

**HOUSE BILL NO. 1302**

Introduced by

Representatives D. Johnson, DeKrey, Mueller

Senators Flakoll, Miller

1 A BILL for an Act to amend and reenact sections 4.1-11-02, 4.1-11-03, 4.1-11-04, and 4.1-11-05  
2 of the North Dakota Century Code, relating to soybean council elections.

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

4 **SECTION 1. AMENDMENT.** Section 4.1-11-02 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **4.1-11-02. Soybean districts - Establishment.**

7 1. The state consists of the following eight soybean districts:

8 1. a. Richland County;

9 2. b. Dickey, LaMoure, Ransom, and Sargent Counties;

10 3. c. Cass County;

11 4. d. Barnes, Griggs, and Steele Counties;

12 5. e. Traill County;

13 6. f. Grand Forks County;

14 7. g. Pembina, Nelson, and Walsh Counties; and

15 8. h. All other North Dakota counties in which soybeans are grown.

16 2. Beginning April 1, 2012, the state consists of the following twelve soybean districts:

17 a. District one: Richland County;

18 b. District two: Ransom and Sargent Counties;

19 c. District three: Dickey and LaMoure Counties;

20 d. District four: Cass County;

21 e. District five: Barnes County;

22 f. District six: Stutsman County;

23 g. District seven: Grand Forks and Traill Counties;

24 h. District eight: Griggs, Nelson, and Steele Counties;

- 1           i. District nine: Eddy, Foster, and Wells Counties;
- 2           j. District ten: Cavalier, Pembina, and Walsh Counties;
- 3           k. District eleven: Benson, Bottineau, Burke, Divide, McHenry, Mountrail, Pierce,
- 4                 Ramsey, Renville, Rolette, Towner, Ward, and Williams Counties; and
- 5           l. District twelve: Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden
- 6                 Valley, Grant, Hettinger, Kidder, Logan, McIntosh, McKenzie, McLean, Mercer,
- 7                 Morton, Oliver, Sheridan, Sioux, Slope, and Stark Counties.

8           **SECTION 2. AMENDMENT.** Section 4.1-11-03 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10           **4.1-11-03. North Dakota soybean council - Membership - Terms.**

- 11           1. The council consists of one producer elected from each of the eight districts
- 12                 established in section 4.1-11-02.
- 13           2. Each member of the council must be a resident of and a producer in the district that
- 14                 the member represents.
- 15           3. a. The term of each elected member is three years and begins on April first
- 16                 following the member's election. ~~The~~Except as otherwise provided in this
- 17                 subsection, the terms must be staggered so that no more than three expire each
- 18                 year.
- 19           b. Notwithstanding subdivision a, the terms of all council members expire on
- 20                 March 31, 2012. Between January 1, 2012, and March 31, 2012, each district
- 21                 established by subsection 2 of section 4.1-11-02 shall elect an individual to serve
- 22                 as a council member with a term beginning April 1, 2012. The initial terms of
- 23                 individuals elected to begin serving as council members on April 1, 2012, are:
- 24                 (1) One year for council members representing districts one, five, seven, and
- 25                 nine;
- 26                 (2) Two years for council members representing districts two, eight, ten, and
- 27                 twelve; and
- 28                 (3) Three years for council members representing districts three, four, six, and
- 29                 eleven.
- 30           4. If at any time during a member's term the member ceases to possess any of the
- 31                 qualifications provided for in this section, the member's office is deemed vacant and

1 the council, by majority vote, shall appoint another qualified producer to serve for the  
2 remainder of the term.

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

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

6 **SECTION 3. AMENDMENT.** Section 4.1-11-04 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **4.1-11-04. Election of county representative.**

- 9 1. a. No later than March ~~first~~thirty-first of the year in which the term of a council  
10 member is to expire, the extension agent for each county in that member's district  
11 shall ~~hold a meeting of soybean producers for the purpose of electing~~conduct an  
12 election to select a county representative.
- 13 b. Before February first, the county extension agent shall forward a letter to each  
14 producer residing in the county. The letter must contain a description of the  
15 election process, a request for the nomination of potential candidates, and a  
16 deadline for the receipt of nominations.
- 17 c. The county extension agent shall publish notice ~~of the meeting~~ in the official  
18 newspaper of the county for two consecutive weeks. The notice must contain a  
19 description of the election process, a request for the nomination of potential  
20 candidates, and a deadline for the receipt of nominations. The last notice must be  
21 published no fewer than five nor more than ten days before the meeting.
- 22 e. ~~The meeting must be held within the county.~~
- 23 d. ~~During the meeting, the county extension agent shall conduct the election.~~
- 24 e. ~~Any producer who resides in the county may vote in the election.~~
- 25 f. ~~The deadline for the receipt of nominations.~~
- 26 d. In order for a nomination to be valid, the nomination must be submitted in writing  
27 and be signed by the nominating producer, who must reside in the county. The  
28 county extension agent shall determine if a nomination is valid. A decision by the  
29 county extension agent under this subsection is final.
- 30 e. The county extension agent shall:
- 31 (1) Compile all valid nominations;

- 1           (2) Contact each nominee to determine if the nominee consents to being on the  
2           ballot;
- 3           (3) Prepare the ballot; and
- 4           (4) Before March first, mail to each producer in the county the ballot,  
5           instructions for completing and returning the ballot, and notice of the  
6           deadline by which the ballot must be returned.
- 7           f. The county extension agent shall publish notice of the pending election in the  
8           official newspaper of the county for two consecutive weeks. The notice must  
9           announce the election, provide information regarding the manner in which a  
10          producer may obtain a ballot, and indicate the deadline by which all ballots must  
11          be returned. The last notice must be published no fewer than ten days before the  
12          deadline by which the ballots must be returned.
- 13          g. Any producer who resides in the county may vote in the election.
- 14          h. Immediately after the passing of the deadline by which the ballots must be  
15          returned, the county extension agent shall canvass the votes tabulate the ballots,  
16          notify the director of the North Dakota state university extension service and the  
17          council that the election has taken place, and provide to the director and the  
18          council the name and address of the newly elected county representative.
- 19          2. Subsection 1 does not apply if the county extension agent, in consultation with the  
20          executive director of the county farm service agency office, determines and notifies the  
21          council that no soybean producers willing to serve as county representatives reside  
22          within the county.
- 23          3. For purposes of this section, the council shall provide to the county extension agent a  
24          list of producers in the county. The list shall consist of information gathered and  
25          retained by the council within the scope of its normal operations. A county extension  
26          agent may rely on the information provided by the council and may take other steps as  
27          the agent deems necessary to supplement the information.

28           **SECTION 4. AMENDMENT.** Section 4.1-11-05 of the North Dakota Century Code is  
29   amended and reenacted as follows:

1       **4.1-11-05. Election of council member - District representative.**

2       1. Upon receiving the notice that the election has taken place, as required by  
3       subdivision ~~fh~~ of subsection 1 of section 4.1-11-04, the director of the North Dakota  
4       state university extension service shall call a meeting of all county representatives in  
5       the district represented by the member whose term is to expire.

6       2. The director shall notify each county representative in the district of the meeting by  
7       registered mail at least five days before the meeting.

8       3. ~~The meeting~~At the discretion of the director of the North Dakota state university  
9       extension service, the meeting may be held by any means, including by conference  
10      call or other electronic medium. If the meeting requires physical presence at a  
11      particular location, that location must be held within the district.

12      4. At the meeting, the county representatives shall elect one from among themselves to  
13      serve as the council member from that district.

14      5. The director shall notify ~~the governor and~~ the council that the election has taken place  
15      and shall provide to the ~~governor and~~ the council the name and address of the newly  
16      elected council member.

17      6. If the county representatives fail to elect an individual, as required by this section, the  
18      director of the North Dakota state university extension service shall notify the council  
19      and the council shall appoint a producer from the district to serve as the district's  
20      council member. An individual appointed under this subsection has the same rights,  
21      duties, and privileges as an elected council member.