

**TITLE 4
AGRICULTURE**

**CHAPTER 4-01
AGRICULTURE COMMISSIONER**

4-01-01. Agriculture commissioner is state statistician.

Repealed by S.L. 1971, ch. 122, § 2.

4-01-02. Failure to give statistics or information to assessors.

Repealed by S.L. 1971, ch. 122, § 2.

4-01-03. Statistics furnished state statistician by assessors.

Repealed by S.L. 1971, ch. 122, § 2.

4-01-04. What statistical statement to contain.

Repealed by

S.L. 1969, ch. 130, § 9.

4-01-05. Statistics - How obtained.

Repealed by S.L. 1969, ch. 130, § 9.

4-01-06. Blanks - Who to furnish.

Repealed by S.L. 1971, ch. 122, § 2.

4-01-07. County auditor to send statistical statements to state statistician - Failure to do so, penalty.

Repealed by S.L. 1971, ch. 122, § 2.

4-01-08. Compensation.

Repealed by S.L. 1969, ch. 130, § 9.

4-01-09. Failure of assessor to make proper return - Compensation withheld - Statement returned - Complaint against - Duty of auditor.

Repealed by S.L. 1969, ch. 130, § 9.

4-01-10. Failure of assessor to make return - Appointment of person to complete statistics.

Repealed by S.L. 1971, ch. 122, § 2.

4-01-11. Penalty for neglect or refusal to perform duties.

Repealed by S.L. 1971, ch. 122, § 2.

4-01-12. County auditor to furnish statistics to state statistician.

Repealed by S.L. 1971, ch. 122, § 2.

4-01-13. Duty of state statistician.

Repealed by S.L. 1971, ch. 122, § 2.

4-01-14. Expenses to be paid by state.

Repealed by S.L. 1971, ch. 122, § 2.

4-01-15. Compelling attendance of witnesses and production of books and papers.

The agriculture commissioner may compel the attendance of persons before the commissioner, and the production of books and papers. The commissioner may examine witnesses under oath and may administer oaths in the performance of the commissioner's duties. Any testimony taken by the commissioner must be filed and preserved in the commissioner's office.

4-01-16. Exhibits at fairs - Commissioner to have charge.

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

4-01-17. European corn borer - Regulations governing control.

Repealed by S.L. 1973, ch. 50, § 1.

4-01-17.1. State to cooperate with the animal and plant health inspection service and other agencies in destruction of predatory animals, destructive birds, and injurious field rodents.

The agriculture commissioner may cooperate with the United States department of agriculture, animal and plant health inspection service, or other appropriate federal agency, in the control and destruction of fur-bearers that are injurious to livestock, poultry, and big and small game; injurious field rodents; big game threatening human health or domestic livestock; and birds causing crop damage or substantial economic loss or threatening human health. This control and destruction must be approved by the director of the game and fish department. The agriculture commissioner may enter into written agreements with the animal and plant health inspection service or other appropriate federal agency, and the director of the game and fish department covering the methods and procedures for the control and destruction of these birds and animals, the extent of supervision by either or both the agriculture commissioner and the animal and plant health inspection service or other appropriate federal agency, and the use and expenditure of the funds appropriated therefor by the legislative assembly. The agriculture commissioner, in cooperation with the animal and plant health inspection service or other appropriate federal agency, may enter into agreements with other governmental agencies and with counties, associations, corporations, limited liability companies, or individuals when cooperation is deemed to be necessary to promote the control and destruction of these birds and animals.

4-01-17.2. Expenditures authorized - Who to approve vouchers - Qualifications of hunters and trappers hired - When bounties not payable.

The agriculture commissioner may make such expenditures from funds available for equipment, supplies, and other expenses, including expenditures for personal services of hunters and trappers, as may be necessary to execute the functions imposed upon the agriculture commissioner by section 4-01-17.1. Hunters and trappers employed under section 4-01-17.1 must be state residents, but are not entitled to bounty provided by state laws for the killing or extermination of these birds and animals. All vouchers for expenditures made by the agriculture commissioner under this section must be approved as to correctness by the duly authorized agent of the animal and plant health inspection service or other appropriate federal agency.

4-01-17.3. Disposition of proceeds of furs, skins, and specimens taken.

All furs, skins, and specimens taken by hunters and trappers paid out of funds appropriated to carry out section 4-01-17.1 must be disposed of in a manner the agriculture commissioner determines is in the state's best interests. If furs, skins, or specimens are sold, the net proceeds of the sales, up to fifteen thousand dollars per biennium, must be used by United States

department of agriculture wildlife services to fund its program activities that benefit the state's livestock producers.

4-01-18. Obstructing commissioner - Penalty.

Repealed by S.L. 1975, ch. 106, § 673.

4-01-19. Marketing bureau.

The agriculture commissioner shall establish and maintain a marketing bureau for the purpose of gathering and disseminating statistical information on agricultural marketing problems of the state and engaging in marketing services of agricultural products. Any moneys received or generated by the pride of Dakota program must be deposited in the agriculture department operating fund in the state treasury.

4-01-19.1. Marketing bureau - Participation with export trading companies.

Repealed by S.L. 1991, ch. 590, § 4.

4-01-19.2. Farm credit counseling program.

Repealed by S.L. 1987, ch. 131, § 5.

4-01-19.3. Reports on farm credit counseling program.

Repealed by S.L. 1987, ch. 131, § 5.

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

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

4-01-21. Salary of agriculture commissioner.

The annual salary of the agriculture commissioner is one hundred five thousand four hundred ninety-one dollars through June 30, 2016, and one hundred eight thousand six hundred fifty-six dollars thereafter.

4-01-22. Certified beef program.

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

4-01-23. Sustainably grown in North Dakota - Application - Logo - Promotion of commodities.

1. The agriculture commissioner may implement a program to promote agricultural commodities that are sustainably grown in North Dakota.
2. If a program referenced in subsection 1 is implemented, the program must require that a producer file an application with the commissioner. If the producer demonstrates that the producer's growing practices with respect to a particular commodity meet the commissioner's established criteria for sustainability, the commissioner shall authorize the producer to label and market the commodity as being sustainably grown in North Dakota.
3. The commissioner may develop and make available for the use of authorized producers a logo indicating that the commodity is sustainably grown in North Dakota. The commissioner may actively support and promote the sale and use of products identified as sustainably grown in North Dakota.
4. The commissioner may establish and charge producers a fee for participating in the program. The commissioner shall forward all fees collected under this section to the state treasurer for deposit in the general fund.

5. The agriculture commissioner may engage in research and provide education to members of the public regarding agricultural commodities that are sustainably grown in this state.
6. For purposes of this section, "sustainably grown" means that a crop is grown using research-based practices that result in:
 - a. Increased efficiencies in soil and nutrient preservation;
 - b. Decreased reliance on tillage and other soil-depleting practices;
 - c. Increased efficiencies in the use of water;
 - d. Increased efficiencies in the use of other necessary and measurable agricultural inputs;
 - e. Increased yield efficiencies; and
 - f. Greater economic benefit to producers.

4-01-24. Advisory committee on sustainable agriculture - Creation - Duties - Powers - Compensation - Continuing appropriation.

1. The agriculture commissioner shall appoint an advisory committee on sustainable agriculture.
 - a. The committee must include:
 - (1) The chairman of the house agriculture committee or the chairman's designee;
 - (2) The chairman of the senate agriculture committee or the chairman's designee;
 - (3) The commissioner of the department of commerce or the commissioner's designee;
 - (4) The director of the North Dakota state university agricultural experiment station;
 - (5) An agricultural producer who utilizes innovative research-based technologies in farming operations;
 - (6) A representative of an international agricultural corporation; and
 - (7) An individual specializing in the domestic and international marketing of agricultural products.
 - b. If both houses of the legislative assembly are controlled by the same party, the committee also must include one member of the legislative assembly from the minority party, appointed by the chairman of the legislative council.
2. The committee shall:
 - a. Examine the concept of sustainability with respect to conventional farming practices and modern technology-based production practices;
 - b. Examine production practices that are efficient and able to meet current and future global food and nutritional needs;
 - c. Examine production practices that promote increased efficiencies in resource use, improve human health through access to safe and nutritious food, and enhance economic opportunities for individual producers;
 - d. Explore metric evaluations to measure the attainment, maintenance, and certification of sustainability;
 - e. Advise the commissioner regarding the development of a sustainability certification program and the marketing and packaging of products containing the certification;
 - f. Explore the standards held by international private sector certifying groups which have the potential to increase sales of North Dakota products; and
 - g. Report to the legislative council on the status of committee activities.
3. The committee may accept gifts, grants, and donations of money, property, and services. All moneys received as gifts, grants, or donations are appropriated on a continuing basis to the agriculture commissioner for the purpose of carrying out this section.
4. Each legislative member of the committee is entitled to receive per diem compensation in the amount established by subsection 1 of section 54-03-20 plus reimbursement for

expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the committee.

4-01-25. Grape and wine program committee.

Expired under S.L. 2009, ch. 69, § 4.

4-01-26. Commodity groups - Agriculture commissioner - Meetings.

1. The agriculture commissioner may participate, as a nonvoting member, in any regular or special meeting of a commodity group, including any executive session held by a commodity group.
2. Annually, the agriculture commissioner shall call a meeting of representatives from each commodity group for the purpose of engaging in collaborative efforts to promote and market agricultural commodities.
3. For purposes of this section, "commodity group" means the:
 - a. North Dakota barley council;
 - b. North Dakota beef commission;
 - c. North Dakota beekeepers association;
 - d. North Dakota corn utilization council;
 - e. North Dakota dairy promotion commission;
 - f. North Dakota dry bean council;
 - g. North Dakota dry pea and lentil council;
 - h. North Dakota oilseed council;
 - i. North Dakota potato council;
 - j. North Dakota soybean council;
 - k. North Dakota turkey federation; and
 - l. North Dakota wheat commission.

4-01-27. Publicly owned land - Noxious weed control or eradication.

1. The commissioner shall attempt to arrange a noxious weed control or eradication program with all state and federal agencies owning, controlling, or having jurisdiction over land within the state.
2. Each weed control officer shall attempt to arrange a noxious weed control or eradication program with political subdivisions owning or controlling public land within the weed control officer's jurisdiction.
3. If a federal agency does not control or eradicate noxious weeds on land under the jurisdiction of the agency and does not develop a management plan for controlling or eradicating the noxious weeds, the appropriate weed control office shall notify the agency of the failure to control or eradicate the noxious weeds. The federal agency shall provide a report to the weed control authorities detailing the methods used by the federal agency and showing cause why the federal agency is not controlling or eradicating the noxious weeds. The commissioner may specify the forms on which the federal agency report must be submitted.
4. Upon being notified by a weed board of the federal agency's failure to control or eradicate noxious weeds, the commissioner may hold a public hearing to determine the reason for the failure.

4-01-28. Equine slaughter - Establishments.

The agriculture commissioner shall monitor federal statutory and regulatory actions related to the slaughter of horses, mules, and other equines, and in particular, those actions pertaining to the establishments in which the slaughter and preparation of the carcasses may take place. The agriculture commissioner may pursue or support federal legislative, regulatory, or contractual avenues that would allow for the slaughter and processing of horses, mules, and other equines in this state, without the restriction that the slaughter or product preparation be conducted in establishments separate from any in which cattle, sheep, swine, or goats are slaughtered or their products are prepared.

04-01-29. Agricultural wetland credits - Database.

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

4-01-30. Grape and wine advisory committee - Membership.

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

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

4-01-31. Pipeline restoration and reclamation oversight pilot program - Generally.

1. The agriculture commissioner shall establish a pilot program that shall provide technical assistance and support to surface owners and surface tenants on pipeline restoration and followup support to surface owners and surface tenants on pipeline reclamation.
2. The agriculture commissioner may contract for ombudsmen for the purposes of being a resource for technical assistance and followup on pipeline issues. The ombudsmen may not investigate or assist with any pipeline installed before January 1, 2006, or regulated by the public service commission under title 49, and may not assist in easement negotiations.
3. The pilot program may provide technical education, support, and outreach on pipeline-related matters in coordination with other entities.
4. The agriculture commissioner may contract with local individuals, deemed trustworthy by the surface owners and surface tenants, to be ombudsmen. The agriculture commissioner is not subject to the provisions of chapter 54-44.4 when contracting for the services of ombudsmen.

04-01-32. Federal environmental law impact review committee.

1. The federal environmental law impact review committee consists of:
 - a. The agriculture commissioner, who shall serve as the chairman;
 - b. The governor or the governor's designee;
 - c. The majority leader of the house of representatives, or the leader's designee;
 - d. The majority leader of the senate, or the leader's designee;
 - e. One member of the legislative assembly from the minority party, selected by the chairman of the legislative management;
 - f. One individual appointed by the lignite energy council;
 - g. One individual appointed by the North Dakota corn growers association;
 - h. One individual appointed by the North Dakota grain growers association;
 - i. One individual appointed by the North Dakota petroleum council;
 - j. One individual appointed by the North Dakota soybean growers association; and
 - k. One individual appointed by the North Dakota stockmen's association.
2. The committee shall review federal environmental legislation and regulations that detrimentally impact or have the potential to detrimentally impact the state's agricultural, energy, or oil production sectors and confer with the attorney general with respect to participation in administrative or judicial processes pertaining to such legislation or regulations.
3.
 - a. Any member of the legislative assembly serving on the committee is entitled to compensation at the rate provided for attendance at interim committee meetings and reimbursement for expenses, as provided by law for state officers, if the member is attending meetings of the committee or performing duties directed by the committee.
 - b. The compensation and reimbursement of expenses, as provided for in this subsection, are payable by the legislative council.

04-01-33. Environmental impact - Cost of participation.

1. Any expenses incurred by the agriculture commissioner or by the federal environmental law impact review committee in meeting the requirements of section 4-01-32 must be paid by the agriculture commissioner from the federal environmental law impact fund.
2. If the attorney general elects to participate in an administrative or judicial process, pertaining to federal environmental legislation or regulations, which detrimentally impact or have the potential to detrimentally impact the state's agricultural, energy, or oil production sectors, any expenses incurred by the attorney general in the participation must be paid by the agriculture commissioner from the federal environmental law impact review fund.
3. For purposes of this section, "expenses" include administrative costs, consulting fees, research costs, expert witness fees, attorney fees, and travel costs.

4-01-34. Gifts - Grants - Donations.

The agriculture commissioner may accept gifts, grants, and donations for the purposes set forth in section 4-01-33, provided the commissioner posts the amount and source of any gifts, grants, and donations on the department of agriculture's website. Any moneys received in accordance with this section must be deposited in the federal environmental law impact review fund.

4-01-35. Federal environmental law impact review fund - Continuing appropriation.

1. The federal environmental law impact review fund consists of:
 - a. Any moneys appropriated or transferred for the purposes set forth in section 4-01-33; and
 - b. Any gifts, grants, and donations forwarded to the agriculture commissioner for the purposes set forth in section 4-01-33.
2. All moneys in the federal environmental law impact review fund are appropriated to the commissioner on a continuing basis for the purposes set forth in section 4-01-33.