

Introduced by

1 A BILL for an Act to create and enact chapter 15-12.1 of the North Dakota Century Code,  
2 relating to agricultural experiment stations; and to repeal chapter 4-05.1 of the North Dakota  
3 Century Code, relating to agricultural experiment stations.

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

5 **SECTION 1.** Chapter 15-12.1 of the North Dakota Century Code is created and enacted as  
6 follows:

7 **15-12.1-01. Definitions.**

8 In this chapter, unless the context otherwise requires:

- 9 1. "Agricultural experiment station" means the North Dakota state university main  
10 research center, the Dickinson research extension center, the Williston research  
11 extension center, the Langdon research extension center, the central grasslands  
12 research extension center, the Carrington research extension center, the Hettinger  
13 research extension center, the north central research extension center, the agronomy  
14 seed farm, and any other department or agency designated by the state board of  
15 higher education.
- 16 2. "Center director" means the administrator in charge of a research or research  
17 extension center.
- 18 3. "Station director" means the administrator of the agricultural experiment station.

19 **15-12.1-02. Agricultural experiment station.**

20 The state board of agricultural research and education and the president of North Dakota  
21 state university shall control and administer the North Dakota agricultural experiment station  
22 subject to the supervision of the state board of higher education. Funds appropriated to the  
23 agricultural experiment station may not be commingled with funds appropriated to North Dakota  
24 state university. Appropriation requests to defray expenses of the agricultural experiment station

1 must be separate from appropriation requests to defray expenses of North Dakota state  
2 university.

**NOTE:** Under Article VIII, Section 6, of the Constitution of North Dakota, the State Board of Higher Education controls and administers the Agricultural Experiment Station. These statutory provisions delegate control and administration to the State Board of Agricultural Research and Education and the President of North Dakota State University under the supervision of the State Board of Higher Education.

3 **15-12.1-03. Center directors - Research and research extension centers - Records**  
4 **and information.**

5 The station director has jurisdiction over the research and research extension centers of the  
6 agricultural experiment station. The center director shall administer each research or research  
7 extension center. The center director shall report to the station director. Each research or  
8 research extension center shall keep detailed records of all research activities. The research or  
9 research extension center shall publish and disseminate research results and information for  
10 the benefit of this state.

11 **15-12.1-04. Reports.**

12 Each center director shall submit an annual report to the station director. Each report must  
13 set forth in detail the investigations and experiments made during the preceding year.  
14 recommendations for the welfare of the center, the financial condition of the center, how all  
15 moneys have been expended during the preceding year, and the results of all experiments that  
16 have been completed during the preceding year. The station director shall submit these reports,  
17 with a report of the North Dakota state university main research center, to the state board of  
18 agricultural research and education and the state board of higher education by September first  
19 of each year.

20 **15-12.1-05. North Dakota state university main research center position adjustments -**  
21 **Budget section report.**

22 The North Dakota state university main research center must be located on the campus of  
23 North Dakota state university of agriculture and applied science. The center is the administrative  
24 location of the agricultural experiment station. The center shall conduct research and coordinate  
25 all research activities of the agricultural experiment station. The research must have, as a  
26 purpose, the development and dissemination of technology important to the production and  
27 utilization of food, feed, fiber, and fuel from crop and livestock enterprises. The research must  
28 provide for the enhancement of quality of life, sustainability of production, and protection of the

1 environment. The station director may adjust or increase full-time equivalent positions in order  
2 to carry out activities to accomplish the mission of the agricultural experiment station, subject to  
3 the availability of funds. All full or partial positions must be separate from North Dakota state  
4 university. The station director shall report annually to the office of management and budget and  
5 to the budget section any adjustments or increases made under this section. The center may  
6 conduct baseline research, including production and processing in conjunction with the  
7 research and extension centers of the state, regarding industrial hemp and other alternative  
8 industrial use crops. The center may collect feral hemp seed stock and develop appropriate  
9 adapted strains of industrial hemp which contain less than three-tenths of one percent  
10 tetrahydrocannabinol in the dried flowering tops. The agriculture commissioner shall monitor the  
11 collection of feral hemp seed stock and industrial hemp strain development and shall certify  
12 appropriate stocks for licensed commercial cultivation.

13 **15-12.1-06. Dickinson research extension center.**

14 The Dickinson research extension center must be located in or near Dickinson in Stark  
15 County. The center shall conduct research:

- 16 1. On increasing the carrying capacity of native rangeland, with emphasis on  
17 conservation and preservation for future generations;
- 18 2. On grass production to determine how to best compensate for the vagaries of the  
19 weather as it influences forage production in the agriculture of western North Dakota;
- 20 3. At the ranch location in Dunn County with beef cattle and swine on breeding, feeding,  
21 management, and disease control for the benefit of livestock producers of western  
22 North Dakota and the entire state; and
- 23 4. Designed to increase productivity of all agricultural products of the soil by maintaining  
24 or improving the soil resource base in the agricultural region of southwestern North  
25 Dakota by:
  - 26 a. The identification of adapted crop species and superior crop cultivars;
  - 27 b. Propagation and distribution of selected seed stock; and
  - 28 c. Development of profitable cropping systems that achieve the necessary balance  
29 between profitability and conservation of all natural resources.

1        **15-12.1-07. Williston research extension center.**

2        The Williston research extension center must be located in or near Williston in Williams  
3 County. The center shall conduct research designed to increase productivity of all agricultural  
4 products of the soil while maintaining or improving the soil resource base in the agricultural  
5 region of northwestern North Dakota by:

- 6        1. The identification of adapted crop species and superior crop cultivars;
- 7        2. Propagation and distribution of selected seed stocks; and
- 8        3. Development of profitable cropping systems that achieve the necessary balance  
9        between profitability and conservation of all natural resources.

10       **15-12.1-08. Langdon research extension center.**

11       The Langdon research extension center must be located in or near Langdon in Cavalier  
12 County. The center shall conduct research designed to increase productivity of all agricultural  
13 products of the soil while maintaining or improving the soil resource base in the agricultural  
14 region of northeastern North Dakota by:

- 15       1. The identification of adapted crop species and superior crop cultivars;
- 16       2. Propagation and distribution of selected seed stocks; and
- 17       3. Development of profitable cropping systems that achieve the necessary balance  
18       between profitability and conservation of all natural resources.

19       **15-12.1-09. Central grasslands research extension center.**

20       The central grasslands research extension center must be located within an area bounded  
21 by the Missouri River on the west and the James River on the east. The center shall conduct  
22 research:

- 23       1. Designed to fulfill needs within an area bounded by the Missouri River on the west and  
24       the James River on the east; and
- 25       2. To increase the range-carrying capacity of native range, with emphasis on:
  - 26       a. The conservation and preservation for future generations;
  - 27       b. The stabilization of grass production to discover how to best compensate for the  
28       vagaries of the weather and precipitation as it influences forage production in  
29       agriculture;
  - 30       c. The identification of the impact of different management systems upon beef  
31       production in the central region of the state; and



- 1       1. The identification of adapted crop species and superior crop cultivars;
- 2       2. Propagation and distribution of selected seed stocks; and
- 3       3. Development of profitable cropping systems which achieve the necessary balance
- 4       between profitability and conservation of all natural resources.

5       **15-12.1-13. Agronomy seed farm - Investment of reserve income fund.**

6       The state treasurer, at the direction of the center director of the agronomy seed farm with  
7 the approval of the station director, shall provide for the investment of available moneys in the  
8 agronomy seed farm reserve income fund. The state treasurer shall credit the investment  
9 income to the agronomy seed farm reserve income fund. The moneys in the fund may be spent  
10 only within the limits of legislative appropriation.

11       **15-12.1-14. State board of agricultural research and education - Membership - Terms.**

- 12       1. The state board of agricultural research and education consists of:
  - 13       a. The president of North Dakota state university or the president's designee;
  - 14       b. The vice president of agricultural affairs at North Dakota state university, who
  - 15       serves in an ex officio nonvoting capacity;
  - 16       c. The administrator of the agricultural experiment station, who serves in an
  - 17       ex officio nonvoting capacity;
  - 18       d. The five persons appointed to the agricultural consultation board by the
  - 19       ag coalition;
  - 20       e. The five persons appointed to the agricultural consultation board by the extension
  - 21       service's multicounty program units;
  - 22       f. The agriculture commissioner, who serves in an ex officio nonvoting capacity;
  - 23       g. The director of the North Dakota state university extension service, who serves in
  - 24       an ex officio nonvoting capacity; and
  - 25       h. Two members of the legislative assembly appointed by the chairman of the
  - 26       legislative management. The chairman shall appoint one member from each
  - 27       political faction. The terms of members are for two years and members may be
  - 28       reappointed. The legislative council shall pay the compensation and expense
  - 29       reimbursement for the legislative members.
- 30       2. a. The initial five members appointed by the ag coalition shall select their terms by
- 31       lot so that one member serves for one year, one member serves for two years,

1           one member serves for three years, one member serves for four years, and one  
2           member serves for five years.

3           b. The initial five members appointed by the extension service's multicounty  
4           program units shall select their terms by lot so that one member serves for one  
5           year, one member serves for two years, one member serves for three years, one  
6           member serves for four years, and one member serves for five years.

7           3. At the completion of each initial term, the term of office for each member is four years,  
8           beginning on July first. An individual may be reappointed to a second four-year term.

9           4. a. At least ninety days before the term of a member appointed by the ag coalition  
10           expires, the ag coalition shall provide to the state board of higher education a list  
11           of one or more names from which the state board of higher education shall  
12           appoint a successor. The state board of higher education shall ensure that four  
13           out of the five seats are held by agricultural producers.

14           b. At least ninety days before the term of a member appointed by the extension  
15           service's multicounty program units expires, the units through their advisory  
16           groups shall provide to the state board of higher education a list of one or more  
17           names from which the state board of higher education shall appoint a successor.  
18           The state board of higher education shall ensure that four out of the five seats  
19           are held by agricultural producers.

20           5. If an appointed position becomes vacant, the vacancy must be filled for the unexpired  
21           portion of the term in the same manner as the initial appointment except that the  
22           ninety-day requirement is waived. An individual appointed under this subsection is  
23           eligible to serve two full terms after completing the unexpired term for which the  
24           individual was appointed.

25           **15-12.1-15. Compensation of board members - Expenses.**

26           Each appointed member of the state board of agricultural research and education is entitled  
27           to receive one hundred thirty-five dollars per day as compensation for the time actually spent  
28           devoted to the duties of office and is entitled to receive necessary expenses in the same  
29           manner and amounts as state officials for attending meetings and performing other functions of  
30           office.

1        **15-12.1-16. State board of agricultural research and education - Chairman - Meetings.**

2        The state board of agricultural research and education shall elect one of its members  
3 annually to serve as chairman. The board shall meet at the times and locations designated by  
4 the chairman in consultation with the vice president of agricultural affairs at North Dakota state  
5 university.

6        **15-12.1-17. State board of agricultural research and education - Duties.**

7        Within the policies of the state board of higher education, the state board of agricultural  
8 research and education is responsible for budgeting and policymaking associated with the  
9 agricultural experiment station and the North Dakota state university extension service. The  
10 state board of agricultural research and education shall:

- 11        1. Determine the causes of any adverse economic impacts on crops and livestock  
12        produced in this state;
- 13        2. Develop ongoing strategies for the provision of research solutions and resources to  
14        negate adverse economic impacts on crops and livestock produced in this state;
- 15        3. Develop proactive strategies for the extension service to fulfill the mission of improving  
16        the lives and livelihood of the citizens of North Dakota by providing research-based  
17        education;
- 18        4. Implement the strategies developed under subsections 2 and 3, subject to approval by  
19        the state board of higher education;
- 20        5. Develop, with the agricultural experiment station and the North Dakota state university  
21        extension service, an annual budget for the operations of these entities;
- 22        6. Develop a biennial budget request based on its prioritized needs list and submit that  
23        request to the president of North Dakota state university and the state board of higher  
24        education, and forward its prioritized needs list and request without modification to the  
25        office of management and budget and the appropriations committees of the legislative  
26        assembly;
- 27        7. Maximize the use of existing financial resources, equipment, and facilities to generate  
28        the greatest economic benefit from research and extension efforts and to promote  
29        efficiency;

1       8. Annually evaluate the results of research and extension activities and expenditures  
2       and report the findings to the legislative management and the state board of higher  
3       education;

4       9. Advise the president of North Dakota state university regarding the recruitment,  
5       selection, and performance of the vice president of agricultural affairs, the extension  
6       service director, and the station director; and

7       10. Present a status report to the budget section of the legislative management.

**NOTE:** Subsection 10 provides no guidance on how often the status report is to be presented. The reports have been provided since 1997 on a biennial basis.

8       **15-12.1-18. Agricultural research fund - Continuing appropriation.**

9       The agricultural research fund is a special fund in the state treasury. Moneys in the fund are  
10      appropriated to the state board of agricultural research and education for purposes of  
11      agricultural research. Any interest earned by the fund must be returned to the fund.

**NOTE:** Language has been adjusted to match current practice.

12      **15-12.1-19. State board of agricultural research and education - Apportionment of**  
13      **research funds.**

14      1. The state board of agricultural research and education may use up to ten percent of  
15      the moneys in the agricultural research fund, not to exceed fifty thousand dollars per  
16      year, for administrative expenses and annually shall apportion the remaining proceeds  
17      of the agricultural research fund as follows:

**NOTE:** Language has been adjusted to match current practice.

- 18      a. Seventy percent to research activities affecting North Dakota agricultural  
19      commodities that account for at least two percent of the gross sales of all  
20      agricultural commodities grown or produced in the state. The percentage of the  
21      dollars available for each agricultural commodity under this section may not  
22      exceed the percentage that the gross sales of the agricultural commodity bear to  
23      the North Dakota gross sales of all agricultural commodities grown or produced  
24      during the previous year, as determined by the agricultural statistics service;  
25      b. Eighteen percent to research activities affecting North Dakota animal agriculture;  
26      and  
27      c. Twelve percent to research activities affecting new and emerging crops in North  
28      Dakota.

- 1        2. The state board of agricultural research and education shall solicit proposals for  
2        research from the public and private sectors and shall appoint committees to review  
3        the proposals and award the agricultural research grants on a competitive basis. Each  
4        committee must consist of a majority of agricultural producers selected in consultation  
5        with the agricultural commodity groups representing commodities that are the subjects  
6        of the proposed research and may include researchers and other individuals  
7        knowledgeable about the proposed area of research. Whenever possible, the  
8        committees shall require that a grant recipient commit matching funds.
- 9        3. The state board of agricultural research and education shall develop policies regarding  
10       the award of research grants, including requirements for matching funds, cooperation  
11       with other in-state and out-of-state researchers, and coordination with other in-state  
12       and out-of-state proposed or ongoing research projects.

13       **SECTION 2. REPEAL.** Chapter 4-05.1 of the North Dakota Century Code is repealed.