

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Taylor

1 A BILL for an Act to amend and reenact sections 4-02.1-05, 4-05.1-17, 4-09-03, 4-09-20.2,
2 4-10.1-06, 4-10.2-05, 4-10.3-05, 4-10.4-05, 4-10.5-04, 4-10.6-04, 4-10.7-05, 4-14.1-05,
3 4-18.1-04, 4-22-04, 4-27-05, 4-28-05, 4-34-07, 6-09.10-03, 36-01-04, and 36-14-25 of the North
4 Dakota Century Code, relating to per diem compensation for members of agriculture-related
5 boards.

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

7 **SECTION 1. AMENDMENT.** Section 4-02.1-05 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **4-02.1-05. Compensation of members.** Each member of the board of directors is
10 entitled to receive compensation in the amount of ~~seventy-five~~ one hundred thirty-five dollars
11 per day plus reimbursement of expenses as provided by law for state officers while attending
12 meetings or performing duties directed by the board. The board of directors may pay to
13 members rendering unusual or special services to the association special compensation
14 appropriate to the value of the services.

NOTE: State Fair Association.

15 **SECTION 2. AMENDMENT.** Section 4-05.1-17 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **4-05.1-17. Compensation of board members - Expenses.** Each appointed member
18 of the state board of agricultural research and education is entitled to receive ~~seventy-five~~ one
19 hundred thirty-five dollars per day as compensation for the time actually spent devoted to the
20 duties of office and is entitled to receive necessary expenses in the same manner and amounts
21 as state officials for attending meetings and performing other functions of office.

1 **SECTION 3. AMENDMENT.** Section 4-09-03 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **4-09-03. State seed commission - Members - Meetings - Appointment and duties**
4 **of commissioner.**

- 5 1. The commission is the governing board of the department.
- 6 2. The commission consists of a representative of the North Dakota crop
7 improvement association, a representative of the North Dakota certified seed
8 potato growers association, a representative of the North Dakota dry edible bean
9 seed growers association, a representative of the North Dakota agricultural
10 association, an elected member of the North Dakota potato council selected by the
11 North Dakota potato council, a representative of the Red River valley potato
12 growers association who is a North Dakota resident, a representative of the North
13 Dakota grain dealers association selected by the association's board of directors
14 who operates a state-approved seed conditioning plant, and the agriculture
15 commissioner, or the commissioner's designee, who shall serve as chairman. The
16 associate dean and director of the experiment station, or the director's designee, of
17 the college of agriculture of the North Dakota state university of agriculture and
18 applied science is a voting member of the commission.
- 19 3. The commission shall meet a minimum of two times each calendar year and may
20 hold special meetings at the call of the chairman or by request of any two members
21 of the commission. Each member of the commission is entitled to receive
22 compensation at the rate of ~~seventy-five~~ one hundred thirty-five dollars per day
23 and reimbursement for expenses, as provided by law for state officers, for
24 attending commission meetings. Compensation under this section may not be paid
25 to any member who receives compensation or salary as a regular state employee
26 or official. A commission member unable to attend a meeting of the commission
27 may be represented by a proxy who has written authorization from the absent
28 commission member.
- 29 4. The commission shall appoint a qualified manager of the department who must be
30 known as the state seed commissioner. The commission shall fix the salary of the
31 commissioner within legislative appropriation. The commissioner's appointment

1 must be reviewed annually by the commission, and the commissioner is subject to
2 removal for cause. In the event of a vacancy in the office of the commissioner, the
3 commission may appoint a temporary commissioner to serve until the appointment
4 of a permanent commissioner. The commissioner has responsibility for preparing
5 the biennial budget and annual salary schedules that must be approved by the
6 commission before submission to the state budget director. The commissioner is
7 directly responsible to the commission and shall make semiannual reports to the
8 commission and any other reports as requested by the commission.

9 **SECTION 4. AMENDMENT.** Section 4-09-20.2 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **4-09-20.2. Seed arbitration board - Petition - Arbitration hearing.**

- 12 1. The state seed arbitration board consists of the agriculture commissioner, the state
13 seed commissioner, the director of the North Dakota state university extension
14 service, the director of the North Dakota agricultural experiment station, the
15 chairman of the North Dakota seed trade committee of the North Dakota
16 agriculture association, and a representative of a major North Dakota farm
17 organization appointed by the agriculture commissioner or an authorized designee.
18 Each board member is entitled to receive as per diem compensation ~~sixty-two~~ one
19 hundred thirty-five dollars and ~~fifty cents,~~ and reimbursement of expenses as
20 provided by law for state officers; while attending meetings or performing duties
21 directed by the board, except that compensation under this subsection may not be
22 paid to any member who receives compensation or salary as a regular state
23 employee or official. Compensation and expenses for board members who do not
24 receive compensation or salary as a regular state employee or official must be paid
25 by the department of agriculture.
- 26 2. A seed labeler, seed dealer, or seed customer may petition the agriculture
27 commissioner in writing for a hearing to settle a dispute involving a seed
28 transaction. The agriculture commissioner shall submit the dispute to the seed
29 arbitration board, and the board shall arbitrate the dispute. The board, within thirty
30 days after the hearing, shall make a nonbinding recommendation for the resolution
31 of the dispute. Evidence presented to the board and any findings or

1 recommendations by the board are admissible as evidence in any subsequent
2 proceeding. The board shall adopt rules and procedures for arbitration
3 proceedings, including a formula for reimbursement by the parties of the expenses
4 of the arbitration process.

5 **SECTION 5. AMENDMENT.** Section 4-10.1-06 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **4-10.1-06. Meetings - Quorum - Compensation and expenses of council.** A
8 majority of the voting members of the council constitutes a quorum for the transaction of all
9 business in carrying out the duties of the council. All meetings of the council must be called by
10 the chairman except special meetings which must be called by the chairman on the petition of
11 three council members within seven days of receiving such a petition. The council shall
12 determine the amount of compensation payable to each member of the council, except the
13 chairman. The amount payable may not exceed ~~seventy-five~~ one hundred thirty-five dollars per
14 day plus reimbursement of expenses as provided by law for state officers; while attending
15 meetings or performing duties directed by the commissioner.

NOTE: Potato Council.

16 **SECTION 6. AMENDMENT.** Section 4-10.2-05 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **4-10.2-05. Meetings - Quorum - Compensation and expenses of council.** A
19 majority of the voting members of the council constitutes a quorum for the transaction of all
20 business in carrying out the duties of the council. All meetings of the council must be called by
21 the chairman except special meetings which must be called by the chairman on the petition of
22 two council members within seven days of receiving such a petition. The council shall
23 determine the amount of compensation payable to each member of the council. The amount
24 payable may not exceed ~~seventy-five~~ one hundred thirty-five dollars per day plus
25 reimbursement of expenses as provided by law for state officers; while attending meetings or
26 performing duties directed by the council. No compensation may be paid under this section to
27 any member who receives compensation or salary as a regular state employee or official.

NOTE: Oilseed Council.

28 **SECTION 7. AMENDMENT.** Section 4-10.3-05 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **4-10.3-05. Meetings - Quorum - Compensation and expenses of council.** A
2 majority of the voting members of the council constitutes a quorum for the transaction of all
3 business in carrying out the duties of the council. The chairman shall call meetings of the
4 council. The chairman shall call all special meetings on the petition of three council members
5 within seven days of receiving the petition. The council shall determine the amount of
6 compensation payable to each member of the council. The amount payable may not exceed
7 ~~seventy-five~~ one hundred thirty-five dollars per day plus reimbursement of expenses as
8 provided by law for state officers; while attending meetings or performing duties directed by the
9 council. No compensation may be paid under this section to any member who receives
10 compensation or salary as a regular state employee or official.

NOTE: Dry Bean Council.

11 **SECTION 8. AMENDMENT.** Section 4-10.4-05 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **4-10.4-05. Meetings - Quorum - Compensation and expenses of council.** A
14 quorum is necessary for the transaction of all business in carrying out the duties of the council.
15 The chairman shall call all meetings of the council except special meetings which the chairman
16 shall call on the petition of two council members within seven days of receiving such a petition.
17 The council shall determine the amount of compensation payable to each voting member of the
18 council. The amount payable may not exceed ~~seventy-five~~ one hundred thirty-five dollars per
19 day plus reimbursement of expenses as provided by law for state officers; while attending
20 meetings or performing duties directed by the council. The compensation provided in this
21 section may not be paid to any member of the council who receives salary or other
22 compensation as a regular employee of the state.

NOTE: Barley Council.

23 **SECTION 9. AMENDMENT.** Section 4-10.5-04 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **4-10.5-04. Meetings - Quorum - Compensation and expenses of council.** All
26 meetings of the council must be called by the chairman except special meetings which must be
27 called by the chairman on the petition of three council members within seven days of receiving
28 the petition. The council shall determine the amount of compensation payable to each member
29 of the council, except the commissioner. The amount payable may not exceed ~~seventy-five~~

1 one hundred thirty-five dollars per day plus reimbursement of expenses as provided by law for
2 state officers; while attending meetings or performing duties directed by the council, except that
3 no compensation may be paid to any council member who receives compensation or salary as
4 a regular state employee or official.

NOTE: Soybean Council.

5 **SECTION 10. AMENDMENT.** Section 4-10.6-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **4-10.6-04. Meetings - Compensation and expenses of council.** The chairman shall
8 call all meetings of the council. The chairman shall call special meetings on the petition of three
9 council members, within seven days of receiving the petition. The council shall determine the
10 amount of compensation payable to each council member. The amount payable may not
11 exceed ~~seventy-five~~ one hundred thirty-five dollars per day plus reimbursement of expenses as
12 provided by law for state officers; while attending meetings or performing duties directed by the
13 council, except that no compensation under this section may be paid to any member who
14 receives compensation or salary as a regular state employee or official.

NOTE: Corn Council.

15 **SECTION 11. AMENDMENT.** Section 4-10.7-05 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **4-10.7-05. Meetings - Quorum - Compensation of council members.** A majority of
18 the voting members of the council constitutes a quorum for the transaction of all business in
19 carrying out the duties of the council. All meetings of the council must be called by the
20 chairman except special meetings which must be called by the chairman on the petition of three
21 council members within seven days of receiving the petition. The council shall determine the
22 amount of compensation payable to each member of the council. The amount payable may not
23 exceed ~~seventy-five~~ one hundred thirty-five dollars per day plus reimbursement of expenses as
24 provided by law for state officers; while attending meetings or performing duties directed by the
25 council, except that no compensation under this section may be paid to any member who
26 receives compensation or salary as a regular state employee or official.

NOTE: Dry Pea and Lentil Council.

27 **SECTION 12. AMENDMENT.** Section 4-14.1-05 of the North Dakota Century Code is
28 amended and reenacted as follows:

1 **4-14.1-05. Agricultural products utilization commission - Reimbursement -**
2 **Compensation.** All members of the agricultural products utilization commission must be
3 reimbursed for their actual and necessary expenses incurred in the performance of their duties,
4 in the same manner as other state officials are reimbursed, according to sections 44-08-04 and
5 54-06-09. If not otherwise employed by the state of North Dakota, members of the commission
6 are entitled to receive as per diem compensation ~~sixty-two~~ one hundred thirty-five dollars ~~and~~
7 ~~fifty cents~~ for each day devoted to attending meetings and performing other duties relating to
8 official business of the commission. The commission chairman, if not otherwise employed by
9 the state of North Dakota, may receive an additional one hundred dollars for each day of a
10 regular meeting attended as payment for reviewing and evaluating grant proposals.

11 **SECTION 13. AMENDMENT.** Section 4-18.1-04 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **4-18.1-04. Milk marketing board.**

14 1. There is created a milk marketing board to consist of five members appointed by
15 the governor. The board consists of one individual who is a dairy farmer selling to
16 a processor, who must be selected by the governor from two names submitted to
17 the governor by the North Dakota milk producers association; one individual who is
18 a processor, who must be selected by the governor from two names submitted to
19 the governor by the North Dakota dairy industries association; one individual who
20 is a retailer, who must be selected by the governor from two names submitted to
21 the governor by the North Dakota association of food retailers; and two individuals
22 must be selected by the governor who are consumers, and who are not otherwise
23 engaged in the milk business. An appointee may not have held elective or
24 appointive public office during the period of two years immediately preceding
25 appointment and may not hold any other public office, either elective or appointive,
26 during the term of office as a member of the board. Not more than three members
27 of the board may, at the time of the appointment or thereafter during their
28 respective terms of office, reside on the same side of a continuous line following
29 the eastern boundaries of Bottineau, McHenry, Wells, Kidder, Logan, and McIntosh
30 Counties.

- 1 2. The members of the board must be appointed within thirty days after passage and
2 approval of this chapter. The term of office of one member expires on July 1,
3 1968; the term of office of one member expires on July 1, 1969; the term of office
4 of one member expires on July 1, 1970; the term of office of one member expires
5 on July 1, 1971; the term of office of one member expires on July 1, 1972; and
6 each succeeding member holds office for a term of five years and until a successor
7 has been appointed and qualified. Any vacancy must be filled by appointment by
8 the governor.
- 9 3. Three members of the board constitute a quorum for the regular transaction of
10 business. The board shall choose one of its members as the chairman, who shall
11 hold office as a chairman for one year; provided, election as chairman does not
12 interfere with the member's right to vote on all matters before the board.
- 13 4. The board shall determine the amount of compensation payable to each member
14 of the board. The amount payable may not exceed ~~seventy-five~~ one hundred
15 thirty-five dollars per day plus reimbursement for expenses as provided by law for
16 state officers; while attending meetings or performing duties directed by the board.
17 A member's per diem payments may not exceed fifteen hundred dollars in any one
18 year.
- 19 5. Each member of the board shall give bond conditioned for the faithful performance
20 of the member's duties. The board shall employ a director who serves under the
21 direction and at the pleasure of the board and whose qualifications, duties, and
22 compensation must be determined by the board. The director shall serve as
23 financial officer of the board and is authorized to accept money paid to the board in
24 accordance with this chapter.
- 25 6. The board shall employ, in addition to the director, such assistants and employees,
26 permanent and temporary, as may be necessary to carry out the duties and
27 responsibilities of the board under this chapter. The board shall determine the
28 qualifications, duties, and compensation of such employees. The board may
29 employ a licensed attorney of the state of North Dakota as its legal counsel, who
30 shall serve on a full-time or a part-time basis, and the board may obtain the
31 services of such additional attorneys as it deems necessary. The board may also

1 contract for auditing, economic research, and other technical services, whenever it
2 determines that such services are needed.

3 7. All expenditures under this chapter must be paid from the receipts under this
4 chapter. Meetings of the board must be held at least every sixty days at the call of
5 the chairman or a majority of the board.

6 **SECTION 14. AMENDMENT.** Section 4-22-04 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **4-22-04. Committee - Chairman - Quorum - Compensation.** The committee shall
9 meet annually and select its chairman. The chairman shall serve for a term of one year from
10 the date of selection. An individual may be selected as chairman for a total of three terms.
11 Additional meetings may be held by the committee as considered necessary by the chairman,
12 at a time and place to be fixed by the chairman. The chairman shall call special meetings upon
13 written request of any four members. The members of the committee are entitled to receive
14 ~~forty-five~~ one hundred thirty-five dollars per day as compensation for their services on the
15 committee, and are entitled to expenses, including traveling expenses, necessarily incurred in
16 the discharge of their duties on the committee, in the same manner and at the same rate as
17 prescribed by law for state employees and officials.

NOTE: State Soil Conservation Committee.

18 **SECTION 15. AMENDMENT.** Section 4-27-05 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **4-27-05. Powers and duties of commission.**

- 21 1. The commission shall administer and enforce the provisions of this chapter and
22 has and may exercise any and all of the powers conferred upon it herein. A
23 majority of the members of the commission constitutes a quorum for the
24 transaction of business and the carrying out of the duties of the commission.
- 25 2. The commission shall elect a chairman, vice chairman, secretary-treasurer, and
26 such other officers as may be deemed advisable and adopt such rules, regulations,
27 recommendations, and orders for the exercise of its powers and performance of its
28 duties as is deemed advisable.
- 29 3. The commission shall determine the amount of compensation payable to each
30 member of the commission. The amount payable may not exceed ~~seventy-five~~

1 one hundred thirty-five dollars per day plus reimbursement of expenses as
2 provided by law for state officers; while attending meetings or performing duties
3 directed by the commission.

4 4. The commission shall select a state manager, whose compensation must be fixed
5 by the commission. The commission is also authorized to employ such additional
6 personnel as are necessary, including an attorney, to fix their compensation and
7 terms of employment, and to incur such expenses as the commission may deem
8 necessary and proper to carry out its duties, to be paid from moneys collected as
9 herein provided.

10 5. The commission shall plan and carry out dairy products research, education, public
11 relations, advertising, sales promotion, and other programs for the purpose of
12 promoting the sale and consumption of dairy products on both a state and national
13 basis and may contract for any service in connection therewith.

14 6. The commission may accept and disburse voluntary contributions for the use and
15 purposes of the commission.

16 7. To effectuate the declared purposes of this chapter, the commission shall collect
17 the assessment on all milk produced in this state and to make disbursements from
18 such funds as provided herein.

NOTE: Dairy Commission.

19 **SECTION 16. AMENDMENT.** Section 4-28-05 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **4-28-05. Wheat commission - Meeting - Expenses - Legal adviser.** Upon call of the
22 governor, the commission shall first meet and organize by electing from the membership a
23 chairman and vice chairman, who shall hold office for one year and until their successors are
24 elected and have qualified. Thereafter, the commission shall meet at least once every calendar
25 quarter at such times and places as determined by the commission and may meet in special
26 meetings upon such call and notice as prescribed by rules adopted by the commission. The
27 commission shall determine the amount of compensation payable to each member of the
28 commission. The amount payable may not exceed ~~seventy five~~ one hundred thirty-five dollars
29 per day plus reimbursement of expenses as provided by law for state officers; while attending
30 meetings or performing other official duties directed by the commission. The attorney general

1 shall act as legal adviser to the commission or designate an assistant for that purpose and
2 within the limit of the funds available to the commission it may employ other counsel to advise
3 and represent the commission in its affairs and proceedings.

4 **SECTION 17. AMENDMENT.** Section 4-34-07 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **4-34-07. Compensation - Expenses.** The commission shall determine the amount of
7 compensation payable to each member of the commission. The amount payable may not
8 exceed ~~seventy-five~~ one hundred thirty-five dollars per day plus reimbursement of expenses as
9 provided by law for state officers; while attending meetings or performing other official duties as
10 directed by the commission. The members of the commission shall receive no other salary or
11 compensation for their service on the commission.

NOTE: Beef Commission.

12 **SECTION 18. AMENDMENT.** Section 6-09.10-03 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **6-09.10-03. North Dakota agricultural mediation service - Powers - Compensation**
15 **and expenses - Fees.** The board shall meet at the call of the chair, as is necessary to fulfill its
16 duties under this chapter. The agriculture commissioner shall administer the agricultural
17 mediation service. The commissioner shall establish an agricultural mediation service to
18 disseminate information to farmers concerning farm credit problems and to provide assistance
19 to seek to resolve farm credit problems. The commissioner shall appoint an administrator of the
20 agricultural mediation service. The commissioner shall hire staff, negotiators, and mediators
21 who may mediate disputes involving farmers or other persons eligible for mediation with an
22 agency of the United States department of agriculture. The board may charge the farmer and
23 others a reasonable fee for any assistance, provided the fees are used to continue the service.
24 Fees charged to mediation participants are limited to twenty-five dollars per hour, each, for the
25 time spent in mediation sessions. The board shall adopt policies governing the negotiators,
26 staff, and mediators hired under this section. Board members are entitled to receive
27 ~~seventy-five~~ one hundred thirty-five dollars for each day of official service, as directed by the
28 board. The board members are entitled to expenses as provided in sections 44-08-04 and
29 54-06-09. The expenses provided under this section may be paid from any funds available in
30 the home-quarter purchase fund.

1 **SECTION 19. AMENDMENT.** Section 36-01-04 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **36-01-04. Compensation and expenses of members of board.** Each member of the
4 board shall receive as compensation for services the sum of ~~fifty~~ one hundred thirty-five dollars
5 per day for each day employed and actual expenses incurred in attending the meetings of the
6 board. The sum must be paid out of the state treasury upon vouchers duly certified by the
7 commissioner.

NOTE: State Board of Animal Health.

8 **SECTION 20. AMENDMENT.** Section 36-14-25 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **36-14-25. Fees of appraisers - How paid.** Each member of the board of appraisers
11 who is not an agent of the board is entitled to receive ~~fifty~~ one hundred thirty-five dollars per day
12 as compensation for services rendered, plus reimbursement for expenses as provided by law
13 for state officers. Fifty percent of the amount due under this section is payable by the state
14 board of animal health and the other fifty percent is payable by the owner of the animal.

NOTE: Board of Appraisal (for diseased and condemned animals).