

**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 Agriculture commissioner is state statistician.** Repealed by S.L. 1971, ch. 122, § 2.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 Failure to give statistics or information to assessors.** Repealed by S.L. 1971, ch. 122, § 2.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 Statistics furnished state statistician by assessors.** Repealed by S.L. 1971, ch. 122, § 2.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 What statistical statement to contain.** Repealed by S.L. 1969, ch. 130, § 9.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 Statistics - How obtained.** Repealed by S.L. 1969, ch. 130, § 9.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 Blanks - Who to furnish.** Repealed by S.L. 1971, ch. 122, § 2.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 County auditor to send statistical statements to state statistician - Failure to do so, penalty.** Repealed by S.L. 1971, ch. 122, § 2.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 Compensation.** Repealed by S.L. 1969, ch. 130, § 9.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of assessor to make proper return - Compensation withheld - Statement returned - Complaint against - Duty of auditor.** Repealed by S.L. 1969, ch. 130, § 9.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 Failure of assessor to make return - Appointment of person to complete statistics.** Repealed by S.L. 1971, ch. 122, § 2.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 Penalty for neglect or refusal to perform duties.** Repealed by S.L. 1971, ch. 122, § 2.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 County auditor to furnish statistics to state statistician.** Repealed by S.L. 1971, ch. 122, § 2.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 Duty of state statistician.** Repealed by S.L. 1971, ch. 122, § 2.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 Expenses to be paid by state.** Repealed by S.L. 1971, ch. 122, § 2.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 European corn borer - Regulations governing control.** Repealed by S.L. 1973, ch. 50, § 1.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 eighty-five thousand eight hundred thirty dollars through June 30, 2010, and ninety thousand one hundred twenty-two 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. (Effective July 1, 2011) Sustainably grown in North Dakota - Application - Logo - Promotion of commodities.**

1. The agriculture commissioner shall implement a program to promote agricultural commodities that are sustainably grown in North Dakota.
2. A producer may apply to the commissioner and upon demonstrating 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 shall develop and make available for the use of authorized producers a logo indicating that the commodity is sustainably grown in North Dakota. The commissioner shall 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. 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. (Effective through June 30, 2013) Grape and wine program committee.**

1. The grape and wine program committee is a seven-member committee that shall advise the agriculture commissioner on the commissioner's efforts to provide producer education, marketing, and promotion of the grape and wine industry in this state. In addition, the committee shall advise the vice president for agriculture and university extension at North Dakota state university and the director of the North Dakota agricultural experiment station on priorities for research for the grape and wine industry in this state.
2. The committee consists of:
  - a. The agriculture commissioner or the commissioner's designee;
  - b. The vice president for agriculture at North Dakota state university or the vice president's designee;
  - c. An individual appointed by the governor representing the grape or wine industry in this state;
  - d. An individual appointed by the commissioner of the department of commerce;
  - e. An individual appointed by the state board of agricultural research and education; and
  - f. Two individuals appointed by the North Dakota grape growers association.
3. All members of the committee shall serve for a term of two years, beginning July first of each odd-numbered year, and may be reappointed for additional terms.
4. If any member of the committee resigns or ceases to be a member of the class the member represents, that individual's membership on the committee ceases and the appropriate appointing authority may appoint a new member for the remainder of the term.
5. The North Dakota grape growers association shall designate as chairman one of the two individuals the association appoints to the committee unless the committee elects a different chairman from the members on the committee. The committee shall meet at least once every two years and at the call of the chairman.
6. Members of the committee are entitled up to the per diem compensation provided to members of the legislative assembly under subsection 1 of section 54-03-20 and expense reimbursement.

**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.