

Introduced by

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

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

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

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

8 In this chapter, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 d. The exploration of increased use of crop residues and byproducts for the
2 maintenance of the cowherd.

3 **15-12.1-10. Carrington research extension center.**

4 The Carrington research extension center must be located in or near Carrington in Foster
5 County. The center shall conduct research designed to:

- 6 1. Determine the potential of irrigated agriculture in the region proposed for irrigation
7 development in the state which must be related to both crop and livestock production;
8 and
9 2. Increase productivity of all agricultural products of the soil while maintaining or
10 improving the soil resource base in the agricultural region of east central North Dakota
11 by:
12 a. The identification of adapted crop species and superior crop cultivars;
13 b. Propagation and distribution of selected seed stocks; and
14 c. Development of profitable cropping and integrated crop and livestock systems
15 that achieve the necessary balance between profitability and conservation of all
16 natural resources.

17 **15-12.1-11. Hettinger research extension center.**

18 The Hettinger research extension center must be located in or near Hettinger in Adams
19 County. The center shall develop the best available technology in breeding, feeding,
20 management, and disease control pertinent to the production of sheep in the state. The center
21 shall conduct research designed to increase productivity of all agricultural products of the soil
22 while maintaining or improving the soil resource base in southwestern North Dakota by:

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

27 **15-12.1-12. North central research extension center.**

28 The north central research extension center must be located in or near Minot in Ward
29 County. The center shall conduct research designed to increase productivity of all agricultural
30 products of the soil while maintaining or improving the soil resource base in the agricultural
31 region of north central North Dakota by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTE: Language has been adjusted to match current practice.

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

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

NOTE: Language has been adjusted to match current practice.

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

- 1 2. The state board of agricultural research and education shall solicit proposals for
2 research from the public and private sectors and shall appoint committees to review
3 the proposals and award the agricultural research grants on a competitive basis. Each
4 committee must consist of a majority of agricultural producers selected in consultation
5 with the agricultural commodity groups representing commodities that are the subjects
6 of the proposed research and may include researchers and other individuals
7 knowledgeable about the proposed area of research. Whenever possible, the
8 committees shall require that a grant recipient commit matching funds.
- 9 3. The state board of agricultural research and education shall develop policies regarding
10 the award of research grants, including requirements for matching funds, cooperation
11 with other in-state and out-of-state researchers, and coordination with other in-state
12 and out-of-state proposed or ongoing research projects.
- 13 **SECTION 2. REPEAL.** Chapter 4-05.1 of the North Dakota Century Code is repealed.