

Introduced by

1 A BILL for an Act to create and enact chapter 4.1-54 of the North Dakota Century Code, relating
2 to revision of statutory provisions of miscellaneous agriculture laws; and to repeal chapter 4-24
3 of the North Dakota Century Code, relating to miscellaneous agriculture laws.

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

5 **SECTION 1.** Chapter 4.1-54 of the North Dakota Century Code is created and enacted as
6 follows:

7 **4.1-54-01. Sale of chemically treated grain - Misdemeanor.**

8 A person may not sell grain, for the purpose of human or animal consumption, which has
9 been chemically treated for insect or fungus control, without informing the purchaser of the
10 treatment. Any person selling chemically treated grain without informing the purchaser of the
11 treatment is guilty of a class B misdemeanor.

12 **4.1-54-02. North Dakota winter show - Official site of the North Dakota agricultural**
13 **hall of fame.**

14 The North Dakota winter show, an annual exhibition, shall be held in Valley City. No other
15 event may be designated as, nor call itself, the North Dakota winter show, or any similar name
16 designed to confuse the public with the exhibition sponsored every year in Valley City by the
17 North Dakota winter show. The North Dakota winter show is a nonprofit corporation organized
18 under the laws of this state. The North Dakota winter show is the official site of the North Dakota
19 agricultural hall of fame.

20 **4.1-54-03. Agricultural commodity assessments funds - Investment income**
21 **allocation.**

22 Notwithstanding any other provision of law, the state treasurer shall invest in accordance
23 with section 21-10-07 all available moneys in:

24 1. The potato fund;

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- 1 2. The oilseed fund;
- 2 3. The dry bean fund;
- 3 4. The dry pea and lentil fund;
- 4 5. The barley fund;
- 5 6. The soybean fund;
- 6 7. The corn fund;
- 7 8. The honey fund;
- 8 9. The turkey fund;
- 9 10. The milk marketing fund;
- 10 11. The dairy promotion commission fund;
- 11 12. The state wheat commission fund;
- 12 13. The ethanol fund; and
- 13 14. The North Dakota beef commission fund.

14 The investment of moneys must be made in cooperation with the governing body of the
15 respective agricultural commodity entity. The state treasurer shall establish rules, in cooperation
16 with the agricultural commodity organizations, to be followed regarding the investment of
17 moneys in each fund. The state treasurer shall credit twenty percent of the investment income
18 derived from each fund to the general fund in the state treasury as payment for accounting,
19 printing, data processing, legal, and other services when provided without cost by the state to
20 the agricultural commodity entity. The state treasurer shall credit eighty percent of the
21 investment income derived from each fund to the respective fund.

22 **4.1-54-04. Agricultural commodity promotion groups to report to the legislative**
23 **assembly - Report contents.**

24 From the first to the tenth legislative day of each regular legislative session, the following
25 entities must file a uniform report at a public hearing before the standing agriculture committee
26 of each house of the legislative assembly:

- 27 1. The North Dakota ethanol council;
- 28 2. The North Dakota potato council;
- 29 3. The North Dakota oilseed council;
- 30 4. The North Dakota dry bean council;
- 31 5. The North Dakota dry pea and lentil council;

- 1 6. The North Dakota barley council;
- 2 7. The North Dakota soybean council;
- 3 8. The North Dakota corn utilization council;
- 4 9. The North Dakota beekeepers association;
- 5 10. The North Dakota turkey federation;
- 6 11. The North Dakota milk marketing board;
- 7 12. The North Dakota dairy promotion commission;
- 8 13. The North Dakota state wheat commission; and
- 9 14. The North Dakota beef commission.

10 The presiding officer of each house of the legislative assembly may direct that the reports
11 be filed with some other standing committee of that house. Each report must contain a
12 summary of the activities of the commodity group during the current biennium, and a
13 single-page uniform statement of revenues and expenditures for the next biennium. Each
14 report, except the reports of the North Dakota beekeepers association and the North Dakota
15 turkey federation, must also include a state auditor's report on the commodity group's
16 single-page uniform statement of revenues and expenditures for the previous two fiscal years.

17 **4.1-54-05. North Dakota agricultural hall of fame - Establishment - Induction.**

18 The North Dakota agricultural hall of fame is established at the North Dakota winter show.

- 19 1. To be eligible for induction into the North Dakota agricultural hall of fame, an individual
20 must:
 - 21 a. Have reached the age of forty-five;
 - 22 b. Have been involved in the state's agricultural industry for a minimum of twenty
23 years; and
 - 24 c. Be nominated for induction by a member of the North Dakota agricultural hall of
25 fame committee.
- 26 2. A nomination must be in writing and must include the nominee's personal history,
27 education, employment, and history of contributions to and achievements in the state's
28 agricultural industry; the nominee's participation in professional organizations; the
29 nominee's career-related activities and civic contributions, honors, and awards; a
30 statement from the candidate, if possible; and the date and signature of the nominator.

1 3. The North Dakota agricultural hall of fame committee shall select inductees by majority
2 vote. The selections must be based on the nominee's record of accomplishment in the
3 state's agricultural industry. The committee shall give due consideration to the
4 nominee's participation in organizations represented by members of the North Dakota
5 agricultural hall of fame committee.

6 **4.1-54-06. North Dakota agricultural hall of fame committee - Members.**

7 1. The North Dakota agricultural hall of fame committee consists of the following
8 individuals, each of whom must be selected by the governing body of the entity or the
9 official to be represented:

- 10 a. A representative of the North Dakota winter show;
- 11 b. A representative of agricultural media;
- 12 c. A representative of agriculture in the area of career and technical education;
- 13 d. A representative of the North Dakota stockmen's association;
- 14 e. A representative of the North Dakota grain growers association;
- 15 f. A representative of the North Dakota oilseed council;
- 16 g. A representative of county extension agents;
- 17 h. A representative of the agriculture commissioner;
- 18 i. A representative of the North Dakota pork producers;
- 19 j. A representative of the North Dakota sheep producers;
- 20 k. A representative of the national agricultural marketing association;
- 21 l. A representative of the North Dakota implement dealers association;
- 22 m. A representative of the North Dakota farm bureau;
- 23 n. A representative of the North Dakota farmers union; and
- 24 o. A representative of the national farmers organization.

25 2. The committee, by a two-thirds majority, may add a new agricultural organization to
26 select a representative on the North Dakota agricultural hall of fame committee. The
27 committee, by a majority vote, may remove the name of an organization that no longer
28 exists from the North Dakota agricultural hall of fame committee.

29 3. The representative of the North Dakota winter show shall serve as the chairman of the
30 committee and the secretary of the North Dakota winter show shall serve as the

1 secretary of the committee. The chairman shall determine the time and location of all
2 committee meetings.

3 4. The committee shall determine the number of nominees to be inducted into the North
4 Dakota agricultural hall of fame each year. Any person who is nominated for induction
5 into the North Dakota agricultural hall of fame and fails to receive the requisite votes
6 for induction but receives at least one vote is automatically carried over for
7 consideration for induction the following year. The nominee may provide the
8 committee with updated or additional information to be considered.

9 5. The committee shall select the inductees by secret ballot and shall announce the
10 selection at the North Dakota agricultural hall of fame banquet, to be held each year
11 during the North Dakota winter show. Inductees must receive a plaque and have their
12 photographs displayed at the North Dakota agricultural hall of fame.

13 **4.1-54-07. Purple coneflowers (Echinacea purpurea or Echinacea angustifolia) -**

14 **Unauthorized removal - Penalty.**

15 1. It is a class A misdemeanor for any person to willfully enter upon state-owned land or
16 land owned by another and remove or attempt to remove a purple coneflower,
17 Echinacea purpurea or Echinacea angustifolia, from the land without the express
18 written consent of the landowner. A person in violation of this section is subject to
19 court-ordered restitution to the landowner, and is also subject to a civil penalty of up to
20 ten thousand dollars.

21 2. It is a class A misdemeanor for any person to willfully possess a purple coneflower
22 removed from land in violation of this section. A person in violation of this section is
23 also subject to a civil penalty of up to ten thousand dollars.

24 3. Any vehicle used to transport a purple coneflower removed or possessed in violation
25 of this section is forfeitable property under chapter 29-31.1.

26 **4.1-54-08. Genetically modified seed - Patent infringement - Sampling - Mediation.**

27 1. For purposes of this section, "farmer" means the person responsible for planting a
28 crop on, managing the crop, and harvesting the crop from land on which a patent
29 infringement is alleged to have occurred.

30 2. a. Before a person holding a patent on a genetically modified seed may enter upon
31 any land farmed by another for the purpose of obtaining crop samples to

1 determine whether patent infringement has occurred, the person holding the
2 patent shall:

3 (1) Provide written notice to the agriculture commissioner of the person's belief
4 that a patent infringement has occurred and include facts supporting the
5 allegation;

6 (2) Provide written notice to the farmer of the allegation that a patent
7 infringement has occurred and request written permission to enter upon the
8 farmer's land; and

9 (3) Obtain the written permission of the farmer.

10 b. If the farmer withholds written permission, the person holding a patent may
11 petition the district court of the judicial district in which the property is located for
12 an order granting permission to enter upon the farmer's land.

13 3. The farmer may accompany the person holding the patent at the time any samples are
14 taken.

15 4. If requested by the farmer or the person holding the patent, the state seed
16 commissioner shall accompany the person holding the patent at the time any sample
17 is taken. The state seed commissioner may impose a fee for providing that service.
18 The patent holder and the farmer shall each pay one-half of the fee charged by the
19 commissioner.

20 5. If the person holding a patent believes that the crop from which samples are to be
21 taken may be subject to intentional damage or destruction, the person may seek a
22 protection order from the district court. The protection order may not interrupt or
23 interfere with normal farming practices, including harvest and tillage.

24 6. The person holding the patent may take samples from a standing crop, from
25 representative standing plants in the field, or from crops remaining in the field after
26 harvest.

27 7. The person holding the patent may not obtain more samples than are reasonably
28 necessary to make a determination regarding patent infringement. An equal number of
29 samples must remain in the custody of the state seed commissioner or the farmer for
30 future comparison and verification purposes. All samples taken must be placed in
31 containers labeled as to the date, time, and location from which they were taken. The

1 labels must be signed by the farmer, the person who took the samples, and the state
2 seed commissioner if the commissioner was present at the time the samples were
3 taken. The patent holder and the farmer shall share equally the cost of the containers
4 needed for the second set of samples that are retained by the state seed
5 commissioner or the farmer. The farmer and the person holding the patent shall share
6 equally the cost of the containers and the cost of obtaining the samples.
7 8. Within sixty days from the date the samples are taken, an independent laboratory shall
8 conduct all tests to determine whether patent infringement has occurred. The person
9 holding the patent shall notify the farmer of the test results, by certified mail or by any
10 other method of delivery for which a signature is required, within twenty-one days from
11 the date the results were reported to the person holding the patent.
12 9. The parties may participate in mediation at any time. The mediation must be
13 conducted by a mediator jointly selected by the farmer and the person holding the
14 patent. If the farmer and the person holding the patent are unable to select a mediator,
15 the mediation must be conducted by an independent mediation service.
16 10. If the case is not settled after mediation, either party may file a claim for relief with the
17 federal district court having jurisdiction over the claim. Unless otherwise specified in a
18 contract between the farmer and the person holding the patent, the appropriate state
19 district court is the one that has jurisdiction over that portion of this state in which the
20 farmer's land is located.

21 **SECTION 2. REPEAL.** Chapter 4-24 of the North Dakota Century Code is repealed.