

HOUSE BILL NO. 1199
with Senate AmendmentsFifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1199

Introduced by

Representatives Nicholas, Gerntholz

Senators Andrist, Robinson

1 A BILL for an Act to amend and reenact sections 4-10.2-03, 4-10.2-05, and 4-10.2-08 of the
2 North Dakota Century Code, relating to the North Dakota oilseed council, its members, member
3 compensation, and commodity assessments; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 4-10.2-03 of the 1995 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **4-10.2-03. North Dakota oilseed council - Membership - Election - Term.** ~~There is~~
8 ~~hereby established a~~ The North Dakota oilseed council. ~~The council~~ is composed of one
9 participating sunflower grower elected from each of the districts established in section
10 4-10.2-04, one participating safflower grower appointed by the governor, one participating
11 crambe grower appointed by the governor, one participating rapeseed or canola grower
12 appointed by the governor, one participating flax grower appointed by the governor, and one
13 member appointed by the director of the agricultural experiment station. The chairman of the
14 council must be a member of the council elected by a majority vote of the council. The
15 commissioner is an ex officio member of the council. Every elected and appointed council
16 member must be a citizen of the state. Every elected member must be a bona fide resident of
17 and participating sunflower grower in the district the member represents. The term of each
18 elected member is three years and begins on April first of the year of election, except that
19 initially two members must be elected for a three-year term; two members must be elected for a
20 two-year term; and two members must be elected for a one-year term as designated by the
21 commissioner. The term of the representative for district seven must coincide with the term of
22 the representative for district six. The term of each appointed member is three years and
23 begins on April first of the year of the appointment, except that initially the flax grower member
24 must be appointed for a three-year term, the member designated by the director of the

1 ~~agriculture~~ agricultural experiment station and the safflower grower member must be appointed
2 for a two-year term, and the rapeseed or canola grower must be appointed for a one-year term.
3 If at any time during a member's term the member ceases to possess any of the qualifications
4 provided for in this chapter, the member's office is deemed vacant and the remaining members
5 of the council shall appoint another qualified participating grower for the remainder of the term
6 of the office vacated. The commissioner, or a county agent designated by the commissioner, in
7 cooperation with the North Dakota state university extension service, shall conduct all elections
8 under this section in each district in the manner the commissioner deems fair and reasonable.
9 All elections must be conducted ~~within seventy-five days prior to~~ before April first of each year.
10 No elected or appointed member of the council is eligible to serve more than three consecutive
11 three-year terms.

12 **SECTION 2. AMENDMENT.** Section 4-10.2-05 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **4-10.2-05. Meetings - Quorum - Compensation and expenses of council.** A
15 majority of the voting members of the council constitutes a quorum for the transaction of all
16 business in carrying out the duties of the council. All meetings of the council must be called by
17 the chairman except special meetings which must be called by the chairman on the petition of
18 two council members within seven days of receiving such a petition. Each member of the
19 council, ~~except the commissioner of agriculture, shall receive the sum of twenty five dollars per~~
20 ~~day for each day spent in performance of the business of the council and must be reimbursed~~
21 ~~for expenses incurred in the performance of official duties in the amounts provided by law for~~
22 state officials is entitled to receive the same per diem compensation as provided for members
23 of the legislative council under section 54-35-10, and to reimbursement of expenses as
24 provided by law for state officers, while attending meetings or performing duties directed by the
25 council. No compensation may be paid under this section to any member who receives
26 compensation or salary as a regular state employee or official.

27 **SECTION 3. AMENDMENT.** Section 4-10.2-08 of the 1995 Supplement to the North
28 Dakota Century Code is amended and reenacted as follows:

29 **4-10.2-08. Assessments levied - Continuing appropriation.** An assessment at the
30 rate of ~~two~~ three cents per hundredweight [45.36 kilograms] must be levied and imposed upon
31 all sunflower, safflower, rapeseed or canola, and crambe grown in the state or sold to a first

1 purchaser, and an assessment at the rate of two cents per bushel [35.24 liters] must be levied
2 and imposed upon all flax grown in the state or sold to a first purchaser. This assessment is
3 due upon any identifiable lot or quantity of sunflower, safflower, rapeseed or canola, crambe, or
4 flax.

5 A first purchaser of sunflower, safflower, rapeseed or canola, crambe, or flax shall file
6 an application with the council on forms prescribed and furnished by the council which must
7 contain the name under which the first purchaser is transacting business within the state, the
8 place or places of business, the location of loading and shipping places of agents of the first
9 purchaser, the names and addresses of the several persons constituting the firm partnership, if
10 a corporation, the corporate name and the names and addresses of its principal officers and
11 agents within the state, and, if a limited liability company, the limited liability company name
12 and the names and addresses of its principal managers and agents within this state. The
13 council shall issue a certificate to the first purchaser. A first purchaser may not sell, process, or
14 ship any sunflower, safflower, rapeseed or canola, crambe, or flax until it has secured a
15 certificate as required by this section.

16 The first purchaser of sunflower, safflower, rapeseed or canola, crambe, or flax shall
17 collect the assessment imposed by this section by charging and collecting from the seller the
18 assessment at the rate specified in this section by deducting the assessment from the purchase
19 price of all sunflower, safflower, rapeseed or canola, crambe, or flax subject to the assessment
20 and purchased by the first purchaser.

21 Every first purchaser shall keep as a part of its permanent records a record of all
22 purchases, sales, and shipments of raw sunflower, safflower, rapeseed or canola, crambe, or
23 flax, which may be examined by the council at all reasonable times. Every first purchaser shall
24 report to the council stating the quantity of sunflower, safflower, rapeseed or canola, crambe, or
25 flax received, sold, or shipped by it. The report must be made at the times and in the manner
26 prescribed by the council. The remittance of the assessment as provided in this section must
27 accompany the report. All moneys levied and collected under this chapter must be paid to the
28 council for deposit in the state treasury to the credit of a special revolving account or accounts
29 designated "oilseed fund". All money in the oilseed fund is appropriated on a continuing basis
30 to the council to be used exclusively to carry out the intent and purposes of this chapter.

31 Assessments collected from each crop must be used, for the purposes of this chapter, on each

1 respective crop. However, for flax, emphasis should be given to utilize the assessment, except
2 for that portion of the assessment necessary to administer the flax assessment, for nutritional
3 and therapeutic research. Regular audits of the council's accounts must be conducted in
4 accordance with chapter 54-10 and submitted to the commissioner.

5 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.