use funding available in the agriculture diversification and development fund for in-state travel, per diem, and related costs of administering grants under this section. The agriculture commissioner may reimburse agriculture diversification and development committee members for in-state travel, per diem, and related costs incurred associated with the program as authorized under subsection 2 of section 4.1-01.1-08.

SECTION 2. AMENDMENT. Section 4.1-01.1-08 of the North Dakota Century Code is amended and reenacted as follows:

4.1-01.1-08. Agriculture diversification and development committee.

1. The agriculture diversification and development committee consists of eleven members, five of whom must be appointed by the commissioner for terms of two years each, arranged so that two terms expire in odd-numbered years and three terms expire in even-numbered years.
 - a. Four of the members appointed by the commissioner must be actively engaged in farming in this state and the fifth member appointed by the commissioner must be actively engaged in agribusiness in this state.
 - b. The governor shall appoint one member for a term of two years which expires in odd-numbered years.
 - c. The member appointed by the governor must be actively engaged in business in this state.
 - d. The remaining committee members must consist of:
 - (1) One representative from the independent community banks of North Dakota;
 - (2) One representative from the North Dakota bankers association;
 - (3) The commissioner of commerce or the commissioner's designee;
 - (4) The president of North Dakota state university or the president's designee; and
 - (5) The agriculture commissioner or the commissioner's designee.
 - e. The committee shall elect one of its members as chairman.

2. The agriculture diversification and development committee shall develop guidelines for the grants, including eligibility criteria and reporting requirements. The guidelines must include priority for businesses with a majority of the ownership comprised of North Dakota residents. The agriculture diversification and development committee shall review grant applications and make funding determinations. Members of the committee are entitled to be reimbursed for expenses incurred in the performance of their duties, in the same manner as other state officials are reimbursed, in accordance with sections 44-08-04 and 54-06-09. If not otherwise employed by the state of North Dakota, members of the committee are entitled to receive per diem compensation of one hundred thirty-five dollars for each day of attending meetings and performing other duties relating to official business of the committee.

SECTION 3. APPROPRIATION - TRANSFER TO AGRICULTURE DIVERSIFICATION AND DEVELOPMENT FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$15,000,000, which the office of management and budget shall transfer to the agriculture diversification and development fund, for the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved April 22, 2025

Filed April 23, 2025

CHAPTER 79

SENATE BILL NO. 2161

(Senators Kessel, Wanzek, Weber)
(Representatives Brandenburg, Kempenich)

AN ACT to amend and reenact sections 4.1-02-03, 4.1-02-12, and 4.1-13-15 of the North Dakota Century Code, relating to member districts and the assessments levied by the barley council and wheat commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-02-03 of the North Dakota Century Code is amended and reenacted as follows:

4.1-02-03. Council - Membership - Election - Term - Appointment to fill vacancies.

1. The council consists of one individual elected from each district established in section 4.1-02-02.
2. Each member of the council must be ~~a resident of and~~ a participating producer ~~in the district that the member represents.~~
3. The term of each elected member is four years and begins on April first. The terms must be staggered so that no more than two terms expire each year.
4. If at any time during a member's term the member ceases to possess any of the qualifications provided for in this section, the member's office is deemed vacant and the council, by majority vote, shall appoint another qualified producer for the remainder of the term.
5. An elected member of the council may not serve more than three consecutive terms. If an individual is appointed to complete a vacancy, that service is not counted as a term, for purposes of this section, unless the duration of that service exceeds one year.
6. If a district fails to elect a district representative under section 4.1-02-05 due to the unavailability of a participating producer within the district, the vacant office must be filled on an at large basis. By a majority vote of the council, the council shall appoint a participating producer from another district to represent that district until the next election. The at large participating producer appointed to represent the district may seek re-election as the district representative from the district in which the participating producer was appointed under this section.

SECTION 2. AMENDMENT. Section 4.1-02-12 of the North Dakota Century Code is amended and reenacted as follows:

4.1-02-12. Assessment.

An assessment at the rate of ~~twenty~~thirty mills per bushel [35.24 liters] is imposed upon all barley grown in this state, delivered to this state, or sold to a first purchaser in this state. The assessment does not apply to barley grown by a producer and used by the producer as livestock feed.

SECTION 3. AMENDMENT. Section 4.1-13-15 of the North Dakota Century Code is amended and reenacted as follows:

4.1-13-15. Assessment.

An assessment at the rate of ~~fifteen~~twenty mills per bushel [35.24 liters] by weight is imposed upon all wheat:

1. ~~All wheat grown~~Grown in this state, at the time of its sale;
2. ~~All wheat delivered~~Delivered into this state, at the time of its sale; and
3. ~~All wheat sold~~Sold through commercial channels to a first purchaser in this state.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 80

HOUSE BILL NO. 1103

(Representatives Beltz, Dobervich, Hagert, Kiefert, Nehring, Tveit)
(Senators Hogan, Lemm, Weber)

AN ACT to amend and reenact subsection 5 of section 4.1-07-01 of the North Dakota Century Code, relating to the definitions applying to the dry pea and lentil council.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 4.1-07-01 of the North Dakota Century Code is amended and reenacted as follows:

5. "Producer" means any person that:
 - a. Plants or causes to be planted a dry pea and lentil crop in which the person has an ownership interest, with the intent that upon maturity the crop will be harvested; or
 - b. ~~Will have met the requirements of subdivision a during the next available growing season; or~~
 - c. ~~Has met the requirements of subdivision a during the immediately preceding growing season~~ planted and subsequently will plant a dry pea and lentil crop as part of the person's crop rotation within a six-year period.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 81

HOUSE BILL NO. 1084

(Agriculture Committee)

(At the request of the Agriculture Commissioner)

AN ACT to amend and reenact sections 4.1-19-03 and 4.1-19-05 of the North Dakota Century Code, relating to the management of eggs and poultry in the state; and to repeal section 4.1-19-04 of the North Dakota Century Code, relating to licensing requirements for buyers, sellers, and producers of eggs and poultry.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-19-03 of the North Dakota Century Code is amended and reenacted as follows:

4.1-19-03. Purposes - Duties.

The agriculture commissioner shall:

1. Promote improved poultry breeding practices and cooperate with the board of animal health in controlling and eradicating contagious or infectious diseases of poultry.
2. Act as the official state agency for North Dakota in cooperation with the veterinary services, animal plant health inspection service, and United States department of agriculture, for the purpose of furthering the objectives and supervising the state's participation in the national poultry improvement plan.
- ~~3. Act as the state agency to cooperate with the United States department of agriculture to provide federal state grading service for poultry and poultry products offered for sale at the retail level, to supervise the federal state poultry grading service, and to enforce regulations at the retail level as to identification by grade of all poultry sold.~~
- ~~4-3.~~ Promote the welfare and improvement of the poultry industry and the marketing of poultry and poultry products within the state.
- ~~5-4.~~ Adopt rules under chapter 28-32 as necessary to effectuate the purposes of this chapter.

SECTION 2. AMENDMENT. Section 4.1-19-05 of the North Dakota Century Code is amended and reenacted as follows:

4.1-19-05. Penalty.

- ~~1. Any person who violates any provision of this chapter or rule adopted under this chapter is guilty of a class A misdemeanor.~~
2. ~~Any~~A person who violates any provision in violation of this chapter or rule adopted under this chapter may be subject to a civil penalty not to exceed one thousand dollars for each violation. ~~This~~The civil penalty may be

adjudicated by the courts or by the agriculture commissioner through an administrative hearing conducted by an independent hearing officer pursuant to chapter 28-32.

- ~~3-2.~~ The agriculture commissioner may maintain an appropriate civil action in the name of the state against any person violating this chapter or rule adopted under this chapter.
- ~~4.~~ ~~Any person who knowingly makes a false statement, representation, or certification in any application, record, report, or other document is guilty of a class A misdemeanor.~~
- ~~5-3.~~ For purposes of this section, "person" means an individual, partnership, corporation, limited liability company, association, cooperative, or any business entity.

SECTION 3. REPEAL. Section 4.1-19-04 of the North Dakota Century Code is repealed.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 82

HOUSE BILL NO. 1083

(Agriculture Committee)
(At the request of the Agriculture Commissioner)

AN ACT to amend and reenact subsection 20 of section 4.1-25-01 and sections 4.1-25-30, 4.1-25-31, 4.1-25-32, and 4.1-25-33 of the North Dakota Century Code, relating to the definition of pasteurized milk ordinance and the federal pasteurized milk ordinance revision.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 20 of section 4.1-25-01 of the North Dakota Century Code is amended and reenacted as follows:

20. "Pasteurized milk ordinance" means the ~~2019~~2023 revision of the Grade "A" Pasteurized Ordinance issued by the United States food and drug administration and by the United States department of agriculture's public health service.

SECTION 2. AMENDMENT. Section 4.1-25-30 of the North Dakota Century Code is amended and reenacted as follows:

4.1-25-30. Standards for grade A milk and milk products - Adoption of rules.

Only grade A milk may be sold as a fluid beverage for human consumption. The minimum standards for milk and milk products designated as grade A are the same as the minimum requirements of the pasteurized milk ordinance ~~which includes provisions from the "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey - Supplement 1 to the Grade A PMO".~~ The commissioner may adopt rules imposing other standards in the interest of public safety, wholesomeness of product, consumer interest, sanitation, good supply, saleability, and promotion of grade A milk and milk products.

SECTION 3. AMENDMENT. Section 4.1-25-31 of the North Dakota Century Code is amended and reenacted as follows:

4.1-25-31. State milk sanitation rating and sampling surveillance officer - Duties - Guidelines.

The state milk sanitation rating and sampling surveillance officer is responsible for the rating and certification of milk and dairy products. The rating and certification of milk and dairy products must be in accordance with the procedures outlined in the public health service food and drug administration publication entitled "Methods of Making Sanitation Ratings of Milk Shippers ~~—2019 and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufacturers~~ 2023 Revision, Edition" and the sampling of milk and dairy products must be in accordance with the guidelines in the Standard Methods.

SECTION 4. AMENDMENT. Section 4.1-25-32 of the North Dakota Century Code is amended and reenacted as follows:

4.1-25-32. Milk laboratory evaluations officer - Duties - Guidelines.

The milk laboratory evaluations officer is responsible for the certification and evaluation of milk and dairy products laboratories within the state. Evaluations and certification of milk laboratories must be made in accordance with the Standard Methods and the procedures outlined in the public health service food and drug administration publication entitled "Evaluation of Milk Laboratories - ~~2019~~2023 Edition".

SECTION 5. AMENDMENT. Section 4.1-25-33 of the North Dakota Century Code is amended and reenacted as follows:

4.1-25-33. Grade A pasteurized milk ordinance.

Dairy producers, processors, and manufacturers shall comply with the pasteurized milk ordinance and follow the standards set by the "Procedures Governing the Cooperative State-Public Health Service Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, ~~2019~~2023 Revision".

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 83

HOUSE BILL NO. 1131

(Representatives Holle, VanWinkle, Conmy, Fisher, Hauck, Hendrix, Toman, J. Olson)
(Senators Myrdal, Schaible, Van Oosting, Weston)

AN ACT to amend and reenact section 4.1-25-40.1 of the North Dakota Century Code, relating to the sale of raw milk products; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-25-40.1 of the North Dakota Century Code is amended and reenacted as follows:

4.1-25-40.1. Sale of raw milk or raw milk products directly to a consumer - Prohibitions - Exemptions.

1. A farm may sell raw milk or raw milk products directly to the end consumer in this state for personal consumption.
2. A farm may not sell raw milk or raw milk products to a wholesaler or retail store for mass consumption under this chapter. The seller ~~shall only~~ may not sell raw milk ~~within~~ or raw milk products outside this state. The sale may not involve interstate commerce. Raw milk or raw milk products may not be donated.
3. A farm selling raw milk or raw milk products under the provisions of this section is not subject to any other provision of this chapter, chapters 4.1-05, 4.1-26, 19-02.1, or 23-9, or title 64.
4. A farm selling raw milk or raw milk products shall label the products as "raw milk" or "made with raw milk".

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 84

SENATE BILL NO. 2287

(Senators Erbele, Klein, Lemm)
(Representatives Fisher, Grueneich, Hauck)

AN ACT to amend and reenact section 4.1-28-02 of the North Dakota Century Code, relating to the authority to transact business associated with video livestock auction markets; and to repeal sections 4.1-28-03 and 4.1-28-04 of the North Dakota Century Code, relating to licensing and fees for video livestock auction market representatives.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-28-02 of the North Dakota Century Code is amended and reenacted as follows:

4.1-28-02. Video livestock auction market and internet auction - Authority to transact business.

A video livestock auction market or internet livestock auction market may not transact business in this state unless the market transacts business through a representative ~~licensed under this chapter~~.

SECTION 2. REPEAL. Sections 4.1-28-03 and 4.1-28-04 of the North Dakota Century Code are repealed.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 85

HOUSE BILL NO. 1085

(Agriculture Committee)

(At the request of the Agriculture Commissioner)

AN ACT to amend and reenact section 4.1-31-01.1 of the North Dakota Century Code, relating to federal meat inspection regulations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-31-01.1 of the North Dakota Century Code is amended and reenacted as follows:

4.1-31-01.1. Federal meat inspection regulations.

All federal meat and poultry inspection regulations effective as of ~~October 19, 2022~~ July 3, 2024, as provided under title 9, Code of Federal Regulations, parts 301-320, 325, 329, 381, 391, 416-418, 424, 430, 441, 442, and 500, but excluding parts 307.5 and 381.38, are incorporated by reference and made a part of this title.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 86

SENATE BILL NO. 2086

(Agriculture and Veterans Affairs Committee)
(At the request of the Agriculture Commissioner)

AN ACT to create and enact a new section to chapter 4.1-33 of the North Dakota Century Code, relating to pesticide certification standards; and to amend and reenact sections 4.1-33-01 and 4.1-33-03, subdivision b of subsection 1 of section 4.1-33-12, section 4.1-33-13, subsection 1 of section 4.1-33-16, and subsection 5 of section 4.1-33-20 of North Dakota Century Code, relating to pesticide control.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-33-01 of the North Dakota Century Code is amended and reenacted as follows:

4.1-33-01. Definitions.

As used in this chapter:

1. "Animal" means ~~all~~ vertebrate and invertebrate species, including humans and other mammals, birds, fish, and shellfish.
2. "Antimicrobial pesticide" means a substance or mixture of substances intended for preventing, destroying, repelling, suppressing, or mitigating the growth of micro-organisms, including bacteria, viruses, and fungi on inanimate objects and surfaces.
3. "Applicator" means ~~any~~ a person who applies a pesticide to land.
4. "Certified applicator" means ~~any~~ an individual who is certified under this chapter to purchase or use a restricted use pesticide.
5. "Commercial applicator" means a person who, by contract or for hire, engages in the business of applying pesticides for compensation.
6. "Defoliant" means ~~any~~ a substance or mixture of substances intended to cause the leaves or foliage to drop from a plant, with or without causing abscission.
7. "Desiccant" means ~~any~~ a substance or mixture of substances intended to artificially accelerate the drying of plant tissue.
8. "Device" means ~~any~~ an instrument or contrivance, other than a firearm, which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life, other than human and other than bacteria, virus, or other micro-organism on or in living humans or other living animals, but not including equipment used for the application of pesticides when sold separately from pesticide.
9. "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver, or supply pesticides in ~~this~~ the state.

10. "Environment" includes water, air, land, and all plants ~~and~~ humans, and other animals living ~~thereinthere~~, and the interrelationships ~~that exist~~existing among them.
11. "Equipment" means ~~anya~~ type of ground, water, or aerial equipment or contrivance using motorized, mechanical, or pressurized power and used to apply ~~anya~~ pesticide on land and anything that may be growing, inhabiting, or stored on or in that land. The term does not include ~~anya~~ pressurized hand-held household apparatus used to apply ~~anya~~ pesticide, or ~~any~~ equipment or contrivance of which the individual who is applying the pesticide is the source of power or energy to make the pesticide application.
12. "Fungus" means ~~anya~~ non-chlorophyll-bearing thallophytes, that is, ~~anya~~ non-chlorophyll-bearing plant of a lower order than mosses and liverworts as, for example, rust, smut, mildew, mold, yeast, and bacteria, except ~~thosefungus~~ on or in living humans or other living animals, and except ~~thosefungus~~ on or in processed food, beverages, or pharmaceuticals.
13. "Insect" means ~~anyone~~ of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class of insecta, comprising six-legged, usually winged forms, and to other allied classes of arthropods ~~whosefor which~~ members are wingless and usually have more than six legs.
14. "Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device or any of ~~its~~the pesticide or device's containers or wrappers.
15. "Labeling" means the label and ~~all~~ other written, printed, or graphic matter:
 - a. Accompanying the pesticide or device; or
 - b. To which reference is made on the label or in literature accompanying or referring to the pesticide, except when accurate nonmisleading references are made to current official publications of the board, the United States environmental protection agency, the United States departments of agriculture and interior, the United States department of health and human services, state agricultural colleges, and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.
16. "Land" means ~~all~~ land and water areas, including airspace, and ~~all~~ plants, animals, structures, buildings, contrivances, and machinery, appurtenant to or situated on land, fixed or mobile, including any used for transportation.
17. "Nematode" means an invertebrate ~~animalsanimal~~ of the phylum nemathelminthes, and class nematoda, i.e., unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts, may also be called nemas or eelworms.
18. "Pest" means ~~anyan~~ insect, rodent, nematode, fungus, or weed; or ~~any~~ other form of terrestrial or aquatic plant or animal life, viruses, bacteria, or other micro-organism, except viruses, bacteria, or other micro-organisms on or in living humans or other living animals.

19. "Pesticide" means:
- ~~Any~~A substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and
 - ~~Any~~A substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.
20. "Pesticide certification standards" means the requirements under title 40, Code of Federal Regulations, sections 171.101 through 171.107, as those sections existed on January 4, 2017.
21. "Pesticide dealer" means ~~any~~a person, other than a pesticide wholesaler, distributing pesticides.
- ~~24-22.~~ "Plant regulator" means ~~any~~a substance or mixture of substances intended, through physiological action, to accelerate or retard the rate of growth or rate of maturation, or to otherwise alter the behavior of plants or the produce thereof, but does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.
- ~~22-23.~~ "Private applicator" means an individual who is required to be a certified applicator to buy or use a restricted use pesticide on property owned or rented by the applicator or the applicator's employer or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person.
- ~~23-24.~~ "Public applicator" means an applicator who applies pesticides, other than ready-to-use pesticides, as an employee of:
- A governmental agency, municipal corporation, or public utility; or
 - A hospital, privately owned golf course, nursery, or greenhouse.
- ~~24-25.~~ "Ready-to-use pesticide" means a pesticide other than a restricted use pesticide which is applied directly from its original container consistent with label directions, and includes aerosol spray cans, ready-to-use spray containers, bait packs, and other types of containers that do not require mixing or loading before application.
- ~~25-26.~~ "Restricted use pesticide" means ~~any~~a pesticide formulation ~~that is~~ classified as restricted use by the United States environmental protection agency or the agriculture commissioner under section 4.1-34-06.
- ~~26-27.~~ "Rinsate" means a diluted mixture of pesticide obtained from triple rinsing or pressure rinsing pesticide containers or from rinsing the inside and outside of spray equipment.
- ~~27-28.~~ "Tank mix" means ~~any~~a pesticidal formulation used alone or in combination with another pesticide and mixed with a liquid carrier prior to application.
- ~~28-29.~~ "Unreasonable adverse effects on the environment" means ~~any~~an unreasonable risk to humans or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

~~29-30.~~ "Weed" means ~~any~~a plant that grows where not wanted.

~~30-31.~~ "Wildlife" means ~~all~~ living things that are ~~neither~~not human, domesticated, ~~nor~~, as defined in this chapter, pests, including mammals, birds, and aquatic life.

SECTION 2. A new section to chapter 4.1-33 of the North Dakota Century Code is created and enacted as follows:

Standards for pesticide certification.

The pesticide certification standards as defined under section 4.1-33-01, are incorporated by reference and made part of this chapter.

SECTION 3. AMENDMENT. Section 4.1-33-03 of the North Dakota Century Code is amended and reenacted as follows:

4.1-33-03. Pesticide control board to administer chapter and adopt rules.

1. a. The pesticide control board shall administer this chapter and may adopt rules under chapter 28-32 to implement this chapter. The rules may prescribe methods to be used in the application of pesticides. The rules may relate to the time, place, manner, methods, materials, and amounts and concentrations, in connection with the application of the pesticide, and may restrict or prohibit use of pesticides in designated areas during specified periods of time and ~~shall~~must encompass all reasonable factors ~~which that~~ the board deems necessary to prevent damage or injury by drift or misapplication to:
 - (1) Plants, including forage plants, on adjacent or nearby lands.
 - (2) Wildlife in the adjoining or nearby areas.
 - (3) Fish and other aquatic life in waters in proximity to the area to be treated.
 - (4) Persons, animals, or beneficial insects.
- b. In adopting rules, the board shall give consideration to pertinent research findings and recommendations of other agencies of ~~this~~the state, ~~the~~ federal government, or other reliable sources.
2. In adopting rules under this chapter, the board shall prescribe standards and requirements for the certification of applicators of pesticides. ~~These~~The standards and requirements must relate to the use and handling of pesticides. In determining ~~these~~the standards and requirements, the board shall ~~take into consideration~~adopt standards and requirements prescribed by the United States environmental protection agency in the pesticide certification standards.
3. Rules adopted under this chapter may not permit any pesticide use that is prohibited by the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.] or regulations or orders issued thereunder.
4. To comply with the pesticide certification standards and the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.], the board ~~may~~shall make reports to the United States environmental protection agency in the form and containing the information as ~~that~~the agency requires.

5. Rules to implement this chapter may provide for:
 - a. The collection, examination, and reporting of samples of pesticides.
 - b. The safe handling, transportation, storage, display, distribution, and disposal of pesticides and pesticides containers.
 - c. The identification of pests under this chapter ~~when~~ if the board finds particular organisms to be annoying or otherwise injurious or harmful to agriculture, health, and the environment.

SECTION 4. AMENDMENT. Subdivision b of subsection 1 of section 4.1-33-12 of the North Dakota Century Code is amended and reenacted as follows:

- b. An individual who would be a private applicator, if certified, may not use any restricted use pesticide unless the individual:
 - (1) Complies with the certification requirements established by the board;
or
 - (2) Is under the direct supervision of a certified applicator while applying a restricted use herbicide.

SECTION 5. AMENDMENT. Section 4.1-33-13 of the North Dakota Century Code is amended and reenacted as follows:

4.1-33-13. Unlawful acts — ~~Grounds~~ and grounds for denial, suspension, or revocation of a certification.

1. It is a violation of this chapter for ~~any~~ a person to:
 4. a. Make false or fraudulent claims through any media, misrepresenting the effect of materials or methods to be utilized, or advertise a pesticide without reference to its classification.
 2. b. Make a pesticide recommendation, application, or use inconsistent with the labeling or other restrictions prescribed by the board.
 3. c. Apply materials known by that person to be ineffective or improper.
 4. d. Operate faulty or unsafe equipment.
 5. e. Operate in a faulty, careless, or negligent manner.
 6. f. Neglect or, after notice, refuse to comply with this chapter, the rules adopted to implement this chapter, or any lawful order of the commissioner.
 7. g. Refuse or neglect to keep and maintain the records required by this chapter or to make reports when and as required.
 8. h. Make false or fraudulent records, invoices, or reports.
 9. i. Apply pesticide to the property of another, without the permission of the owner or lessee, unless the application is made under the direction of a governmental entity.

- 40. j. Use fraud or misrepresentation in making an application for, or for renewal of, certification.
 - 41. k. Refuse or neglect to comply with any limitations or restrictions on or in a duly issued certification.
 - 42. l. Aid or abet a person to evade this chapter, conspire with a person to evade this chapter, or allow the person's certification to be used by another person.
 - 43. m. Knowingly make false statements during or after an inspection or an investigation.
 - 44. n. Impersonate a federal, state, county, or city inspector or official.
 - 45. o. Distribute any restricted use pesticide to any person who is not properly certified to use or purchase the pesticide.
 - 46. p. Buy, use, or supervise the use of any pesticide without first complying with the certification requirements of this chapter, unless otherwise exempted.
 - 47. q. Apply any pesticide that is not registered under chapter 4.1-34.
2. A certification issued under this chapter may be denied, removed, or suspended if a person:
- a. Receives a criminal conviction under section 136l of the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.];
 - b. Is subject to a final order imposing a civil penalty under section 136l of the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.]; or
 - c. Is subject to a concluded enforcement action for a violation of state law or regulation relating to pesticide use.

SECTION 6. AMENDMENT. Subsection 1 of section 4.1-33-16 of the North Dakota Century Code is amended and reenacted as follows:

1. The certification requirements of this chapter do not apply to an individual applying nonrestricted use pesticides under the direct supervision of a private or commercial applicator, unless the pesticide label requires that a certified applicator personally apply the pesticide. A pesticide is applied under the direct supervision of a private or commercial applicator if the pesticide is applied by an individual acting under the instruction and control of a certified applicator who is physically available if needed. The certified applicator need not be present when the pesticide is applied. Direct supervision with respect to applications using aircraft requires that the pilot of the aircraft be appropriately certified. The certification requirements of this chapter do not apply to a competent person applying a restricted use pesticideherbicide under the direct supervision of a private applicator, unless the pesticideherbicide label requires that a certified applicator personally apply the particular pesticideherbicide. ~~A pesticide~~ An herbicide is deemed to be applied under the direct supervision of a private applicator if it is applied by a competent person acting under the instruction and control of a private applicator who is available if ~~and when~~ needed, even though the private applicator is not physically present at the time and place ~~that the pesticideherbicide~~ is applied.

SECTION 7. AMENDMENT. Subsection 5 of section 4.1-33-20 of the North Dakota Century Code is amended and reenacted as follows:

5. After providing an opportunity for a hearing, the commissioner may deny, suspend, revoke, or modify the provision of any certification issued under this chapter, if the commissioner determines that the applicant for certification or the holder of a certificate has violated this chapter or any rules adopted under this chapter, or has a criminal conviction subject to a final order imposing a civil penalty under section 136l of the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.].

Approved April 22, 2025

Filed April 23, 2025

CHAPTER 87

HOUSE BILL NO. 1551

(Representatives Headland, Beltz, Holle, Brandenburg)
(Senators Cory, Erbele, Wanzek)

AN ACT to create and enact a new chapter to title 4.1 of the North Dakota Century Code, relating to regulation of biostimulants and beneficial substances; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 4.1 of the North Dakota Century Code is created and enacted as follows:

Definitions.

1. "Beneficial substance" means a substance or compound, which includes a plant amendment, plant biostimulant, plant inoculant, soil amendment, soil inoculant, and other chemical or biological materials benefiting the growing environment of plants demonstrated by scientific research to be beneficial to one or more species of plants, soils, or media. The term does not include a primary, secondary, or microplant nutrient or pesticides.
2. "Brand" means a term, designation, trademark, product name, or other specific designation under which an individual beneficial substance is offered for sale.
3. "Bulk" means products in nonpackaged form.
4. "Distribute" means to import, consign, manufacture, produce, compound, mix, or blend beneficial substances, or offer for sale, sell, barter, or otherwise supply beneficial substances in the state.
5. "Distributor" means a person that imports, consigns, manufactures, produces, compounds, mixes, or blends beneficial substances, or offers for sale, sells, barter, or otherwise supplies beneficial substances in the state.
6. "Label" means the display of all written, printed, or graphic matter upon the immediate container or statement accompanying a beneficial substance.
7. "Labeling" means informational materials advertising the sale of a beneficial substance, which includes a written, printed, graphic, or electronic communication.
8. "Official sample" means any sample of a beneficial substance taken by the commissioner or the commissioner's agent and designated as official by the commissioner.
9. "Person" means an individual or organization.

10. "Plant amendment" means a substance applied to a plant or seed intended to improve growth, yield, product quality, reproduction, flavor, or other favorable characteristics of plants. The term does not include fertilizers, soil amendments, agricultural liming materials, animal and vegetable manure, pesticides, plant regulators, and other materials which may be exempt by regulation.
11. "Plant biostimulant" means a substance or micro-organism that, when applied to seeds, plants, the rhizosphere, soil, or other growth media, supports a plant's natural nutrition processes independently of the biostimulant's nutrient content, which ultimately improves nutrient availability, uptake, or use efficiency; tolerance to abiotic stress; and consequent growth, development, quality, or yield.
12. "Plant inoculant" means a product consisting of micro-organisms applied to a plant or soil to enhance the availability or uptake of plant nutrients through the root system.
13. "Registrant" means the person that registers the beneficial substance that bears the person's company name on the label and is the guarantor.
14. "Soil amendment" means any substance or a mixture of substances which is intended to improve the physical, chemical, biochemical, biological, or other characteristic of the soil. The term does not include fertilizers, agricultural liming materials, unmanipulated animal manures, unmanipulated vegetable manures, pesticides, and other materials exempt by regulation.
15. "Soil inoculant" means a microbial product applied to colonize soil to benefit soil chemistry, biology, or structure.

Required labeling.

1. Except for materials exempt under this chapter, the label on a beneficial substance must contain in a readable and conspicuous form:
 - a. The brand, including the product name;
 - b. The net weight or net volume in both customary and metric measurements;
 - c. The name and address of the guarantor, registrant, and manufacturer;
 - d. A statement identifying the purpose of the product;
 - e. The directions for use; and
 - f. A statement of composition showing the amount of each ingredient under the heading "CONTAINS BENEFICIAL SUBSTANCES", which is the agent in a product primarily responsible for the intended effects, containing the:
 - (1) Name and percentage of each beneficial substance and the ingredient source if applicable;
 - (2) Genus and species of the micro-organism, if applicable; and

- (3) Specific measurement of the colony forming unit or other acceptable unit.
2. For a product claiming micro-organisms, the labels must include the:
- Information required under subsection 1;
 - Expiration date for use; and
 - Appropriate storage conditions and practices.
3. If an ingredient not presently defined by the American association of plant food control officials in the United States is used in a beneficial substance, the label must include efficacy data to support beneficial substance ingredient claims.
4. If a beneficial substance is part of a bulk shipment, the information provided under subsection 1 must accompany delivery and be supplied to the purchaser at the time of delivery.

Distributor's license - Fees.

- A person may not distribute a beneficial substance in this state without first obtaining a distributor's license from the commissioner.
- A license is required for each location or mobile mechanical unit used by a distributor in the state.
- The application for a license must be submitted on a form furnished by the commissioner and must be accompanied by a fee of one hundred dollars.
- A license is effective for a two-year period beginning July first and ending June thirtieth of each even-numbered year.
- A license renewal application received after July thirty-first must be assessed a penalty of one hundred dollars per location.
- A license issued under this section:
 - Is not transferable;
 - Must be conspicuously posted at each location used by the distributor; and
 - Must be carried in each mobile mechanical unit operated by the distributor in the state.
- The commissioner shall forward all fees received under this section to the state treasurer for deposit in the environment and rangeland protection fund.

Product registration - Fees.

- Each brand of a beneficial substance must be registered in the name of the person appearing on the label before being offered for sale or distributed in this state.
- The application for registration must be submitted to the commissioner on a form furnished by the commissioner and must be accompanied by a:

- a. Current product label; and
- b. Fee of fifty dollars per product.
3. Each brand registration is effective for a two-year period beginning July first and ending June thirtieth of each even-numbered year.
4. A request for a registration renewal received after July thirty-first must be assessed a penalty of one hundred dollars per product.
5. A distributor is not required to register a product listed in subsection 1 if that product is already registered by another person, provided the label complies with the issued registration.
6. The commissioner shall forward all fees received under this section to the state treasurer for deposit in the environment and rangeland protection fund.

Inspection fee.

1. An inspection fee of ten dollars or twenty cents per ton [907.18 kilograms], whichever is greater, must be paid to the commissioner on a beneficial substance distributed in this state.
2. This subsection does not apply to:
 - a. Exchanges of product between a manufacturer and distributor; or
 - b. An individual beneficial substance sold exclusively in a package of ten pounds [4.54 kilograms] or less.
3. On or before January thirty-first, each licensed person that distributes a beneficial substance in this state shall:
 - a. File with the commissioner a form stating the number of net tons [kilograms] of each listed product distributed in this state during the preceding calendar year; and
 - b. Submit to the commissioner the inspection fee required by this section.
4. If a person fails to submit an inspection fee, at the time and in the manner required by this section, the commissioner may impose a penalty of ten dollars or ten percent of the amount due, whichever is greater. The requirements of subsection 3 apply only to the last licensed person to handle the same lot of a beneficial substance.
5. Each distributor shall keep records regarding purchases and sales for three years. The records may be examined by the commissioner upon request.
6. The commissioner shall forward all fees received under this section to the state treasurer for deposit in the environment and rangeland protection fund.

Exemptions.

1. When clearly and conspicuously identified on a label, soil amending materials under this subsection are exempt, which include:

- a. Hay;
 - b. Straw;
 - c. Peat;
 - d. Leaf mold;
 - e. Sand;
 - f. Perlite;
 - g. Vermiculite;
 - h. Gypsum; and
 - i. Vermicompost.
2. Instead of a statement of composition as required in this chapter, the label of the following soil amendments when clearly and conspicuously identified on the label must include an ingredient statement, unless specific beneficial substance claims are made:
- a. Compost;
 - b. Garden soil;
 - c. Landscaping soil or topsoil;
 - d. Mulch or wood products;
 - e. Planting mix;
 - f. Potting mix; and
 - g. Soilless growing media.
3. The commissioner may exempt soil amendments and other products under this chapter.

Cancellation of registration.

1. The commissioner may cancel the registration of any beneficial substance product or refuse to register any beneficial substance product as provided in this chapter due to:
- a. An incomplete or insufficient registration application;
 - b. The misbranding or adulteration of a beneficial substance; or
 - c. A violation of this chapter or rules adopted under this chapter.
2. If the commissioner cancels or refuses to renew an existing registration due to the misbranding or adulteration of a beneficial substance or due to a violation of this chapter or a rule adopted under this chapter, the registrant or applicant may request a hearing.

Inspection, sampling, and analysis.

1. The commissioner may act through an authorized agent to sample, inspect, make analyses of, and test beneficial substances distributed within the state when it is necessary to determine if a beneficial substance complies within the provisions of this chapter. The commissioner may enter into or upon any point of distribution during operating hours upon notice and open and sample any bulk material, bundle, package, or other container containing or thought to contain a beneficial substance, and to inspect labels or access records pertaining to the distribution of the beneficial substance.
2. The methods of analysis and sampling must be methods approved by the commissioner, including methods adopted by the journal of the association of agricultural chemists international.
3. A single package may constitute an official sample. In determining whether a beneficial substance is deficient, the commissioner may consider only the analysis of the official sample.
4. If the results of the commissioner's official analysis indicate a beneficial substance may be the subject of a penalty or other legal action, the commissioner shall forward the analysis to the registrant at least ten days before the report is submitted to the purchaser. If during the ten-day period, no adequate evidence to the contrary is made available to the commissioner by the registrant, the report becomes official.
5. The commissioner shall retain an official sample found to be deficient for thirty days following the issuance of the analytical report.
6. Upon request, the commissioner shall furnish to the registrant a portion of a sample found to be the subject of a penalty or other legal action.

Unlawful acts.

It is unlawful for a person to:

1. Distribute an unregistered beneficial substance, unless exempt from the registration requirements of this section;
2. Distribute a misbranded or adulterated beneficial substance;
3. Distribute a beneficial substance if the label does not reflect its composition;
4. Distribute a product as a beneficial substance if the sole function is to serve as a pesticide;
5. Fail to supply the commissioner with an analysis of a beneficial substance when requested by the commissioner or the commissioner's designee;
6. Fail to disclose on the label sources of potentially deleterious components;
7. Fail to cease distribution of any beneficial substance for which the commissioner has issued a stop sale order; or
8. Obstruct the commissioner in the performance of the duties under this chapter.

Misbranding of beneficial substance prohibited.

A person may not distribute a misbranded beneficial substance. A beneficial substance is deemed to be misbranded if the:

1. Labeling is false or misleading;
2. Beneficial substance is distributed under the name of another beneficial substance; and
3. Beneficial substance is not labeled as required by this chapter or in accordance with regulations prescribed under this chapter.

Adulteration of a beneficial substance prohibited.

A person may not distribute an adulterated beneficial substance. A beneficial substance is deemed to be adulterated if the beneficial substance:

1. Contains any deleterious or harmful substance in sufficient amount to render it injurious to beneficial plant life, animals, humans, aquatic life, soil, or water when applied in accordance with directions for use on the label;
2. Does not provide on the label of the substance adequate warning statements and directions for use, which may be necessary to protect plant life, animals, humans, aquatic life, soil, or water;
3. Composition falls below or differs from that which it is purported to possess by its label or any labeling which describes the composition of the beneficial substance; or
4. Contains unwanted crop or weed seed, or primary noxious or secondary noxious weed seed.

Stop sale order.

If the commissioner finds the beneficial substance product is being offered or exposed for sale in violation of this chapter, the commissioner may issue an order to stop the sale or use to the owner or custodian of any product containing beneficial substances. The order must remain in effect until the commissioner:

1. Determines the law has been complied with;
2. Gives written authorization for the disposal of the product; or
3. Gives written authorization for the product to be offered for sale.

Penalties.

1. Any person that knowingly violates this chapter is guilty of a class A misdemeanor.
2. When construing and enforcing the provisions of this chapter, the act, omission, or failure of any officer, agent, or other person acting for or employed by any person must be deemed also to be the act, omission, or failure of the person or the employed person.

3. A person that violates this chapter or the rules adopted under this chapter is subject to a civil penalty not to exceed two thousand five hundred dollars per violation. The civil penalty may be imposed by a court in a civil proceeding or by the agriculture commissioner through a proceeding under chapter 28-32. The assessment of a civil penalty does not preclude the imposition of other sanctions authorized by law, this chapter, or rules adopted under this chapter.
4. After the hearing, the commissioner may deny, suspend, revoke, or modify the provision of a certification issued under this chapter, if the commissioner determines the applicant for certification or the holder of a certificate has violated this chapter or a rule adopted under this chapter.

Rules.

The commissioner may adopt rules under chapter 28-32 to to effectuate the provisions of this chapter.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 88

HOUSE BILL NO. 1526

(Representatives Nelson, Berg, Brown, Schreiber-Beck, Weisz)
(Senators Klein, Thomas)

AN ACT to amend and reenact subsection 11 of section 4.1-41-01 and section 4.1-41-05 of the North Dakota Century Code, relating to pet food registration.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 11 of section 4.1-41-01 of the North Dakota Century Code is amended and reenacted as follows:

11. "Labeling" means the written, printed, or graphic information accompanying the distribution of commercial feed or customer-formula feed, including promotional materials distributed to market the feed and statements and promotions through radio, television, or internet interface, or on an organization's website.

SECTION 2. AMENDMENT. Section 4.1-41-05 of the North Dakota Century Code is amended and reenacted as follows:

4.1-41-05. Pet food - Specialty pet food - Registration - Exemption - Penalty.

1. Before being distributed in this state, each pet food product and each specialty pet food product must be registered with the commissioner. This requirement does not apply to a distributor, provided the pet food or specialty pet food is registered by another person.
2. To register and renew pet food and specialty pet food, a person shall submit:
 - a. An application form at the time and in the manner required by the commissioner; ~~and~~
 - b. A fee in the amount of one hundred ~~twenty~~ dollars per product manufactured out-of-state; and
 - c. A fee in the amount of fifty dollars per product manufactured in the state.
3. ~~To renew a registration required by this section, a person shall submit:~~
 - a. ~~An application form at the time and in the manner required by the commissioner; and~~
 - b. ~~A fee in the amount of one hundred dollars per product.~~
4. A registration issued under this section is valid during the period beginning on January first of an even-numbered year and ending on December thirty-first of the ensuing odd-numbered year.

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- ~~5-4.~~ If a person fails to renew a registration within thirty-one days of its expiration, that person must apply for an initial registration.
- ~~6-5.~~ Upon approving an application for an initial registration or a renewed registration, the commissioner shall furnish a certificate of registration to the applicant. A certificate of registration is not transferable.
- ~~7-6.~~ Any person violating this section is subject to a penalty of twenty-five dollars for each product that must be registered.
- ~~8-7.~~ A person is exempt from this section if the person:
- a. Is a resident of this state;
 - b. Produces pet food in a noncommercial kitchen;
 - ~~b-c.~~ Sells the pet food directly to the end consumer at a community event or farmer's market; and
 - ~~c-d.~~ Does not use meat, poultry, fish, or their byproducts as an ingredient in the product.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 89

SENATE BILL NO. 2087

(Agriculture and Veterans Affairs Committee)
(At the request of the Agriculture Commissioner)

AN ACT to amend and reenact section 4.1-72-05 and subdivision f of subsection 2 of section 36-01-36 of the North Dakota Century Code, relating to the administration of the premises identification program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-72-05 of the North Dakota Century Code is amended and reenacted as follows:

4.1-72-05. ~~Animal~~Premises identification program - Administration.

The North Dakota stockmen's association shall serve as ~~the state's~~ a state administrator and allocator for that portion of any federally sponsored ~~animal~~ premises identification program which pertains to cattle, horses, and mules.

SECTION 2. AMENDMENT. Subdivision f of subsection 2 of section 36-01-36 of the North Dakota Century Code is amended and reenacted as follows:

- f. The disclosure is to provide the North Dakota stockmen's association with information ~~pursuant to~~ under section 4.1-72-05.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 90

SENATE BILL NO. 2139

(Senators Patten, Erbele, Wanzek)
(Representatives Brandenburg, Kempenich)

AN ACT to amend and reenact section 4.1-73-14 of the North Dakota Century Code, relating to the fees for recording and rerecording livestock brands.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-73-14 of the North Dakota Century Code is amended and reenacted as follows:

4.1-73-14. Recording and rerecording brands - Fee.

Each application for recording or rerecording a brand must be accompanied by a fee ~~in the amount of twenty-five~~ fifty dollars.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 91

SENATE BILL NO. 2085

(Agriculture and Veterans Affairs Committee)
(At the request of the Agriculture Commissioner)

AN ACT to create and enact a new chapter to title 4.1 of the North Dakota Century Code, relating to participation in the United States swine health improvement plan by the agriculture commissioner.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 4.1 of the North Dakota Century Code is created and enacted as follows:

Definitions.

As used in this chapter, "swine" means domestic swine raised for breeding, feeding, or slaughter.

Purposes - Duties.

The commissioner shall:

1. Serve on behalf of the department as the official state agency to cooperate with the veterinary services program of the animal plant health inspection services division of the United States department of agriculture, to further the objectives of the state and to supervise the state's participation in the United States swine health improvement plan.
2. Promote the welfare and improvement of the swine industry and the marketing of swine and swine products within the state.
3. Adopt rules under chapter 28-32 as necessary to effectuate the purposes of this chapter.

Approved March 17, 2025

Filed March 18, 2025