

**Sixty-ninth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 7, 2025**

SENATE BILL NO. 2161  
(Senators Kessel, Wanzek, Weber)  
(Representatives Brandenburg, Kempenich)

AN ACT to amend and reenact sections 4.1-02-03, 4.1-02-12, and 4.1-13-15 of the North Dakota Century Code, relating to member districts and the assessments levied by the barley council and wheat commission.

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

**SECTION 1. AMENDMENT.** Section 4.1-02-03 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-02-03. Council - Membership - Election - Term - Appointment to fill vacancies.**

1. The council consists of one individual elected from each district established in section 4.1-02-02.
2. Each member of the council must be ~~a resident of and~~ a participating producer ~~in the district that the member represents.~~
3. The term of each elected member is four years and begins on April first. The terms must be staggered so that no more than two terms expire each year.
4. If at any time during a member's term the member ceases to possess any of the qualifications provided for in this section, the member's office is deemed vacant and the council, by majority vote, shall appoint another qualified producer for the remainder of the term.
5. An elected member of the council may not serve more than three consecutive terms. If an individual is appointed to complete a vacancy, that service is not counted as a term, for purposes of this section, unless the duration of that service exceeds one year.
6. If a district fails to elect a district representative under section 4.1-02-05 due to the unavailability of a participating producer within the district, the vacant office must be filled on an at large basis. By a majority vote of the council, the council shall appoint a participating producer from another district to represent that district until the next election. The at large participating producer appointed to represent the district may seek re-election as the district representative from the district in which the participating producer was appointed under this section.

**SECTION 2. AMENDMENT.** Section 4.1-02-12 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-02-12. Assessment.**

An assessment at the rate of ~~twenty~~thirty mills per bushel [35.24 liters] is imposed upon all barley grown in this state, delivered to this state, or sold to a first purchaser in this state. The assessment does not apply to barley grown by a producer and used by the producer as livestock feed.

**SECTION 3. AMENDMENT.** Section 4.1-13-15 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-13-15. Assessment.**

An assessment at the rate of ~~fifteen~~twenty mills per bushel [35.24 liters] by weight is imposed upon all wheat:

1. ~~All wheat grown~~Grown in this state, at the time of its sale;
2. ~~All wheat delivered~~Delivered into this state, at the time of its sale; and
3. ~~All wheat sold~~Sold through commercial channels to a first purchaser in this state.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
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-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2161.

Senate Vote:    Yeas 45            Nays 2            Absent 0

House Vote:    Yeas 79            Nays 11           Absent 4

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2025.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2025.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2025,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State