2025 SENATE AGRICULTURE AND VETERANS AFFAIRS

SB 2139

2025 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee
Fort Union Room, State Capitol

SB 2139
1/17/2025

A bill relating to the fees for recording and rerecording livestock brands.

10:15 a.m. Chairman Luick opened the hearing.

Members present: Chairman Luick, Vice-Chair Myrdal, Senator Marcellais, Senator Weston, Senator Weber, Senator Lemm

Discussion Topics:

- North Dakota Stockmen's Association
- Brand recording program
- Past adjusted fees
- Registered brand explanation
- Renewal and non-renewal year income
- Appropriation
- Full Time Employees
- Financial stability
- Fractional increase

10:15 a.m. Senator Dale Patten, District 26, introduced the bill.

10:16 a.m. Joe Shettler, Chairman of the ND Brand Board, ND Stockmen's Association, testified in favor and submitted testimony #30461 for Julie Ellingson, .

10:22 a.m. Frank Tomac, rancher, testified in opposition and submitted testimony #29724.

Additional written testimony:

Jeremy Maher, rancher, submitted testimony #29687 in opposition.

Ronald Volk, Sentinel Butte, ND, submitted testimony #29738 in opposition.

10:25 a.m. Chairman Luick closed the hearing.

Audrey Oswald, Committee Clerk

Chairman Luick and Senate Agriculture and Veterans Affairs Committee,

My name is Jeremy Maher, and I ranch in Sioux County, ND.

I strongly oppose SB 2161 due to its proposal to raise the brand fee by 100%, an excessive and unwarranted increase. While a modest adjustment of 5-10% may be justifiable, a 100% hike raises serious concerns about the necessity and fairness of such an action. This level of increase would place an undue financial burden on ranchers, many of whom are already facing significant economic challenges. I respectfully urge you to amend this bill to propose a more reasonable and measured increase, ensuring that it reflects necessity rather than excess.

Respectfully,

Jeremy Maher

Senator Luick and members of the Senate Agriculture and Veterans Affairs Committee

I'm Frank Tomac, rancher in Sioux County;

I am opposed to SB 2139.
Doubling the brand recording fee is not necessary and puts an additional burden on the cattle producers of the state of North Dakota especially producers like me that have multiple brands to accommodate my kids.
There are currently over 21,000 brands recorded in North Dakota, and renewed every 5 years. At the current rate of $25/brand, that's $105,000/ year. In my estimation, that's more than adequate money to pay for the full-time brand recorder and an office space to do that recording. Especially with the ease of electronic brand recording.

I ask you please vote with a Do Not Pass recommendation.

Thank You,

Frank

Ron Volk
4800 County Rd 11
Sentinel Butte, ND 58654
701-218-0352
ronvolk1873@gmail.com

16th January 2025

Opposition to SB2139 Increasing the brand registration from $25 to $50

Dear Senate Committee Members,

I am opposed to this bill on the basis that its 100% increase with no reason behind it? What is the extra money going to be used for? Most increases are incremental 10%, 20% etc. 100% increase is extreme no matter what the dollar amounts, therefore I urge a DO NOT PASS.

Sincerely,

Ron Volk

North Dakota Stockmen's Association
SB 2139
Senate Agriculture and Veterans Affairs Committee
Fort Union Room
Jan. 17, 2025

Good morning, Chairman Luick and members of the Senate Agriculture and Veterans Affairs Committee. For the record, my name is Julie Ellingson, and I represent the North Dakota Stockmen's Association, a 95-year-old beef cattle trade organization representing approximately 3,100 members from across the state. The Stockmen's Association also has a unique statutory responsibility to administer the brand recording program on behalf of the State of North Dakota.

As Sen. Patten described, SB 2139 is a straight-forward bill, adjusting the brand recording and rerecording fee from $25 to $50. This is not something we ask for very often. In fact, the last time the fee was adjusted was 22 years ago, in 2003.

It is important to understand that, in North Dakota, a registered brand is like the title to your vehicle, but for your animals, and has a five-year shelf life before it needs to be renewed in order to keep active. So, essentially, the cost to register or renew a brand in North Dakota is currently $5 per year or, prospectively under this bill, $10 per year.

There are more than 20,000 brands registered in the state, and they all come due at the same time. Consequently, there is substantial income on a renewal year and the subsequent grace-period year; however, on the three remaining years after that, there is little revenue to run the program, other than that obtained from mid-cycle new brands, transfers and

2025 Brand Recording Fees and Information

North Dakota	New brands, transfers and renewals are $25.00. Duplicate cards are $5.00. 5-year renewal.
Arizona	New brand or amending an existing brand is $75.00. Transfers are $25.00. 5-year renewal are $50.00
Montana	New brands: $200.00, new freeze brand, $210.00* $100 of the application fee is non-refundable if a brand is not registered/issued. Transfers: $200, Ornamental Brands: $200. 10-year renewal.
California	New brands are $70.00. Recording at $70.00 entitles the applicant to use the brand until the following April 1. At that time, the brand owner shall pay the biennial renewal fee of $70.00 by April 30 of that year. Transfers are $70.00.
Idaho	$50.00 to $150.00 depending on staggered expiration renewal year and alphabetical listing of brandowners. Transfes are $50.00.
Nebraska	New brands are $150.00 (left and right sides require two separate applications with separate checks of $100.00 each). Add location - $15.00 per location (same side only). Add freeze - $25.00 per side. Transfers are $40.00. Brand research $20.00 per hour and 1.00 copy. Renewal every 4 years – $50.00.
New Mexico	New brands are $100.00. Transfers are $100.00. Extra cards are $10.00. Recorded in 3-year increments up to 12 years.
Nevada	New brands are $200.00 and $35.00 application fee. Transfer fees are $200.00 and $35.00 application fee. Out-of-state brand recording for out-of-state owners of grazing animals are $35 application fee, recording of $50.00 year, renewed annually. Renewal 5 years at $200.00 plus $35.00.
Oregon	New brands are $25.00 per animal/species. Transfers are $25.00. Renewals are $15.00. 4-year staggered renewal.

2025 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee
Fort Union Room, State Capitol

SB 2139
01/23/2025

A bill relating to the fees for recording and rerecording livestock brands.

9:27 a.m. Chairman Luick opened the hearing.

Members present: Chairman Luick, Vice-Chair Myrdal, Senator Marcellais, Senator Weston, Senator Weber, Senator Lemm

Discussion Topics:

- Committee action

9:27 a.m. Senator Weber moved a Do Pass.

9:27 a.m. Senator Weston seconded the motion.

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Randy D. Lemm	Y
Senator Richard Marcellais	Y
Senator Mark F. Weber	Y
Senator Kent Weston	Y

Motion passed 6-0-0.

Senator Weber will carry the bill.

9:29 a.m. Chairman Luick closed the hearing.

Audrey Oswald, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2139 (25.0581.01000)

Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2139 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

2025 HOUSE AGRICULTURE

SB 2139

2025 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Room JW327C, State Capitol

SB 2139
3/6/2025

A BILL for an Act to amend and reenact section 4.1-73-14 of the North Dakota Century Code, relating to the fees for recording and rerecording livestock brands.

11:21 a.m. Chairman Beltz opened the meeting.

Members Present: Chairman Beltz, Vice Chairman Hauck, Representatives Anderson, Dobervich, Henderson, Hoverson, Kiefert, Nehring, Olson, Rios, Schreiber-Beck, Tveit, Vollmer

Member Absent: Representative Holle

Discussion Topics:

- Statutory requirements
- 5-year cycle
- Stager registrations
- Brand board resolution
- Audit reports

11:22 a.m. Julie Ellington, ND Stockmen's Association, testified in favor and submitted testimony #39282.

11:23 a.m. Senator Dale Patten, District 26, Watford City, ND, introduced and testified.

11:46 a.m. Joe Schettler, Chairman of the Brand Board, testified in favor.

11:49 a.m. Pete Hanebutt, ND Farmer Bureau, testified in favor.

11:49 a.m. Frank Tomac, Sioux County Rancher, testified in opposition and submitted testimony #39264.

11:53 a.m. Samuel A. Wagner, Ag and Food Field Organizer, Dakota Resource Council (DRC), testified in opposition and submitted testimony #39068.

Additional written testimony:
Kari Goldade, Secretary, Independent Beef Association of North Dakota, submitted testimony in opposition #38852.
Ron Volk, Owner, Volk Ranch, Sentinel Butte, ND, submitted testimony in opposition #38856.

11:58 a.m. Chairman Beltz closed the meeting.

Diane Lillis, Committee Clerk

Chairman Beltz and the House Agriculture committee,

The Independent Beef Association of North Dakota opposes HB 2139 in its current form. A 100% increase is excessive; however, IBAND acknowledges the rising operating costs and believes a 20% increase would be fair and acceptable. IBAND urges the committee to vote against the 100% increase and consider a 20% increase in the brand registration fee instead.

Chairman Beltz and the House Agriculture Committee,

My name is Ron Volk, and I oppose SB 2139. Doubling the fee without adequate fiscal justification is irresponsible. The brand fee should increase by smaller, reasonable percentages like 10% or 20%. I recommend the committee not pass the bill as written and consider a lesser increase.

Ron Volk

Sentinel Butte, ND

Testimony SB2139

Sam Wagner
Ag and Food Field Organizer
Dakota Resource Council
1902 E Divide Ave
Bismarck ND 58501
Testimony in opposition for SB2139

To the Honorable Chairman and the members of the committee, we submit these remarks on behalf of DRC.

Mr Chairman,

We stand in opposition to this increase not because there is not a need for the increase, but because of the increase in the fee. We would respectfully request that you ensure you are not adding too much of a burden to our ranchers and that you add a 20% increase rather than a 100% increase. Another option could be that you add language to ensure that you will not raise the branding fee for at least 5-10 years.

Our ranchers would like assurance that this is not going to be a regular issue of increasing our fees.

We Recommend Do Not Pass unless with amendments

Chairman Belz, House Ag Committee members;

I'm Frank Tomac, a Sioux County Rancher, I'm opposed to SB 2139.

First of all, senate testimony from the proponents of 2139 claim our brand recording fees are the least expensive. That's correct. BUT, what they fail to tell you is the examples provided in comparison to other states for brand renewal, such as Arizona, California, Nevada, Idaho, Nebraska, etc is, all of those are ran by the State Gov't. And the whole reason the ND Stockmen's have the Brand Program is they can do it cheaper than the State Gov't. So that's not a fair comparison, it's not comparing apples to apples.

What I have presented before you are the Audit reports from 2020-2023, the 4 years which also take in part the previous renewal period. I do not have the 2024 Audit, because audits are only done every 2 years.
The brand renewal is on a 5-year cycle, and everyone's brands come due at the same time. So, there's an influx of money and an influx of expenses the first year. And actually, the first 2 years, because some producers don't get their renewals in on time and everyone is given a one-year grace period.

So, looking at the 'brand recording' part of the income and expense sheets, you'll see the totals for the 4 years are actually net-positive. And in 2024, if the brand recording loss is equivalent to the amounts from the previous 2 years, there would still be a net gain. A net gain of $104,351 over 4 years, and the previous 2 years were a net loss of about $92,000 each. So that would still be a net gain over 5 years of about $12,000.

BUT!!
What we really need to look at, is the 'BRAND PROGRAM'.
The Brand Program consists of Brand Inspection, Brand Recording and Estray.

Now, if you look at your audit reports I handed out, there's a net gain of $1,155,356 for brand inspection, $104,351 for brand recording and $522,235 for estrays for a GRAND TOTAL NET GAIN of $1,781,942!!!
So, the ND Stockmen's are not losing any money on the Brand Program, in fact they are becoming millionaires and taking advantage of all producers throughout the state.

I urge you to vote a DO NOT PASS recommendation to the full House on SB 2139.

Brand Inspection	income	expenses	Net Gain
2020	1,983,701	1,802,771	
2021	2,500,675	1,861,229	
2022	1,878,169	1,869,762	
2023	2,180,977	1,854,404	
Totals	8,543,522	7,388,166	1,155,356
Brand Recording			
2020	486,438	149,048	
2021	87,741	139,059	
2022	21,450	112,310	
2023	18,256	109,117	
	613,885	509,534	104,351
Estray			
2020	175,664	84,659	
2021	413,701	262,871	
2022	868,596	197,838	
2023	194,515	584,873	
	1,652,476	1,130,241	522,235
Brand Program Total Net Gain			**1,781,942**

NORTH DAKOTA STOCKMEN'S ASSOCIATION
Statements of Activities
For the Years Ended December 31, 2021 and 2020

	2021	2020
Changes in net assets without donor restrictions:		
Revenues:		
Association	$ 403,059	$ 319,479
Brand Inspection	2,500,675	1,983,701
Brand Recording	87,741	486,438
Environmental	164,467	585,668
Magazine	308,974	250,603
Total Revenues	3,464,916	3,625,889
Expenses:		
Association	348,226	292,146
Brand Inspection	1,861,229	1,802,771
Brand Recording	139,059	149,048
Environmental	140,450	585,395
Magazine	260,538	228,369
Total Expenses	2,749,502	3,057,729
Excess of Revenues Over (Under) Expenses Before Depreciation Expense	715,414	568,160
Less Depreciation Expense	(54,027)	(57,023)
Gain (Loss) on Disposal of Assets	-	6,982
Excess of Revenues Over (Under) Expenses	661,387	518,119
Other Sources/(Uses):		
Estray:		
Estray Income	409,869	164,879
Estray Interest Income	3,832	10,785
Estray Expenses	(262,871)	(84,659)
Total Other Sources/(Uses)	150,830	91,005
Unrealized Gain/(Loss) on Investments	16,386	25,483
Increase in net assets without donor restrictions	828,603	634,607
Net Assets, Beginning of Year	3,666,333	3,031,726
Net Assets, End of Year	$ 4,494,936	$ 3,666,333

 The accompanying notes are an integral part of these financial statements.

NORTH DAKOTA STOCKMEN'S ASSOCIATION
Statements of Activities
For the Years Ended December 31, 2023 and 2022

	2023	2022
Changes in net assets without donor restrictions:		
Revenues:		
Association	$ 496,941	$ 516,424
Brand Inspection	2,180,977	1,878,169
Brand Recording	18,256	21,450
Environmental	479,859	354,410
Magazine	318,397	338,856
Total Revenues	3,494,430	3,109,309
Net Assets Released from Restrictions	194,495	-
Total Unrestricted Revenues and Other Support	3,688,925	3,109,309
Expenses:		
Association	419,519	429,420
Brand Inspection	1,854,404	1,869,762
Brand Recording	109,117	112,310
Environmental	482,120	346,897
Magazine	347,471	283,454
Total Expenses	3,212,631	3,041,843
Excess of Revenues Over (Under) Expenses Before Depreciation Expense	476,294	67,466
Less Depreciation Expense	(52,012)	(53,109)
Gain (Loss) on Disposal of Assets	605,246	-
Excess of Revenues Over (Under) Expenses	1,029,528	14,357
Other Sources/(Uses):		
Estray:		
Estray Income	172,333	864,334
Estray Interest Income	22,182	4,262
Estray Expenses	(584,873)	(197,838)
Total Other Sources/(Uses)	(390,358)	670,758
Realized Gain/(Loss) on Investments	8,443	-
Unrealized Gain/(Loss) on Investments	16,753	(69,483)
Increase (decrease) in net assets without donor restrictions	664,366	615,632
Changes in net assets with donor restrictions:		
Contributions	164,982	30,021
Net Assets Released from Restrictions	(194,495)	-
Increase (decrease) in net assets with donor restrictions	(29,513)	30,021
Total Change in Net Assets	634,853	645,653
Net Assets, Beginning of Year	5,140,589	4,494,936
Net Assets, End of Year	$ 5,775,442	$ 5,140,589

3/6/25 2139 Julie Billingsley

2025 Brand Recording Fees and Information

North Dakota
New brands, transfers and renewals are $25.00.
Five-year renewal.

Arizona
New brand or amending an existing brand is $75.00.
Transfers are $25.00.
Five-year renewal are $50.00

Montana
New brands: $200.00, new freeze brand, $210.00.
$100.00 of the application fee is non-refundable if a brand is not registered/issued.
Transfers are $200.00.
Ornamental brands are $200.00.
10-year renewal.

California
New brands are $70.00. Recording at $70.00 entitles the applicant to use the brand until the following April 1. At that time, the brand owner shall pay the biennial renewal fee of $70.00 by April 30 of that year.
Transfers are $70.00.

Idaho
$50.00 to $150.00 depending on staggered expiration renewal year and alphabetical listing of brandowners.
Transfers are $50.00.

Nebraska
New brands are $150.00 (left and right sides require two separate applications with separate checks of $100.00 each).
Add location - $15.00 per location (same side only).
Add freeze - $25.00 per side.
Transfers are $40.00.
Brand research $20.00 per hour and $1.00 copy.
Renewal every four years – $50.00.

New Mexico
New brands are $100.00.
Transfers are $100.00.
Extra cards are $10.00.
Recorded in three-year increments up to 12 years.

Nevada
New brands are $200.00 and $35.00 application fee.
Transfer fees are $200.00 and $35.00 application fee.
Out-of-state brand recording for out-of-state owners of grazing animals are $35 application fee, recording of $50.00 year, renewed annually.
Renewal five years at $200.00 plus $35.00.

Oregon
New brands are $25.00 per species.
Transfers are $25.00.

	Renewals are $15.00. Four-year staggered renewal.
Oklahoma	New brands are $40.00. Renew every five years at $60.00.
South Dakota	Application processing $40.00 – non-refundable. Registration $50.00 + $18.00 for each year remaining in the current renewal period, each location has separate registration fee. Five-year renewal period.
Texas	New brands $26.00, but can vary by county. Renewal 10 years – recorded by county through recorder's office.
Utah	New brands are $250.00 each location. New earmarks are $250.00 for cattle/sheep. Transfers are $175.00 for each brand position and earmark. $175.00 refunded if not approved. Five-year renewal.
Washington	New brands are $132.00. Renewals are $132.00, plus $25.00 late charge if applicable. Heritage brands are $600.00. Transfers are $27.50. Four-year renewal.
Wyoming	Brand recording $200.00 - 1 species and $100.00 for each additional species – $50.00 non-refundable if not approved, $25.00 non-refundable on additional species. Abandoned brands are $400.00. Transfers are $137.50. Staggered recording every two years. New brands are good for 10 years.
Alberta	Brand renewal at $50.00 (Canadian dollars). New brands are $231.00 (Canadian dollars). Honorary brands are $288.75 (Canadian dollars). Transfers are $52.50 (Canadian dollars). $600.00 lifetime brand, $600 to transfer lifetime to someone else (Canadian dollars).
British Columbia	Brand renewal at $105.00 (Canadian dollars) for four-year renewal. Transfers are $89.25 (Canadian dollars).
Manitoba	Brand renewal at $26.25 (Canadian dollars) for five-year renewal.
Saskatchewan	New brands are $231.00 (Canadian dollars). Brand renewal at $50.00 (Canadian dollars) for four-year renewal.

2025 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Room JW327C, State Capitol

SB 2139
3/14/2025

A BILL for an Act to amend and reenact section 4.1-73-14 of the North Dakota Century Code, relating to the fees for recording and rerecording livestock brands.

10:14 a.m. Chairman Beltz opened the meeting.

Members Present: Chairman Beltz, Vice Chairman Hauck, Representatives Anderson, Dobervich, Henderson, Holle, Hoverson, Kiefert, Nehring, Olson, Rios, Schreiber-Beck, Tveit, Vollmer

Discussion Topics:

- Audited financials
- Fee increase
- Estray fund
- 3% annual increase
- Stability for livestock producers

10:32 a.m. Representative Nehring moved to amend by changing the renewal from 5 years to 10 years.

10:32 a.m. Representative Hoverson seconded the motion.

Representatives	Vote
Representative Mike Beltz	N
Representative Dori Hauck	N
Representative Karen A. Anderson	N
Representative Gretchen Dobervich	N
Representative Donna Henderson	Y
Representative Dawson Holle	N
Representative Jeff Hoverson	Y
Representative Dwight Kiefert	N
Representative Dennis Nehring	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Cynthia Schreiber-Beck	N
Representative Bill Tveit	N
Representative Daniel R. Vollmer	N

Motion fails 5-9-0.

10:39 a.m. Representative Holle moved Do Pass.

10:39 a.m. Representative Rios seconded the motion.

Representatives	Vote
Representative Mike Beltz	Y
Representative Dori Hauck	Y
Representative Karen A. Anderson	Y
Representative Gretchen Dobervich	Y
Representative Donna Henderson	Y
Representative Dawson Holle	Y
Representative Jeff Hoverson	Y
Representative Dwight Kiefert	Y
Representative Dennis Nehring	Y
Representative SuAnn Olson	N
Representative Nico Rios	Y
Representative Cynthia Schreiber-Beck	Y
Representative Bill Tveit	Y
Representative Daniel R. Vollmer	Y

Motion passed 13-1-0

10:40 a.m. Representative Holle will carry the bill.

10:40 a.m. Chairman Beltz closed the meeting.

Diane Lillis, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2139 (25.0581.01000)

Agriculture Committee (Rep. Beltz, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2139 was placed on the Fourteenth order on the calendar.