

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1291

That the Senate recede from its amendments as printed on pages 977 and 978 of the Senate Journal and pages 1321 and 1322 of the House Journal and that Engrossed House Bill No. 1291 be amended as follows:

Page 1, line 1, replace "section" with "sections" and after "23-25-11" insert "and 42-04-01"

Page 1, line 2, after "operations" insert "and livestock auction markets"

Page 1, line 18, after the underscored period insert "The measurement may not be taken within five hundred feet [.15 kilometer] of the property boundary of the agricultural operation."

Page 2, line 12, replace the third "a" with "an animal"

Page 2, line 13, remove "concentrated"

Page 2, line 14, remove the second "section" and after the underscored comma insert "or if the setback distance under subsection 7 is greater than one-half mile [.80 kilometer],"

Page 2, line 19, replace "concentrated" with "animal"

Page 2, line 20, replace "concentrated" with "animal"

Page 4, line 1, replace "animals" with "animal units"

Page 4, line 3, replace "animals" with "animal units"

Page 4, line 4, replace "animals" with "animal units"

Page 4, line 6, replace "animals" with "animal units"

Page 4, line 7, replace "animals" with "animal units"

Page 4, line 10, replace "animals" with "animal units"

Page 4, line 11, replace "animals" with "animal units"

Page 4, line 14, replace "animals" with "animal units"

Page 4, line 20, replace "The department shall define by rule the number of animals that constitute an" with "For purposes of this section:

- (1) One mature dairy cow, whether milking or dry, equals 1.33 animal units;
- (2) One dairy cow, heifer or bull, other than an animal described in paragraph 1 equals 1.0 animal unit;
- (3) One weaned beef animal, whether a calf, heifer, steer, or bull, equals 0.75 animal unit;

- (4) One cow-calf pair equals 1.0 animal unit;
- (5) One swine weighing fifty-five pounds [24.948 kilograms] or more equals 0.4 animal unit;
- (6) One swine weighing less than fifty-five pounds [24.948 kilograms] equals 0.1 animal unit;
- (7) One horse equals 2.0 animal units;
- (8) One sheep or lamb equals 0.1 animal unit;
- (9) One turkey equals 0.0182 animal unit;
- (10) One chicken, other than a laying hen, equals 0.008 animal unit;
- (11) One laying hen equals 0.012 animal unit;
- (12) One duck equals 0.033 animal unit; and
- (13) Any livestock not listed in paragraphs 1 through 12 equals 1.0 animal unit per each one thousand pounds [453.59 kilograms] whether single or combined animal weight."

Page 4, remove line 21

Page 4, after line 23, insert:

"9. Neither a county nor a township may regulate or through any means impose restrictions or requirements on animal feeding operations or on other agricultural operations except as permitted under sections 11-33-02 and 58-03-11.

SECTION 2. AMENDMENT. Section 42-04-01 of the North Dakota Century Code is amended and reenacted as follows:

42-04-01. Agricultural operation defined. As used in this chapter, "agricultural operation" means the science and art of ~~production of~~ producing plants and animals useful to people, by a corporation or a limited liability company as allowed under chapter 10-06.1, or by a corporation or limited liability company, a partnership, or a proprietorship, and ~~including, to a variable extent,~~ includes the preparation of these products for people's use and ~~their~~ the disposal of these products by marketing or ~~otherwise, and other means.~~ The term includes livestock auction markets and horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products, and farm production."

Renumber accordingly