

CHAPTER 4.1-11 SOYBEAN COUNCIL

4.1-11-01. Definitions.

As used in this chapter:

1. "Council" means the North Dakota soybean council.
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.
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.

4.1-11-02. Soybean districts - Establishment.

1. The state consists of the following eight soybean districts:
 - a. Richland County;
 - b. Dickey, LaMoure, Ransom, and Sargent Counties;
 - c. Cass County;
 - d. Barnes, Griggs, and Steele Counties;
 - e. Traill County;
 - f. Grand Forks County;
 - g. Pembina, Nelson, and Walsh Counties; and
 - h. All other North Dakota counties in which soybeans are grown.
2. Beginning April 1, 2012, the state consists of the following twelve soybean districts:
 - a. District one: Richland County;
 - b. District two: Ransom and Sargent Counties;
 - c. District three: Dickey and LaMoure Counties;
 - d. District four: Cass County;
 - e. District five: Barnes County;
 - f. District six: Stutsman County;
 - g. District seven: Grand Forks and Traill Counties;
 - h. District eight: Griggs, Nelson, and Steele Counties;
 - i. District nine: Eddy, Foster, and Wells Counties;
 - j. District ten: Cavalier, Pembina, and Walsh Counties;
 - k. District eleven: Benson, Bottineau, Burke, Divide, McHenry, Mountrail, Pierce, Ramsey, Renville, Rolette, Towner, Ward, and Williams Counties; and
 - l. District twelve: Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, Logan, McIntosh, McKenzie, McLean, Mercer, Morton, Oliver, Sheridan, Sioux, Slope, and Stark Counties.

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

1. The council consists of one producer elected from each of the districts established in section 4.1-11-02.
2. Each member of the council must be a resident of and a producer in the district that the member represents.
3. a. The term of each elected member is three years and begins on April first following the member's election. Except as otherwise provided in this subsection, the terms must be staggered so that no more than three expire each year.

- b. Notwithstanding subdivision a, the terms of all council members expire on March 31, 2012. Between January 1, 2012, and March 31, 2012, each district established by subsection 2 of section 4.1-11-02 shall elect an individual to serve as a council member with a term beginning April 1, 2012. The initial terms of individuals elected to begin serving as council members on April 1, 2012, are:
 - (1) One year for council members representing districts one, five, seven, and nine;
 - (2) Two years for council members representing districts two, eight, ten, and twelve; and
 - (3) Three years for council members representing districts three, four, six, and eleven.
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.

4.1-11-04. Election of county representative.

1. Before January first, the council shall identify each district represented by a council member whose term is about to expire and notify the extension agent for each county in that member's district that an election to select a county representative must occur before March first.
2. Each year during the month of January, the council shall publish notice of the election in the official newspaper of the county for one week. The notice must contain a description of the election process, a request for the nomination of potential candidates for the position, and a deadline for the receipt of all nominations.
3. In order for a nomination to be valid, it must be submitted to the county extension agent in writing and signed by a nominating producer who resides in the county. The county extension agent shall determine if a nomination is valid. A decision by the county extension agent under this subsection is final.
4. The county extension agent shall:
 - a. Compile all valid nominations;
 - b. Contact each nominee to determine if the nominee consents to being on the ballot; and
 - c. Forward the name of each nominee to the council.
5. The council shall prepare the election ballots and mail to each producer of record in the county:
 - a. A ballot;
 - b. A stamped self-addressed return envelope;
 - c. Instructions for completing and returning the ballot; and
 - d. A statement indicating the last date by which the ballots must be postmarked or filed with the county extension agent.
6. The council shall publish notice of the pending election in the official newspaper of the county for one week. The notice must announce the election, provide information regarding the manner in which a producer may obtain a ballot if one was not received by mail, and indicate the deadline by which all ballots must be returned.
7. Any producer who resides in the county may vote in the election.
8. Immediately after the passing of the deadline by which the ballots must be returned, the county extension agent shall:
 - a. Tabulate the ballots;
 - b. 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; and
 - c. Notify the newly elected county representative.

9. Subsections 1 through 8 do not apply if the county extension agent, in consultation with the executive director of the county farm service agency office, determines and notifies the council that no soybean producers willing to serve as county representatives reside within the county.

4.1-11-05. Election of council member - District representative.

1. Upon receiving notice that the election has taken place, as required by subsection 8 of section 4.1-11-04, 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. At the discretion of the director of the North Dakota state university extension service, the meeting may be held by any means, including by conference call or other electronic medium. If the meeting requires physical presence at a particular location, that location must be 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 council that the election has taken place and shall provide to the council the name and address of the newly elected council member.
6. If the county representatives fail to elect an individual, as required by this section, the director of the North Dakota state university extension service shall notify the council and the council shall appoint a producer from the district to serve as the district's council member. An individual appointed under this subsection has the same rights, duties, and privileges as an elected council member.

4.1-11-06. Election costs - Responsibility.

All costs of holding county and district elections are the responsibility of the council.

4.1-11-07. Election of chairman - Meetings.

1. Annually, the council shall elect one member to serve as the chairman.
2. 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.

4.1-11-08. Council members - Compensation.

Each member of the council is entitled to receive compensation in the amount established by the council but not exceeding one hundred thirty-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.

4.1-11-09. Council powers.

The council may:

1. Expend moneys collected pursuant to this chapter for its administration;
2. Employ, bond, and compensate necessary personnel;
3. Accept gifts, grants, and donations of money, property, and services to carry out this chapter;
4. Contract with any person for any purpose permitted under this chapter;
5. Sue and be sued; and
6. Do all things necessary and proper to enforce and administer this chapter.

4.1-11-10. Council duties.

1. The council shall develop policies and initiate programs to promote the development of markets for and increase the utilization of soybeans grown in this state.
2. The council shall develop and disseminate information regarding the purpose of the soybean assessment and ways in which the assessment benefits soybean producers.

3. The council shall determine the uses for which any moneys raised under this chapter may be expended. The uses may include the funding of research, education programs, and market development efforts, as well as participation in programs under the auspices of national soybean promotion organizations.

4.1-11-11. Assessment.

An assessment equaling one-half of one percent of the value of the sale must be imposed upon all soybeans sold to a designated handler.

4.1-11-12. Collection of assessment by designated handler - Records.

1. Each designated handler shall collect the assessment from the seller by deducting the assessment from the purchase price of all soybeans subject to the assessment.
2. Each designated handler shall keep all records regarding the quantity of soybeans received and assessed for a period of three years.
3. All records required by this section may be examined by the council upon request.

4.1-11-13. Quarterly report - Submission to council.

At the time and in the manner prescribed by the council, each designated handler shall file with the council a quarterly report stating the quantity of all soybeans that the handler purchased and assessed.

4.1-11-14. Submission of assessments - Civil penalty.

Each designated handler shall forward to the council all assessments collected by the handler within thirty days after the end of each calendar quarter. If a designated handler fails to submit the assessments as required by this section, the council shall increase the amount owed by two percent each month, beginning with the day following that on which the assessments came due.

4.1-11-15. Continuing appropriation.

The council shall forward all moneys received under this chapter to the state treasurer for deposit in the soybean fund. All moneys in the soybean fund are appropriated on a continuing basis to the council to be used exclusively to carry out this chapter.

4.1-11-16. Penalty.

Any person willfully violating this chapter is guilty of a class B misdemeanor.