

**FIRST ENGROSSMENT
with House Amendments**

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2208

Introduced by

Senators Klein, Dotzenrod, Wanzek

Representatives Brandenburg, D. Johnson, Mueller

1 A BILL for an Act to amend and reenact section 4-10.2-08 of the North Dakota Century Code or
2 in the alternative to amend and reenact section 4.1-09-16 of the North Dakota Century Code,
3 relating to oilseed assessments; to provide an effective date; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 4-10.2-08 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **4-10.2-08. Assessments levied - Continuing appropriation.** An assessment at the
8 rate of ~~three~~ four cents per hundredweight [45.36 kilograms] must be levied and imposed upon
9 all sunflower, ~~and rapeseed or canola grown in this state or sold to a first purchaser. An~~
10 assessment at the rate of three cents per hundredweight [45.36 kilograms] must be levied and
11 imposed upon all safflower, ~~rapeseed or canola~~, and crambe grown in the state or sold to a first
12 purchaser, ~~and an~~. An assessment at the rate of ~~two~~ three cents per bushel [35.24 liters] must
13 be levied and imposed upon all flax grown in the state or sold to a first purchaser. This
14 assessment is due upon any identifiable lot or quantity of sunflower, safflower, rapeseed or
15 canola, crambe, or flax.

16 A first purchaser of sunflower, safflower, rapeseed or canola, crambe, or flax shall file
17 an application with the council on forms prescribed and furnished by the council which must
18 contain the name under which the first purchaser is transacting business within the state, the
19 place or places of business, the location of loading and shipping places of agents of the first
20 purchaser, the names and addresses of the several persons constituting the firm partnership, if
21 a corporation, the corporate name and the names and addresses of its principal officers and
22 agents within the state, and, if a limited liability company, the limited liability company name
23 and the names and addresses of its principal managers and agents within this state. The
24 council shall issue a certificate to the first purchaser. A first purchaser may not sell, process, or

1 ship any sunflower, safflower, rapeseed or canola, crambe, or flax until it has secured a
2 certificate as required by this section.

3 The first purchaser of sunflower, safflower, rapeseed or canola, crambe, or flax shall
4 collect the assessment imposed by this section by charging and collecting from the seller the
5 assessment at the rate specified in this section by deducting the assessment from the purchase
6 price of all sunflower, safflower, rapeseed or canola, crambe, or flax subject to the assessment
7 and purchased by the first purchaser.

8 Every first purchaser shall keep as a part of its permanent records a record of all
9 purchases, sales, and shipments of raw sunflower, safflower, rapeseed or canola, crambe, or
10 flax, which may be examined by the council at all reasonable times. Every first purchaser shall
11 report to the council stating the quantity of sunflower, safflower, rapeseed or canola, crambe, or
12 flax received, sold, or shipped by it. The report must be made at the times and in the manner
13 prescribed by the council. The remittance of the assessment as provided in this section must
14 accompany the report. All moneys levied and collected under this chapter must be paid to the
15 council for deposit in the state treasury to the credit of a special revolving account or accounts
16 designated as the oilseed fund. All money in the oilseed fund is appropriated on a continuing
17 basis to the council to be used exclusively to carry out the intent and purposes of this chapter.
18 Assessments collected from each crop must be used, for the purposes of this chapter, on each
19 respective crop. However, for flax, emphasis should be given to utilize the assessment, except
20 for that portion of the assessment necessary to administer the flax assessment, for nutritional
21 and therapeutic research. Regular audits of the council's accounts must be conducted in
22 accordance with chapter 54-10 and submitted to the commissioner.

23 **SECTION 2. AMENDMENT.** Section 4.1-09-16 of the North Dakota Century Code as
24 created by House Bill No. 1025, as approved by the sixty-first legislative assembly, is amended
25 and reenacted as follows:

26 **4.1-09-16. Assessment.**

- 27 1. An assessment at the rate of ~~three~~ four cents per hundredweight [45.36 kilograms]
28 is imposed upon all ~~oilseeds, other than flax,~~ sunflowers and canola grown in this
29 state or sold to a first purchaser.
- 30 2. An assessment at the rate of ~~two~~ three cents per bushel [35.24 liters] is imposed
31 upon all flax grown in this state or sold to a first purchaser.

- 1 3. An assessment at the rate of three cents per hundredweight [45.36 kilograms] is
2 imposed upon all other oilseeds grown in this state or sold to a first purchaser.

3 **SECTION 3. EFFECTIVE DATE.** This Act becomes effective on July 1, 2009.

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