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Sixty-sixth Legislative Assembly of North Dakota

publication requirements.

Introduced by

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FIRST DRAFT: Prepared by the Legislative Council staff for the Judiciary Committee

April 2018

2	subdivision b of subsection 1 of section 4.1-04-04, subdivision b of subsection 1 of section
3	4.1-07-04, subdivision b of subsection 1 of section 4.1-09-05, subdivision b of subsection 1 of
4	section 4.1-09-06, section 4.1-11-04, subsection 2 of section 4.1-13-05, sections 11-11-11,
5	11-11-35, 11-11-37, and 16.1-15-32 of the North Dakota Century Code, relating to notice and

A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 4.1-02-04,

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 8 **SECTION 1. AMENDMENT.** Subdivision b of subsection 1 of section 4.1-02-04 of the North 9 Dakota Century Code is amended and reenacted as follows:
 - b. The county extension agentcouncil 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.
 - **SECTION 2. AMENDMENT.** Subdivision b of subsection 1 of section 4.1-04-04 of the North Dakota Century Code is amended and reenacted as follows:
 - b. The county extension agentcouncil 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.
 - **SECTION 3. AMENDMENT.** Subdivision b of subsection 1 of section 4.1-07-04 of the North Dakota Century Code is amended and reenacted as follows:
 - b. The county extension agent council 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.
 - **SECTION 4. AMENDMENT.** Subdivision b of subsection 1 of section 4.1-09-05 of the North Dakota Century Code is amended and reenacted as follows:

1		b.	The county extension agentcouncil shall publish notice of the meeting in the		
2			official newspaper of the county for two consecutive weeks. The last notice must		
3			be published no fewer than five nor more than ten days before the meeting.		
4	SEC	TION	5. AMENDMENT. Subdivision b of subsection 1 of section 4.1-09-06 of the North		
5	Dakota (Centu	ry Code is amended and reenacted as follows:		
6		b.	The county extension agentcouncil shall publish notice of the meeting in the		
7			official newspaper of the county for two consecutive weeks. The last notice must		
8			be published no fewer than five nor more than ten days before the meeting.		
9	SECTION 6. AMENDMENT. Section 4.1-11-04 of the North Dakota Century Code is				
10	amended and reenacted as follows:				
11	4.1-	11-04	. Election of county representative.		
12	1.	Befo	ore January first, the council shall identify each district represented by a council		
13		men	nber whose term is about to expire and notify the extension agent for each county		
14		in th	at member's district that an election to select a county representative must occur		
15		befo	re March first.		
16	2.	Eacl	h year during the month of January, each county extension agent required to		
17		conc	duct an election in accordance with this sectionthe council shall publish notice of		
18		the e	election in the official newspaper of the county for one week. The notice must		
19		cont	ain a description of the election process, a request for the nomination of potential		
20		cano	didates for the position, and a deadline for the receipt of all nominations.		
21	3.	In or	der for a nomination to be valid, it must be submitted to the county extension		
22		ager	nt in writing and signed by a nominating producer who resides in the county. The		
23		cour	nty extension agent shall determine if a nomination is valid. A decision by the		
24		cour	nty extension agent under this subsection is final.		
25	4.	The	county extension agent shall:		
26		a.	Compile all valid nominations;		
27		b.	Contact each nominee to determine if the nominee consents to being on the		
28			ballot; and		
29		C.	Forward the name of each nominee to the council.		
30	5.	The	council shall prepare the election ballots and mail to each producer of record in		
31		the o	county:		

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1		a.	A ballot;			
2		b.	A stamped self-addressed return envelope;			
3		c.	Instructions for completing and returning the ballot; and			
4		d.	A statement indicating the last date by which the ballots must be postmarked or			
5			filed with the county extension agent.			
6	6.	The	e county extension agentcouncil shall publish notice of the pending election in the			
7		offic	cial newspaper of the county for one week. The notice must announce the election,			
8		pro	vide information regarding the manner in which a producer may obtain a ballot if			
9		one	was not received by mail, and indicate the deadline by which all ballots must be			
10		retu	urned.			
11	7.	Any	producer who resides in the county may vote in the election.			
12	8.	Imn	nediately after the passing of the deadline by which the ballots must be returned,			
13		the	county extension agent shall:			
14		a.	Tabulate the ballots;			
15		b.	Notify the director of the North Dakota state university extension service and the			
16			council that the election has taken place and provide to the director and the			
17			council the name and address of the newly elected county representative; and			
18		C.	Notify the newly elected county representative.			
19	9.	Sub	osections 1 through 8 do not apply if the county extension agent, in consultation			
20		with	the executive director of the county farm service agency office, determines and			
21		noti	fies the council that no soybean producers willing to serve as county			
22		rep	resentatives reside within the county.			
23	SECTION 7. AMENDMENT. Subsection 2 of section 4.1-13-05 of the North Dakota Century					
24	Code is	ame	nded and reenacted as follows:			
25	2.	The	e county extension agentcommission shall publish notice of the meeting in the			
26		offic	cial newspaper of the county for two consecutive weeks. The last notice must be			
27		pub	lished no fewer than five nor more than ten days before the meeting.			
28	SECTION 8. AMENDMENT. Section 11-11-11 of the North Dakota Century Code is					
29	amende	d an	d reenacted as follows:			
30	11-11-11. General duties of board of county commissioners.					

The board of county commissioners:

- Shall superintend the fiscal affairs of the county.
- 2 2. Shall supervise the conduct of the respective county officers.
- May cause to be audited and verified the accounts of all officers having the custody,
 management, collection, or disbursement of any moneys belonging to the county or
 received in their official capacity.
 - 4. Before MarchNovember fifteenth of each year, shall have the county auditor prepare general purpose financial statements in accordance with generally accepted accounting principles. Public notice that financial statements have been prepared and are available for inspection must be published in the official newspaper.
- **SECTION 9. AMENDMENT.** Section 11-11-35 of the North Dakota Century Code is amended and reenacted as follows:

11-11-35. Board to keep records of proceedings.

The board of county commissioners shall keep a book in which all orders and decisions made by it shall beis recorded. Such The book shall must be known as "a record of the proceedings of the board of county commissioners". All orders and vouchers for the allowance and payment of moneys from the county treasury shall must state on what account and to whom the allowance is made. The same shall order or voucher must be dated and numbered with the number of the warrant issued in payment thereof. Approval of orders and vouchers shall must be recorded in the record of the proceedings and this shall be, which is sufficient to indicate approval without requiring a majority of the board to sign or initial the orders and vouchers.

Orders and vouchers for payment of moneys from the county treasury are not required to be published in the minutes or report of the official proceedings.

SECTION 10. AMENDMENT. Section 11-11-37 of the North Dakota Century Code is amended and reenacted as follows:

11-11-37. Proceedings of board of county commissioners to be published in official newspaper - When published.

The board of county commissioners shall supply to the official newspaper of the county or publish to the official website of the county a full and complete report of its official proceedings at each regular and special meeting no later than seven days after the meeting at which the report is read and approved. The publisher of the official newspaper shall publish the report in

- 1 the issue of the paper next succeeding the time of its reception and shall file with the county
- 2 auditor an affidavit of publication executed in the proper form.
- 3 **SECTION 11. AMENDMENT.** Section 16.1-15-32 of the North Dakota Century Code is
- 4 amended and reenacted as follows:
- 5 16.1-15-32. County auditor to publish returns of election.
- The county auditor shall cause to be published publish in tabular form in the official county
- 7 newspaper or the official website of the county the vote by precincts for each officer and each
- 8 proposition voted for at any primary, special, or general election. The published in the official
- 9 <u>county newspaper, the</u> publication must be paid for at a rate not to exceed the rate paid for
- 10 publishing the proceedings of the board of county commissioners.