

Introduced by

Senators Kessel, Wanzek, Weber

Representatives Brandenburg, Kempenich

1 A BILL for an Act to amend and reenact sections 4.1-02-03, 4.1-02-12, and 4.1-13-15 of the
2 North Dakota Century Code, relating to member districts and the assessments levied by the
3 barley council and wheat commission.

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

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

7 **4.1-02-03. Council - Membership - Election - Term - Appointment to fill vacancies.**

- 8 1. The council consists of one individual elected from each district established in section
9 4.1-02-02.
- 10 2. Each member of the council must be ~~a resident of and~~ a participating producer ~~in the~~
11 ~~district that the member represents.~~
- 12 3. The term of each elected member is four years and begins on April first. The terms
13 must be staggered so that no more than two terms expire each year.
- 14 4. If at any time during a member's term the member ceases to possess any of the
15 qualifications provided for in this section, the member's office is deemed vacant and
16 the council, by majority vote, shall appoint another qualified producer for the remainder
17 of the term.
- 18 5. An elected member of the council may not serve more than three consecutive terms. If
19 an individual is appointed to complete a vacancy, that service is not counted as a term,
20 for purposes of this section, unless the duration of that service exceeds one year.
- 21 6. If a district fails to elect a district representative under section 4.1-02-05 due to the
22 unavailability of a participating producer within the district, the vacant office must be
23 filled on an at large basis. By a majority vote of the council, the council shall appoint a
24 participating producer from another district to represent that district until the next

1 election. The at large participating producer appointed to represent the district may
2 seek re-election as the district representative from the district in which the participating
3 producer was appointed under this section.

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

6 **4.1-02-12. Assessment.**

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

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

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

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

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