

February 26, 2021

The Honorable Larry Luick  
Chairman, Senate Agriculture Committee  
North Dakota Senate  
North Dakota State Capitol  
600 East Boulevard Ave.  
Bismarck, ND 58505

Re: Information Relative to HB 1145

Chairman Luick and Members of the Senate Agriculture Committee:

For the record, my name is Austin Langley, Chairman of the North Dakota Soybean Council. I farm and ranch with my Dad and uncles near Warwick, North Dakota.

Thank you for your time today to provide information relative to HB 1145. My oral and written testimony is provided by the North Dakota Soybean Council (NDSC) for educational and informational purposes only.

I would like to walk you quickly through the bill and the four points of change that are limited and pragmatic technical updates to the North Dakota Century Code chapter for the North Dakota Soybean Council. These changes are proposed to ensure continued good governance of the NDSC.

There is no fiscal note or appropriation attached to this bill.

**1. Change NDSC board of director terms to begin July 1**

- a. Currently, NDSC board of director terms begin April 1 and conclude March 31.
- b. We operate on the state fiscal year of July 1 – June 30, thus board member terms do not align with our fiscal year.
- c. This change would align board member terms to the NDSC fiscal year.
- d. Newly elected directors would have the opportunity to observe the June funding meeting rather than requiring them to vote on investments with which they are not yet familiar.
- e. It will allow more time for critical board member training. This training currently takes place the first week of April, and our staff strives to complete training before farmers begin spring work.
- f. This change will also put the NDSC in alignment with the ND Wheat Commission and ND Beef Commission Century Code for board member terms.

**2. Allow NDSC election process to begin annually on December 1**

- a. In 2011, the ND Legislature approved the NDSC to conduct the election of directors via mail ballot process.
- b. We are grateful to the ND State University Extension Agents around the state who help conduct the NDSC elections to ensure integrity and security of this process.
- c. While the process is successful, there is a need for more time to conduct the full election process - to help the Extension Agents have ample time for their work in the election process and because rural mail delivery times slow up more each year.

- d. The current process for posting election notices, mailing nomination forms to producers, mailing of completed nomination forms, confirming nominees, compiling and printing ballots, mailing ballots to producers, and mailing completed ballots back requires approximately a minimum of 51 business days.
- e. Currently Century Code allows the NDSC to begin election work January 1 and must conclude by March 30. This only allows for approximately 58 business days to conduct the election.
- f. This does not give any flexibility for rural mail routes that slow more and more each year, mail forwarding for any snowbirds who are not at their farm address but still wish to participate in the election, holidays that fall on business days, or weather interruptions.
- g. The change to begin the elections process on December 1 would give NDSC approximately 79 business days to complete the elections process. The additional business days will help to ensure producers have enough time to complete and return nomination forms and ballots and be able to fully participate in their election process.

### **3. Clarify definition of Council Member**

- a. Currently, Council members (or directors) are defined in Century Code as being “a resident of *and a producer* in the district that the member represents.”
- b. This update is a simple language change to read, “Each member of the Council must be a resident of the district that the member represents.”
- c. This ensures the ability to confirm producer eligibility to vote in the NDSC election based on county of residence, as determined by U.S. Postal Service mailing address.
- d. It brings clarification to any situation in which a producer may farm in one county but reside in another county, which might be in a different district.
- e. The change will eliminate redundancy, as “producer” is defined in the first section of the code and is a requirement to serve on the NDSC, and thus need not be repeated here.
- f. This change follows precedence already established in century code for the corn, wheat, and barley commodity groups.

### **4. NDSC shall review soybean district composition at least every 7 years, and re-district if needed to ensure equitable representation of all North Dakota soybean producers.**

- a. NDSC examined and adjusted the districts in the state in 2011 when North Dakota harvested 3.9 million acres of soybeans.
- b. Since 2011, soybean acres have been as high as 7 million acres, which is nearly double the acres since NDSC reorganized from 8 to 12 districts.
- c. Upon review at least once every seven years, should a need for redistricting be identified, this would allow (following a 2/3 majority vote) NDSC board of directors to propose reorganizing districts, to ensure equitable representation.
  - (i.e. A significant change in production regions or change of acres could result in a district not having sufficient representation on the board.)
- d. This does not allow for an increase in the number of soybean districts nor increase of board size.

Mr. Chairman, Members of the Committee, thank you for your time. This concludes my testimony today. I am happy to stand for any questions.

Respectfully Submitted,

Austin Langley  
Chairman  
ND Soybean Council