

**SENATE BILL NO. 2328
with House Amendments
SENATE BILL NO. 2328**

Sixty-sixth
Legislative Assembly
of North Dakota

Introduced by

Senators Klein, Elkin, Holmberg, Luick

Representatives D. Johnson, Schreiber-Beck

1 A BILL for an Act to create and enact a new chapter to title 4.1 of the North Dakota Century
2 Code, relating to the agricultural products utilization commission; to repeal chapter 54-60.3 of
3 the North Dakota Century Code, relating to the agricultural products utilization commission; and
4 to provide a report.

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

6 **SECTION 1.** A new chapter to title 4.1 of the North Dakota Century Code is created and
7 enacted as follows:

8 **Agricultural products utilization commission - Composition - Appointment.**

9 The agricultural products utilization commission shall administer the agricultural products
10 utilization fund. The commission shall consist of nine members, five of whom must be appointed
11 by the agriculture commissioner for terms of two years each, arranged so that two terms expire
12 in odd-numbered years and three terms expire in even-numbered years. Four members
13 appointed by the agriculture commissioner must be actively engaged in farming in this state and
14 one member appointed by the agriculture commissioner must be actively engaged in business
15 in this state. The governor shall appoint one member for a term of two years which expires in
16 odd-numbered years. The member appointed by the governor must be actively engaged in
17 business in this state. Commission members may be reappointed. Terms of commissioners
18 commence on the first day of July. The commissioner of commerce, the president of North
19 Dakota state university, and the agriculture commissioner, or their designees, are members of
20 the commission. The commission shall elect one of its members as chairman.

21 **Agricultural products utilization commission - Authority.**

22 1. The North Dakota agricultural products utilization commission may apply for, accept,
23 and expend any appropriation, grant, gift, or service made available from public or
24 private sources.

- 1 2. The commission may administer grant programs including:
- 2 a. A basic and applied research grant program;
- 3 b. A utilization and marketing grant program;
- 4 c. A cooperative marketing grant program;
- 5 d. A nature-based tourism grant program;
- 6 e. A technical assistance grant program for value-added businesses;
- 7 f. A farm diversification grant program;
- 8 g. An agricultural prototype development grant program;
- 9 h. An agricultural technologies grant program; and
- 10 i. A North American marketing grant program.
- 11 3. As a condition of any grant administered by the commission, the commission may
- 12 require the recipient repay some or all of the grant if the recipient does not fulfill the
- 13 conditions of the grant. Repayment may be monetary or any other type or method
- 14 determined by the commission.

15 **Agricultural products utilization commission - Meetings - Personnel - Reports.**

16 The agricultural products utilization commission, an office of the agriculture commissioner,

17 shall meet as necessary and shall report to each session of the legislative assembly. The

18 commissioner shall provide office space, employ required personnel for the performance of its

19 duties, hire consultants, spend any funds appropriated to the commission, and contract with

20 public entities or private parties for services.

21 **Agricultural products utilization commission - Reimbursement - Compensation.**

22 Members of the agricultural products utilization commission are entitled to be reimbursed

23 for expenses incurred in the performance of their duties, in the same manner as other state

24 officials are reimbursed, according to sections 44-08-04 and 54-06-09. If not otherwise

25 employed by the state of North Dakota, members of the commission are entitled to receive per

26 diem compensation of one hundred thirty-five dollars for each day of attending meetings and

27 performing other duties relating to official business of the commission. The commission

28 chairman, if not otherwise employed by the state of North Dakota, may receive an additional

29 one hundred dollars for each day of a regular meeting attended as payment for reviewing and

30 evaluating grant proposals.

1 **Agricultural products utilization commission - Administrative expenses.**

2 Administrative expenses of the agricultural products utilization commission, including
3 expenses of members of the commission, employment of required personnel, hiring of
4 consultants, and contracting with public or private entities for services may not exceed ten
5 percent of the funds appropriated to the commission by the legislative assembly each biennium,
6 excluding federal funds.

7 **Agricultural products utilization fund - Purposes.**

8 The agricultural products utilization fund in the state treasury must be used to fund
9 programs for agricultural research, development, processing, technology, and marketing. The
10 fund must be used to defray the expenses of the North Dakota agricultural products utilization
11 commission. Interest earned on moneys in the fund must be credited to the fund.

12 **SECTION 2. REPEAL.** Chapter 54-60.3 of the North Dakota Century Code is repealed.