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

HOUSE BILL NO. 1109
(Representatives Mueller, Hofstad)
(At the request of the Agriculture Commissioner)

AN ACT to create and enact a new section to chapter 4-01 of the North Dakota Century Code, relating to meetings of commodity groups; and to amend and reenact sections 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 Dakota Century Code, or in the alternative to amend and reenact sections 4.1-02-01, 4.1-02-03, 4.1-02-09, 4.1-06-03, 4.1-07-01, 4.1-07-03, 4.1-07-08, 4.1-09-01, 4.1-09-04, 4.1-09-12, 4.1-10-03, 4.1-10-05, 4.1-10-06, 4.1-11-01, 4.1-11-03, and 4.1-11-08 of the North Dakota Century Code, relating to removal of the agriculture commissioner from governing bodies of commodity groups.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Commodity groups - Agriculture commissioner - Meetings.

1. The agriculture commissioner may participate, as a nonvoting member, in any regular or special meeting of a commodity group, including any executive session held by a commodity group.

2. Annually, the agriculture commissioner shall call a meeting of representatives from each commodity group for the purpose of engaging in collaborative efforts to promote and market agricultural commodities.

3. For purposes of this section, "commodity group" means the:

   a. North Dakota barley council;

   b. North Dakota beef commission;

   c. North Dakota beekeepers association;

   d. North Dakota corn utilization council;

   e. North Dakota dairy promotion commission;

   f. North Dakota dry bean council;

   g. North Dakota dry pea and lentil council;

   h. North Dakota oilseed council;

   i. North Dakota potato council;

   j. North Dakota soybean council;

   k. North Dakota turkey federation; and

   l. North Dakota wheat commission.

SECTION 2. AMENDMENT. If House Bill No. 1025 does not become effective, section 4-10.1-04 of the North Dakota Century Code is amended and reenacted as follows:

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

1. There is ~~hereby~~ established a North Dakota potato council. The council is composed of ~~the agriculture commissioner or the commissioner's designated representative, who is chairman of the council, and~~ one participating grower elected from each of the districts ~~hereinafter~~ established in this chapter. Annually, the members of the council shall elect one from among themselves to serve as the chairman.

2. Every elected council member must be a United States citizen ~~of the state~~ and a bona fide resident of and participating grower in the district that the member represents. The term of each elected member is three years and begins on July first of the year of election, except that initially one member must be elected for a three-year term, two members must be elected for two-year terms, and two members must be elected for one-year terms as designated by the commissioner. An elected member of the council may not serve more than two consecutive three-year terms.

3. If at any time during a member's term ~~that~~ the member ceases to possess any of the qualifications provided for in this chapter, that member's office is deemed vacant and the council shall appoint another qualified participating grower for the remainder of the term of the office vacated.

4. The commissioner shall conduct all elections under this section in each district in ~~such~~ a manner ~~as~~ the commissioner ~~deems~~ determines fair and reasonable. All ~~such~~ elections must be conducted in the month of June. ~~No elected member of the council is eligible to serve more than two consecutive three-year terms.~~

SECTION 3. AMENDMENT. If House Bill No. 1025 does not become effective, section 4-10.2-03 of the North Dakota Century Code is amended and reenacted as follows:

4-10.2-03. North Dakota oilseed council - Membership - Election - Term.

1. The North Dakota oilseed council is composed of:

   a. One participating sunflower grower elected from each of the districts established in section 4-10.2-04;

   b. One participating canola grower elected from each of the districts established in section 4-10.2-04.1;

   c. One participating safflower grower appointed by the governor;

   d. One participating crambe grower appointed by the governor;

   e. One participating flax grower appointed by the governor; and

   f. One member appointed by the director of the agricultural experiment station.

2. The chairman of the council must be a member of the council elected by a majority vote of the council. ~~The commissioner is an ex officio member of the council.~~

3. a. Every elected and appointed council member must be a United States citizen ~~of the state~~.

   b. The elected member who is a sunflower grower must be a bona fide resident of and participating sunflower grower in the district the member represents.

   c. The elected member who is a canola grower must be a bona fide resident of and participating canola grower in the district the member represents.

4. a. The term of each elected member who is a sunflower grower is three years and begins on April first of the year of election, except that initially two members must be elected for a three-year term; two members must be elected for a two-year term; and two members must be elected for a one-year term as designated by the commissioner.

   b. The term of each elected member who is a canola grower is three years and begins on April first of the year of election, except that initially one member must be elected for a three-year term; one member must be elected for a two-year term; and one member must be elected for a one-year term as designated by the commissioner.

   c. The term of the elected member who is a sunflower grower from district seven must coincide with the term of the elected member who is a sunflower grower from district six.

   d. The term of each appointed member is three years and begins on April first of the year of the appointment. Initially, the term of the member who is a flax grower must be for three years, the term of the member appointed by the director of the agricultural experiment station must be for two years, and the term of the member who is a safflower grower must be for two years.

5. If at any time during a member's term the member ceases to possess any of the qualifications provided for in this chapter, the member's office is deemed vacant and the remaining members of the council shall appoint another qualified participating grower for the remainder of the vacated term.

6. The commissioner, or a county agent designated by the commissioner, in cooperation with the North Dakota state university extension service, shall conduct elections under this section in each district in the manner the commissioner determines fair and reasonable. All elections must be conducted before April first of each year.

7. No elected or appointed member of the council is eligible to serve more than four consecutive three-year terms.

SECTION 4. AMENDMENT. If House Bill No. 1025 does not become effective, section 4-10.3-03 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The North Dakota dry bean council is composed of one participating grower elected from each of the districts established in section 4-10.3-04. The chairman of the council must be a member of the council elected by a majority vote of the council. ~~The agriculture commissioner is an ex officio member of the council.~~

2. Every elected council member must be a United States citizen ~~of the state~~ and a bona fide resident of and participating grower in the district the member represents.

3. The term of each elected member is three years and begins on April first of the year of election, except that initially one member must be elected for a three-year term; two members must be elected for two-year terms; and two members must be elected for one-year terms as designated by the commissioner.

4. If at any time during a member's term the member ceases to possess any of the qualifications provided for in this chapter, the member's office is deemed vacant and the council ~~shall~~, by majority vote, shall appoint another qualified participating grower for the remainder of the term of the office vacated.

5. The commissioner, or a county agent designated by the commissioner, in cooperation with the cooperative extension service, shall conduct all elections under this section in each

district in the manner the commissioner ~~deems~~ determines fair and reasonable. Elections must be held before April first of each year.

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

SECTION 5. AMENDMENT. If House Bill No. 1025 does not become effective, section 4-10.4-03 of the North Dakota Century Code is amended and reenacted as follows:

4-10.4-03. Council - Membership - Election - Term. The council is composed of one participating grower elected from each of the districts established in section 4-10.4-04. The chairman of the council must be an elected member of the council elected by a majority vote of the council. ~~The commissioner is an ex-officio member of the council and does not have a vote.~~ Every elected council member must be a United States citizen ~~of the state~~ and a bona fide resident of and participating grower in the district the member represents. The term of each elected member is three years and begins on April first of the year of election, except that initially two members must be elected for a three-year term; two members must be elected for a two-year term; and one member must be elected for a one-year term as designated by the commissioner. Notwithstanding the terms provided for members elected before August 1, 1997, the board, before December 31, 1997, shall determine by lot the order of subsequent elections for its members so that two members are elected for a four-year term during 1998, and one member is elected for a four-year term during each of the subsequent three years. The term of each member elected after July 31, 1997, is four years and begins on April first of the year of election. If at any time during a member's term a member ceases to possess any of the qualifications provided for in this chapter, the member's office is deemed vacant and the remaining members of the council shall appoint another qualified participating grower for the remainder of the term of the office vacated. The commissioner, or a county agent designated by the commissioner, in cooperation with the cooperative extension service, shall conduct all elections under this section in each district in the manner the commissioner ~~deems~~ determines fair and reasonable. All such elections must be completed ~~prior to~~ before expiration of the members' terms. No member serving on the council before August 1, 1997, is eligible to serve more than two consecutive four-year terms. No member elected to the council after July 31, 1997, is eligible to serve more than three consecutive four-year terms.

SECTION 6. AMENDMENT. If House Bill No. 1025 does not become effective, section 4-10.5-02 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 7. AMENDMENT. If House Bill No. 1025 does not become effective, section 4-10.7-02 of the North Dakota Century Code is amended and reenacted as follows:

4-10.7-02. Dry pea and lentil council - Membership - Term. There is a North Dakota dry pea and lentil council. The council is composed of one participating grower elected from each of the districts established in section 4-10.7-04. The chairman of the council must be a member of the council elected by a majority vote of the council. ~~The agriculture commissioner is an ex officio member of the council.~~ Every elected member of the council must be a United States citizen ~~of the state~~ and a bona fide resident of and participating grower in the district the member represents. The term of each elected member is three years and begins on April first of the year of election, except that initially one member must be elected for a three-year term; two members must be elected for two-year terms; and two members must be elected for one-year terms as designated by the commissioner. If at any time during a member's term the member ceases to possess any of the qualifications provided for in this chapter, the member's office is deemed vacant and the council, by majority vote, shall appoint another qualified grower from the affected district for the remainder of the term of the office vacated. No elected member of the council is eligible to serve more than three consecutive three-year terms.

SECTION 8. AMENDMENT. If House Bill No. 1025 does not become effective, section 4-27-04 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 9. AMENDMENT. Section 4.1-02-01 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:

4.1-02-01. Definitions. As used in this chapter:

1. "Barley" means all varieties of barley harvested in the state.

2. ~~"Commissioner" means the agriculture commissioner or the commissioner's designee.~~

~~3.~~ "Council" means the North Dakota barley council.

~~4.~~ 3. "First purchaser" means any person accepting for shipment or otherwise acquiring barley from a producer. The term includes a mortgagee, pledgee, lienor, or other person having a claim against the producer, if the actual or constructive possession of the barley is taken as partial payment or in satisfaction of the mortgage, pledge, lien, or claim.

~~5.~~ 4. "Participating producer" means a producer that has not applied for a refund under section 4.1-02-16 during the preceding twelve months.

~~6.~~ 5. "Producer" means any person that:

a. Plants or causes to be planted a barley crop in which the person has an ownership interest, with the intent that upon maturity the crop will be harvested;

b. Will have met the requirements of subdivision a during the next available growing season; or

c. Has met the requirements of subdivision a during the immediately preceding growing season.

SECTION 10. AMENDMENT. Section 4.1-02-03 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:

4.1-02-03. Council - Membership - Election - Term.

1. The council consists of one individual elected from each district established in section 4.1-02-02 ~~and the commissioner, who is a nonvoting member~~.

2. Each member of the council~~, other than the commissioner,~~ must be a resident of and a participating producer in the district that the member represents.

3. The term of each elected member is four years and begins on April first. The terms must be staggered so that no more than two terms expire each year.

4. If at any time during a member's term the member ceases to possess any of the qualifications provided for in this section, the member's office is deemed vacant and the council, by majority vote, shall appoint another qualified producer for the remainder of the term.

5. An elected member of the council may not serve more than three consecutive terms. If an individual is appointed to complete a vacancy, that service is not counted as a term, for purposes of this section, unless the duration of that service exceeds one year.

SECTION 11. AMENDMENT. Section 4.1-02-09 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:

4.1-02-09. Council members - Compensation. Each member of the council~~, except the commissioner,~~ is entitled to receive compensation in the amount established by the council, but not exceeding seventy-five dollars per day plus reimbursement for expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the council.

SECTION 12. AMENDMENT. Section 4.1-06-03 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:

4.1-06-03. North Dakota dry bean council - Membership - Term.

1. The council consists of one participating producer elected from each of the districts established in section 4.1-06-02 ~~and the commissioner, who is a nonvoting member~~.

2. Each member of the council must be a United States citizen.

3. Each member of the council~~, other than the commissioner,~~ must be a resident of and participating producer in the district that the member represents.

4. The term of each elected member is three years and begins on April first following the member's election. The terms must be staggered so that no more than two expire each year.

5. If at any time during a member's term the member ceases to possess any of the qualifications provided for in this chapter, the member's office is deemed vacant and the council, by majority vote, shall appoint another qualified producer for the remainder of the term.

6. An elected member of the council may not serve more than three consecutive terms. If an individual is appointed to complete a vacancy, that service is not counted as a term, for purposes of this section, unless the duration of that service exceeds one year.

SECTION 13. AMENDMENT. Section 4.1-07-01 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:

4.1-07-01. Definitions. As used in this chapter:

1. ~~"Commissioner" means the agriculture commissioner or the commissioner's designee.~~

~~2.~~ "Council" means the North Dakota dry pea and lentil council.

~~3.~~ 2. "Dry peas and lentils" include chickpeas, lupins, and fava beans.

~~4.~~ 3. "First purchaser" means any person accepting for sale or otherwise acquiring dry peas and lentils from a grower after harvest. The term includes a mortgagee, pledgee, lienor, and any person having a claim against the producer, when the actual or constructive possession of dry peas and lentils is taken as partial payment or in satisfaction of a mortgage, pledge, lien, or claim.

~~5.~~ 4. "Participating producer" means a producer that has not applied for a refund under section 4.1-07-15 for at least three years.

~~6.~~ 5. "Producer" means any person that:

a. Plants or causes to be planted a dry pea and lentil crop in which the person has an ownership interest, with the intent that upon maturity the crop will be harvested;

b. Will have met the requirements of subdivision a during the next available growing season; or

c. Has met the requirements of subdivision a during the immediately preceding growing season.

SECTION 14. AMENDMENT. Section 4.1-07-03 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:

4.1-07-03. Dry pea and lentil council - Membership - Term.

1. The council consists of one participating producer elected from each district established in section 4.1-07-02 ~~and the commissioner~~.

2. Each member of the council must be a United States citizen.

3. Each member of the council~~, other than the commissioner,~~ must be a resident of and participating producer in the district that the member represents.

4. The term of each elected member is three years and begins on April first following the member's election. The terms must be staggered so that no more than two expire each year.

5. If at any time during a member's term the member ceases to possess any of the qualifications provided for in this chapter, the member's office is deemed vacant and the council, by majority vote, shall appoint another qualified producer for the remainder of the term.

6. An elected member of the council may not serve more than three consecutive terms.

7. If an individual is appointed to complete a vacancy, that service is not counted as a term for purposes of this section unless the duration of that service exceeds one year.

SECTION 15. AMENDMENT. Section 4.1-07-08 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:

4.1-07-08. Council members - Compensation. ~~Except for the agriculture commissioner, each~~ Each member of the council is entitled to receive compensation in the amount established by the council but not exceeding seventy-five dollars per day plus reimbursement for expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the council.

SECTION 16. AMENDMENT. Section 4.1-09-01 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:

4.1-09-01. Definitions. As used in this chapter:

1. ~~"Commissioner" means the agriculture commissioner or the commissioner's designee.~~

~~2.~~ "Council" means the North Dakota oilseed council.

~~3.~~ 2. "First purchaser" means any person that buys, accepts for shipment, or otherwise acquires oilseeds from a producer. The term includes a mortgagee, pledgee, lienor, and any other person having a claim against a producer if the actual or constructive possession of the oilseed is taken as partial payment or in satisfaction of the mortgage, pledge, lien, or claim.

~~4.~~ 3. "Oilseeds" include canola, crambe, flax, rapeseed, safflowers, and sunflowers.

~~5.~~ 4. "Participating producer" means a producer that has not applied for a refund under section 4.1-09-19 during the preceding twelve months.

~~6.~~ 5. "Producer" means any person that:

a. Plants or causes to be planted an oilseed crop in which the person has an ownership interest, with the intent that upon maturity the crop will be harvested;

b. Will have met the requirements of subdivision a during the next available growing season; or

c. Has met the requirements of subdivision a during the immediately preceding growing season.

SECTION 17. AMENDMENT. Section 4.1-09-04 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:

4.1-09-04. North Dakota oilseed council - Membership - Term.

1. The council consists of:

   a. One participating sunflower producer elected from each of the seven districts established in section 4.1-09-02;

   b. One participating canola producer elected from each of the three districts established in section 4.1-09-03;

   c. One participating safflower producer appointed by the governor;

   d. One participating flax producer appointed by the governor;

   e. (1) One participating producer of an oilseed other than sunflowers, canola, safflowers, or flax, appointed by the governor; or

      (2) One participating producer of any oilseed, appointed by the governor, if the governor is unable to appoint a participating producer who meets the requirements of paragraph 1; <u>and</u>

   f. One individual appointed by the director of the agricultural experiment station~~; and~~

   ~~g. The agriculture commissioner, who is a nonvoting member~~.

2. Each member of the council who represents a district must be a resident of and participating producer in that district.

3. a. The term of each member who represents a sunflower district is three years and begins on April first following the member's election. The terms of members who represent sunflower districts must be staggered so that:

      (1) No more than three expire in any one year; and

      (2) The term of the member who represents Bottineau, Burke, Divide, Renville, McHenry, McLean, Mountrail, Ward, and Williams Counties is identical to that of the member who represents Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, McKenzie, Mercer, Morton, Oliver, Sioux, Slope, and Stark Counties.

   b. The term of each member who represents a canola district is three years and begins on April first following the member's election. The terms of members who represent canola districts must be staggered so that no more than one term expires in any one year.

   c. The term of each member who is appointed is three years and begins on April first following the member's appointment. The terms of members who are appointed must be staggered so that no more than two expire in any one year.

4. If at any time a member of the council ceases to possess any of the qualifications required by this section, the member's office is deemed vacant.

   a. If the office was held by an elected member, the remaining members of the council shall appoint another qualified producer for the remainder of the term.

   b. If the office was held by a gubernatorial appointee, the governor shall appoint another qualified producer.

   c. If the office was held by an appointee of the director of the agricultural experiment station, the director shall appoint another qualified individual.

5. A member of the council may not serve more than four consecutive terms.

6. If an individual is appointed to complete a vacancy, that service is not counted as a term for purposes of this section unless the duration of that service exceeds one year.

SECTION 18. AMENDMENT. Section 4.1-09-12 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:

4.1-09-12. Council members - Compensation. Each member of the council, except the ~~agriculture commissioner and the~~ individual appointed by the director of the agricultural experiment station, is entitled to receive compensation in the amount established by the council but not exceeding seventy-five dollars per day plus reimbursement for expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the council.

SECTION 19. AMENDMENT. Section 4.1-10-03 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:

4.1-10-03. North Dakota potato council - Membership - Term.

1. The North Dakota potato council is composed of~~:~~

   ~~a.~~ ~~One~~ one participating producer elected from each of the five districts established in section 4.1-10-02~~; and~~

   ~~b.~~ ~~The agriculture commissioner, who serves as the chairman~~.

2. Each member of the council must be a United States citizen.

3. Each member of the council~~, other than the commissioner,~~ must be a resident of and participating producer in the district that the member represents.

4. The term of each elected member is three years and begins on July first following the member's election. The terms must be staggered so that no more than two expire each year.

5. If at any time during a member's term that member ceases to possess any of the qualifications provided for in this chapter, that member's office is deemed vacant and the council shall appoint another qualified producer for the remainder of the term.

6. An elected member of the council may not serve more than two consecutive terms.

7. If an individual is appointed to complete a vacancy, that service is not counted as a term, for purposes of this section, unless the duration of that service exceeds one year.

SECTION 20. AMENDMENT. Section 4.1-10-05 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:

4.1-10-05. Chairman - Meetings. Annually, the council shall elect one member to serve as the chairman. The chairman shall call all meetings of the council and shall call a special meeting of the council within seven days when petitioned to do so by three council members.

SECTION 21. AMENDMENT. Section 4.1-10-06 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:

4.1-10-06. Council members - Compensation. Each member of the council~~, except the agriculture commissioner,~~ is entitled to receive compensation in the amount established by the council

but not exceeding seventy-five dollars per day plus reimbursement for expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the council.

SECTION 22. AMENDMENT. Section 4.1-11-01 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:

4.1-11-01. Definitions. As used in this chapter:

1. ~~"Commissioner" means the agriculture commissioner or the commissioner's designee.~~

~~2.~~ "Council" means the North Dakota soybean council.

~~3.~~ 2. "Designated handler" means any person that initially places soybeans into the channels of trade and commerce or any person that processes soybeans into food for human consumption.

~~4.~~ 3. a. "Producer" means any person that:

(1) Plants or causes to be planted a soybean crop in which the person has an ownership interest, with the intent that upon maturity the crop will be harvested;

(2) Will have met the requirements of paragraph 1 during the next available growing season; or

(3) Has met the requirements of paragraph 1 during the immediately preceding growing season.

b. The term does not include an organic producer that has been exempted from the payment of assessments, in accordance with federal law.

SECTION 23. AMENDMENT. Section 4.1-11-03 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:

4.1-11-03. North Dakota soybean council - Membership - Terms.

1. The council consists of one producer elected from each of the eight districts established in section 4.1-11-02 ~~and the commissioner~~.

2. Each member of the council~~, except the commissioner,~~ must be a resident of and a producer in the district that the member represents.

3. The term of each elected member is three years and begins on April first following the member's election. The terms must be staggered so that no more than three expire each year.

4. If at any time during a member's term the member ceases to possess any of the qualifications provided for in this section, the member's office is deemed vacant and the council, by majority vote, shall appoint another qualified producer to serve for the remainder of the term.

5. An elected member of the council may not serve more than two consecutive terms.

6. If an individual is appointed to complete a vacancy, that service is not counted as a term for purposes of this section unless the duration of that service exceeds one year.

SECTION 24. AMENDMENT. Section 4.1-11-08 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:

4.1-11-08. Council members - Compensation. Each member of the council~~, except the agriculture commissioner,~~ is entitled to receive compensation in the amount established by the council but not exceeding seventy-five dollars per day plus reimbursement for expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the council.

_____	_____
Speaker of the House	President of the Senate
_____	_____
Chief Clerk of the House	Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1109.

House Vote:	Yeas	89	Nays	0	Absent	5
Senate Vote:	Yeas	47	Nays	0	Absent	0

_____
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