

**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 firstthirty 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 electingconduct 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 ~~c. 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. Thedeadline 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 announce~~  
9 ~~the election, provide information regarding the manner in which a producer may obtain~~  
10 ~~a ballot, and indicate the deadline by which all ballots must be returned. The last~~  
11 ~~notice must be published no fewer than ten days before the deadline by which the~~  
12 ~~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.~~      **SECTION 3.**

28 **AMENDMENT.** Section 4.1-11-04 of the North Dakota Century Code is amended and  
29 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

1           county extension agent shall determine if a nomination is valid. A decision by the  
2           county extension agent under this subsection is final.

3           4.   The county extension agent shall:

4           a.   Compile all valid nominations;

5           b.   Contact each nominee to determine if the nominee consents to being on the  
6           ballot; and

7           c.   Forward the name of each nominee to the council.

8           5.   The council shall prepare the election ballots and mail to each producer of record in  
9           the county:

10          a.   A ballot;

11          b.   A stamped self-addressed return envelope;

12          c.   Instructions for completing and returning the ballot; and

13          d.   A statement indicating the last date by which the ballots must be postmarked or  
14          filed with the county extension agent.

15          6.   The county extension agent shall publish notice of the pending election in the official  
16          newspaper of the county for one week. The notice must announce the election,  
17          provide information regarding the manner in which a producer may obtain a ballot if  
18          one was not received by mail, and indicate the deadline by which all ballots must be  
19          returned.

20          7.   Any producer who resides in the county may vote in the election.

21          8.   Immediately after the passing of the deadline by which the ballots must be returned,  
22          the county extension agent shall:

23          a.   Tabulate the ballots;

24          b.   Notify the director of the North Dakota state university extension service and the  
25          council that the election has taken place and provide to the director and the  
26          council the name and address of the newly elected county representative; and

27          c.   Notify the newly elected county representative.

28          9.   Subsections 1 through 8 do not apply if the county extension agent, in consultation  
29          with the executive director of the county farm service agency office, determines and  
30          notifies the council that no soybean producers willing to serve as county  
31          representatives reside within the county.

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

3       **4.1-11-05. Election of council member - District representative.**

- 4       1. Upon receiving the notice that the election has taken place, as required by  
5       subdivision fh of subsection 1 of section 4.1-11-04, the director of the North Dakota  
6       state university extension service shall call a meeting of all county representatives in  
7       the district represented by the member whose term is to expire.
- 8       2. The director shall notify each county representative in the district of the meeting by  
9       registered mail at least five days before the meeting.
- 10      3. ~~The meeting~~At the discretion of the director of the North Dakota state university  
11      extension service, the meeting may be held by any means, including by conference  
12      call or other electronic medium. If the meeting requires physical presence at a  
13      particular location, that location must be held within the district.
- 14      4. At the meeting, the county representatives shall elect one from among themselves to  
15      serve as the council member from that district.
- 16      5. The director shall notify ~~the governor and~~ the council that the election has taken place  
17      and shall provide to the ~~governor and~~ the council the name and address of the newly  
18      elected council member.
- 19      6. If the county representatives fail to elect an individual, as required by this section, the  
20      director of the North Dakota state university extension service shall notify the council  
21      and the council shall appoint a producer from the district to serve as the district's  
22      council member. An individual appointed under this subsection has the same rights,  
23      duties, and privileges as an elected council member.