

Sixty-first  
Legislative Assembly  
of North Dakota

Introduced by

1 A BILL for an Act to create and enact a new section to chapter 4-01 of the North Dakota  
2 Century Code, relating to meetings of commodity groups; and to amend and reenact sections  
3 4-10.1-04, 4-10.2-03, 4-10.3-03, 4-10.4-03, 4-10.5-02, 4-10.7-02, and 4-27-04 of the North  
4 Dakota Century Code, relating to removal of the agriculture commissioner from governing  
5 bodies of commodity groups.

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

7 **SECTION 1.** A new section to chapter 4-01 of the North Dakota Century Code is  
8 created and enacted as follows:

9 **Commodity groups - Agriculture commissioner - Meetings.**

- 10 1. The agriculture commissioner may participate, as a nonvoting member, in any  
11 regular or special meeting of a commodity group, including any executive session  
12 held by a commodity group.
- 13 2. Annually, the agriculture commissioner shall call a meeting of representatives from  
14 each commodity group for the purpose of engaging in collaborative efforts to  
15 promote and market agricultural commodities.
- 16 3. For purposes of this section, "commodity group" means the:
- 17 a. North Dakota barley association;
- 18 b. North Dakota beef commission;
- 19 c. North Dakota beekeepers association;
- 20 d. North Dakota corn utilization council;
- 21 e. North Dakota dairy promotion commission;
- 22 f. North Dakota dry bean council;
- 23 g. North Dakota dry pea and lentil council;
- 24 h. North Dakota oilseed council;

- 1           i. North Dakota potato council;
- 2           j. North Dakota soybean council;
- 3           k. North Dakota turkey federation; and
- 4           l. North Dakota wheat commission.

5           **SECTION 2. AMENDMENT.** Section 4-10.1-04 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **4-10.1-04. North Dakota potato council - Membership - Election - Term.**

- 8           1. There is ~~hereby~~ established a North Dakota potato council. The council is  
9 composed of ~~the agriculture commissioner or the commissioner's designated~~  
10 ~~representative, who is chairman of the council, and~~ one participating grower  
11 elected from each of the districts ~~hereinafter~~ established in this chapter. Annually,  
12 the members of the council shall elect one from among themselves to serve as the  
13 chairman.
- 14           2. Every elected council member must be a United States citizen ~~of the state~~ and a  
15 bona fide resident of and participating grower in the district that the member  
16 represents. The term of each elected member is three years and begins on July  
17 first of the year of election, except that initially one member must be elected for a  
18 three-year term, two members must be elected for two-year terms, and two  
19 members must be elected for one-year terms as designated by the commissioner.  
20 An elected member of the council may not serve more than two consecutive  
21 three-year terms.
- 22           3. If at any time during a member's term ~~that~~ the member ceases to possess any of  
23 the qualifications provided for in this chapter, that member's office is deemed  
24 vacant and the council shall appoint another qualified participating grower for the  
25 remainder of the term of the office vacated.
- 26           4. The commissioner shall conduct all elections under this section in each district in  
27 ~~such~~ a manner as the commissioner ~~deems~~ determines fair and reasonable. All  
28 ~~such~~ elections must be conducted in the month of June. ~~No elected member of the~~  
29 ~~council is eligible to serve more than two consecutive three year terms.~~

30           **SECTION 3. AMENDMENT.** Section 4-10.2-03 of the North Dakota Century Code is  
31 amended and reenacted as follows:

- 1           **4-10.2-03. North Dakota oilseed council - Membership - Election - Term.**
- 2           1. The North Dakota oilseed council is composed of:
- 3           a. One participating sunflower grower elected from each of the districts
- 4           established in section 4-10.2-04;
- 5           b. One participating canola grower elected from each of the districts established
- 6           in section 4-10.2-04.1;
- 7           c. One participating safflower grower appointed by the governor;
- 8           d. One participating crambe grower appointed by the governor;
- 9           e. One participating flax grower appointed by the governor; and
- 10          f. One member appointed by the director of the agricultural experiment station.
- 11          2. The chairman of the council must be a member of the council elected by a majority
- 12          vote of the council. ~~The commissioner is an ex officio member of the council.~~
- 13          3. a. Every elected and appointed council member must be a United States citizen
- 14          ~~of the state.~~
- 15          b. The elected member who is a sunflower grower must be a bona fide resident
- 16          of and participating sunflower grower in the district the member represents.
- 17          c. The elected member who is a canola grower must be a bona fide resident of
- 18          and participating canola grower in the district the member represents.
- 19          4. a. The term of each elected member who is a sunflower grower is three years
- 20          and begins on April first of the year of election, except that initially two
- 21          members must be elected for a three-year term; two members must be
- 22          elected for a two-year term; and two members must be elected for a one-year
- 23          term as designated by the commissioner.
- 24          b. The term of each elected member who is a canola grower is three years and
- 25          begins on April first of the year of election, except that initially one member
- 26          must be elected for a three-year term; one member must be elected for a
- 27          two-year term; and one member must be elected for a one-year term as
- 28          designated by the commissioner.
- 29          c. The term of the elected member who is a sunflower grower from district seven
- 30          must coincide with the term of the elected member who is a sunflower grower
- 31          from district six.

- 1           d.    The term of each appointed member is three years and begins on April first of
- 2                    the year of the appointment. Initially, the term of the member who is a flax
- 3                    grower must be for three years, the term of the member appointed by the
- 4                    director of the agricultural experiment station must be for two years, and the
- 5                    term of the member who is a safflower grower must be for two years.
- 6           5.    If at any time during a member's term the member ceases to possess any of the
- 7                    qualifications provided for in this chapter, the member's office is deemed vacant
- 8                    and the remaining members of the council shall appoint another qualified
- 9                    participating grower for the remainder of the vacated term.
- 10          6.    The commissioner, or a county agent designated by the commissioner, in
- 11                    cooperation with the North Dakota state university extension service, shall conduct
- 12                    elections under this section in each district in the manner the commissioner
- 13                    determines fair and reasonable. All elections must be conducted before April first
- 14                    of each year.
- 15          7.    No elected or appointed member of the council is eligible to serve more than four
- 16                    consecutive three-year terms.

17           **SECTION 4. AMENDMENT.** Section 4-10.3-03 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19           **4-10.3-03. North Dakota dry bean council - Membership - Election - Term.**

- 20          1.    The North Dakota dry bean council is composed of one participating grower
- 21                    elected from each of the districts established in section 4-10.3-04. The chairman
- 22                    of the council must be a member of the council elected by a majority vote of the
- 23                    council. ~~The agriculture commissioner is an ex officio member of the council.~~
- 24          2.    Every elected council member must be a United States citizen ~~of the state~~ and a
- 25                    bona fide resident of and participating grower in the district the member represents.
- 26          3.    The term of each elected member is three years and begins on April first of the
- 27                    year of election, except that initially one member must be elected for a three-year
- 28                    term; two members must be elected for two-year terms; and two members must be
- 29                    elected for one-year terms as designated by the commissioner.
- 30          4.    If at any time during a member's term the member ceases to possess any of the
- 31                    qualifications provided for in this chapter, the member's office is deemed vacant

1 and the council ~~shall~~, by majority vote, shall appoint another qualified participating  
2 grower for the remainder of the term of the office vacated.

3 5. The commissioner, or a county agent designated by the commissioner, in  
4 cooperation with the cooperative extension service, shall conduct all elections  
5 under this section in each district in the manner the commissioner ~~deems~~  
6 determines fair and reasonable. Elections must be held before April first of each  
7 year.

8 6. No elected member of the council is eligible to serve more than three consecutive  
9 three-year terms.

10 **SECTION 5. AMENDMENT.** Section 4-10.4-03 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **4-10.4-03. Council - Membership - Election - Term.** The council is composed of one  
13 participating grower elected from each of the districts established in section 4-10.4-04. The  
14 chairman of the council must be an elected member of the council elected by a majority vote of  
15 the council. ~~The commissioner is an ex officio member of the council and does not have a vote.~~  
16 Every elected council member must be a United States citizen ~~of the state~~ and a bona fide  
17 resident of and participating grower in the district the member represents. The term of each  
18 elected member is three years and begins on April first of the year of election, except that  
19 initially two members must be elected for a three-year term; two members must be elected for a  
20 two-year term; and one member must be elected for a one-year term as designated by the  
21 commissioner. Notwithstanding the terms provided for members elected before August 1,  
22 1997, the board, before December 31, 1997, shall determine by lot the order of subsequent  
23 elections for its members so that two members are elected for a four-year term during 1998,  
24 and one member is elected for a four-year term during each of the subsequent three years.  
25 The term of each member elected after July 31, 1997, is four years and begins on April first of  
26 the year of election. If at any time during a member's term a member ceases to possess any of  
27 the qualifications provided for in this chapter, the member's office is deemed vacant and the  
28 remaining members of the council shall appoint another qualified participating grower for the  
29 remainder of the term of the office vacated. The commissioner, or a county agent designated  
30 by the commissioner, in cooperation with the cooperative extension service, shall conduct all  
31 elections under this section in each district in the manner the commissioner ~~deems~~ determines

1 fair and reasonable. All such elections must be completed ~~prior to~~ before expiration of the  
2 members' terms. No member serving on the council before August 1, 1997, is eligible to serve  
3 more than two consecutive four-year terms. No member elected to the council after July 31,  
4 1997, is eligible to serve more than three consecutive four-year terms.

5 **SECTION 6. AMENDMENT.** Section 4-10.5-02 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **4-10.5-02. North Dakota soybean council - Membership - Election - Term.** The  
8 North Dakota soybean council ~~must be~~ is composed of one participating grower elected from  
9 each of the districts established in section 4-10.5-03. The chairman of the council must be a  
10 member of the council elected by a majority vote of the council. ~~The commissioner is an~~  
11 ~~ex officio member of the council.~~ Every elected council member must be a resident of and  
12 participating grower in the district the member represents. The term of each elected member is  
13 three years, beginning on April first of the year of election, except that initially two members  
14 must be elected for three-year terms; three members must be elected for two-year terms; and  
15 three members must be elected for one-year terms as designated by the commissioner. If at  
16 any time during a member's term the member ceases to possess any of the qualifications  
17 provided for in this chapter, the member's office is deemed vacant and the council ~~shall~~, by  
18 majority vote, shall appoint another qualified participating grower for the remainder of the term  
19 of the office vacated. The commissioner, or a county agent designated by the commissioner, in  
20 cooperation with the cooperative extension service, shall conduct all elections under this  
21 section in each district in the manner the commissioner ~~deems~~ determines fair and reasonable.  
22 All elections must be conducted no later than April first of each year. No elected member of the  
23 council is eligible to serve more than two consecutive three-year terms.

24 **SECTION 7. AMENDMENT.** Section 4-10.7-02 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **4-10.7-02. Dry pea and lentil council - Membership - Term.** There is a North Dakota  
27 dry pea and lentil council. The council is composed of one participating grower elected from  
28 each of the districts established in section 4-10.7-04. The chairman of the council must be a  
29 member of the council elected by a majority vote of the council. ~~The agriculture commissioner~~  
30 ~~is an ex officio member of the council.~~ Every elected member of the council must be a United  
31 States citizen ~~of the state~~ and a bona fide resident of and participating grower in the district the

1 member represents. The term of each elected member is three years and begins on April first  
2 of the year of election, except that initially one member must be elected for a three-year term;  
3 two members must be elected for two-year terms; and two members must be elected for  
4 one-year terms as designated by the commissioner. If at any time during a member's term the  
5 member ceases to possess any of the qualifications provided for in this chapter, the member's  
6 office is deemed vacant and the council, by majority vote, shall appoint another qualified grower  
7 from the affected district for the remainder of the term of the office vacated. No elected  
8 member of the council is eligible to serve more than three consecutive three-year terms.

9 **SECTION 8. AMENDMENT.** Section 4-27-04 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **4-27-04. North Dakota dairy promotion commission.** There is hereby created a  
12 North Dakota dairy promotion commission ~~consisting of nine members~~. The governor shall  
13 appoint two members who must be producers and one member who must be a processor. The  
14 governor shall appoint the producer members from a list of nominees supplied by the American  
15 dairy association of North Dakota and the processor member from a list of nominees supplied  
16 by the North Dakota dairy industries association. Each list of nominees must contain at least  
17 twice as many names as the number of appointments to be made therefrom. The term of office  
18 of each appointive member of the commission is two years, except that the initial appointment  
19 of one producer is for only one year, so that thereafter the term of one producer will expire each  
20 year. Terms of office commence on the first day of July. ~~In addition to the three appointive~~  
21 ~~members there must be two ex officio, nonvoting members of the commission who must be the~~  
22 ~~agriculture commissioner or the commissioner's designee and the head~~ The chairman of the  
23 department of animal science department or the department's designee sciences at North  
24 Dakota state university, or the chairman's designee, is an ex officio nonvoting member. In  
25 addition to the appointive and ex officio members there must be four elected members of the  
26 commission who must be the president of the American dairy association of North Dakota, the  
27 president of the dairy council of North Dakota, and two members of the milk producers  
28 association of North Dakota to be elected by that association. The elected members shall meet  
29 with the commission and shall have the same rights and duties as the appointive members,  
30 including the right to vote. The milk producers shall serve terms of two years, commencing on

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- 1 July first, except that initially one producer shall serve a term of one year as designated by the
- 2 milk producers association of North Dakota.