

AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The Agriculture and Natural Resources Committee was assigned two studies.

Section 1 of 2015 House Bill No. 1028 directed a continued study of North Dakota Century Code provisions that relate to agriculture, for the purposes of eliminating provisions that are irrelevant or duplicative, clarifying provisions that are inconsistent or unclear in their intent and direction, and rearranging provisions in a logical order.

Section 5 of 2015 House Bill No. 1081 directed a study of the Game and Fish Department. Specifically, the committee was to examine the department's hunting licenses provided to entities for the purpose of fundraising. The study was to include a review of the present law in this and other states and the desirability and feasibility of allowing the department to issue the licenses through certain procedures and with certain limits created by the Legislative Assembly.

The committee was directed to receive a report from the Advisory Committee on Sustainable Agriculture, regarding the status of the committee's activities.

The committee was also directed to receive a report from the State Board of Agricultural Research and Education, regarding its annual evaluation of research activities and expenditures.

Committee members were Representatives Kenton Onstad (Chairman), Roger Brabandt, Bob Hunskor, Dennis Johnson, Dwight Kiefert, Diane Larson, and Wayne Trottier and Senators Bill Bowman, Robert Erbele, Larry Luick, Joe Miller, and Philip Murphy.

REWRITE OF CENTURY CODE PROVISIONS RELATING TO AGRICULTURE

Objectives and Scope of Committee's Efforts

The Century Code contains more than 90 chapters that pertain to agriculture. Many of the sections within those chapters contain material that is irrelevant, duplicative, inconsistent, illogically arranged, or otherwise unclear in its intent and direction. Ultimately, neither the agencies charged with administering the laws nor the members of the public to whom the laws apply have due notice of the requirements and expectations placed upon them. The Legislative Assembly called for a detailed examination of the state's agriculture laws, with the ultimate goal being to clarify and consolidate the multitude of statutory directives within that topic area.

When the 2007-08 interim Agriculture Committee began its work, the committee determined the nature and extent of the rewrite made amending current sections of Century Code virtually impossible. The committee directed the rewrite create a new title that could accommodate the vast array of agricultural subjects and concepts in an organized and comprehensible fashion. To date, interim Agriculture Committees have rewritten the laws pertaining to noxious weeds, 12 agricultural commodity boards and commissions, agricultural seed, vegetable seed, flower seed, tree seed, seed potato control areas, potato certification, livestock branding, estrays, livestock dealers, wool dealers, ginseng, apiaries, and the Milk Marketing Board (27 chapters). Additionally, the 2013-14 Agriculture Committee rewrote the chapter pertaining to professional soil classifiers (Chapter 43-36), but the rewrite of the chapter failed to pass during the 2015 legislative session (Senate Bill No. 2026).

The 2015-16 Agriculture and Natural Resources Committee undertook a rewrite of the laws pertaining to pest control, eggs, poultry, industrial hemp, meat inspection, county extension agents, general livestock provisions, the Northern Crops Institute, the Agricultural Products Utilization Commission, dairy regulations, the North Dakota Pesticide Act of 1975, chemigation regulation, pesticide registration, pesticide and pesticide container disposal, anhydrous ammonia facilities, anhydrous ammonia risk management, crop protection, fertilizer, the State Fair Association, county fairs, agriculture experiment stations, the Agriculture Development Act, meat packing plant assistance, discrimination in the purchase of farm products, agriculture in the classroom, soil conservation districts, the federal Soil Conservation and Domestic Allotment Act of 1936, miscellaneous agriculture provisions, potato production contracts, forestry and tree distribution, the Trees for North Dakota program, nurseries and nursery stock, plant pests, animal feed requirements, livestock auction markets, satellite livestock auction markets, livestock packing plants, rendering plants, livestock medicine, and the Agriculture Commissioner.

The 2015-16 Agriculture and Natural Resources Committee rewrote 40 chapters and over 480 sections of Century Code. The 2015-16 committee supported the general premise that served as a guide for previous committees involved in rewriting existing statutes--i.e., that the goal was not to change policies that had been put in place by previous Legislative Assemblies, but rather to craft legislation that would clearly articulate rights, duties, obligations, and consequences and accurately reflect the manner in which business is conducted. This interim's effort concludes the rewrite of the agriculture laws.

Pest Control

Considerations

Chapter 4-32 created the Interstate Pest Control Compact. The compact operated to encourage states to cooperate and fund against pest infestations harmful to agricultural crop yields. The committee questioned whether it was necessary to maintain statutory language for an interstate compact that is no longer operational and had not been operational for some time.

Recommendation

The committee [recommends a bill](#) to repeal the chapter of Century Code that pertains to the Interstate Pest Control Compact.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
Chapter 4-32	Repeal

Eggs

Considerations

Chapter 19-07 contains requirements under which eggs may be sold in the state. In its review of the chapter, the committee learned there is a division of rulemaking authority in the chapter between the Agriculture Commissioner and the State Department of Health.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to eggs, move the provisions under the authority of the Agriculture Commissioner into the new agriculture title, and leave the provision relating to the rulemaking authority of the State Department of Health in Title 19.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
19-07-01	New Section in 4.1-19
19-07-02	New Section in 4.1-19
19-07-02	New Section in 19-02.1
Chapter 19-07	Repeal

Poultry

Considerations

Chapter 4-13.2 requires a poultry division within the Department of Agriculture to regulate poultry within the state. The committee worked with representatives of the Department of Agriculture to clarify definitions and language regarding the poultry division.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to the poultry division and move the provisions into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-13.2-01	4.1-19-01
4-13.2-02	4.1-19-02
4-13.2-03	4.1-19-03
4-13.2-05	4.1-19-04
4-13.2-06	4.1-19-05
Chapter 4-13.2	Repeal

Industrial Hemp

Considerations

Chapter 4-41 regulates the industrial hemp industry in the state. The committee determined that because this is a relatively new chapter within Century Code, very few amendments to the statutory language were needed. The committee worked with representatives of the Department of Agriculture to clarify language regarding the licensing requirements for industrial hemp.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to industrial hemp and move the provisions into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-41-01	4.1-18-01
4-41-02	4.1-18-02
4-41-03	4.1-18-03
Chapter 4-41	Repeal

Meat Inspection

Considerations

Chapter 36-24 addresses inspections of meat food products prepared for intrastate commerce. The committee worked with representatives of the Department of Agriculture to clarify language regarding meat inspection.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to meat inspection and move the provisions into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
36-24-01	4.1-31-01
36-24-02	4.1-31-02
36-24-03	4.1-31-03
36-24-04	4.1-31-04
36-24-05	4.1-31-05
36-24-06	4.1-31-06
36-24-07	4.1-31-07
36-24-08	4.1-31-08
36-24-09	4.1-31-09
36-24-10	4.1-31-10
36-24-11	4.1-31-11
36-24-12	4.1-31-12
36-24-13	4.1-31-13
36-24-14	4.1-31-14
36-24-15	4.1-31-15
36-24-16	4.1-31-16
36-24-17	4.1-31-17
36-24-18	4.1-31-18
36-24-19	4.1-31-19
36-24-20	4.1-31-20
36-24-21	4.1-31-21
36-24-22	4.1-31-22
36-24-23	4.1-31-23
36-24-24	4.1-31-24
36-24-25	4.1-31-25
36-24-26	4.1-31-26
Chapter 36-24	Repeal

County Extension Agents

Considerations

Chapter 4-08 addresses extension work performed by county agents. The committee worked with representatives of the Department of Agriculture, the North Dakota Association of Counties, and North Dakota State University (NDSU) to clarify this chapter. The committee consolidated several sections to make the rewritten chapter more concise. The committee determined that although county extension agents provide services related to agriculture, the chapter relates more closely to NDSU and the Agriculture Commissioner has no involvement in the administration of the chapter.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to county extension agents and move the provisions into Title 11. The committee also recommends amending cross-references in Section 57-15-06.7(2).

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-08-01	11-38-01
4-08-02	11-38-02
4-08-03	11-38-03
4-08-04	11-38-04
4-08-05	11-38-02
4-08-06	11-38-01
4-08-07	11-38-05
4-08-08	11-38-01
4-08-09	11-38-06
4-08-10	11-38-07 and a portion into new 11-38-12
4-08-10.1	11-38-08
4-08-11	11-38-10
4-08-12	11-38-09
4-08-13	11-38-04
4-08-14	11-38-11
4-08-15	11-38-01
Did not previously exist	11-38-12
Chapter 4-08	Repeal

General Livestock Provisions

Considerations

Chapter 36-21 contains the general provisions governing livestock within the state. The committee worked with representatives of the Department of Agriculture, The Humane Society of the United States, the North Dakota Stockmen's Association, and the State Board of Animal Health to clarify language regarding general livestock provisions. Although this chapter addresses information related to agriculture, the committee determined the chapter should be left in Title 36 to maintain a separation of agriculture and livestock.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to general livestock provisions and leave the provisions in Title 36. The committee also recommends repealing Section 36-21-05 as being obsolete.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
36-21-01	36-21-01
36-21-05	Repeal
36-21-10	36-21-10
36-21-11	36-21-11
36-21-12	36-21-12
36-21-13	36-21-13
36-21-15	36-21-15
36-21-18	36-21-18
36-21-19	36-21-19

Northern Crops Institute

Considerations

Chapter 4-14.2 created the Northern Crops Institute to provide technical and marketing assistance to facilitate market development and expanded sales of northern-grown crops. The committee worked with representatives of the Department of Agriculture and the Northern Crops Institute to clarify language regarding the Northern Crops Institute. Although the chapter is administered by NDSU, at the request of the Northern Crops Institute the committee determined the chapter should be left in the title on agriculture because most of the work conducted by the Northern Crops Institute is with agriculture commodity groups.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to the Northern Crops Institute and move the provisions into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-14.2-01	4.1-15-01
4-14.2-02	4.1-15-02
4-14.2-03	4.1-15-03
4-14.2-04	4.1-15-04
Chapter 4-14.2	Repeal

Agricultural Products Utilization Commission

Considerations

Chapter 4-14.1 created the Agricultural Products Utilization Commission to research and market new uses for agricultural products in the state. The committee worked with representatives of the Department of Agriculture and the Agricultural Products Utilization Commission to clarify language regarding the Agricultural Products Utilization Commission. The committee determined the chapter should be moved into Title 54 on state government because the Department of Commerce has more control over the activities of the Agricultural Products Utilization Commission than the Department of Agriculture.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to the Agricultural Products Utilization Commission and move the provisions into Title 54.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-14.1-01	Repeal
4-14.1-02	54-60.3-06
4-14.1-03	54-60.3-01
4-14.1-03.1	54-60.3-02
4-14.1-04	54-60.3-03
4-14.1-05	54-60.3-04
4-14.1-06	54-60.3-05
Chapter 4-14.1	Repeal

Dairy Regulation

Considerations

Chapter 4-30 regulates dairy products within the state. The committee worked with representatives of the Department of Agriculture to clarify language regarding dairy regulation.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to dairy regulation and move the provisions into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-30-01	4.1-25-01
4-30-02	4.1-25-02
4-30-02.1	4.1-25-03
4-30-03.1	4.1-25-04
4-30-03.2	4.1-25-05
4-30-03.3	4.1-25-06
4-30-03.4	4.1-25-07
4-30-03.5	4.1-25-08
4-30-03.6	4.1-25-09
4-30-03.7	4.1-25-10
4-30-03.8	4.1-25-11
4-30-03.9	4.1-25-12
4-30-03.10	4.1-25-13
4-30-04	4.1-25-14
4-30-05	4.1-25-15
4-30-06	4.1-25-16
4-30-07	4.1-25-17
4-30-08	4.1-25-18
4-30-09	4.1-25-19
4-30-10	4.1-25-20
4-30-11	4.1-25-21
4-30-12	4.1-25-22
4-30-13.1	4.1-25-23
4-30-13.2	4.1-25-24
4-30-15	4.1-25-25
4-30-18	4.1-23-26
4-30-20	4.1-25-27
4-30-27	4.1-25-28
4-30-28	Repeal, addressed under 4.1-25-50

Current Section	Proposed Section
4-30-29	Repeal, addressed under 4.1-25-50
4-30-30	Repeal, addressed under 4.1-25-50
4-30-31	Repeal, addressed under 4.1-25-50
4-30-32	Repeal, addressed under 4.1-25-50
4-30-33	4.1-25-29 and partially addressed under 4.1-25-50
4-30-34	Repeal, addressed under 4.1-25-50
4-30-35	Repeal, addressed under 4.1-25-50
4-30-36	4.1-25-30
4-30-36.2	4.1-25-31
4-30-36.3	4.1-25-32
4-30-36.4	4.1-25-33
4-30-37	4.1-25-34
4-30-38	Repeal, addressed under 4.1-25-50
4-30-38.1	4.1-25-35
4-30-39	Repeal, addressed under 4.1-25-50
4-30-40	4.1-25-36
4-30-41	4.1-25-37
4-30-41.2	4.1-25-38
4-30-41.3	4.1-25-39
4-30-41.4	4.1-25-40
4-30-45.1	4.1-25-41
4-30-46	4.1-25-42
4-30-47	4.1-25-43
4-30-48	4.1-25-44
4-30-49	4.1-25-45
4-30-50	4.1-25-46
4-30-52	4.1-25-47
4-30-53	4.1-25-48
4-30-54	4.1-25-49
4-30-55.1	4.1-25-50
4-30-55.2	4.1-25-51
4-30-56	4.1-25-52
Chapter 4-30	Repeal

North Dakota Pesticide Act

Considerations

Chapter 4-35 created the North Dakota Pesticide Act, which regulates the use of pesticides within the state. The committee worked with representatives of the Department of Agriculture to clarify language regarding the Act. The committee consolidated several sections to make the chapter more concise. The committee determined several sections in the chapter were unnecessary entirely and others were better suited in the new agriculture chapter relating to crop protection.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to the Act and move the provisions into the relevant chapters under the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-35-01	Repeal
4-35-02	4.1-33-02
4-35-03	Repeal, addressed under 4.1-33-03
4-35-04	Repeal
4-35-05	4.1-33-01
4-35-06	4.1-33-03
4-35-06.1	4.1-33-04
4-35-06.2	4.1-39-01
4-35-06.3	4.1-39-08
4-35-08	4.1-33-06
4-35-09	4.1-33-07
4-35-09.1	4.1-33-10
4-35-10	4.1-33-08
4-35-11	4.1-33-09
4-35-12	4.1-33-11
4-35-12.1	4.1-33-22
4-35-13	4.1-33-05
4-35-14	4.1-33-12

Current Section	Proposed Section
4-35-15	4.1-33-13
4-35-16	4.1-33-14
4-35-18	4.1-33-15
4-35-19	4.1-33-16
4-35-20	4.1-33-17
4-35-21.3	4.1-33-18
4-35-22	4.1-33-19
4-35-23	4.1-33-20
4-35-24	4.1-33-21
4-35-25	4.1-33-23
4-35-26	Repeal, content combined with additional section in 4.1-33-02
4-35-27	4.1-33-24
4-35-28	4.1-33-25
4-35-30	4.1-39-02
Chapter 4-35	Repeal

Chemigation Regulation

Considerations

Chapter 4-35.1 regulates the use and application of chemicals to land or crops through an irrigation system. The committee worked with representatives of the Department of Agriculture to clarify language regarding chemigation regulation.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to chemigation regulation and move the provisions into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-35.1-01	4.1-35-01
4-35.1-02	4.1-35-02
4-35.1-03	4.1-35-03
4-35.1-04	4.1-35-04
4-35.1-05	4.1-35-05
4-35.1-06	4.1-35-06
Chapter 4-35.1	Repeal

Pesticide Registration

Considerations

Chapter 19-18 regulates the reporting and registration of pesticides. The committee worked with representatives of the Department of Agriculture to clarify language regarding pesticide registration. The committee consolidated several sections to make the chapter more concise. The committee also determined one section was better suited in the agriculture chapter regarding crop protection.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to pesticide registration and move the provisions into the relevant chapters under the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
19-18-02	4.1-34-01
19-18-02.1	4.1-39-07
19-18-03	4.1-34-02
19-18-04	4.1-34-03
19-18-04.1	4.1-34-04
19-18-04.2	4.1-34-05
19-18-05	4.1-34-06
19-18-06	4.1-34-07
19-18-06.1	4.1-34-08
19-18-07	4.1-34-09
19-18-08	4.1-34-11
19-18-09	4.1-34-12
19-18-10	Repeal, addressed in 4.1-34-01
19-18-11	4.1-34-13

Current Section	Proposed Section
19-18-12 19-18-13 Chapter 19-18	4.1-34-14 4.1-34-15 Repeal

Pesticide and Pesticide Container Disposal

Considerations

Chapter 4-35.2 contains provisions addressing the safe disposal of pesticides and the containers within which the pesticides are held. The committee worked representatives of with the Department of Agriculture to clarify language regarding pesticide and pesticide container disposal.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to pesticide and pesticide container disposal and move the provisions into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-35.2-01 4-35.2-02 4-35.2-03 4-35.2-04 Chapter 4-35.2	4.1-36-01 4.1-36-02 4.1-36-03 4.1-36-04 Repeal

Anhydrous Ammonia Facilities

Considerations

Chapter 19-20.2 was enacted to allow the Agriculture Commissioner the means to regulate anhydrous ammonia storage facilities. The committee worked with representatives of the Department of Agriculture to clarify language regarding anhydrous ammonia facilities.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to anhydrous ammonia facilities and move the provisions into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
19-20.2-01 19-20.2-01.1 19-20.2-02 19-20.2-03 19-20.2-04 19-20.2-05 19-20.2-06 19-20.2-06.1 19-20.2-07 19-20.2-07.1 19-20.2-08 19-20.2-08.2 19-20.2-08.3 19-20.2-08.4 19-20.2-08.5 19-20.2-09 19-20.2-10 Chapter 19-20.2	4.1-37-01 4.1-37-02 Repeal, a portion into 4.1-37-03 and a portion into 4.1-37-04 4.1-37-03 4.1-37-04 4.1-37-05 4.1-37-06 4.1-37-07 4.1-37-08 4.1-37-09 4.1-37-10 4.1-37-11 4.1-37-12 4.1-37-13 4.1-37-14 4.1-37-15 4.1-37-16 Repeal

Anhydrous Ammonia Risk Management

Considerations

Chapter 19-20.3 contains provisions allowing the Agriculture Commissioner to regulate anhydrous ammonia in accordance with the federal risk management program under the federal Clean Air Act of 1990. The committee worked with representatives of the Department of Agriculture to clarify language regarding anhydrous ammonia risk management.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to anhydrous ammonia risk management and move the provisions into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
19-20.3-01	4.1-38-01
19-20.3-02	4.1-38-02
Chapter 19-20.3	Repeal

Crop Protection

Considerations

Chapter 4-40 regulates crop protection products within the state. The committee worked with representatives of the Department of Agriculture to clarify language regarding crop protection products. The committee determined several sections of the chapters regarding the North Dakota Pesticide Act and pesticide registration were better suited to be combined into the new agriculture chapter on crop protection products.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to crop protection products and move the provisions into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-40-01	4.1-39-03
4-40-02	4.1-39-04
4-40-03	4.1-39-05
4-40-04	4.1-39-06
Chapter 4-40	Repeal

Fertilizer

Considerations

Chapter 19-20.1 regulates the use of fertilizers in the state. The committee worked with representatives of the Department of Agriculture to clarify language regarding fertilizer and soil conditioner.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to fertilizer and soil conditioner and move the provisions into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
19-20.1-02	4.1-40-01
19-20.1-03	4.1-40-02
19-20.1-03.1	4.1-40-03
19-20.1-03.2	4.1-40-04
19-20.1-03.4	4.1-40-05
19-20.1-04	4.1-40-06
19-20.1-06	4.1-40-07
19-20.1-08	4.1-40-08
19-20.1-10	4.1-40-09
19-20.1-11	4.1-40-10
19-20.1-12	4.1-40-11
19-20.1-13	4.1-40-12
19-20.1-14	4.1-40-13
19-20.1-15	4.1-40-14
19-20.1-16	4.1-40-15
19-20.1-17	4.1-40-16
19-20.1-17.1	4.1-40-17
19-20.1-18	4.1-40-18
Chapter 19-20.1	Repeal

State Fair Association

Considerations

Chapter 4-02.1 created the State Fair Association and sets forth the duties and responsibilities of the association. The committee worked with representatives of the Department of Agriculture, the Office of Management and Budget, and the State Fair Association to clarify language regarding the State Fair Association. At the request of the State Fair Association Manager, the committee determined the chapter should remain in the agriculture title.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to the State Fair Association and move the provisions into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-02.1-01	4.1-55-01
4-02.1-02	Repeal, unnecessary
4-02.1-03	4.1-55-02
4-02.1-04	4.1-55-03
4-02.1-05	4.1-55-04
4-02.1-06	4.1-55-05
4-02.1-07	4.1-55-06
4-02.1-08	4.1-55-07
4-02.1-09	4.1-55-08
4-02.1-10	4.1-55-09
4-02.1-11	4.1-55-10
4-02.1-12	4.1-55-11
4-02.1-13	4.1-55-12
4-02.1-14	4.1-55-13
4-02.1-15	4.1-55-14
4-02.1-16	4.1-55-15
4-02.1-17	4.1-55-16
4-02.1-18	4.1-55-17
4-02.1-19	4.1-55-18
4-02.1-20	4.1-55-19
4-02.1-21	4.1-55-20
4-02.1-22	Repeal, obsolete
4-02.1-23	4.1-55-21
4-02.1-25	4.1-55-22
4-02.1-26	4.1-55-23
4-02.1-27	4.1-55-24
Chapter 4-02.1	Repeal

Agricultural and County Fair Associations

Considerations

Chapter 4-02 regulates agricultural and county fair associations within the state. The committee worked with representatives of the Department of Agriculture and the North Dakota Association of Counties to clarify language regarding the associations. The committee consolidated several sections to make the chapter more concise. The committee determined a number of sections to be redundant, obsolete, and unnecessary. The committee determined that although related to agriculture, this chapter should be located under Title 11 regarding counties.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to fair associations and move the provisions into Title 11 regarding counties.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-02-01	11-39-07
4-02-02	11-39-08
4-02-04	Repeal, redundant, addressed under 11-39-01
4-02-05	Repeal, unnecessary
4-02-07	11-39-09
4-02-08	11-39-01
4-02-10	Repeal, content combined with additional section in 11-39-02
4-02-12	11-39-10
4-02-26	11-39-02
4-02-26.1	11-39-04
4-02-27.3	11-39-05
4-02-28	Repeal, redundant
4-02-29	11-39-06
4-02-30	11-39-03
4-02-31	Repeal, obsolete and redundant
4-02-36	Repeal, unnecessary
Chapter 4-02	Repeal

Agriculture Experiment Stations

Considerations

Chapter 4-05.1 regulates the North Dakota Agricultural Experiment Station and extension centers throughout the state. The committee worked with representatives of the Department of Agriculture and the NDSU Extension Service to clarify language regarding agricultural experiment stations. The committee determined that although related to agriculture, the Agricultural Experiment Station and extension centers are controlled and administered by the State Board of Agricultural Research and Education and the President of NDSU under the supervision of the State Board of Higher Education. The committee determined the chapter should be located under Title 15 regarding education.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to the Agricultural Experiment Station and research extension centers and move the provisions into Title 15 regarding education.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-05.1-01	15-12.1-01
4-05.1-02	15-12.1-02
4-05.1-03	15-12.1-03
4-05.1-04	15-12.1-04
4-05.1-05	15-12.1-05
4-05.1-06	15-12.1-06
4-05.1-07	15-12.1-07
4-05.1-08	15-12.1-08
4-05.1-09	15-12.1-09
4-05.1-10	15-12.1-10
4-05.1-11	15-12.1-11
4-05.1-12	15-12.1-12
4-05.1-15	15-12.1-13
4-05.1-16	15-12.1-14
4-05.1-17	15-12.1-15
4-05.1-18	15-12.1-16
4-05.1-19	15-12.1-17
4-05.1-20	15-12.1-18
4-05.1-21	15-12.1-19
Chapter 4-05.1	Repeal

Agricultural Development Act

Considerations

Chapter 4-36 created the Agricultural Development Act. Based upon information provided by representatives of the Bank of North Dakota, the committee determined the program has not been in use for some time. The committee questioned whether it is necessary to maintain statutory language for programs not in use and which have been replaced with more recent and modern programs.

Recommendation

The committee [recommends a bill](#) to repeal the chapter of Century Code that pertains to the Agricultural Development Act.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
Chapter 4-36	Repeal

Meat Packing Plant Assistance

Considerations

Chapter 4-43 provides for a Bank of North Dakota program to assist in financial assistance establishing meat packing plants within the state. Based upon information provided by representatives of the Bank, the committee determined the program has not been in use for some time. The committee questioned whether it is necessary to maintain statutory language for programs not in use and which have been replaced with more recent and modern programs.

Recommendation

The committee [recommends a bill](#) to repeal the chapter of Century Code that pertains to meat packing plant assistance.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
Chapter 4-43	Repeal

Unfair Discrimination in the Purchase of Farm Products

Considerations

Chapter 4-14 regulates the purchase of farm products and any unfair discrimination occurring during the purchase process. The committee received information from representatives of the Department of Agriculture, which indicated there is no record of the chapter ever being utilized or enforced. The committee questioned whether it is necessary to maintain statutory language for a chapter that has no record of ever being utilized or enforced according to representatives of the Department of Agriculture.

Recommendation

The committee [recommends a bill](#) to repeal the chapter of Century Code that pertains to the unfair discrimination in the purchase of farm products as it is obsolete and not in use.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
Chapter 4-14	Repeal

Agriculture in the Classroom

Considerations

Chapter 4-37 created the agriculture in the classroom program to promote and foster an understanding of the agricultural economy of the state. The committee worked with representatives of the Department of Agriculture to clarify language regarding agriculture in the classroom. The committee determined the content of this chapter should be condensed into a single section of statutory language under the chapter addressing the Agriculture Commissioner.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to agriculture in the classroom, condense the information into a single statutory section, and move the provision into the new agriculture title under the Agriculture Commissioner chapter.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-37-01	4.1-01-22
4-37-02	4.1-01-22
4-37-03	4.1-01-22
4-37-04	4.1-01-22
4-37-05	4.1-01-22
Chapter 4-37	Repeal

Soil Conservation Districts

Considerations

Chapter 4-22 regulates the conservation of soil and soil resources and provides for the creation and operation of soil conservation districts. The committee worked with representatives of the Department of Agriculture to clarify language regarding soil conservation districts.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to soil conservation districts and move the provisions into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-22-01	4.1-20-01
4-22-02	4.1-20-02
4-22-03	4.1-20-03
4-22-04	4.1-20-04
4-22-06	4.1-20-05
4-22-06.1	4.1-20-06
4-22-08	4.1-20-07
4-22-09	4.1-20-08

Current Section	Proposed Section
4-22-10	4.1-20-09
4-22-11	4.1-20-10
4-22-12	4.1-20-11
4-22-13	4.1-20-12
4-22-14	4.1-20-13
4-22-15	4.1-20-14
4-22-16	4.1-20-15
4-22-17	4.1-20-16
4-22-21	4.1-20-17
4-22-22	4.1-20-18
4-22-22.2	4.1-20-19
4-22-23	4.1-20-20
4-22-23.1	4.1-20-21
4-22-24	4.1-20-22
4-22-25	4.1-20-23
4-22-26	4.1-20-24
4-22-27	4.1-20-25
4-22-28	4.1-20-26
4-22-29	4.1-20-27
4-22-30	4.1-20-28
4-22-31	4.1-20-29
4-22-32	4.1-20-30
4-22-33	4.1-20-31
4-22-34	4.1-20-32
4-22-35	4.1-20-33
4-22-36	4.1-20-34
4-22-37	4.1-20-35
4-22-38	4.1-20-36
4-22-39	4.1-20-37
4-22-40	4.1-20-38
4-22-41	4.1-20-39
4-22-42	4.1-20-40
4-22-43	4.1-20-41
4-22-44	4.1-20-42
4-22-45	4.1-20-43
4-22-46	4.1-20-44
4-22-47	4.1-20-45
4-22-48	4.1-20-46
4-22-49	4.1-20-47
4-22-50	4.1-20-48
4-22-51	4.1-20-49
Chapter 4-22	Repeal

Soil Conservation and Domestic Allotment Act

Considerations

Chapter 4-23 established the intent of the state to cooperate with the government and agencies of other states and the United States under the Soil Conservation and Domestic Allotment Act of 1936. The history of the chapter indicates the program was created as a result of the dust bowl conditions of the 1930s. The committee questioned whether it is necessary to maintain statutory language for a program that was created as a result of dust bowl conditions during the Great Depression of the 1930s. The committee received information indicating the NDSU Extension Service, which is the administering agency, has no recent records regarding the administration of the program and the program is likely obsolete.

Recommendation

The committee [recommends a bill](#) to repeal the chapter of Century Code that pertains to the Soil Conservation and Domestic Allotment Act.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
Chapter 4-23	Repeal

Miscellaneous Agriculture Provisions

Considerations

Chapter 4-24 contains statutory provisions related to agriculture which were not directly related to any other chapters regarding agriculture. The committee worked with representatives of the Department of Agriculture to clarify language regarding the chapter on miscellaneous agriculture provisions.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to miscellaneous agriculture provisions and move the provision into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-24-06	4.1-54-01
4-24-08	4.1-54-02
4-24-09	4.1-54-03
4-24-10	4.1-54-04
4-24-11	4.1-54-05
4-24-11.1	4.1-54-06
4-24-12	4.1-54-07
4-24-13	4.1-54-08
Chapter 4-24	Repeal

Potato Production Contracts

Considerations

Chapter 4-11.1 regulates potato production contracts. The committee worked with representatives of the Department of Agriculture to clarify language regarding potato production contracts.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to potato production contracts and move the provision into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-11.1-01	4.1-48-01
4-11.1-02	4.1-48-02
4-11.1-03	4.1-48-03
4-11.1-04	4.1-48-04
4-11.1-05	4.1-48-05
Chapter 4-11.1	Repeal

Forestry and Tree Distribution

Considerations

Chapter 4-19 regulates forestry and tree distribution within the state. The committee worked with representatives of the Department of Agriculture and the State Forester to clarify language regarding forestry and tree distribution. The committee determined the contents of the chapters on forestry and tree distribution and the Trees for North Dakota program can be consolidated into a single chapter under the new agriculture title for conciseness.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to forestry and tree distribution and move the provisions into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-19-01	4.1-21-01
4-19-01.2	4.1-21-04
4-19-01.3	4.1-21-03
4-19-02	4.1-21-02
4-19-03	4.1-21-05
4-19-05	4.1-21-06
4-19-06	4.1-21-07
4-19-07	4.1-21-08
4-19-08	4.1-21-09

Current Section	Proposed Section
4-19-09	4.1-21-10
4-19-10	4.1-21-11
Chapter 4-19	Repeal

Trees for North Dakota Program

Considerations

Chapter 4-21.2 created the Trees for North Dakota program to strengthen the tradition of tree planting and management in the state. The committee worked with representatives of the Department of Agriculture and the State Forester to clarify language regarding the Trees for North Dakota program. The committee determined the contents of the chapter could be consolidated into a single section of statutory language and combined with the provisions regarding forestry and tree distribution under the new agriculture title.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to the Trees for North Dakota program, consolidate the information into a single statutory section, combine the section with the provisions regarding forestry and tree distribution, and move the provisions into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-21.2-01	4.1-21-12
4-21.2-02	4.1-21-12
4-21.2-03	4.1-21-12
Chapter 4-21.2	Repeal

Nurseries and Nursery Stock

Considerations

Chapter 4-21.1 regulates nurseries and nursery stock within the state. The chapter gives authority to the Agriculture Commissioner to inspect and certify nursery stock. The committee worked with representatives of the Department of Agriculture to clarify language regarding nurseries and nursery stock.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to nurseries and nursery stock and move the provisions into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-21.1-01	4.1-22-01
4-21.1-02	4.1-22-02
4-21.1-03	4.1-22-03
4-21.1-04	4.1-22-04
4-21.1-05	4.1-22-05
4-21.1-06	4.1-22-06
4-21.1-11	4.1-22-07
4-21.1-12	4.1-22-08
4-21.1-13	4.1-22-09
4-21.1-14	4.1-22-10
4-21.1-16	4.1-22-11
Chapter 4-21.1	Repeal

Plant Pests

Considerations

Chapter 4-33 authorizes the Agriculture Commissioner to locate, suppress, control, or eradicate plant pests within the state. The committee worked with representatives of the Department of Agriculture to clarify language regarding plant pests.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to plant pests and move the provisions into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-33-01	4.1-23-01
4-33-02	4.1-23-02
4-33-03	4.1-23-03
4-33-04	4.1-23-04
4-33-05	4.1-23-05
4-33-06	4.1-23-06
4-33-07	4.1-23-07
4-33-08	4.1-23-08
4-33-09	4.1-23-09
4-33-10	4.1-23-10
4-33-11	4.1-23-11
4-33-12	4.1-23-12
Chapter 4-33	Repeal

Animal Feed Requirements

Considerations

Chapter 19-13.1 designates the Agriculture Commissioner to regulate commercial feed manufacturing and distribution within the state. The committee worked with representatives of the Department of Agriculture to clarify language regarding the chapter on commercial animal feed.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to animal feed and move the provisions from Title 19 into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
19-13.1-02	4.1-41-01
19-13.1-03.1	4.1-41-02
19-13.1-03.2	4.1-41-03
19-13.1-03.3	4.1-41-04
19-13.1-03.4	4.1-41-05
19-13.1-04	4.1-41-06
19-13.1-04.1	4.1-41-07
19-13.1-06	4.1-41-08
19-13.1-06.1	4.1-41-09
19-13.1-06.2	4.1-41-10
19-13.1-07	4.1-41-11
19-13.1-08	4.1-41-12
19-13.1-09	4.1-41-13
19-13.1-11	4.1-41-14
19-13.1-12	4.1-41-15
19-13.1-13	4.1-41-16
19-13.1-14	4.1-41-17
19-13.1-15	4.1-41-18
19-13.1-16	4.1-41-19
Chapter 19-13.1	Repeal

Livestock Auction Markets

Considerations

Chapter 36-05 contains provisions relating to the regulation and licensing by the Agriculture Commissioner of livestock auction markets within the state. The committee worked with representatives of the Department of Agriculture and the State Veterinarian to clarify language regarding livestock auction markets.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to livestock auction markets and move the provisions from Title 36 into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
36-05-01	4.1-27-01
36-05-02	4.1-27-02
36-05-03	4.1-27-03

Current Section	Proposed Section
36-05-04	4.1-27-04
36-05-04.1	4.1-27-05
36-05-05	4.1-27-06
36-05-06	4.1-27-07
36-05-06.1	4.1-27-08
36-05-06.2	4.1-27-09
36-05-07	4.1-27-10
36-05-08	4.1-27-11
36-05-09	4.1-27-12
36-05-09.1	4.1-27-13
36-05-10	4.1-27-14
36-05-10.1	4.1-27-15
36-05-11	4.1-27-16
36-05-11.1	4.1-27-17
36-05-12	4.1-27-18
36-05-13	4.1-27-19
36-05-13.1	4.1-27-20
36-05-13.2	4.1-27-21
36-05-14	4.1-27-22
36-05-15	4.1-27-23
Chapter 36-05	Repeal

Satellite Livestock Auction Markets

Considerations

Chapter 36-05.1 contains provisions relating to the regulation and licensing by the Agriculture Commissioner of satellite video livestock auction markets within the state. The committee worked with representatives of the Department of Agriculture and the North Dakota Stockmen's Association to clarify language regarding satellite video livestock auction markets.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to satellite video livestock auction markets and move the provisions from Title 36 into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
36-05.1-01	4.1-28-01
36-05.1-02	4.1-28-02
36-05.1-03	4.1-28-03
36-05.1-04	4.1-28-04
36-05.1-05	4.1-28-05
36-05.1-06	4.1-28-06
36-05.1-07	4.1-28-07
Chapter 36-05.1	Repeal

Livestock Packing Plants

Considerations

Chapter 36-06 regulates the purchase of livestock by packing plants. The committee worked with representatives of the Department of Agriculture and the State Veterinarian to clarify language regarding livestock packing plants. The committee determined that although the language in this chapter is outdated, the contents may be needed if facilities housing packing plants are built in North Dakota.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to livestock packing plants and move the provisions from Title 36 into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
36-06-01	4.1-30-01
36-06-02	4.1-30-02
36-06-03	4.1-30-03
Chapter 36-06	Repeal

Rendering Plants

Considerations

Chapter 36-07 regulates the operation of rendering plants within the state which must be licensed by the Agriculture Commissioner and inspected by the State Veterinarian. The committee worked with representatives of the Department of Agriculture to clarify language regarding rendering plants.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to rendering plants and move the provisions from Title 36 into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
36-07-01	4.1-32-01
36-07-02	4.1-32-02
36-07-03	4.1-32-03
36-07-07	4.1-32-04
36-07-08	4.1-32-05
36-07-09	4.1-32-06
36-07-10	4.1-32-07
36-07-11	4.1-32-08
36-07-12	4.1-32-09
36-07-13	4.1-32-10
36-07-14	4.1-32-11
Chapter 36-07	Repeal

Livestock Medicine

Considerations

Chapter 19-14 addresses the registration and regulation by the Agriculture Commissioner of livestock medicine sold within the state. The committee worked with representatives of the Department of Agriculture and the State Veterinarian to clarify language regarding livestock medicine.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to livestock medicine and move the provisions from Title 19 into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
19-14-01	4.1-53-01
19-14-02	4.1-53-02
19-14-03	4.1-53-03
19-14-04	4.1-53-04
19-14-05	4.1-53-05
19-14-06	4.1-53-06
19-14-07	4.1-53-07
19-14-08	4.1-53-08
Chapter 19-14	Repeal

Agriculture Commissioner

Considerations

Chapter 4-01 contains provisions regarding the authority and many of the duties of the Agriculture Commissioner. The committee worked with representatives of the Department of Agriculture to clarify language in the chapter. Based upon the discussions with the representatives of the department, the committee determined some of the language in the chapter was obsolete and could be repealed.

Recommendation

The committee [recommends a bill](#) to rewrite the portions of Century Code that pertain to the Agriculture Commissioner and move the provisions into the new agriculture title.

The following cross-reference table indicates the source and placement of the proposed content:

Current Section	Proposed Section
4-01-15	4.1-01-03
4-01-16	4.1-01-04
4-01-17.1	4.1-01-05
4-01-17.2	4.1-01-06
4-01-17.3	4.1-01-07
4-01-19	4.1-01-08
4-01-20	Repeal, obsolete
4-01-21	4.1-01-02
4-01-22	4.1-01-09
4-01-23	4.1-01-10
4-01-24	4.1-01-11
4-01-26	4.1-01-12
4-01-27	4.1-01-13
4-01-28	4.1-01-14
4-01-29	4.1-01-15
4-01-30	4.1-01-16
4-01-31	4.1-01-17
4-01-32	4.1-01-18
4-01-33	4.1-01-19
4-01-34	4.1-01-20
4-01-35	4.1-01-21
Chapter 4-01	Repeal

Additional Recommendations

Upon the completion of review of the remaining chapters relating to agriculture, the committee determined the agriculture rewrite project to be complete. The committee removed a number of chapters from the rewrite project that were initially a part of the plan due to those chapters being repealed in previous sessions, being under the authority of a state agency other than the Department of Agriculture, or maintaining a separation between agriculture and other subject matter, such as livestock. The chapters removed from the rewrite project include 4-16, 4-21, 6-09.8, 6-09.9, 6-09.10, 6-09.11, 6-09.13, 10-06.1, 19-05.1, 19-06.1, 19-17, 19-21, 19-22, 19-22.1, 35-05, 35-06, 35-17, 35-30, 35-31, 36-01, 36-08, 36-11, 36-12, 36-14, 36-14.1, 36-15, 36-22, 36-25, 36-26, 42-04, 54-18, 60-01, 60-02, 60-02.1, 60-03, 60-04, 60-05, 60-06, 60-10, and 63-05.

The committee determined it would not be feasible to track approximately 35 separate bills comprising 40 rewritten chapters during the 2017 legislative session. Therefore, the committee recommends four bills consolidating the bill drafts approved by the committee. The committee also learned during the course of the agriculture rewrite project, gaps were left in the sequential numbering of chapters being placed in the new agriculture Title 4.1. Therefore, the committee proposed redesignating a number of the chapter numbers to provide a more sequential numbering of the new title. The committee recommends instructing the Code Revisor to close the gaps between chapters in Title 4.1 at the conclusion of the 2017 legislative session. The committee [recommends a bill](#) to consolidate the provisions relating to the general administration authority of the Agriculture Commissioner and other agricultural entities and to redesignate various chapter throughout Title 4.1, a bill to consolidate the provisions relating to fertilization and pesticides, a bill to consolidate the provisions relating to plants and trees, and a bill to consolidate the provisions relating to livestock and other animals. The following table lists the new chapters included in each bill:

Administrative Authority Bill	
4.1-01	Agriculture Commissioner
4.1-15	Northern Crops Institute
4.1-19	Poultry
4.1-54	Miscellaneous Agricultural Provisions
4.1-55	State Fair Association
11-38	County Extension Agents
11-39	County Fair Associations
15-12.1	Agricultural Experiment Station
19-02.1	Egg Labeling
54-60.3	Agricultural Products Utilization Commission
	Redesignation of Century Code Chapters

Fertilizer and Pesticide Bill	
4.1-23	Plant Pests
4.1-33	Pesticides
4.1-34	Pesticide Registration
4.1-35	Chemigation
4.1-36	Pesticide and Pesticide Container Disposal
4.1-37	Anhydrous Ammonia
4.1-38	Anhydrous Ammonia Risk Management
4.1-39	Crop Product Protection and Harmonization Board
4.1-40	Fertilizer
Livestock and Other Animals Bill	
4.1-25	Dairy
4.1-27	Livestock Auction Markets
4.1-28	Internet Livestock Auctions
4.1-30	Livestock Packing Plants
4.1-31	Meat Inspection
4.1-32	Rendering Plants
4.1-41	Animal Feed Requirements
4.1-53	Livestock Medicine
Plants and Trees Bill	
4.1-18	Industrial Hemp
4.1-20	Soil Conservation
4.1-21	Forestry
4.1-22	Nurseries
4.1-48	Potato Production Contracts

GAME AND FISH SPECIAL ALLOCATION HUNTING LICENSES

Background

There are nine sections in Century Code which authorize special allocation hunting licenses to be provided to various entities.

The Legislative Assembly first authorized the Governor to issue orders and proclamations under the game and fish title when it enacted Section 20-08-01 in 1923. In 1961 the Legislative Assembly enacted Section 20-08-03, which detailed the contents to be included in any order or proclamation by the Governor relating to the taking of game birds, fish, or animals. Title 20 of Century Code was repealed in 1973, and the contents of Section 20-08-01 were moved into the newly enacted Section 20.1-08-01. The contents of Section 20-08-03 were moved to Section 20.1-08-04.

In 1973 the Legislative Assembly also enacted Section 20.1-04-07. This section initially authorized the Governor, by proclamation, to provide for the taking of wild turkeys through a lottery. The provision was amended in 2007 to allow the Governor, by proclamation, to make one wild turkey license available per year to the National Wild Turkey Federation through a raffle or auction. The provision was amended again by the 2015 Legislative Assembly to add two wild turkey licenses annually, through gubernatorial proclamation, to the Outdoor Adventure Foundation to make available for use by qualified youths who have cancer or a life-threatening illness.

In 1977 Section 20.1-08-04.1 was enacted to allow the Governor, by proclamation, to make a big horn sheep license available annually through the use of a lottery. This provision was amended in 1985 to allow the Governor, by proclamation, to auction a license to hunt big horn sheep to the highest bidder. The provision was again amended in 2007 to allow the Governor to make one license available to the Minnesota-Wisconsin Chapter of the Foundation for North American Wild Sheep through raffle or auction.

Section 20.1-08-04.2 was enacted in 1977 to allow the Governor, by proclamation, to provide for the taking of a moose through a lottery. A 1993 amendment allowed the Governor to provide a license through the Game Warden Association. The amendment required a raffle to be held for the license. Ten percent of the gross proceeds could be used to promote the raffle. Fifteen percent of the net proceeds were to be remitted to the Game and Fish Department to be used for moose management and related projects in the state. All remaining proceeds were required to be used for the construction and maintenance of the North American Wildlife Enforcement Officers Association Game Warden Museum located at the International Peace Garden. The amendment limited the Governor to issuing one license per year, and five licenses total under the provision. A 1997 amendment changed the maximum number of licenses allowed under the provision from 5 to 10. An amendment in 2015 allowed the Governor to make an additional license available, by proclamation, under Section 20.1-08-04.13.

In 1987 Section 20.1-08-04.6 was enacted to allow the Governor to make a proclamation to provide for the taking of an elk through a lottery. The provision was amended in 1991 to allow for a license to be made available to the Rocky Mountain Elk Foundation through proclamation. The amendment required a raffle for the license. Ten percent of the gross proceeds were to be used to promote the raffle. The remaining net proceeds were required to be used for elk management and related projects in North Dakota as described under the Rocky Mountain Elk Foundation policies and objectives. A 2015 amendment allowed the Governor to make an additional license available, by proclamation, under Section 20.1-08-04.13.

Section 20.1-08-04.8 was enacted in 2003 to allow a gubernatorial proclamation to provide for the taking of a mule deer through the Mule Deer Foundation. A single license was to be made available through raffle or auction.

In 2007 Sections 20.1-08-04.12 and 20.1-08-04.13 were enacted. Section 20.1-08-04.12 allowed for the taking of one antelope per year through a raffle process held by the North Dakota Hunters Education Association. Section 20.1-08-04.13 made available to one nonprofit 501(c)(3) organization per year, through gubernatorial proclamation, up to eight deer licenses and four antelope licenses. These licenses were for use by qualified children with terminal illnesses. A 2015 amendment to Section 20.1-08-04.13 made the licenses available to the Outdoor Adventure Foundation. The amendment also added one elk license and one moose license. The amendment changed the number of deer licenses available from eight to seven, and the number of antelope licenses available from four to two.

In 2011 Section 20.1-02-04(15) was enacted to allow the Director of the Game and Fish Department to provide four any deer licenses to the Wounded Warrior Project annually. The provision was amended in 2013 to allow for four any deer licenses and six any white-tailed deer licenses annually to the Injured Military Wildlife Project.

Section 20.1-08-04.14 was enacted in 2015 to provide a license to hunt elk to Annie's House at Bottineau Winter Park. The provision requires a raffle to be held to determine the recipient of the license.

The Governor has utilized the Governor's authority to issue special allocation licenses, via proclamation, for each of the relevant provisions. The number of special allocation licenses available through the Game and Fish Department are included in, and not in addition to, the total number of licenses made available for each species each year. Organizations issuing the special allocation licenses made available are required to report to the Game and Fish Department certain information, including the name of the recipient of the special allocation license, the net expenses of any raffle or auction, the gross proceeds, and the net proceeds.

TESTIMONY AND COMMITTEE CONSIDERATIONS

The committee questioned whether the Legislative Assembly is the appropriate body to determine what kind and how many special allocation hunting licenses should be made available to various entities. The committee also questioned whether the Legislative Assembly is the appropriate body to determine which entities should receive special allocation hunting licenses. The committee recognized there are many good causes and entities worthy of a special allocation hunting license that could be utilized for fundraising purposes, but at some point a line needs to be drawn. The committee indicated that the Game and Fish Department may be in a better position to make the relevant determinations than the Legislative Assembly. The Game and Fish Department have direct control over game management and are better suited to determine how many hunting licenses a specific species population can sustain each hunting season.

The committee received testimony from a representative of the Game and Fish Department indicating the department makes the licenses available to the various entities and develops the rules regarding the reporting requirements on the proceeds of the entities that receive the licenses. Testimony suggested the Legislative Assembly is the appropriate body to determine which types and how many special allocation licenses are made available to entities for fundraising purposes and the department would prefer to administer the legislative policies rather than be responsible for setting the policies.

The committee received testimony from a representative of the Attorney General with respect to oversight of the big game license raffles. According to the testimony, the Attorney General's office does not license the raffles or audit the organizations.

The committee received information relating to the issuance of special allocation hunting licenses in neighboring states. A representative of the Game and Fish Department reported Montana, South Dakota, and Wyoming administer special allocation hunting licenses through a commission that has administrative and statutory authority.

The committee considered a bill draft to allow a limited number of special allocation hunting licenses to originate with and be under the authority of the Game and Fish Department. The bill draft would allow entities currently authorized to receive a special allocation hunting license by statute to be grandfathered into the new system.

Committee members generally agreed the Legislative Assembly should retain oversight of the special allocation hunting license process. However, committee members also generally supported the concept of granting administrative authority over the special allocation licenses to the Game and Fish Department.

Recommendation

The committee [recommends a bill](#) to allow the Director of the Game and Fish Department to receive and consider applications for a limited number of special allocation hunting licenses in addition to a number of statutorily authorized special allocation licenses.

Proponents of the bill draft supported the concept of providing the Director of the Game and Fish Department the discretion to issue a limited number of special allocation licenses annually based upon species population. Committee members also generally supported returning the statutory list of the currently authorized special allocation licenses.

REPORTS

The Advisory Committee on Sustainable Agriculture did not meet during the 2015-16 interim and therefore did not submit a report, as required by Section 4-01-24.

The State Board of Agricultural Research and Education submitted a report on its annual evaluation of research and expenditures in accordance with Section 4-05.1-19.