

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

HOUSE BILL NO. 1302
(Representatives D. Johnson, DeKrey, Mueller)
(Senators Flakoll, Miller)

AN ACT to amend and reenact sections 4.1-11-02, 4.1-11-03, 4.1-11-04, and 4.1-11-05 of the North Dakota Century Code, relating to soybean council elections.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

4.1-11-02. Soybean districts - Establishment.

1. The state consists of the following eight soybean districts:
 1. a. Richland County;
 2. b. Dickey, LaMoure, Ransom, and Sargent Counties;
 3. c. Cass County;
 4. d. Barnes, Griggs, and Steele Counties;
 5. e. Traill County;
 6. f. Grand Forks County;
 7. g. Pembina, Nelson, and Walsh Counties; and
 8. 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

- I. 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.

SECTION 2. AMENDMENT. Section 4.1-11-03 of the North Dakota Century Code 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.
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. ~~The~~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.

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

4.1-11-04. Election of county representative.

1.
 - 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 soybean 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 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 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.~~
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, each county extension agent required to conduct an election in accordance with this section 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 county extension agent 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.

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

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

1. Upon receiving the notice that the election has taken place, as required by subdivision fh of subsection 1 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. ~~The meeting~~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 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.
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.

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-second Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1302.

House Vote: Yeas 92 Nays 0 Absent 2

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,

at _____ o'clock _____ M.

Secretary of State