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Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1501

Introduced by

Representative Beltz

1 A BILL for an Act to amend and reenact subsection 1 of section 4.1-11-01 and sections
2 4.1-11-08, 4.1-11-10, 4.1-11-11, 4.1-11-12, 4.1-11-13, 4.1-11-14, and 4.1-11-15 of the North
3 Dakota Century Code, relating to the North Dakota soybean council; and to provide an effective
4 date.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 4.1-11-01 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 1. "Council" means the nongovernmental entity, known as the North Dakota soybean
9 council.

10 **SECTION 2. AMENDMENT.** Section 4.1-11-08 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **4.1-11-08. Council members - Compensation.**

13 Each member of the council is entitled to receive compensation in the amount established
14 by the council ~~but not exceeding one hundred thirty-five dollars per day~~ plus reimbursement for
15 expenses ~~as provided by law for state officers~~ if the member is attending meetings or
16 performing duties directed by the council.

17 **SECTION 3. AMENDMENT.** Section 4.1-11-10 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **4.1-11-10. Council duties and reports.**

20 1. The council shall develop policies and initiate programs to promote the development of
21 markets for and increase the utilization of soybeans grown in this state.
22 2. The council shall develop and disseminate information regarding the purpose of the
23 soybean assessment and ways in which the assessment benefits soybean producers.

1 3. The council shall determine the uses for which any moneys raised under this chapter
2 may be expended. The uses may include the funding of research, education
3 programs, and market development efforts, as well as participation in programs under
4 the auspices of national soybean promotion organizations.

5 4. Annually, the council shall prepare and submit a report summarizing the activities of
6 the council to the state auditor and the commissioner. The report must show all
7 income, expenses, and other relevant information concerning fees collected and
8 expended.

9 5. The council shall request and submit a certificate of good standing, issued by the
10 secretary of state, as part of the report described in subsection 4.

11 **SECTION 4. AMENDMENT.** Section 4.1-11-11 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **4.1-11-11. Assessment.**

14 ~~An~~If aThe federal assessment under the Soybean Promotion, Research, and Consumer
15 Information Act [Pub. L. 101-624; 104 Stat. 3881; 7 U.S.C. 92 et seq.] or similar ~~act remains in-~~
16 ~~place, a state~~ assessment under ~~this section is prohibited. If the Soybean Promotion, Research,~~
17 ~~and Consumer Information Act [Pub. L. 101-624; 104 Stat. 3881; 7 U.S.C. 92 et seq.] or a~~ similar
18 federal act eliminates a federal assessment, the council shall implement a state is the only
19 permitted assessment ~~equaling one-half of one percent of the value of the sale must be-~~
20 ~~imposed upon all soybeans sold to a designated handler~~under this chapter. A state assessment
21 is prohibited.

22 **SECTION 5. AMENDMENT.** Section 4.1-11-12 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **4.1-11-12. Collection of assessment by designated handler - Records.**

25 4. If an assessment is in place under section 4.1-11-11:

- 26 1. Each designated handler shall collect the assessment from the seller by deducting the
27 assessment from the purchase price of all soybeans subject to the assessment;:
28 2. Each designated handler shall keep all records regarding the quantity of soybeans
29 received and assessed for a period of three years;: and
30 3. All records required by this section may be examined by the council upon request.

1 **SECTION 6. AMENDMENT.** Section 4.1-11-13 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **4.1-11-13. Quarterly report - Submission to council.**

4 At the time and in the manner prescribed by the council, each designated handler shall file
5 with the council a quarterly report stating the quantity of all soybeans that the handler
6 purchased and assessed under section 4.1-11-11.

7 **SECTION 7. AMENDMENT.** Section 4.1-11-14 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **4.1-11-14. Submission of assessments - ~~Civil penalty~~Delinquent assessment.**

10 Each designated handler shall forward to the council all assessments collected by the
11 handler under section 4.1-11-11 within thirty days after the end of each calendar quarter. If a
12 designated handler fails to submit the assessments as required by this section, the council shall
13 increase the amount owed by two percent each month, beginning with the day following that on
14 which the assessments came due.

15 **SECTION 8. AMENDMENT.** Section 4.1-11-15 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **4.1-11-15. ~~Continuing appropriation~~Use of council funds.**

18 ~~The council shall forward all~~All moneys received under this chapter ~~to the state treasurer for~~
19 ~~deposit~~must be deposited in the soybean fund. ~~All moneys in the soybean fund are appropriated~~
20 ~~on a continuing basis to the council to~~account at the Bank of North Dakota and may be used
21 ~~exclusively to carry out~~by the council for the payment of claims by the council based upon
22 obligations incurred in the performance of council activities, functions, and purposes as
23 provided in this chapter. The board shall segregate moneys in the soybean checkoff account
24 from all other moneys of the council.

25 **SECTION 9. EFFECTIVE DATE.** This Act becomes effective on July 1, 2024.

