

SENATE BILL NO. 2144

Introduced by

Senators Klein, Myrdal, Wanzek

Representatives Boe, C. Johnson, D. Johnson

1 A BILL for an Act to amend and reenact sections 4.1-06-03 and 4.1-06-04 of the North Dakota
2 Century Code, relating to elections of members to the North Dakota dry bean council.

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

4 **SECTION 1. AMENDMENT.** Section 4.1-06-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **4.1-06-03. North Dakota dry bean council - Membership - Term.**

- 7 1. The council consists of one participating producer elected from each of the districts
8 established in section 4.1-06-02.
- 9 2. Each member of the council must be a United States citizen.
- 10 3. Each member of the council must be a resident of and participating producer in the
11 district that the member represents.
- 12 4. The term of each elected member is three years and begins on ~~April~~ May first following
13 the member's election. The terms must be staggered so that no more than two expire
14 each year.
- 15 5. If at any time during a member's term the member ceases to possess any of the
16 qualifications provided for in this chapter, the member's office is deemed vacant and
17 the council, by majority vote, shall appoint another qualified producer for the remainder
18 of the term.
- 19 6. An elected member of the council may not serve more than three consecutive terms. If
20 an individual is appointed to complete a vacancy, that service is not counted as a term,
21 for purposes of this section, unless the duration of that service exceeds one year.

22 **SECTION 2. AMENDMENT.** Section 4.1-06-04 of the North Dakota Century Code is
23 amended and reenacted as follows:

1 **4.1-06-04. Election of council member.**

2 1. Each year during the month of February the commissioner shall identify the districts
3 represented by council members whose terms are about to expire.

4 2. a. The commissioner shall forward to each producer residing in the district a letter
5 inviting the producer to place the producer's own name or the name of another
6 producer into nomination for election to the council.

7 b. The commissioner shall include a statement of eligibility to be completed by the
8 producer seeking election and a nomination petition to be signed by ~~ten~~four other
9 producers.

10 3. For a name to be placed on the ballot, the statement of eligibility and the nomination
11 petition must be received by the council on the date specified by the commissioner
12 which may not be later than ~~March~~April tenth.

13 4. The commissioner shall prepare election ballots and mail the ballots to the producers
14 in the district together with a statement indicating:

15 a. The last date by which the ballots must be postmarked or filed with the council;

16 b. The date, time, and location at which the council will open and tabulate the
17 ballots; and

18 c. That any participating producer may be present at the time the ballots are
19 opened and tabulated.

20 5. The date selected for the opening and tabulation of ballots must be at least five days
21 after the date by which ballots must be postmarked or filed with the council.

22 6. After the election, the council shall notify the governor that the election has taken
23 place and shall provide to the governor the name and address of the newly elected
24 council member.

25 7. If, by April tenth or the date specified by the commissioner, the council does not
26 receive any nomination petitions from eligible producers in districts represented by
27 council members whose terms are about to expire, the council may appoint an eligible
28 producer from the district to serve on the council until the seat is filled by a write-in
29 candidate in accordance with subsection 4.