

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1272

Introduced by

Representatives Headland, Brandenburg, Mueller, Nicholas

Senators Erbele, Klein

1 A BILL for an Act to amend and reenact section 4-28-03 of the North Dakota Century Code,
2 relating to membership of the wheat commission; and to provide for a legislative council study.

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

4 **SECTION 1. AMENDMENT.** Section 4-28-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **4-28-03. Wheat commission - Members.** ~~There is hereby created the~~

7 1. The North Dakota state wheat commission ~~which~~ consists of seven members.

8 One member must be appointed or elected from each of the districts of the state
9 established by ~~the provisions of~~ this chapter and one member must be appointed
10 or elected from the state at large. Each member, except the member from the
11 state at large, must be a ~~bona fide~~ resident of and a qualified elector in the district
12 the member represents; and must have farming operations in such the district, and
13 ~~must have been actually engaged in the production of wheat and have derived a~~
14 ~~substantial portion of the member's income therefrom for at least five years next~~
15 ~~preceding the member's appointment or election.~~ The member from the state at
16 large must have similar qualifications except as limited by district lines. An
17 individual is not eligible to be a member of the wheat commission if that individual
18 requested a refund under section 4-28-07 during the twelve-month period before
19 the date on which the term sought by the individual would commence. This
20 ineligibility does not apply to an individual who requested a refund because of an
21 overpayment, as provided in subdivision c of subsection 2 of section 4-28-07.
22 Each member of the wheat commission must be actively engaged in the
23 production of wheat. A member of the wheat commission who elects not to plant
24 wheat for one growing cycle may continue to serve on the commission if the

1 member continues to be actively involved in farming. If a member elects not to
2 plant wheat for more than one growing cycle, the member is deemed to have
3 resigned and the commission shall declare the member's office vacant. A member
4 of the wheat commission is not eligible to receive a refund under section 4-28-07;
5 however, a member may request a refund because of an overpayment, as
6 provided in subdivision c of subsection 2 of section 4-28-07. The commission may
7 declare a member's position vacant if the member fails to attend two consecutive
8 commission meetings.

9 2. Not more than sixty days prior to expiration of the term of the member from the
10 state at large, a nominating committee consisting of the agriculture commissioner,
11 the president of the North Dakota crop improvement association, the director of the
12 North Dakota agricultural experiment station, the director of the North Dakota state
13 university extension service, the president of the North Dakota farm bureau, the
14 president of the North Dakota farmers union, the president of the North Dakota
15 grain dealers association, the president of the North Dakota grain growers
16 association, and an individual who is a resident of this state and a member of the
17 United States durum growers association, or their duly authorized representatives,
18 shall submit to the governor a list of three names and within sixty days after
19 expiration of the term the governor shall appoint, from the nominees so named, the
20 member at large to the commission.

21 3. Each member of the commission shall hold office for a term of four years and until
22 the member's successor has been selected and has qualified except that the
23 commissioners elected and serving from the first and fourth districts shall hold
24 office for terms ending on June 30, 1984; the commissioners elected and serving
25 from the second and fifth districts shall hold office for terms ending on June 30,
26 1985; and the commissioners elected and serving from the third and sixth districts
27 shall hold office for terms ending on June 30, 1982; and the commissioner
28 appointed and serving as the state at large member shall hold office for a term
29 ending on June 30, 1983. No producer is entitled to serve more than three terms.

30 4. At least sixty days prior to the expiration of the term of office of a commissioner
31 representing any district, a meeting of producers must be held in each county in

1 the district for the purpose of electing a county representative. The county agent
2 shall call such meeting by publishing notice in the official newspaper of the county
3 for two successive weeks, the last publication to be not less than five nor more
4 than ten days prior to the meeting. The meeting must be held at a central location
5 within the county and must be called to order by the county agent. The county
6 agent, in cooperation with the cooperative extension service, shall conduct all
7 elections under this section in each county in the manner the county agent deems
8 fair and reasonable, except that a producer may vote only in the producer's county
9 of residence. Votes must be canvassed by the county agent and certified by the
10 county agent with the name and post-office address of the elected county
11 representative to the director of the North Dakota state university extension service
12 who shall thereupon, as expeditiously as possible, call a meeting of the county
13 representatives of the district. Notice of such meeting must be sent to each county
14 representative by registered or certified mail not less than five days prior to the
15 meeting which must be held at a central location within the district. At such district
16 meeting, the county representatives shall elect one of their number as the district
17 member of the commission. The ballots at such meeting must be canvassed by
18 the North Dakota state university extension service and the result of election
19 certified to the governor by the director. To be eligible to hold the position of
20 county representative, an individual must be actively engaged in the production of
21 wheat. A county representative who elects not to plant wheat for one growing
22 cycle may continue to serve as a county representative if the individual continues
23 to be actively involved in farming. If a county representative elects not to plant
24 wheat for more than one growing cycle, the member is deemed to have resigned
25 and the commission shall declare the member's position vacant. Additional
26 meetings of county representatives may be called by the state wheat commission
27 for the purpose of promoting its programs. All expenses of all such meetings and
28 elections must be paid from commission funds. County representatives must be
29 reimbursed for expenses necessarily incurred in attending meetings and
30 performing other official duties on the same basis as other state officers.

1 5. Any vacancy occurring on the commission other than by expiration of term of office
2 must be filled by the county representatives who shall elect one of their number as
3 the district member of the commission for the remainder of the unexpired term. If
4 the vacancy is from the state at large, appointment must be made from three
5 nominations submitted by the nominating committee as in the case of the original
6 appointment.

7 **SECTION 2. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider
8 studying, during the 2005-06 interim, the feasibility and desirability of revising the process for
9 appointing or electing individuals to the North Dakota wheat commission. The legislative
10 council shall report its findings and recommendations, together with any legislation required to
11 implement the recommendations, to the sixtieth legislative assembly.