

**Sixty-first Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 6, 2009**

SENATE BILL NO. 2438  
(Senators Wanzek, Dotzenrod, Flakoll)  
(Representatives Belter, Brandenburg, S. Meyer)

AN ACT to create and enact two new sections to chapter 4-01 of the North Dakota Century Code, relating to the promotion of sustainably grown agricultural commodities; to provide a continuing appropriation; and to provide an effective date.

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

**SECTION 1.** A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

**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.

**SECTION 2.** A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

**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.

**SECTION 3. EFFECTIVE DATE.** Section 1 of this Act becomes effective on July 1, 2011.

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President of the Senate

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Speaker of the House

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Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2438.

Senate Vote:    Yeas    36        Nays    9        Absent    2

House Vote:    Yeas    62        Nays    29       Absent    3

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2009,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State