

Sixty-first
Legislative Assembly
of North Dakota

Introduced by

1 A BILL for an Act to create and enact a new section to chapter 4-01 of the North Dakota
2 Century Code, relating to meetings of commodity groups; and to amend and reenact sections
3 4-10.1-05, 4-10.2-03, 4-10.3-03, 4-10.4-03, 4-10.5-02, 4-10.7-02, and 4-27-04 of the North
4 Dakota Century Code, relating to removal of the agriculture commissioner from commodity
5 groups.

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

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

9 **Commodity groups - Agriculture commissioner - Meetings.**

- 10 1. The agriculture commissioner may participate, as a nonvoting member, at any
11 regular or special meetings of a commodity group, including any executive session
12 held by a commodity group.
- 13 2. Annually, the agriculture commissioner shall call a meeting of representatives from
14 each commodity group for the purpose of engaging in collaborative efforts to
15 promote and market agricultural commodities.
- 16 3. For purposes of this section, "commodity group" means the:
- 17 a. North Dakota barley association;
- 18 b. North Dakota beef commission;
- 19 c. North Dakota beekeepers association;
- 20 d. North Dakota corn utilization council;
- 21 e. North Dakota dairy promotion commission;
- 22 f. North Dakota dry bean council;
- 23 g. North Dakota dry pea and lentil council;
- 24 h. North Dakota oilseed council;

- i. North Dakota potato council;
- j. North Dakota soybean council;
- k. North Dakota turkey federation council; and
- l. North Dakota wheat commission.

SECTION 2. AMENDMENT. Section 4-10.1-04 of the North Dakota Century Code is amended and reenacted as follows:

4-10.1-04. North Dakota potato council - Membership - Election - Term.

1. There is ~~hereby~~ established a North Dakota potato council. The council is composed of ~~the agriculture commissioner or the commissioner's designated representative, who is chairman of the council,~~ and one participating grower elected from each of the districts ~~hereinafter~~ established in this chapter. Annually, the members of the council shall elect one from among themselves to serve as the chairman.
2. Every elected council member must be a United States citizen ~~of the state~~ and a bona fide resident of and participating grower in the district ~~that member?~~ represents. The term of each elected member is three years and begins on July first of the year of election, except that initially one member must be elected for a three-year term, two members must be elected for two-year terms, and two members must be elected for one-year terms as designated by the commissioner. An elected member of the council may not serve more than two consecutive three-year terms.
3. If at any time during a member's term ~~that member?~~ ceases to possess any of the qualifications provided for in this chapter, ~~that member's?~~ office is deemed vacant and the council shall appoint another qualified participating grower for the remainder of the term of the office vacated.
4. The commissioner shall conduct all elections under this section in each district in ~~such~~ a manner ~~as the commissioner?~~ deems to be fair and reasonable. All ~~such~~ elections must be conducted in the month of June. ~~No elected member of the council is eligible to serve more than two consecutive three-year terms.~~

SECTION 3. AMENDMENT. Section 4-10.2-03 of the North Dakota Century Code is amended and reenacted as follows:

4-10.2-03. North Dakota oilseed council - Membership - Election - Term.

1. The North Dakota oilseed council is composed of:
 - a. One participating sunflower grower elected from each of the districts established in section 4-10.2-04;
 - b. One participating canola grower elected from each of the districts established in section 4-10.2-04.1;
 - c. One participating safflower grower appointed by the governor;
 - d. One participating crambe grower appointed by the governor;
 - e. One participating flax grower appointed by the governor; and
 - f. One member appointed by the director of the agricultural experiment station.
2. The chairman of the council must be a member of the council elected by a majority vote of the council. ~~The commissioner is an ex-officio member of the council.~~
3.
 - a. Every elected and appointed council member must be United States a citizen ~~of the state.~~
 - b. The elected member who is a sunflower grower must be a bona fide resident of and participating sunflower grower in the district the member represents.
 - c. The elected member who is a canola grower must be a bona fide resident of and participating canola grower in the district the member represents.
4.
 - a. The term of each elected member who is a sunflower grower is three years and begins on April first of the year of election, except that initially two members must be elected for a three-year term; two members must be elected for a two-year term; and two members must be elected for a one-year term as designated by the commissioner.
 - b. The term of each elected member who is a canola grower is three years and begins on April first of the year of election, except that initially one member must be elected for a three-year term; one member must be elected for a two-year term; and one member must be elected for a one-year term as designated by the commissioner.
 - c. The term of the elected member who is a sunflower grower from district seven must coincide with the term of the elected member who is a sunflower grower from district six.

d. The term of each appointed member is three years and begins on April first of the year of the appointment. Initially, the term of the member who is a flax grower must be for three years, the term of the member appointed by the director of the agricultural experiment station must be for two years, and the term of the member who is a safflower grower must be for two years.

5. If at any time during a member's term the member ceases to possess any of the qualifications provided for in this chapter, the member's office is deemed vacant and the remaining members of the council shall appoint another qualified participating grower for the remainder of the vacated term.

6. The commissioner, or a county agent designated by the commissioner, in cooperation with the North Dakota state university extension service, shall conduct elections under this section in each district in the manner the commissioner determines fair and reasonable. All elections must be conducted before April first of each year.

7. No elected or appointed member of the council is eligible to serve more than four consecutive three-year terms.

SECTION 4. AMENDMENT. Section 4-10.3-03 of the North Dakota Century Code is amended and reenacted as follows:

4-10.3-03. North Dakota dry bean council - Membership - Election - Term.

1. The North Dakota dry bean council is composed of one participating grower elected from each of the districts established in section 4-10.3-04. The chairman of the council must be a member of the council elected by a majority vote of the council. ~~The agriculture commissioner is an ex-officio member of the council.~~

2. Every elected council member must be a United States citizen ~~of the state~~ and a bona fide resident of and participating grower in the district the member represents.

3. The term of each elected member is three years and begins on April first of the year of election, except that initially one member must be elected for a three-year term; two members must be elected for two-year terms; and two members must be elected for one-year terms as designated by the commissioner.

4. If at any time during a member's term the member ceases to possess any of the qualifications provided for in this chapter, the member's office is deemed vacant

and the council shall, by majority vote, appoint another qualified participating grower for the remainder of the term of the office vacated.

5. The commissioner, or a county agent designated by the commissioner, in cooperation with the cooperative extension service, shall conduct all elections under this section in each district in the manner the commissioner deems fair and reasonable. Elections must be held before April first of each year.

6. No elected member of the council is eligible to serve more than three consecutive three-year terms.

SECTION 5. AMENDMENT. Section 4-10.4-03 of the North Dakota Century Code is amended and reenacted as follows:

4-10.4-03. Council - Membership - Election - Term. The council is composed of one participating grower elected from each of the districts established in section 4-10.4-04. The chairman of the council must be an elected member of the council elected by a majority vote of the council. ~~The commissioner is an ex officio member of the council and does not have a vote.~~ Every elected council member must be a citizen of the ~~state~~ United States and a bona fide resident of and participating grower in the district the member represents. The term of each elected member is three years and begins on April first of the year of election, except that initially two members must be elected for a three-year term; two members must be elected for a two-year term; and one member must be elected for a one-year term as designated by the commissioner. Notwithstanding the terms provided for members elected before August 1, 1997, the board, before December 31, 1997, shall determine by lot the order of subsequent elections for its members so that two members are elected for a four-year term during 1998, and one member is elected for a four-year term during each of the subsequent three years. The term of each member elected after July 31, 1997, is four years and begins on April first of the year of election. If at any time during a member's term a member ceases to possess any of the qualifications provided for in this chapter, the member's office is vacant and the remaining members of the council shall appoint another qualified participating grower for the remainder of the term of the office vacated. The commissioner, or a county agent designated by the commissioner, in cooperation with the cooperative extension service, shall conduct all elections under this section in each district in the manner the commissioner deems fair and reasonable. All such elections must be completed prior to expiration of the members' terms. No member

1 serving on the council before August 1, 1997, is eligible to serve more than two consecutive
2 four-year terms. No member elected to the council after July 31, 1997, is eligible to serve more
3 than three consecutive four-year terms.

4 **SECTION 6. AMENDMENT.** Section 4-10.5-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **4-10.5-02. North Dakota soybean council - Membership - Election - Term.** The
7 North Dakota soybean council must be composed of one participating grower elected from each
8 of the districts established in section 4-10.5-03. The chairman of the council must be a member
9 of the council elected by a majority vote of the council. ~~The commissioner is an ex-officio~~
10 ~~member of the council.~~ Every elected council member must be a resident of and participating
11 grower in the district the member represents. The term of each elected member is three years,
12 beginning on April first of the year of election, except that initially two members must be elected
13 for three-year terms; three members must be elected for two-year terms; and three members
14 must be elected for one-year terms as designated by the commissioner. If at any time during a
15 member's term the member ceases to possess any of the qualifications provided for in this
16 chapter, the member's office is deemed vacant and the council shall, by majority vote, appoint
17 another qualified participating grower for the remainder of the term of the office vacated. The
18 commissioner, or a county agent designated by the commissioner, in cooperation with the
19 cooperative extension service, shall conduct all elections under this section in each district in
20 the manner the commissioner deems fair and reasonable. All elections must be conducted no
21 later than April first of each year. No elected member of the council is eligible to serve more
22 than two consecutive three-year terms.

23 **SECTION 7. AMENDMENT.** Section 4-10.7-02 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **4-10.7-02. Dry pea and lentil council - Membership - Term.** There is a North Dakota
26 dry pea and lentil council. The council is composed of one participating grower elected from
27 each of the districts established in section 4-10.7-04. The chairman of the council must be a
28 member of the council elected by a majority vote of the council. ~~The agriculture commissioner~~
29 ~~is an ex-officio member of the council.~~ Every elected member of the council must be a citizen of
30 the state and a bona fide resident of and participating grower in the district the member
31 represents. The term of each elected member is three years and begins on April first of the

1 year of election, except that initially one member must be elected for a three-year term; two
2 members must be elected for two-year terms; and two members must be elected for one-year
3 terms as designated by the commissioner. If at any time during a member's term the member
4 ceases to possess any of the qualifications provided for in this chapter, the member's office is
5 deemed vacant and the council, by majority vote, shall appoint another qualified grower from
6 the affected district for the remainder of the term of the office vacated. No elected member of
7 the council is eligible to serve more than three consecutive three-year terms.

8 **SECTION 8. AMENDMENT.** Section 4-27-04 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **4-27-04. North Dakota dairy promotion commission.** There is hereby created a
11 North Dakota dairy promotion commission ~~consisting of nine members~~. The governor shall
12 appoint two members who must be producers and one member who must be a processor. The
13 governor shall appoint the producer members from a list of nominees supplied by the American
14 dairy association of North Dakota and the processor member from a list of nominees supplied
15 by the North Dakota dairy industries association. Each list of nominees must contain at least
16 twice as many names as the number of appointments to be made therefrom. The term of office
17 of each appointive member of the commission is two years, except that the initial appointment
18 of one producer is for only one year, so that thereafter the term of one producer will expire each
19 year. Terms of office commence on the first day of July. ~~In addition to the three appointive~~
20 ~~members there must be two ex officio, nonvoting members of the commission who must be the~~
21 ~~agriculture commissioner or the commissioner's designee and the head~~. The chairman of the
22 department of animal science department or the department's designee sciences at North
23 Dakota state university, or the chairman's designee, is an ex officio nonvoting member. In
24 addition to the appointive and ex officio members there must be four elected members of the
25 commission who must be the president of the American dairy association of North Dakota, the
26 president of the dairy council of North Dakota, and two members of the milk producers
27 association of North Dakota to be elected by that association. The elected members shall meet
28 with the commission and shall have the same rights and duties as the appointive members,
29 including the right to vote. The milk producers shall serve terms of two years, commencing on
30 July first, except that initially one producer shall serve a term of one year as designated by the
31 milk producers association of North Dakota.