

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

SENATE BILL NO. 2208
(Senators Klein, Dotzenrod, Wanzek)
(Representatives Brandenburg, D. Johnson, Mueller)

AN ACT to amend and reenact section 4-10.2-08 of the North Dakota Century Code or in the alternative to amend and reenact section 4.1-09-16 of the North Dakota Century Code, relating to oilseed assessments; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

A first purchaser of sunflower, safflower, rapeseed or canola, crambe, or flax shall file an application with the council on forms prescribed and furnished by the council which must contain the name under which the first purchaser is transacting business within the state, the place or places of business, the location of loading and shipping places of agents of the first purchaser, the names and addresses of the several persons constituting the firm partnership, if a corporation, the corporate name and the names and addresses of its principal officers and agents within the state, and, if a limited liability company, the limited liability company name and the names and addresses of its principal managers and agents within this state. The council shall issue a certificate to the first purchaser. A first purchaser may not sell, process, or ship any sunflower, safflower, rapeseed or canola, crambe, or flax until it has secured a certificate as required by this section.

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

Every first purchaser shall keep as a part of its permanent records a record of all purchases, sales, and shipments of raw sunflower, safflower, rapeseed or canola, crambe, or flax, which may be examined by the council at all reasonable times. Every first purchaser shall report to the council stating the quantity of sunflower, safflower, rapeseed or canola, crambe, or flax received, sold, or shipped by it. The report must be made at the times and in the manner prescribed by the council. The remittance of the assessment as provided in this section must accompany the report. All moneys levied and collected under this chapter must be paid to the council for deposit in the state treasury to the credit of a special revolving account or accounts designated as the oilseed fund. All money in the oilseed fund is appropriated on a continuing basis to the council to be used exclusively to carry out the intent and purposes of this chapter. Assessments collected from each crop must be used, for the purposes of this chapter, on each respective crop. However, for flax, emphasis should be given to utilize the assessment, except for that portion of the assessment necessary to administer the flax assessment, for

nutritional and therapeutic research. Regular audits of the council's accounts must be conducted in accordance with chapter 54-10 and submitted to the commissioner.

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

4.1-09-16. Assessment.

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

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

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2208 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 43 Nays 3 Absent 1

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 87 Nays 6 Absent 1

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,

at ___ o'clock _____ M.

Secretary of State