

Introduced by

1 A BILL for an Act

2 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

3 **SECTION 1.** Section 4.1-01-01 of the North Dakota Century Code is created and enacted
4 as follows:

5 **4.1-01-01. Definitions.**

6 As used in this title, unless otherwise provided:

7 1. "Commissioner" means the agriculture commissioner or the designee or authorized
8 representative of the commissioner.

9 2. "Department" means the North Dakota department of agriculture.

10 **SECTION 2. AMENDMENT.** Section 4-01-21 of the North Dakota Century Code is amended
11 and reenacted as follows:

12 **4-01-214.1-01-02. Salary of agriculture commissioner.**

13 The annual salary of the agriculture commissioner is one hundred five thousand four
14 hundred ninety-one dollars through June 30, 2016, and one hundred eight thousand six
15 hundred fifty-six dollars ~~thereafter~~after that date.

16 **SECTION 3. AMENDMENT.** Section 4-01-15 of the North Dakota Century Code is amended
17 and reenacted as follows:

18 **4-01-154.1-01-03. Compelling attendance of witnesses and production of books and**
19 **papers.**

20 The ~~agriculture~~ commissioner may compel the attendance of persons at hearings before the
21 commissioner, and the production of books and papers. The commissioner may examine
22 witnesses under oath and may administer oaths ~~in the performance of the commissioner's~~
23 ~~duties.~~ AnyThe commissioner's office must file and preserve any testimony taken by the
24 commissioner ~~must be filed and preserved in the commissioner's office.~~

1 **SECTION 4. AMENDMENT.** Section 4-01-16 of the North Dakota Century Code is amended
2 and reenacted as follows:

3 **4-01-164.1-01-04. Exhibits at fairs -Commissioner to have charge.**

4 The agriculture commissioner shall have charge of the exhibits of products ~~and~~or resources
5 of the state which ~~may be~~are shown at any fair or exposition in the United States. The
6 commissioner shall cooperate with any railroad company doing business in the state, and with
7 any person interested in securing an exhibit at any fair or exposition in the United States.

8 **SECTION 5. AMENDMENT.** Section 4-01-17.1 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **4-01-17.14.1-01-05. State to cooperateCooperation with the animal and plant health-**
11 **inspection service and otherfederal agencies in destruction of predatory animals,**
12 **destructive birds, and injurious field rodents.**

13 1. The agriculture commissioner may cooperate with the United States department of
14 agriculture, animal and plant health inspection service, or other appropriate federal
15 agency, in the control and destruction of ~~fur-bearers that are injurious to livestock,~~
16 ~~poultry, and big and small game; injurious field rodents; big game threatening human-~~
17 ~~health or domestic livestock; and birds;~~

18 a. Fur-bearers and field rodents that are injurious to:

19 (1) Livestock;

20 (2) Poultry; or

21 (3) Big and small game.

22 b. Big game threatening human health or domestic livestock; and

23 c. Birds causing crop damage or substantial economic loss or threatening human
24 health. This

25 2. The control and destruction of animals must be approved by the director of the game
26 and fish department. The agriculture commissioner may enter into written agreements
27 with the animal and plant health inspection service or other appropriate federal
28 agency, and the director of the game and fish department ~~covering the~~to determine:

29 a. The methods and procedures for the control and destruction of thebirds
30 and animals, ~~the;~~

1 b. The extent of supervision required by either or both the agriculture commissioner
2 and the animal and plant health inspection service or other appropriate federal
3 agency; and the

4 c. The use and expenditure of the funds appropriated therefor by the legislative
5 assembly for the control and destruction of the animals.

6 The agriculture commissioner, in cooperation with the animal and plant health inspection
7 service or other appropriate federal agency, may enter into agreements with other governmental
8 agencies and with counties, associations, corporations, limited liability companies, or individuals
9 when cooperation is deemed to be necessary to promote the for control and destruction of
10 these birds and animals under this section.

11 **SECTION 6. AMENDMENT.** Section 4-01-17.2 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **4-01-17.24.1-01-06. Expenditures authorized - Who to approve vouchers -**
14 **Qualifications of hunters and trappers hired - When bounties not payable.**

15 The agriculture commissioner may ~~make such~~ authorize expenditures from funds available
16 for equipment, supplies, and other expenses, including expenditures for personal services of
17 hunters and trappers, as may be necessary to execute the functions ~~imposed upon~~ of the
18 agriculture commissioner ~~by~~ under section ~~4-01-17.14.1-01-05~~. Hunters and trappers employed
19 under section ~~4-01-17.14.1-01-05~~ must be state residents, ~~but~~. Hunters and trappers employed
20 under section 4.1-01-05 are not entitled to bounty provided by state laws for the killing or
21 extermination of these birds and animals under that section. All vouchers for expenditures made
22 by the agriculture commissioner under this section must be approved as to correctness by the
23 duly authorized agent of the animal and plant health inspection service or other appropriate
24 federal agency.

25 **SECTION 7. AMENDMENT.** Section 4-01-17.3 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **4-01-17.34.1-01-07. Disposition of proceeds of furs, skins, and specimens taken.**

28 All furs, skins, and specimens taken by hunters and trappers paid out of funds appropriated
29 to carry out section ~~4-01-17.14.1-01-05~~ must be disposed of in a manner the agriculture-
30 commissioner determines is in the ~~state's best interests~~ interest of the state. If furs, skins, or
31 specimens are sold, the net proceeds of the sales, up to fifteen thousand dollars per biennium,

1 must be used by the United States department of agriculture wildlife services to fund its-
2 program activities ~~that benefit~~benefitting the state's livestock producers.

3 **SECTION 8. AMENDMENT.** Section 4-01-19 of the North Dakota Century Code is amended
4 and reenacted as follows:

5 **~~4-01-194.1-01-08.~~ Marketing bureau.**

6 The ~~agriculture~~ commissioner shall establish and maintain a marketing bureau ~~for the~~
7 ~~purpose of gathering~~to gather and ~~disseminating~~disseminate statistical information on any
8 agricultural marketing problems of the state and ~~engaging~~to engage in marketing services of
9 agricultural products. Any moneys received or generated by the pride of Dakota program must
10 be deposited in the agriculture department operating fund in the state treasury.

11 **SECTION 9. AMENDMENT.** Section 4-01-20 of the North Dakota Century Code is amended
12 and reenacted as follows:

13 **~~4-01-20. Commissioner to preserve records of commissioner of immigration.~~**

14 All ~~papers, writings, documents, books, records, files, and all other papers of whatever~~
15 ~~nature, used by or in connection with the office of commissioner of immigration, must be~~
16 ~~preserved by the agriculture commissioner.~~

NOTE: This section was a product of an effort in the 1920s to promote North Dakota in an attempt to convince people to immigrate to the state. According to the Department of Agriculture, all records associated with this section were destroyed and no new records have been kept. This section is likely obsolete and can be repealed.

17 **SECTION 10. AMENDMENT.** Section 4-01-22 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **~~4-01-224.1-01-09.~~ Certified beef program.**

20 The ~~agriculture~~ commissioner may collaborate with the state board of animal health, the
21 North Dakota stockmen's association, North Dakota state university beef systems, and the
22 United States secretary of agriculture to develop a source-verified and process-verified beef
23 marketing program known as the certified beef program.

24 **SECTION 11. AMENDMENT.** Section 4-01-23 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **~~4-01-234.1-01-10.~~ Sustainably grown in North Dakota - Application - Logo - Promotion**
27 **of commodities.**

28 1. The ~~agriculture~~ commissioner may implement a program to promote agricultural
29 commodities ~~that are~~ sustainably grown in North Dakota.

- 1 2. If a program ~~referenced in~~under subsection 1 is implemented, the program must
2 require that a producer file an application with the commissioner. If ~~the~~a producer
3 demonstrates that the producer's growing practices with respect to a particular
4 commodity meet the commissioner's established criteria for sustainability, the
5 commissioner shall authorize the producer to label and market the commodity as
6 being sustainably grown in North Dakota.
- 7 3. The commissioner may develop, and make available for ~~the use of~~by authorized
8 producers, a logo indicating ~~that~~ the commodity is sustainably grown in North Dakota.
9 The commissioner may actively support and promote the sale and use of products
10 identified as sustainably grown in North Dakota.
- 11 4. The commissioner may establish and charge producers a fee for participating in the
12 program. The commissioner shall forward all fees collected under this section to the
13 state treasurer for deposit in the general fund.
- 14 5. The ~~agriculture~~ commissioner may engage in research and ~~provide education-~~
15 ~~to~~educate members of the public regarding agricultural commodities that are
16 sustainably grown in this state.
- 17 6. For purposes of this section, "sustainably grown" means ~~that~~ a crop is grown using
18 research-based practices ~~that result~~resulting in:
 - 19 a. Increased efficiencies in soil and nutrient preservation;
 - 20 b. Decreased reliance on tillage and other soil-depleting practices;
 - 21 c. Increased efficiencies in the use of water;
 - 22 d. Increased efficiencies in the use of other necessary and measurable agricultural
23 inputs;
 - 24 e. Increased yield efficiencies; and
 - 25 f. Greater economic benefit to producers.

26 **SECTION 12. AMENDMENT.** Section 4-01-24 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 ~~4-01-244.1-01-11.~~ **Advisory committee on sustainable agriculture - Creation - Duties -**
29 **Powers - Compensation - Continuing appropriation.**

- 30 1. The ~~agriculture~~ commissioner shall appoint an advisory committee on sustainable
31 agriculture.

- 1 a. The committee must include:
 - 2 (1) The chairman of the house agriculture committee or the chairman's
 - 3 designee;
 - 4 (2) The chairman of the senate agriculture committee or the chairman's
 - 5 designee;
 - 6 (3) The commissioner of the department of commerce or the commissioner's
 - 7 designee;
 - 8 (4) The director of the North Dakota state university agricultural experiment
 - 9 station;
 - 10 (5) An agricultural producer who utilizes innovative research-based
 - 11 technologies in farming operations;
 - 12 (6) A representative of an international agricultural corporation; and
 - 13 (7) An individual specializing in the domestic and international marketing of
 - 14 agricultural products.
- 15 b. If both houses of the legislative assembly are controlled by the same party, the
- 16 committee also must include one member of the legislative assembly from the
- 17 minority party, appointed by the chairman of the legislative council.
- 18 2. The committee shall:
 - 19 a. Examine ~~the concept of~~ sustainability with respect to conventional farming
 - 20 practices and modern technology-based production practices;
 - 21 b. Examine production practices that are efficient and able to meet current and
 - 22 future global food and nutritional needs;
 - 23 c. Examine production practices that promote increased efficiencies in resource
 - 24 use, improve human health through access to safe and nutritious food, and
 - 25 enhance economic opportunities for individual producers;
 - 26 d. Explore metric evaluations to measure the attainment, maintenance, and
 - 27 certification of sustainability;
 - 28 e. Advise the commissioner regarding the development of a sustainability
 - 29 certification program and the marketing and packaging of products containing the
 - 30 certification;

- 1 f. Explore the standards held by international private sector certifying groups which
2 have the potential to increase sales of North Dakota products; and
3 g. Report to the legislative council on the status of committee activities.
- 4 3. The committee may accept gifts, grants, and donations of money, property, and
5 services. All moneys received as gifts, grants, or donations are appropriated on a
6 continuing basis to the agriculture commissioner for the purpose of carrying out this
7 section.
- 8 4. Each legislative member of the committee is entitled to receive per diem
9 compensation in the amount established by subsection 1 of section 54-03-20 plus
10 reimbursement for expenses as provided by law for state officers if the member is
11 attending meetings or performing duties directed by the committee.

12 **SECTION 13. AMENDMENT.** Section 4-01-26 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 ~~4-01-264.1-01-12.~~ **Commodity groups - Agriculture commissioner - Meetings.**

- 15 1. The agriculture commissioner may participate, as a nonvoting member, in any regular
16 or special meeting of a commodity group, including any executive session held by a
17 commodity group.
- 18 2. Annually, the agriculture commissioner shall call a meeting of representatives from
19 each commodity group ~~for the purpose of engaging~~ to engage in collaborative efforts to
20 promote and market agricultural commodities.
- 21 3. For purposes of this section, "commodity group" means the:
- 22 a. North Dakota barley council;
23 b. North Dakota beef commission;
24 c. North Dakota beekeepers association;
25 d. North Dakota corn utilization council;
26 e. North Dakota dairy promotion commission;
27 f. North Dakota dry bean council;
28 g. North Dakota dry pea and lentil council;
29 h. North Dakota oilseed council;
30 i. North Dakota potato council;
31 j. North Dakota soybean council;

1 k. North Dakota turkey federation; and

2 l. North Dakota wheat commission.

3 **SECTION 14. AMENDMENT.** Section 4-01-27 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **~~4-01-274.1-01-13.~~ Publicly owned land - Noxious weed control or eradication.**

6 1. The commissioner shall ~~attempt to~~ arrange a noxious weed control or eradication
7 program with all state and federal agencies owning, controlling, or having jurisdiction
8 over land within the state.

9 2. Each weed control officer shall ~~attempt to~~ arrange a noxious weed control or
10 eradication program with political subdivisions owning or controlling public land within
11 the weed control officer's jurisdiction.

12 3. If a federal agency does not control or eradicate noxious weeds on land under ~~theits~~
13 jurisdiction ~~of the agency~~ and does not develop a management plan for controlling or
14 eradicating the noxious weeds, the appropriate weed control office shall notify the
15 agency of the failure to control or eradicate the noxious weeds. The federal agency
16 shall provide a report to the weed control authorities detailing the methods used by the
17 federal agency and showing cause why the federal agency is not controlling or
18 eradicating the noxious weeds. The commissioner may specify the forms on which the
19 federal agency report must be submitted.

20 4. Upon being notified by a weed board of the federal agency's failure to control or
21 eradicate noxious weeds, the commissioner may hold a public hearing to determine
22 the reason for the failure.

23 **SECTION 15. AMENDMENT.** Section 4-01-28 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **~~4-01-284.1-01-14.~~ Equine slaughter - Establishments.**

26 The ~~agriculture~~ commissioner shall monitor federal statutory and regulatory actions related
27 to the slaughter of horses, mules, and other equines, and in particular, ~~these~~ actions pertaining
28 to the establishments in which the slaughter and preparation of the carcasses may take place.
29 The ~~agriculture~~ commissioner may pursue or support federal legislative, regulatory, or
30 contractual avenues ~~that would allow~~ allowing for the slaughter and processing of horses, mules,
31 and other equines in this state, without the restriction that the slaughter or product preparation

1 be conducted in establishments separate from any in which cattle, sheep, swine, or goats are
2 slaughtered or their products are prepared.

3 **SECTION 16. AMENDMENT.** Section 4-01-29 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **~~04-01-294.1-01-15.~~ 1-01-15. Agricultural wetland credits - Database.**

6 The agriculture commissioner shall create and maintain an electronic database of wetland
7 credits that are available for purchase by an agricultural landowner.

8 **SECTION 17. AMENDMENT.** Section 4-01-30 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **~~4-01-304.1-01-16.~~ 1-01-16. Grape and wine advisory committee - Membership.**

11 The agriculture commissioner shall appoint a grape and wine advisory committee. The
12 committee must include:

- 13 1. Two individuals who are grape producers;
- 14 2. One individual who is the producer of a fruit, other than grapes, used in vinification;
- 15 3. Two individuals who own wineries located in this state; and
- 16 4. One representative of the North Dakota grape and wine association.

17 **SECTION 18. AMENDMENT.** Section 4-01-31 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **~~4-01-314.1-01-17.~~ 1-01-17. Pipeline restoration and reclamation oversight pilot program -
20 **Generally.****

- 21 1. The agriculture commissioner shall establish a pilot program ~~that shall~~
22 ~~provide~~providing technical assistance and support to surface owners and surface
23 tenants on pipeline restoration and followup support to surface owners and surface
24 tenants on pipeline reclamation.
- 25 2. The agriculture commissioner may contract for ombudsmen ~~for the purposes of~~
26 ~~being to be~~ a resource for technical assistance and followup on pipeline issues. The
27 ombudsmen may not investigate or assist with any pipeline installed before January 1,
28 2006, or regulated by the public service commission under title 49, and may not assist
29 in easement negotiations.
- 30 3. The pilot program may provide technical education, support, and outreach on
31 pipeline-related matters in coordination with other entities.

1 4. The agriculture commissioner may contract with local individuals, deemed trustworthy
2 by the surface owners and surface tenants, to be ombudsmen. The agriculture-
3 commissioner is not subject to the provisions of chapter 54-44.4 when contracting for
4 the services of ombudsmen.

5 **SECTION 19. AMENDMENT.** Section 4-01-32 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 ~~04-01-324.1-01-18.~~ **Federal environmental law impact review committee.**

- 8 1. The federal environmental law impact review committee consists of:
- 9 a. The agriculture commissioner, who shall serve as the chairman;
 - 10 b. The governor or the governor's designee;
 - 11 c. The majority leader of the house of representatives, or the leader's designee;
 - 12 d. The majority leader of the senate, or the leader's designee;
 - 13 e. One member of the legislative assembly from the minority party, selected by the
14 chairman of the legislative management;
 - 15 f. One individual appointed by the lignite energy council;
 - 16 g. One individual appointed by the North Dakota corn growers association;
 - 17 h. One individual appointed by the North Dakota grain growers association;
 - 18 i. One individual appointed by the North Dakota petroleum council;
 - 19 j. One individual appointed by the North Dakota soybean growers association; and
 - 20 k. One individual appointed by the North Dakota stockmen's association.
- 21 2. The committee shall review federal environmental legislation and regulations ~~that~~
22 detrimentally ~~impact~~impacting or ~~have the potential to~~potentially detrimentally
23 ~~impact~~impacting the state's agricultural, energy, or oil production sectors ~~and~~. The
24 committee shall confer with the attorney general with respect to participation in
25 administrative or judicial processes pertaining to such legislation or regulations.
- 26 3. a. Any member of the legislative assembly serving on the committee is entitled to
27 compensation at the rate provided for attendance at interim committee meetings
28 and reimbursement for expenses, as provided by law for state officers, if the
29 member is attending meetings of the committee or performing duties directed by
30 the committee.

- 1 b. The compensation and reimbursement of expenses, as provided for in this
2 subsection, are payable by the legislative council.

3 **SECTION 20. AMENDMENT.** Section 4-01-33 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 ~~04-01-334.1-01-19.~~ **Environmental impact - Cost of participation.**

- 6 1. Any expenses incurred by the ~~agriculture~~ commissioner or by the federal
7 environmental law impact review committee in meeting the requirements of section
8 ~~4-01-324.1-01-18~~ must be paid by the ~~agriculture~~ commissioner from the federal
9 environmental law impact fund.
- 10 2. If the attorney general elects to participate in an administrative or judicial process,
11 pertaining to federal environmental legislation or regulations, ~~which~~ detrimentally
12 ~~impacting~~ or have the potential to ~~potentially~~ detrimentally ~~impacting~~ the
13 state's agricultural, energy, or oil production sectors, any expenses incurred by the
14 attorney general in the participation must be paid by the ~~agriculture~~ commissioner from
15 the federal environmental law impact review fund.
- 16 3. For purposes of this section, "expenses" include administrative costs, consulting fees,
17 research costs, expert witness fees, attorney fees, and travel costs.

18 **SECTION 21. AMENDMENT.** Section 4-01-34 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 ~~4-01-344.1-01-20.~~ **Gifts - Grants - Donations.**

21 The ~~agriculture~~ commissioner may accept gifts, grants, and donations for the purposes set
22 forth in section ~~4-01-334.1-01-19~~, provided the commissioner posts the amount and source of
23 any gifts, grants, and donations on the ~~department of agriculture's~~ department's website. Any
24 moneys received in accordance with this section must be deposited in the federal
25 environmental law impact review fund.

26 **SECTION 22. AMENDMENT.** Section 4-01-35 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 ~~4-01-354.1-01-21.~~ **Federal environmental law impact review fund - Continuing**
29 **appropriation.**

- 30 1. The federal environmental law impact review fund consists of:

Sixty-fifth
Legislative Assembly

- 1 a. Any moneys appropriated or transferred for the purposes set forth in section
- 2 ~~4-01-334.1-01-19~~; and
- 3 b. Any gifts, grants, and donations forwarded to the ~~agriculture~~ commissioner for the
- 4 purposes set forth in section ~~4-01-334.1-01-19~~.
- 5 2. All moneys in the federal environmental law impact review fund are appropriated to the
- 6 commissioner on a continuing basis for the purposes set forth in section
- 7 ~~4-01-334.1-01-19~~.