

Fifty-ninth
Legislative Assembly
of North Dakota

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.

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. Each
17 member of the wheat commission must be actively engaged in the production of
18 wheat. A member of the wheat commission who elects not to plant wheat for one
19 growing cycle may continue to serve on the commission if the member continues to
20 be actively involved in farming. If a member elects not to plant wheat for more than
21 one growing cycle, the member is deemed to have resigned and the commission
22 shall declare the member's office vacant.

23 2. Not more than sixty days prior to expiration of the term of the member from the
24 state at large, a nominating committee consisting of the agriculture commissioner,

1 the president of the North Dakota crop improvement association, the director of the
2 North Dakota agricultural experiment station, the director of the North Dakota state
3 university extension service, the president of the North Dakota farm bureau, the
4 president of the North Dakota farmers union, the president of the North Dakota
5 grain dealers association, the president of the North Dakota grain growers
6 association, and an individual who is a resident of this state and a member of the
7 United States durum growers association, or their duly authorized representatives,
8 shall submit to the governor a list of three names and within sixty days after
9 expiration of the term the governor shall appoint, from the nominees so named, the
10 member at large to the commission.

11 3. Each member of the commission shall hold office for a term of four years and until
12 the member's successor has been selected and has qualified except that the
13 commissioners elected and serving from the first and fourth districts shall hold
14 office for terms ending on June 30, 1984; the commissioners elected and serving
15 from the second and fifth districts shall hold office for terms ending on June 30,
16 1985; and the commissioners elected and serving from the third and sixth districts
17 shall hold office for terms ending on June 30, 1982; and the commissioner
18 appointed and serving as the state at large member shall hold office for a term
19 ending on June 30, 1983. No producer is entitled to serve more than three terms.

20 4. At least sixty days prior to the expiration of the term of office of a commissioner
21 representing any district, a meeting of producers must be held in each county in
22 the district for the purpose of electing a county representative. The county agent
23 shall call such meeting by publishing notice in the official newspaper of the county
24 for two successive weeks, the last publication to be not less than five nor more
25 than ten days prior to the meeting. The meeting must be held at a central location
26 within the county and must be called to order by the county agent. The county
27 agent, in cooperation with the cooperative extension service, shall conduct all
28 elections under this section in each county in the manner the county agent deems
29 fair and reasonable. Votes must be canvassed by the county agent and certified
30 by the county agent with the name and post-office address of the elected county
31 representative to the director of the North Dakota state university extension service

1 who shall thereupon, as expeditiously as possible, call a meeting of the county
2 representatives of the district. Notice of such meeting must be sent to each county
3 representative by registered or certified mail not less than five days prior to the
4 meeting which must be held at a central location within the district. At such district
5 meeting, the county representatives shall elect one of their number as the district
6 member of the commission. The ballots at such meeting must be canvassed by
7 the North Dakota state university extension service and the result of election
8 certified to the governor by the director. Additional meetings of county
9 representatives may be called by the state wheat commission for the purpose of
10 promoting its programs. All expenses of all such meetings and elections must be
11 paid from commission funds. County representatives must be reimbursed for
12 expenses necessarily incurred in attending meetings and performing other official
13 duties on the same basis as other state officers.

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