

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

HOUSE BILL NO. 1413
(Representatives Mueller, Hofstad, D. Johnson)
(Senators Flakoll, Klein, Taylor)

AN ACT to create and enact a new section to chapter 4-10.6 of the North Dakota Century Code or in the alternative to create and enact section 4.1-04-04.1 of the North Dakota Century Code, relating to corn utilization council elections; and to amend and reenact sections 4-10.6-02 and 4-10.6-08 of the North Dakota Century Code or in the alternative to amend and reenact sections 4.1-04-04 and 4.1-04-10 of the North Dakota Century Code, relating to corn assessments.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4-10.6-02 of the North Dakota Century Code is amended and reenacted as follows:

4-10.6-02. North Dakota corn utilization council - Members - Election - Term.

1. The North Dakota corn utilization council must be composed of one member elected from each district established by section 4-10.6-03. The chairman of the council must be a member of the council elected by a majority vote of the council. Each member must be a resident of and participating grower in the district the member represents. The term of each member is four years, beginning on April first of the year of election, except that initially three members must be elected for four-year terms; two members must be elected for three-year terms; and two members must be elected for two-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 required by this chapter, the member's office is deemed vacant and the council shall appoint a qualified participating grower from any district to complete the term of office.
2. ~~The council shall administer conduct all elections and may request the assistance of the commissioner. Elections must be conducted no later than April first of each year. Before the expiration of a member's term, the council shall appoint a nominating committee made up of participating growers who reside in the member's district. The committee shall nominate a resident participating grower as a candidate for the office. Additional candidates may be nominated by a written petition of five growers from the district as follows:~~
 - a. No later than March first of the year in which the term of a council member is to expire, the extension agent for each county in that member's district shall hold a meeting of corn producers for the purpose of electing a county representative.
 - b. The county extension agent shall publish notice of the meeting in the official newspaper of the county for two consecutive weeks. The last notice must be published no fewer than five nor more than ten days before the meeting.
 - c. The meeting must be held within the county.
 - d. During the meeting, the county extension agent shall conduct the election.
 - e. Any producer who resides in the county and who did not request a refund during the preceding year may vote in the election.

- f. The county extension agent shall canvass the votes, notify the director of the North Dakota state university extension service and the council that the election has taken place, and provide to the director and the council the name and address of the newly elected county representative.
3. Subsection 2 does not apply if the extension agent for a county, in consultation with the executive director of the county farm service agency office, determines and notifies the council that no corn producers willing to serve as county representatives reside within the county.
4. No council member may serve more than two consecutive four-year terms.
5. When a member's office is vacant, the council, ~~before beginning the nominating process,~~ shall notify growers of the vacancy and pending election by letter or by publishing a conspicuous notice of the vacancy, in the official newspaper of every county in the district.

SECTION 2. A new section to chapter 4-10.6 of the North Dakota Century Code is created and enacted as follows:

Election of district representative - Council member.

1. Upon receiving the notice required by subdivision f of subsection 2 of section 4-10.6-02, the director of the North Dakota state university extension service shall call a meeting of all county representatives in the district represented by the member whose term is to expire.
2. The director shall notify each county representative in the district of the meeting, by registered mail, at least five days before the meeting.
3. The meeting must be held within the district.
4. At the meeting, the county representatives shall elect one from among themselves to serve as the council member from that district.
5. The director shall notify the governor and the council that the election has taken place and shall provide to the governor and the council the name and address of the newly elected council member.

SECTION 3. AMENDMENT. Section 4-10.6-08 of the North Dakota Century Code is amended and reenacted as follows:

4-10.6-08. Assessment. ~~Effective July 1, 1994~~ Until the commissioner certifies that a national corn checkoff is in effect, an assessment at the rate of one-quarter of one percent of the value of a bushel must be levied and imposed upon all corn marketed purchased by the first designated handler in this state, until a national corn checkoff is implemented. This assessment is due upon any identifiable lot or quantity of corn.

SECTION 4. AMENDMENT. Section 4.1-04-04 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:

4.1-04-04. Election of ~~council member~~ county representative.

1. a. No later than ~~January~~ March first of the year in which the term of a council member is to expire, the ~~council shall appoint an nominating committee consisting of at least two producers who reside in the council member's district and who have not requested a refund under section 4.1-04-13 during the preceding year.~~
2. ~~No later than February first, the committee shall nominate a qualified producer as a candidate for council membership.~~

- ~~3. Other qualified producers may become candidates for council membership by submitting to the council, no later than March first, a petition signed by at least five producers who reside in the district to be represented.~~
- ~~4. a. If a qualified producer submits a petition in accordance with subsection 3, the council shall:
 - (1) Determine the date, time, and place for the election;
 - (2) Publish that information in the official newspaper of each county in the district for two consecutive weeks;
 - (3) Prepare the ballots; and
 - (4) Conduct the election.~~
~~b. If a qualified producer does not submit a petition in accordance with subsection 3, and the only candidate for council membership is the individual recommended by the nominating committee, the council shall waive the election requirements and declare that the individual recommended by the nominating committee is the new council member.~~
- ~~5. Any producer who resides in the district and who did not request a refund under section 4.1-04-13 during the preceding year may vote in the election.~~
- ~~6. The council shall provide to the governor the name and address of the new council member extension agent for each county in that member's district shall hold a meeting of corn producers for the purpose of electing a county representative.
 - b. The county extension agent shall publish notice of the meeting in the official newspaper of the county for two consecutive weeks. The last notice must be published no fewer than five nor more than ten days before the meeting.
 - c. The meeting must be held within the county.
 - d. During the meeting, the county extension agent shall conduct the election.
 - e. Any producer who resides in the county and who did not request a refund during the preceding year may vote in the election.
 - f. The county extension agent shall canvass the votes, notify the director of the North Dakota state university extension service and the council that the election has taken place, and provide to the director and the council the name and address of the newly elected county representative.~~
- ~~2. Subsection 1 does not apply if the extension agent for a county, in consultation with the executive director of the county farm service agency office, determines and notifies the council that no corn producers willing to serve as county representatives reside within the county.~~

SECTION 5. Section 4.1-04-04.1 of the North Dakota Century Code is created and enacted as follows:

4.1-04-04.1. Election of district representative - Council members.

1. Upon receiving the notice required by subdivision f of subsection 1 of section 4.1-04-04, the director of the North Dakota state university extension service shall call a meeting of all county representatives in the district represented by the member whose term is to expire.

2. The director shall notify each county representative in the district of the meeting, by registered mail, at least five days before the meeting.
3. The meeting must be held within the district.
4. At the meeting, the county representatives shall elect one from among themselves to serve as the council member from that district.
5. The director shall notify the governor and the council that the election has taken place and shall provide to the governor and the council the name and address of the newly elected council member.

SECTION 6. AMENDMENT. Section 4.1-04-10 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:

4.1-04-10. Assessment. Until the commissioner certifies that a national corn checkoff is in effect, an assessment at the rate of one-quarter of one percent of the value of a bushel must be imposed upon all corn ~~grown and sold~~ purchased by the first designated handler in this state.

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. 1413.

House Vote: Yeas 93 Nays 0 Absent 1

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