

**2025 HOUSE AGRICULTURE**

**HB 1207**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## **Agriculture Committee** Room JW327C, State Capitol

HB 1207  
1/17/2025

A BILL for an Act to create and enact four new sections to chapter 41-03 of the North Dakota Century Code, relating to the creation of districts, district commission member nomination and election procedures, the costs of elections of district representative commission members, and the referral of cattle assessments; to amend and reenact sections 41-03-01, 41-03-02, 43-03-03, 41-03-04 and 41-03-12 of the North Dakota Century Code, relating to the definition of a cattle industry representative, the election and terms of members to the North Dakota beef commission, commission vacancies, and requiring livestock auction markets and livestock dealers to forward names of cattle sellers; to provide a penalty; and to provide an effective date.

9:29 a.m. Chairman Beltz opened the meeting.

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

Member Absent: Representative Henderson

### **Discussion Topics:**

- Check off dollars
- Election costs
- Data of processors
- Age limitations
- Representation imbalance
- Strategic leadership
- Mail ballots
- High prices and consumer demand

9:30 a.m. Representative Dori Hauck, District 36, Hebron, ND, introduced, testified and submitted testimony #29828

9:44 a.m. Larry Kinev, Board Member, Independent Beef Association of North Dakota (IBAND), testified in favor.

9:48 a.m. Ben Fishbach, Lobbyist representing Independent Beef Association of North Dakota (IBAND) testified in favor and submitted testimony #29698 and #29699.

9:52 a.m. Matt Perdue, North Dakota Farmers Union, testified in support and submitted testimony #29844.

9:54 a.m. Zachary D. Cassidy, Organizer, Dakota Resource Council (DRC), testified in favor and submitted testimony #29562

9:56 a.m. Frank Tomac, Morton County, member of IBAND, testified in favor.

9:59 a.m. August Heupel, Vice President of IBAND, testified in favor and submitted testimony #29695 and #29834

10:05 a.m. Shelley Ziesch, Pettibone Rancher, testified in support.

10:07 a.m. Julie Ellingson, Executive Vice President, ND Stockmen's Association, testified in opposition and submitted testimony #29829.

10:29 a.m. Clark Price, Rancher, Hensler, ND, testified in opposition and submitted testimony #29832

10:33 a.m. Ray Erbele, Auction market owner, member of the ND Stockmen's Association, testified in opposition.

10:41 a.m. Erika Kenner, Beef Producer, Leeds, ND testified in opposition.

10:44 a.m. Jeff Schafer, Beef producer, New Rockford, ND testified in opposition and submitted testimony #29839.

10:47 a.m. Kathy Tokach, Beef producer, St. Anthony, ND, testified in opposition and submitted testimony #33058.

10:59 a.m. Kevin Hanson, Cattle producer, Ryder, ND, testified in opposition and submitted testimony #29840.

11:15 a.m. Nicole Wardner, Executive Director, CEO of the ND Beef Commission testified as neutral.

11:17 a.m. Brian Amundson, Rancher, Livestock Feeder member of the ND Beef Commission, testified as neutral.

11:23 a.m. Jason Schmidt, Rancher, Kidder County, testified as neutral.

**Additional Written Testimony:**

Andrew J. Holle, Northern Lights Dairy/Holle Farms, submitted testimony in opposition #29526.

Joanne Rangen, Beef Producer, McKenzie, ND submitted testimony in favor #29528.

Clancy Rangen, Producer, McKenzie, ND submitted testimony in favor #29535.

Jeremy L. Stadheim, Reeder, ND, submitted testimony in favor #29552 and #29564.

Jeremy Maher, Morrilton, Sd, submitted testimony in favor #29580

Kerry Dockter, Producer, Denhoff, ND, submitted testimony in favor #29591.

Alan Qual, Secretary, Milk Producers Association of North Dakota Inc., submitted testimony in opposition #29594.

Joseph P. Maher, O - Realty Income Corporation, Bismarck, ND, submitted testimony in favor #29665.

Scott Zimmerman, Hettinger, ND, submitted testimony in favor #29696.

Rick Zimmerman, Hettinger, ND, submitted testimony in favor #29701.

Kenton Holle, 3<sup>rd</sup> Generation ND Dairyman, Mandan, ND, submitted testimony in opposition #29725.

Doug and Judy Johnson, Ranchers, Beef Producer Cow/Calf Operation, Sentinel Butte, ND, submitted testimony in favor #29727.

Rusty Makelky, Producer, Sentinel Butte, ND, submitted testimony in favor #29730.

Julie A. Reis, Fairfield, ND, submitted testimony in opposition #29734.

Ronald Volk, Sentinel Butte, ND, submitted testimony in favor #29739.

Scott T. Shively, Towner, ND submitted testimony in favor #29747.

Lynette J. Flage, Towner, ND, submitted testimony in favor #29752.

Denise Rohweder, Dairy producer, Milk Producers Association of North Dakota, submitted testimony in opposition #29843

11:50 a.m. Chairman Beltz closed the hearing.

*Diane Lillis, Committee Clerk*



## Testimony in Opposition to House Bill 1207

Andrew and Jennifer Holle  
Northern Lights Dairy and Holle Farms

Chairman Beltz, and Members of the House Agriculture Committee,

I appreciate the opportunity to provide testimony on House Bill 1207, which proposes a change to how the North Dakota Beef Commission (NDBC) board is filled. I am writing to strongly oppose this bill, as it would remove dairy representation from the NDBC board, and I believe this would harm both the dairy and beef industries in our state.

As a dairy producer, I want to emphasize the critical role that dairy cattle play in the U.S. beef industry. Dairy producers contribute approximately 26% of the beef produced in the U.S., including finished dairy steers, cull dairy cows, and the growing market for beef-on-dairy crossbreeding. Without dairy's significant contributions, the beef industry would not be able to meet the growing consumer demand that is currently at record-high levels.

Currently, dairy producers are represented on the NDBC board, which ensures that our contributions to the beef industry are recognized and supported in decisions that affect both sectors. Removing dairy representation from the NDBC board would diminish the voice of dairy producers, who are vital to the success of the beef market, and could undermine the collaborative efforts that have allowed both industries to thrive together.

Here are several reasons why I oppose this bill:

1. **Dairy's Critical Role in Beef Production:** Dairy cattle are integral to U.S. beef production, contributing significantly to the overall supply of beef. From finished dairy steers to cull cows, and the growing trend of beef-on-dairy crossbreeding, dairy producers help meet the global demand for high-quality beef. Removing our representation from the NDBC board would overlook the essential contributions of dairy producers to the beef industry.
2. **Ensuring Collaboration between Dairy and Beef Sectors:** The success of both industries depends on the strong collaboration between dairy and beef producers. By maintaining dairy representation on the NDBC board, we can continue working together to ensure that both sectors grow sustainably and meet consumer demand. Dairy producers are invested in the future of beef, and we must have a voice in the decisions that shape this future.
3. **Continued Support of the Beef Checkoff Program:** Dairy producers contribute approximately 20% of the national Beef Checkoff funds, which are critical for promoting and sustaining the beef industry. Our contributions help support beef marketing and research efforts both domestically and globally. By removing dairy representation, we risk weakening the connection between the Beef Checkoff program and the dairy sector, which would ultimately affect both industries' ability to thrive.
4. **Maintaining Expertise and Balance on the NDBC Board:** The current appointment process allows the governor's office to select board members based on their qualifications and expertise. This ensures that the NDBC board is composed of individuals who are knowledgeable and experienced in the beef industry. Changing to an election-based system could lead to a less effective board that may not adequately represent the interests of all cattle producers, including dairy.

In conclusion, I urge you to vote down House Bill 1207. Dairy producers are vital to the success and growth of the beef industry, and we deserve to have a voice on the NDBC board. I respectfully ask that you maintain dairy representation on the board to ensure that our interests are properly considered and supported.

Thank you for your time and attention to this important matter.

Sincerely,

Andrew and Jennifer Holle

Northern Lights Dairy and Holle Farms  
2185 54<sup>th</sup> st, Mandan, ND 58554  
701-445-7500 (office)  
[www.northernlightsdairy.com](http://www.northernlightsdairy.com)

Representative Beltz and House Ag Committee,

HB 1207 ensures that all producers have a voice in the decision-making process of the Beef Commission. Producers will have the opportunity to vote for their district representative to represent their checkoff, fostering inclusivity and fairness.

The bill aligns the Beef Commission with other checkoff groups that already operate with equitable representation. Every producer, regardless of size or influence, deserves an equal opportunity to participate and have their interests represented.

- \* Allowing producers to elect representatives holds leadership accountable to the people who contribute to the fund.

- \* Treating the Beef Commission like other checkoff groups eliminates disparities and creates a uniform standard across agricultural sectors.

- \* Producers have long asked for equal treatment, and HB 1207 addresses this need effectively.

I urge you to vote in FAVOR of HB 1207.

Thank you,

Joanne Rangen

Mckenzie, ND

Chairman Beltz and House Ag Committee,

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- \* Treating the Beef Commission like other checkoff groups eliminates disparities and creates a uniform standard across agricultural sectors.

- \* Producers have long asked for equal treatment, and HB 1207 addresses this need effectively.

I urge you to vote in FAVOR of HB 1207.

Thank you,

Clancy Rangen

Mckenzie, ND

House Ag Committee, I stand in strong support of HB 1207. I raise cattle in the southwestern part of the state. My entire income is derived from cattle and sheep. Ranchers deserve the ability to choose the individuals who represent us on the ND Beef Commission Board. They are handling a budget of well over a million dollars which comes directly from the pockets of North Dakota cattle owners. Every time we sell a beef animal, we pay the federal checkoff and the state checkoff. I personally contribute around \$1,000 per year in checkoff dollars. The Beef Commission members are charged with managing that money responsibly. There are a wide range of options these checkoff dollars can be spent on, and as a contributor to the checkoff, I believe it is my right to vote on a representative to manage this budget in a way that best benefits the cattle industry. This is no different than voting on legislators to oversee our tax dollars. Improving transparency and allowing for more local control is ALWAYS a step in the right direction when it comes to government. Please contact me with any questions. Jeremy Stadheim-Reeder, ND701-853-2384

**Testimony HB1207**

Zach Cassidy

Lobbyist

Dakota Resource Council

Mr Chairman and member of the Committee.

I am Zachary Cassidy of the Dakota Resource Council, expressing our support of of HB1207 for the following reasons:

1. **This bill gives more people a fair chance to participate in the North Dakota Beef Commission.** HB1207 will end a system where independent cattle producers have to join memberships of an organization to be considered for the beef board. As it stands now the people that may be needed to advocate change in the cattle and beef industry are the ones who will be looked over in favor of those that support the status quo. If HB1207 were to be passed it would be the producers who could, with their votes, determine if they are satisfied with the status quo or opt for a change in leadership.
2. **This bill clearly defines an eligible voter.** Previous criticisms of the bill have often stated that there is no way to define a voter. Now it sets that limit at an 18 year old beef producer actively engaged means that the individual has an ownership interest in a cattle operation, is engaged in an activity of sufficient scope and significance as to constitute a distinct activity; and has direct control of the cattle operation for the preceding year.
3. **This bill does not immediately kick off existing members.** This bill will let people serving currently finish their terms until their time served has ended.
4. **This is how all the other commodity checkoff programs conduct business.** Corn, Soybean, Wheat, and Barley board positions are elected, it is only reasonable and fair that our beef farmers enjoy the same level of democratic governance as their counterparts in other farming industries.
5. **The Extension Office will conduct the vote.** This also spells out how the election will take place and still allow the governor and other government officials to have flexibility to nominate officials if needed.

This is common sense legislation. We recommend a DO PASS.

House Ag Committee,

I stand in strong support of HB 1207. I raise cattle in the southwestern part of the state. My entire income is derived from cattle and sheep.

Ranchers deserve the ability to choose the individuals who represent us on the ND Beef Commission Board. They are handling a budget of well over a million dollars which comes directly from the pockets of North Dakota cattle owners. Every time we sell a beef animal, we pay the federal checkoff and the state checkoff. I personally contribute around \$1,000 per year in checkoff dollars. The Beef Commission members are charged with managing that money responsibly.

There are a wide range of options these checkoff dollars can be spent on, and as a contributor to the checkoff, I believe it is my right to vote on a representative to manage this budget in a way that best benefits the cattle industry. This is no different than voting on legislators to oversee our tax dollars.

Improving transparency and allowing for more local control is ALWAYS a step in the right direction when it comes to government.

Please contact me with any questions.

Jeremy Stadheim  
Reeder, ND  
701-853-2384

Chairman Beltz and House Ag Committee,

I'm here in support of HB 1207. This bill will put our Beef Checkoff in the hands of all producers in our state. Every producer, regardless of size or influence, deserves an equal opportunity to participate and have their interests represented. All we ask is for our check-off to be treated like the rest of the check-off groups.

I stand for any questions.

Respectfully,

Jeremy Maher

Cell 605-314-4760

Home 701-522-3696



Chairman Beltz, Vice-Chairperson Hauck & Members of House Ag Committee:

My name is Kerry Dockter. I am a past president of I-BAND and a beef producer who supports HB 1207.

Thank you for this opportunity. My testimony centers on how times have changed since the inception of the beef checkoff program and why this bill is critical to ensuring fairness and representation for all producers today.

To illustrate my point, I'd like to draw an analogy from the evolution of small school systems in North Dakota's rural communities. As these schools have sought to provide the best possible education and opportunities for their students, they've often had to make difficult decisions—particularly regarding their athletic programs.

In many cases, small schools have formed co-ops or agreements with neighboring districts to ensure they have enough participation to field competitive teams. While these changes were initially met with opposition or resentment, they ultimately brought communities closer together. The schools worked collectively, realizing they shared a common goal: to do what was best for their students.

HB 1207 reflects a similar approach. This bill ensures that every producer who contributes to the beef checkoff has a voice and an opportunity to participate. Like those small-town sports co-ops, this change may face initial resistance, but it has the potential to unify producers. It prioritizes what is best for the beef industry as a whole, rather than individual organizations or interests.

At its core, this bill is not about choosing sides between two organizations. It's about fairness and representation for all producers who pay into the checkoff, regardless of their affiliations.

I respectfully ask for your support of HB 1207. By passing this bill, you will help unify producers and ensure the beef industry is positioned to work collaboratively toward its shared future.

Thank you for your time and consideration.

Respectfully,

Kerry Dockter

Testimony in Opposition to House Bill 1207

Alan Qual, Dairy Producer  
Secretary of Milk Producers Association of N.D.  
13407 73<sup>rd</sup> ST SE  
Lisbon, N.D. 58054  
Cell# 701-680-1210

Chairman Beltz, and Members of the House Agriculture Committee,

I appreciate the opportunity to provide testimony on House Bill 1207, which proposes a change to how the North Dakota Beef Commission (NDBC) board is filled. I am writing to strongly oppose this bill, as it would remove dairy representation from the NDBC board, and I believe this would harm both the dairy and beef industries in our state.

As a dairy producer, I want to emphasize the critical role that dairy cattle play in the U.S. beef industry. Dairy producers contribute approximately 26% of the beef produced in the U.S., including finished dairy steers, cull dairy cows, and the growing market for beef-on-dairy crossbreeding. Without dairy's significant contributions, the beef industry would not be able to meet the growing consumer demand that is currently at record-high levels.

Currently, dairy producers are represented on the NDBC board, which ensures that our contributions to the beef industry are recognized and supported in decisions that affect both sectors. This legislation will restructure the process for seating members on the N.D. Beef Commission and remove dairy representation from the NDBC board.

Dairy producers are vital to the success of the beef market, and could undermine the collaborative efforts that have allowed both industries to thrive together.

I urge you to vote down House Bill 1207. Dairy producers are vital to the success and growth of the beef industry, and we deserve to have a voice on the NDBC board. I respectfully ask that you maintain dairy representation on the board to ensure that our interests are properly considered and supported.

Thank you for your time and attention to this important matter.  
Sincerely,

Alan Qual  
Secretary of Milk Producers Association of N.D.  
13407 73<sup>rd</sup> ST SE  
Lisbon, N.D. 58054  
Cell# 701-680-1210

Chairman Beltz and House Ag Committee,

I'm here to submit testimony in favor of HB 1207.

HB 1207 ensures that all producers have a voice in the decision-making process of the Beef Checkoff program by voting for their district representative to represent their checkoff, fostering inclusivity and fairness.

Every producer, regardless of size or influence, deserves an equal opportunity to participate and have their interests represented. All we ask is for our check-off to be treated like the rest of the check-off groups as this will eliminate disparities and creates a uniform standard across agricultural sectors.

Producers have long asked for equal treatment, and HB 1207 addresses this need effectively.

In Conclusion, HB 1207 represents a crucial step toward fairness, transparency, and accountability in the Beef Checkoff program. By empowering producers, ensuring fair representation, and fostering trust, this bill strengthens the foundation of the beef industry for the benefit of all stakeholders.

Joe Maher

Chairman Beltz and members of the House Ag Committee,

My name is August Heupel, and I am a cattle rancher from Medina, North Dakota and the current Vice President of I-BAND. I am submitting testimony IN SUPPORT of HB 1207 and urge a DO PASS recommendation.

Quite simply, having a voting process in place for cattle producers to use their voice to vote on their representation on the Beef Commission is the right thing to do. It is transparent, fair and simply put, AMERICAN. No matter if a producer is affiliated with an organization or not, they will be able to exercise their right to vote for whom they feel best can represent them on the commission.

Just as we select our representation in our own legislative districts, I too, come to you being an elected representative serving on the I-BAND board. I understand that this is the best and most transparent way to represent those you serve in respective districts.

Thank you for your time and I look forward to giving in person testimony at hearing as well.

August Heupel

VP I-BAND

Dear North Dakota House Agricultural Committee,

As a rancher in North Dakota, I encourage you to vote YES on HB 1207.

This bill would allow cattle producers like myself to vote on representatives on the North Dakota Beef Commission.

By law, I must contribute to the Beef Checkoff. The North Dakota Beef Commission handles these Checkoff dollars. I believe the producers who pay the checkoff have the right to choose who oversees this money. With the current appointment process, I don't believe commission members necessarily feel an obligation to respond to producers ideas and concerns.

Please vote yes on HB 1207.

Thank you for your time.

Scott Zimmermann  
Hettinger, North Dakota

# Vote DO PASS on HB 1207



## Fair

State law caps representation from the beef industry's most important experts and keeps members of the dairy, feed, and livestock market sectors from having a fair opportunity to participate. HB 1207 gives the power back to industry when deciding what the composition of the commission should be. Voting DO PASS takes the next step to **bring the beef commission in line with other commodity councils like soy and corn**, who also elect their representatives.

## Transparent

The Checkoff is a valuable and important tool to promote the beef industry. **HB 1207 gives farmers and ranchers confidence in the process and the knowledge that their money is well-managed.**

## Accountable

The current Beef Commission is only accountable to the governor; HB 1207 makes it accountable to North Dakota farmers and ranchers. **Just like a legislator, the Beef Commission should have to answer for the decisions they make on behalf of the people they represent.**

## Questions?

Contact Michael Linngren at 218-556-7704 or [mlinngren@jamesriverpublic.com](mailto:mlinngren@jamesriverpublic.com)

**HB 1207 keeps the North Dakota Checkoff fair, transparent, and accountable to the North Dakota farmers and ranchers who pay.**

PAID FOR BY INDEPENDENT BEEF ASSOCIATION OF NORTH DAKOTA



Mr. Chair, members of the house agriculture committee, my name is Ben Fischbach, I am the registered lobbyist for the Independent Beef Association of North Dakota. I rise today in support of House Bill 1207.

House Bill 1207 would bring the North Dakota Beef Commission in line with other state commodity boards in selecting its members through fair, democratic elections. Opening the beef commission's election process will provide a voice to every beef producer throughout North Dakota, including those unaffiliated with an organization or association. Every beef producer pays into the North Dakota Checkoff, and every beef producer deserves a say in promoting, marketing, and advertising their product in the state and beyond.

House Bill 1207 would ensure those in charge of regulating and promoting the beef industry of North Dakota are directly accountable to the farmers and ranchers they serve. Just like a legislator, beef commissioners will be expected to act in the best interests of their community and the constituents of their district.

North Dakota's beef industry operations vary in size and specialty around the state. By putting the beef commission in the hands of these producers, we can ensure different backgrounds and perspectives are represented on the commission. Electing these positions encourages greater transparency and includes all beef producers in the decision-making process. Such a process will improve trust and engagement in an industry that is vital to the North Dakota economy.

I would like to conclude by acknowledging a similar bill that was brought during the 2023 legislative session. The opposition raised several fair points regarding the specific language of that bill, HB 1436. We have spent the past two years considering these comments and have incorporated many into the bill before you today. These improvements include definitions for voter eligibility, more conservative provisions surrounding record collection, and the inclusion of a redistricting mechanism. We thank everyone for their contributions in making this bill what it is today, and we are confident that HB 1207, as written, is the right bill to make Beef Commission elections a reality.

The Independent Beef Association of North Dakota strongly supports this bill as it will lead to greater fairness, transparency, and accountability within the North Dakota Beef Commission. By allowing producers to elect these representatives, we ensure that the voices of all producers are heard. Please vote DO PASS on House Bill 1207. Thank you.



Dear House Ag Committee,

I support HB 1207.

I strongly urge a “yes” vote on this bill in order to make the selection process for the ND Beef Commission transparent.

I make my living as a cattle producer. The law requires me to pay \$1 per head for the national Beef Checkoff and \$1 per head to the state Beef Checkoff every time I sell a critter.

The Commission has a great responsibility to make a positive difference for one of our state’s biggest industries and I believe those of us who make a living in the cattle business deserve the opportunity to be involved in the selection process of these commission members.

Thank you for considering my testimony,

Rick Zimmermann  
Hettinger, North Dakota

Testimony in opposition to H 1207

Chairman Beltz

Representatives of the House Agriculture Committee

Thank you for your attention to this important matter. I appreciate and respect the effort that is required to exam the issues that are brought before you.

The change in this bill would attempt to fix something that is not broken. It would become a very expensive and clumber son way of selecting members of the Beef Commission.

This bill would eliminate the dairy producers, the beef feeders and the beef marketers from having seat on the commission, all three are important sectors of our states beef industry.

The Beef Commission is a vital tool that enhances the value of our states beef industry.

This bill would weaken the effectiveness of the Commission and could result in less funding going towards the research, education and promotion of our states beef products.

A do not pass on this bill would keep the NDBC functioning at the successful pace that it is now. Changing the structure of the board and board selection would be a delay in the work that the NDBC is doing. It would mean time and dollars spent that would be better used to do the work of the Commission.

When the NDBC participates in the National Programs our states producers are reaching consumers in large urban centers with education on beef research , on promotion of the beef products and telling story of our state's ranchers and farmers. No one should tell that story but the producers themselves.

Any changes to the structure of the NDBC would weaken our Ranchers impact on increasing demand for beef.

Thank you very much,

Kenton Holle

3<sup>rd</sup> Generation Dairy Farmer

As North Dakota beef producers, we, Doug and Judy Johnson, of Sentinel Butte, North Dakota, are testifying in support of House Bill 1207.

We feel that the cattle industry in North Dakota should have the power to elect their own commission members as do other ag commissions in the state. This would enable a fairer representation of North Dakota cattle industry representatives. Beef producers, feeders, dairy producers, and livestock marketing representatives only would make up the North Dakota Beef Commission. They would be elected by those cattle industry representatives in each district created by the bill, not appointed.

The bill would spell out who is eligible to take part in commission elections and referendums. The election of commission members and Beef Checkoff process and fundings will be transparent to all. We feel that the North Dakota Beef Commission should be all cattle industry representatives not just the needs and opinions of a few people or special interest groups.

With the passing of HB 1207, the North Dakota Beef Commission will be held accountable for their decisions. We have felt like our opinions and needs are not heard by the Beef Commission or our legislators. We feel they are pushed aside if they don't align with those few in the state's cattle industry who seem to hold the power to make decisions for all of us.

We, Doug and Judy Johnson, ask for your support in passing HB 1207 so all of us in the state cattle industry have a say and can count on transparency and accountability.

Thank you.

I strongly support HB1207.

It's time that the Beef Commission joins every other commodity council in the state and elects it's own representatives. Give us, the producers, back the power to elect who we choose to represent us and be good stewards of our checkoff dollars.

Make the Beef Commission accountable for the actions they take by making them democratically elected.

I strongly urge the House Ag Committee to pass this bill and do the will of your constituents in the beef sector.

Members of the Agriculture Committee,

As beef producers in western North Dakota and strong supporters of our Beef Checkoff, we urge you to OPPOSE HB 1207, which would amend the Beef Commission legislation.

Our concerns to name a few:

The expected costs - initially and annually. Those diverted dollars would reduce our promotion, education, and research power.

Election by mail - expensive - very unreliable.

How to ensure accuracy in information? No one consistent way to prove beef producer status. Cow counting by surveys that many producers do not complete. Relying on FSA data and producer lists when not all producers are enrolled. Requesting private sales data from auction markets is a questionable practice to enforce.

Dropping more work on our already overworked and understaffed extension offices.

Finding people to run, especially in large rural areas with lots of cattle but few people.

How can it be fair among producers when some district areas will have larger herds with fewer producers and other districts will have smaller herds with more producers?

The process, as it is, works. Those appointed are honored to have these positions, are diligent in fulfilling their duties, and are willing to hear from the producers they represent.

NO on HB 1207

Thank you kindly,  
Cody and Julie Reis  
Fairfield ND

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**Ron Volk**

4800 County Rd 11  
Sentinel Butte, ND 58654  
701-218-0352  
Ron Volk

16th January 2025

**Subject: Support for HB 1207**

Dear House Committee Members,

I am writing to express my strong support for HB 1207. This bill proposes a crucial change by making the Beef Commission Board an elected position, similar to other boards such as those for corn and soybeans.

By allowing cattle producers of legal age the opportunity to both run for the board and vote for their preferred representatives, HB 1207 ensures a true democratic process. This change eliminates the nomination process from the governor's responsibilities, thus freeing up valuable time from his already extensive duties.

The funds at the heart of this process belong to the cattle producers, and it is only fair that they have a direct voice in determining how their contributions are allocated. While there may be some costs associated with the election process, this is a prudent use of check-off funds, as it restores the decision-making power to those who directly fund the program.

I respectfully urge the committee to recommend a "due pass" for HB 1207.

Sincerely,

**Ron Volk**

## TESTIMONY ON HB: #1207

My name is Scott Shively. I have ran a seedstock Angus program in Pleasant Lake, N.D. for 50+ years. I voted for the Beef Checkoff in the 1980s. One of the important promises of the Beef Checkoff was that it would be apolitical. The Beef Checkoff has failed miserably at the state and federal levels on being apolitical as well as having serious transparency and accountability issues. Beyond that the creation of the Beef Commission by ND Statute causes the commission to operate with a serious lack of oversight. A legislature lacking in an understanding of Beef Checkoff rules and laws afford producers little chance to affect their Beef Checkoff.

In North Dakota the North Dakota Beef Commission is a state agency created by statute that has served a political group, the North Dakota Stockmen's Assn. The way the law was written and politics has maintained that control. Previous legislative assemblies have failed miserably to address the problems that the appointment system has caused.

The Beef Checkoff in North Dakota must belong to the producers regardless of membership in any group. That has absolutely not been the case since the Beef Checkoff and the North Dakota Checkoff were created. Eighty percent of beef producers (checkoff payers) have no serious relationship to any of the groups with direct interest in the checkoffs. That would include NDFU, NDFB, NDSA and IBAND. These producers do have common opinions on many issues affecting producers. Some of those most important issues are truthful labeling of beef, promotion of North Dakota produced and processed beef, eliminating the electronic identification mandate, reforming the Beef Checkoff (state and federal) , a distrust of NCBA as well as packer concentration and funding and enforcing of the Packers and Stockyard Act. These prevent beliefs have not been shared with some of the groups involved with the Beef Industry in North Dakota especially the North Dakota Stockmen's Assn. an affiliate of NCBA.

I have personally witnessed many acts of the bending and breaking of rules that govern the Beef Checkoff as well as the breaking of North Dakota statutes and rules a couple of which would be the open meeting law and rules preventing agencies from interfering in/ lobbying on legislation pending regarding the ND Beef Commission.

Neighbors Montana and South Dakota have commissions and councils that share by appointment seats with most of the interested parties. The diversity on their boards serves the Beef Checkoff and producers well. Again this is absolutely not the case in North Dakota. The fairest way to resolve the issue is free and open elections with the beef producers of North Dakota electing their representation.

I am testifying favorably toward an election process but believing the bill needs to be amended to make it much simpler and cheaper to administrate. I would favor self certification by



affidavit with ballots available to be downloaded from the Beef Commission. The district parts of the bill look ok .

North Dakota producers signed petitions on the federal Beef Checkoff to support a referendum. They would likely do the same in North Dakota. Those in North Dakota that express the opinion that North Dakota producers approve of the way the North Dakota Beef Commission and Beef Checkoff operate admit over and over again that the referendums would kill the checkoffs. That is clearly not approval.

Some of the ways those whom have tried for a seat on the North Dakota Beef Commission but failed to be appointed would advocate to change would be the following:

- Making the NDBC more focused on spending the dollars at their discretion in North Dakota vs. handing them over to the control of a political group which does not have producers back.

- Promoting North Dakota beef would be more of a priority.

- They would skip the \$2000 dollar NCBA “brainwashing” of new members or at least give commissioners the choice on whether to attend.

- A more diverse board would allow commissioners to present NDBC and Beef Checkoff information to any groups they may be involved in.

- A more diverse commission would serve as a sort of checks and balances with a more robust discussion on spending and operating. The NDBC collects a checkoff on smaller cattle sales than Montana and South Dakota but spends more to operate its commissions.

It is long past time for the legislature to either fix the problem or do away with the statute and the commission altogether and let someone else operate the Beef Checkoff fairly.

SCOTT SHIVELY



## Testimony on HB1207 – Addition of a Commodity Election for the North Dakota Beef Commission

January 16, 2025

Chairman Beltz and Members of the House Agriculture Committee:

Thank you for the opportunity to provide testimony regarding HB1207, which proposes the addition of a commodity election for the North Dakota Beef Commission and includes NDSU Extension in some of the responsibilities. As NDSU Extension is currently tasked with conducting elections for county representatives to serve on several commodity councils and commissions in North Dakota, we offer the following background and items for consideration with this written testimony.

NDSU Extension is responsible for coordinating or assisting with elections for county representatives to serve on six commodity councils and commissions: the North Dakota Barley Council, the North Dakota Corn Council, the North Dakota Dry Pea and Lentil Council, the North Dakota Oilseed Council, the North Dakota Soybean Council, and the North Dakota Wheat Commission. These elections help ensure that each commodity group has elected representatives who reflect the interests and needs of producers across the state.

Elections for county representatives are coordinated by NDSU Extension's County Agricultural and Natural Resources (ANR) agents and are generally held in person during county events or educational programs. District elections are often conducted electronically via Zoom to improve accessibility and reduce travel costs.

The election process for these councils typically begins in November and December, with county elections held in January and February, then followed by district elections in March. The process includes associated costs such as advertising, printing, and postage, with total annual expenditures dependent on the number of producers and the commodity involved.

In review of HB1207, and based on NDSU Extension's experiences facilitating commodity elections, we note the following for consideration:

- **Mailing List Requirement:** HB1207 proposes conducting district representative elections for the Beef Commission through paper ballots mailed to eligible producers. Currently, NDSU Extension does not maintain a comprehensive mailing list for beef producers.
- **Election Costs:** The paper ballot approach will incur costs, including printing, mailing, and advertising. These costs are generally borne by the respective commodity councils, and the total expenditure would depend on the number of eligible producers in the Beef Commission election.
- **Timeline:** The process outlined in HB1207 suggests a different timeline than those used for other commodity elections facilitated by NDSU Extension.

- **Election Participation:** Based on experience with other commodity elections, the mailing process has generally resulted in good participation rates.

In conclusion, NDSU Extension remains committed to ensuring fair and transparent elections for all commodity groups, including the North Dakota Beef Commission if they choose to engage in this process. Our primary purpose in providing this testimony is to outline some of the key considerations of the election process in the proposal set forth in HB1207.

Thank you for your time and consideration and please let me know if you have additional questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lynette Flage".

Lynette Flage

Associate Director, NDSU Extension

[lynette.flage@ndsu.edu](mailto:lynette.flage@ndsu.edu)

Representative Dori Hauck  
District 36  
2461 81<sup>st</sup> Ave SW, Hebron ND 58638

January 16, 2025

HB1207

Thank you, Chairman Beltz. Chairman Beltz and Agriculture Committee: Dori Hauck, District 36 consisting of portions of Stark County, Morton County and Dunn County in western North Dakota.

Today I bring to you HB1207 regarding the North Dakota Beef Commission board of directors selection process.

One minute regarding my background in the livestock industry: My maternal grandparents raised dairy cattle among many other agriculture products and my mom was one of the milk girls. She is 1 of 14 siblings and each had their role on the farm. My paternal grandparents were farmers and ranchers. They and their 2 sons raised Hereford cattle and my uncle and dad received many awards for their show heifers and steer calves. My grandparents and parents transitioned from Hereford to Charolais and were very active in livestock associations the entire time they were producers. My husband and his father are currently members of the American Highland Association. My husband, Doug, and I have a commercial cow calf operation and 16 purebred Scottish Highlands.

North Dakota Beef Commission is one of the 44 Qualified State Beef Councils across the United States. Yesterday we had a wonderful presentation by the Beef Commission board president and he definitely made us all dream of steaks and burgers for lunch! As presented, the Beef Commission is charged with investing the checkoff dollars coming in from ND livestock producers.

While each beef council has a common thread of promoting United States beef production and consumption, each state decides how their beef council is comprised and selected.

This process varies from elected to appointed to a combination of elected and appointed. The beef councils vary in size from a handful of representatives to over 20. For those boards that are appointed, interested parties also vary from very specific - for example Dairy Council and Registered Angus Association - to more open ended such as cow/calf producer, feeder, and range cattle producer.

Discussions and interim studies have been facilitated over the course of several years regarding the makeup and selection of the ND Beef Commission board of directors. The

2021 interim study notes in 1973, HB1327 established the Beef Commission with nine members appointed by the Governor.

The Beef Commission board is one of the over 150 boards and commissions which requires the Governor to appoint. These boards and commissions represent industries that keep our state strong and successful. To be considered on one of these Governor appointed boards, you must apply through the State's dashboard for Boards and Commissions. The staff within this agency are assigned dozens of boards and commissions to comprise his or her portfolio. It is the responsibility of a staff member to review and screen each application. Those applicants that meet qualifications of any given board or commission are then forwarded on to the next stage of the process.

By statute 4.1-03-02, the nine person ND Beef Commission is comprised of three beef producers, one cattle feeder, one dairy producer, one representative from the public livestock market, and an additional three at-large representatives.

Per statute, the Governor appoints all of these members through the following process: three beef producers from a list of at least 2 names submitted by the ND Stockmen's Association; one cattle feeder from a list of at least 2 names by the ND Stockmen's Association Feeder Council; one dairy producer from a list of at least 2 names from the ND milk producers association; one public livestock market representative from a list of at least two names from the ND Livestock Marketing Association; and the three at large representatives. The potential members are vetted by the Governor's Boards and Commissions staff member who is assigned the Beef Commission.

HB1207 removes the appointment process and replaces it with an election process. The election requires that ND livestock producers within delineated districts nominate and vote for a cattle producer to represent their district.

Looking at the proposed legislation, page 3 indicates that members must be actively engaged in livestock production or has been in the last year.

Section 3 discusses the terms of office. In an effort to efficiently stagger terms, you will notice lots of dates, districts and varied one year to three year terms. Over the course of the next three years, the terms will be uneven until 2028 when all elected members will begin serving three year terms.

Section 4 allows the Beef Commission board to appoint a member in the event of a vacancy.



Section 6 lays out the nine proposed districts requiring the Beef Commission to review the districts once every seven years for potential redistricting. USDA National Agricultural Statistics Services May 8, 2023, shows the following Cattle and Calf Inventory:

District 1: 202,500	District 6: 213,200
District 2: 223,000	District 7: 190,700
District 3: 206,000	District 8: 145,500
District 4: 201,000	District 9: 202,000
District 5: 166,100	

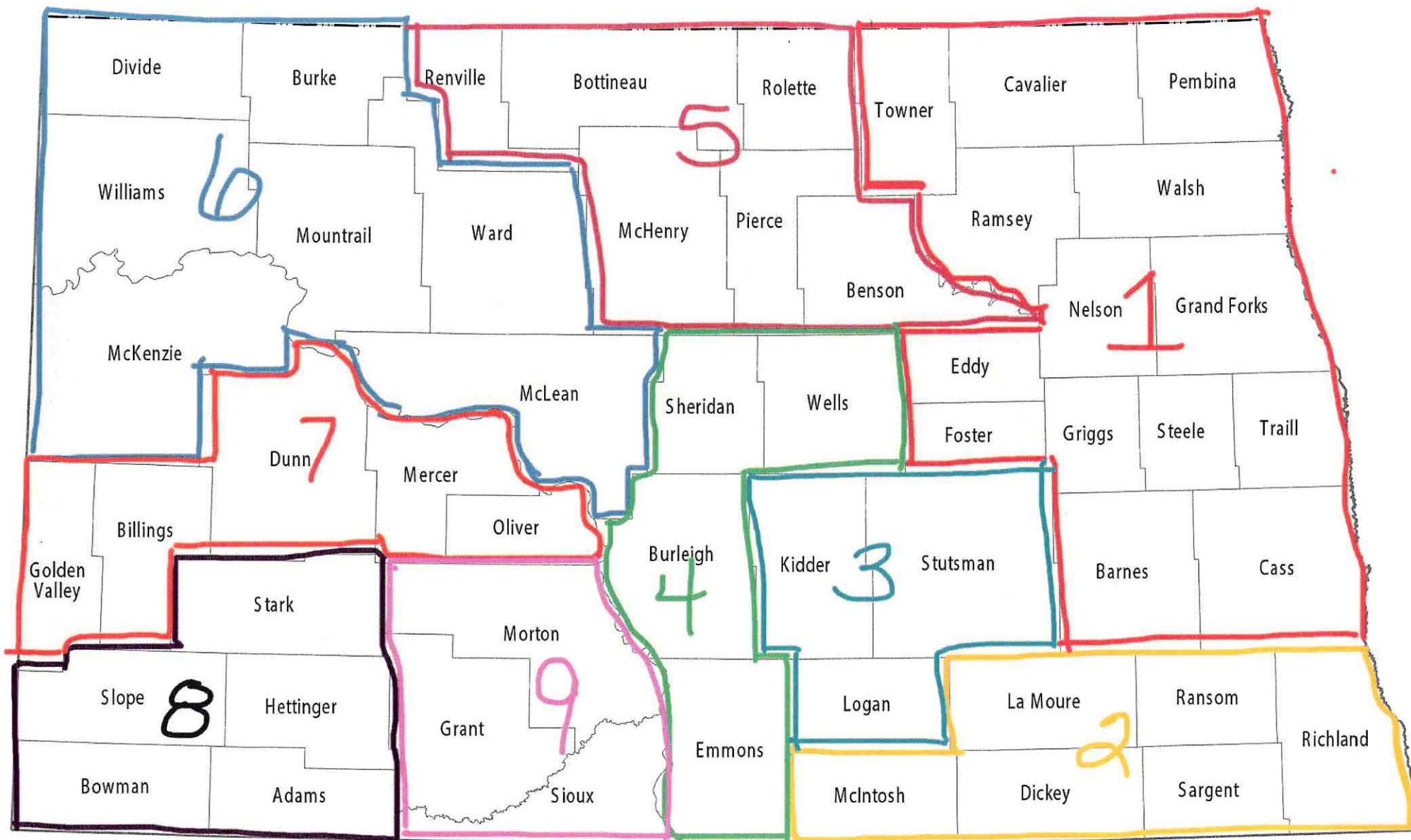
Section 7 places the election process under the expertise of the county extension office. This is the same or very similar process as many of the ND commodity councils. The extension office is able to identify those producers who are taking advantage of a federal grazing or livestock program through the farm service agency. For those producers who do not utilize a farm service agency program and would like to cast a vote, they can self-certify.

Section 8 dictates elections costs are the responsibility of the commission. There is no fiscal note associated with this bill.

Section 9 allows, with parameters, the producers to request a change in the state's portion of the checkoff. The producers pay \$1.00 federal mandate and \$1.00 state mandate on every animal sold. If the producers would like to make an increase to the checkoff, they could vote on such a change and then bring that information to the legislature.

The election process is not a new process for us as citizens nor for a beef council. Minnesota and Nebraska both use an election process for their beef council board of directors. This democratic process is used to elect individuals like the Governor, city mayor, county commissioners and many more. Each person gets one vote. HB1207 is making a significant change, I recognize this. Yet, this bill is not requesting anything that isn't being done by the majority of our ND agriculture commodity groups and several other beef commissions.

Thank you Chairman Beltz and Committee Members for your consideration of HB1207.



**North Dakota Stockmen's Association**  
**HB 1207**  
**House Agriculture Committee**  
**Room 327C**  
**Jan. 17, 2025**

Good morning, Chairman Beltz and members of the House Agriculture 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, including some from each of your respective districts.

We appear in opposition to HB 1207. The North Dakota Beef Commission configuration and seating process has served the industry well since its inception in 1973. Carefully structured by the legislature, it includes the full spectrum of the North Dakota beef industry and provides opportunity for individuals or organizations to nominate representatives for the three at-large seats on the board. We support the Commission's demand-building mission and are proud of the many individuals who have served at the state level and have risen to national leadership ranks and given North Dakota ranchers an even more resounding voice on the national stage. The existing system is working and, so, complicated and costly changes are unwarranted.

Granted, as you heard, some believe that an election process would be better. It is how you were put in your legislative seats and one that our organization would absolutely be engaged in if it were the process, so our leaders gave this bill, like the one that preceded it last session, a thorough, good-faith review. The measuring stick they used is the policy our members enacted in 2021 that supports the current process defined in Century Code for



qualifying, nominating and appointing Beef Commission members, but leaves the NDSA open to supporting changes to the Commission if they would enhance demand for beef and beef products. HB 1207, in the organization's view, doesn't meet that standard, has some inherent flaws and would waste producers' research, education and promotion dollars.

The bill has many parts, so I will work my way through the copy, starting on page 1, line 18, and the definition of "cattle industry representative." The definition aggregates all those who serve on the Commission into one category, but, oddly, defines those as individuals who are or *have been* a beef producer, cattle feeder, dairy producer or auction market rep. The "has been" language is past tense and seems to suggest the possibility of former industry folks having the ability to serve on the Commission, even after they have exited the industry. Could then a majority of the board be those who are retired and have no vested interest anymore? Later in the bill, in Section 2, there is conflicting language, calling for folks to be actively engaged, yet how can you be actively engaged if you're a has-been? It appears that the cattle industry reps are also those who would be afforded to vote in the election, but that does not make sense if they are no longer in the industry.

Section 2 also strikes the slots for different industry sectors, so no longer would there be an assured feeder, dairy producer or market representative. The last two sessions have made growing and diversifying animal ag a focal point, but, conversely, HB 1207 would homogenize these positions and eliminate the designated sector positions.

While the number of dairies has dropped in North Dakota, there are two large-scale projects on the horizon that are expected to double the numbers alone, and dairy beef has accounted for between 18 and 24 percent of the total U.S. beef supply since 2002. The industry's input is important. Under the HB 1207 structure, the chances of a dairyman or woman prevailing would be slim. The same would go for livestock markets. While these reps could run, not all of the proposed districts have an auction market in them, so they wouldn't be able to run in all districts and would be put at a competitive disadvantage.

In Section 3, the bill looks to retain officers serving on the Commission as of the end of this year and includes procedures for elections for six districts. But the terms of the Beef Commission members conclude June 30, so it will not be known until then what districts those officers reside in and which would need a separate election to ensure one representative from each of the nine districts. Currently, there is not a director from what would become District 1, but yet it is assigned as the district of the new vice chairmen, an arbitrary allocation.

Section 4, page 5, line 5, talks about vacancies and gives the Commission the authority to fill slots themselves for periods that can exceed a year. This could be perceived as a conflict of interest, with no outside vetting. Section 4 also sets a different standard for vacancies than what is proposed in Section 7. In that section, the governor would be tasked to appoint someone. If we can count on the governor to vet and appoint appropriate candidates for the Commission under this scenario, shouldn't we also be able to count on the governor to do so under the current system?

On page 6, the nine districts' configurations are laid out, but, when plotted on a map, reveal some large, unusually shaped districts that still have a nearly 120,000-head difference from the smallest to the largest. In District 1, there are 232 miles between Bisbee and Oxbow, as one example. Section 6 allows the Commission to redistrict and then confirm with a legislative vote, but the bill does not explain what the threshold is to constitute a boundary change nor what happens if the bill in the legislature either does not pass or does not pass in the same form as proposed by the Commission. That same question pertains to the referendum process vote outlined at the end of the bill.

On page 7, the NDSU Extension director is required to notify all known cattle industry representatives and request nominations. Remember, cattle industry representatives by definition are those who are or have been beef or dairy producers, feeders or market reps. How long does "has been" go back to? One year? Two years? Three years? Or something else?

This takes on added significance in Section 9 on page 8 as it relates to the referendum process. It requires a 15 percent threshold of the cattle industry representatives of the state, but what number is that? NASS data says there are 8,000 cattle operations, but that's not people and that's also not considering the unknown number of has-beens.

We also question why producers would be disallowed from self-nominating. The allowance for self-nominations is a key feature in the current system and provides opportunities for



those who either are not affiliated with an organization or do not receive an endorsement to still vie for these positions.

Because there is no central database of beef producers, the Extension director would be required to file a FOIA request from Farm Service Agency to obtain one, but FSA's list would not be all inclusive, since, unlike with other commodities, many livestock producers are not necessarily in the database, since there is no requirement to be. FSA's livestock producer list may also include producers of other species, besides cattle. HB 1207 does allow a beef producer from certifying that he or she is eligible to vote, but is silent on what the certification process is.

You will notice throughout the bill that the Commission is subject to all costs related to elections and referendums and that is one of the biggest questions producers have about HB 1207. The process would, of course, require envelopes, paper, ballots, stamps, staffing, etc. The biggest unknown variable is how many cattle industry reps there are and what that final price tag would be. Some have estimated it to be \$20,000 to \$30,000 a year, but no one really knows.

It is unfortunate there is no fiscal note attached to the bill because, for the same reason the legislature enlists analysts to help develop a financial forecast, the industry wants to know the costs associated with this proposal and the potential implications for beef research, promotion and education projects. Right now, that is only a guessing game.

We respect the opinion of all those in the room today, certain that everyone here shares the desire for a sound board that is representative of the state's cattle industry and that considers the vantage points of all. We have that in our current system. HB 1207 would create a cumbersome process, cost the industry an undetermined amount of money and potentially neutralize or even eliminate the voices of actively engaged producers from significant industry sectors.

Already this session, you and your peers are considering legislation to change the process of elections of two commodity boards because there are struggles with vacancies and those processes. I was in the room for another bill here last week when one grower testified about their election complacency and the difficulty in finding people to serve. His quote was, "The term 'railroading' comes to mind."

That is not the case with the North Dakota Beef Commission. It is an active and robust board with a structure that provides opportunity for broad-based producer engagement and nomination and, for the good of the industry, we want to keep it that way.

For these reasons, committee members, we respectfully oppose this bill and ask for a do-not-pass recommendation.

Good morning, Chairman Beltz and members of the House Agriculture Committee.

My name is Clark Price, and I am a rancher from Hensler, North Dakota. I am a past board member of the ND Beef Commission as well as the past chairman of the Federation of state Beef Councils. Thank you for the opportunity to speak today in opposition to House Bill 1207.

This bill proposes significant changes to the governance and election processes of the North Dakota Beef Commission. While I understand the intent to increase producer involvement, I believe these changes could disrupt the effective functioning of the Commission and jeopardize its mission.

**First, I'd like to address concerns about election procedures and governance changes.**

Currently, board members of the North Dakota Beef Commission are appointed by the Governor, which ensures balanced representation from diverse sectors of the beef industry while maintaining impartiality and strategic oversight.

House Bill 1207 proposes a district-based election system. While the idea of increasing producer engagement is commendable, this approach brings several challenges:

- **Financial burden:** Administering district elections would impose significant costs on the Commission. These are funds that should instead be used to promote beef, conduct research, and educate consumers.
- **Representation imbalance:** Districts could create unequal representation if some regions have disproportionate cattle populations or if producer participation in elections varies widely.
- **Political polarization:** Elections risk introducing partisanship into a body that has historically focused on uniting producers to advance common goals.

**Second, this bill risks disrupting a proven system.**

The North Dakota Beef Commission has consistently delivered on its mission to support producers through checkoff investments in research, promotion, and education. The stability and strategic focus provided by the current governance structure have been key to this success.

Additionally, the Commission has demonstrated leadership at the national Beef Checkoff level, ensuring that producer investments are well-represented in national programming efforts. The proposed changes threaten to destabilize this well-functioning system, potentially undermining the Commission's ability to serve producers effectively.

**Third, there is a lack of demonstrated need for reform.**

There has been no clear evidence or widespread demand from producers to overhaul the current governance structure. While a couple of individuals may feel overlooked in the current system, the process works.

If you ask the last three at-large directors about their experience, they will tell you they filled out their applications independently, without assistance or nominations. They were chosen based on merit, leadership skills, and their ability to contribute to the Beef Commission. These appointments have consistently brought in individuals whose skills and experience benefit producers statewide.

**Finally, this bill could lead to a loss of unified representation.**

The current system allows for a statewide perspective, ensuring decisions are made with the best interests of the entire cattle industry in mind. A district-based approach risks fragmenting this perspective, leading to competing priorities and making it harder to focus on initiatives that benefit all producers equally.

**In conclusion,**

While I respect the intent of House Bill 1207, I believe its proposed changes could undermine the efficiency and effectiveness of the North Dakota Beef Commission. The current system provides equitable and strategic leadership. Shifting to district-based elections introduces financial, administrative, and operational risks that could detract from the Commission's ability to serve producers effectively.

I urge the committee to oppose House Bill 1207 and to consider alternative approaches for enhancing producer involvement without jeopardizing the stability and success of the North Dakota Beef Commission.

Thank you for your time and consideration. I would be happy to answer any questions you may have.



Chairman Beltz, Members of the House Ag Committee

Good morning, For the record my name is August Heupel. I am from Medina, North Dakota. I am a rancher and currently serve as Vice President of I-BAND.

I come to you today in support of HB 1207. Thank you for considering this bill as I feel this is a very important issue. I recognize that HB 1436, heard last session, while I feel the intent was good had some flaws. This 2.0 version in HB 1207 addresses those concerns and I feel it is a bill we all can be confident in.

I recognize that at present time there isn't consensus between the two state cattle groups. Our respective organizations met January 9<sup>th</sup> to discuss our differences with the bill. Although we didn't reach an agreement, I thank and respect the individuals that attended the meeting. It was a good respectful meeting, and I feel it is something we should do more often in the future. To sit down and have good discussion.

This is a subject I feel strongly about, which is why I am here today. This bill gives ALL producers, affiliated or not affiliated with any group in the state, a voice on who can best represent them on the beef commission. Its transparent, fair, and most of all is a process that is one of the most fundamental values of being an American, Voting! This bill truly will fix this issue out in the country. Being elected to my role in the organization I am representing along with all of you sitting here today voted in to represent your districts, I think we all can agree and understand how vital and important voting on our representation is!

In closing, this bill isn't about me or the organization I represent or any other organization for that matter. It is simply about the producer. I am a 5<sup>th</sup> Generation rancher. My 4 young children, lord willing will be the 6<sup>th</sup> generation running our place. This bill is for the future. Everything we do here today is about a better tomorrow. In my opinion this bill ensures a better tomorrow. A better tomorrow for our children and grandchildren. Along with my two year old little girl who cant help but scream COWS! Anytime she sees them. Thank you.



Good Morning Chairman Beltz and House Ag Committee,

My name is Jeff Schafer and my family and I are fifth generation beef producers from New Rockford.

I've heard transparency several times this morning. Let's look at the other side of transparency. Who likes losing much less in a public setting? You are all here because you won an election.

Congratulations! The question becomes would you run again if you were defeated in a public setting? We all like to win, unfortunately someone has to lose in an election. Elections can be expensive and often times not very friendly. It takes a special person to accept defeat and be willing to run again.

The current process of selecting beef commission directors one wouldn't know if you weren't selected unless you personally told someone or were nominated by an organization. It would not be public, making it much easier to run again if so desired. I've seen first hand other elections for councils and I don't believe that the process itself always brings forth the best candidate. Often times they struggle to get people to run. Case in point, our local county held elections yesterday for three councils. Not one person showed up! Not one. With the current process in place for directors for the beef commission there has always been names to pick from.

This bill is truly an unnecessary bill with several challenges within it,

- 1) Cannot self nominate
- 2) 18 to vote, I feel safe to say the majority of beef producers in this room were fully engaged in the beef industry prior to being 18.
- 3) One vote per operation? We are a three generation operation. This example and my previous would ultimately silence voices. Is that what we want? Isn't that a reason given for this bill?
- 4) To serve on a council and be an effective member an individual must believe in the mission and purpose of the council. Therefore I believe they should be participating and paying their fair share.

I stand in opposition of 1207 as it's an unnecessary bill with several challenges within the least of which for mentioned.

Thank you and I stand for any questions.

**HB 1207****House Agriculture Committee****Room 327C****Jan. 17, 2025**

Members of the House Ag Committee:

Good morning, Chairman Beltz and members of the House Agriculture Committee.

My name is Kevin Hansen. I am a Ryder, ND., cow-calf producer and backgrounding feedlot owner. Along with hosting an annual production sale at Kist Livestock in February.

House bill 1207 is making a change from seating beef commission board members from an appointed position to an elected position. My thought process is that moving to an elected position would not improve the quality of the nominated people for the position nor give more opportunity to those wishing to serve.

I have questions about HB 1207 that have been going through my head. 1) Will it change how the Beef Commission board is seated, and will it change the effectiveness of the Beef Commission board? 2) Is the process in place of finding the right people for the position? 3) How do we make known when positions are up? I think if we ask these basic questions to ourselves the solution has been in front of us all along.

I will start with the 1<sup>st</sup> and 2<sup>nd</sup> question I proposed the Beef Commission currently is seated through a process. Candidates are brought forward from different segments of the beef industry. They are three beef producers, one cattle feeder, one dairy producer, one public livestock market representative, and three at large representatives. These candidates are nominated by different organizations across North Dakota for the position on the board. The current process vents each producer nominated and cultivates the active beef producers in each area to find the best candidates for those with terms expiring.

The 3<sup>rd</sup> question I have is how to notify potential candidates of the open board position and a timeline to work with to nominate your candidate. I believe this has been a shortcoming of the current law on the books. I have addressed this issue at the end of my letter and look forward to you hearing my proposal.

The election process has many short coming for this process of seating board members on the Beef Commission. The candidates coming forward to be nominated are not plentiful people are not knocking on the door to serve. We have an industry that is time and labor restricted making it difficult to find candidates that will run in an election and later serve on that board. That is why I say we cultivate to find the best candidates for the position. It takes time and effort with each organization to find those individuals that do have the time and can put forth the effort to serve the beef industry. Along with that we need people serving that are levelheaded, money conscious, able to serve alongside other board members, and have a knowledge of how our industry works. We find those individuals through the process in place submitting those names in front of the governor's office for his final approval. We also have an issue with election attendance with the time constraints on beef producers' elections will be poorly attended. As we see with the school board and other elections people just don't turn out to represent themselves and this is sad, but this is what we are faced with. So, as I have stated before, we have a system in place that works for the North Dakota beef industry why try to fix something that is not broke!!

The other issue is the cost of an election. The cost will all come back to the producer who pays into the Beef Check Off. Those dollars collected are to be spent on education, research, and promotion of our beef products. Allocating those dollars to run a costly election process is a direct violation to the producers of North Dakota. If we had a problem with the existing process of finding qualified candidates, then yes, we need a change but that is not the issue with our current process.

I will direct your attention to a former bill brought forth in the Sixty-eight Legislative Assembly HB 1275. It had much more significant detail on how to notify people of expiring terms and what it would take to be a qualifying candidate should you choose to say put your name in the hat. The past HB 1275 points out some of the shortcomings of how to notify beef producers. I feel this bill has more merit than going to election because it preserves the process in place that is working very well. But ads the benefit of notifying the beef producers wishing to serve and puts a timetable in place to make each organization aware of those timelines.

My honest opinion is that you vote no on HB 1207. And bring back HB 1275, which I referenced earlier as a better solution to improve notification and what the qualifications are to serve on the board.

Thank you for the opportunity to address you Mr. Chairman and House Ag Committee members. I look forward to working with you on this issue.

Sincerely,

Kevin Hansen

## Testimony in Opposition to House Bill 1207

Good Morning Chairman Beltz and members of the House Ag Committee,

For the record, my name is Denise Rohweder and I am a dairy producer from Wishek. I am here representing the Milk Producers Association of North Dakota. In full transparency I also serve on the ND Beef Commission but am not representing them today. I appreciate the opportunity to address you today regarding House Bill 1207. The Milk Producers Association of North Dakota stands in strong opposition to this bill, which, if passed, removes dairy representation from the North Dakota Beef Commission board. Our organization believes it is crucial to recognize the vital role that dairy producers play in the success and sustainability of the beef industry, both in North Dakota and across the nation.

Dairy cattle are a fundamental component of the U.S. beef supply. In fact, 26% of the beef produced in the United States comes from dairy cattle or cattle with dairy genetics. Without the contributions of dairy cattle, the beef industry would be unable to meet the growing consumer demand for beef. From finished dairy steers to cull cows, every part of the dairy industry adds significant value to the beef market. Finished dairy steers alone contribute approximately 12.6% of the U.S. beef supply, while cull dairy cows provide an additional 7%. Collectively, these contributions make up a substantial portion of the beef products found in stores and served on restaurant menus across the United States and globally.

Additionally, the dairy industry supports the Beef Checkoff program. Dairy producers are proud contributors to this critical initiative, with each dairy animal sold in or from North Dakota contributing \$2 per head to the program. Collectively, dairy producers contribute approximately 20% of the national Beef Checkoff assessments—an investment that helps promote and sustain the beef market both domestically and internationally. This funding is essential in supporting the growth and success of the beef industry, and it is a testament to the collaborative efforts of both the beef and dairy sectors.

The industry seat on the Beef Commission board ensures there is someone advocating for dairy's role in the beef industry. It ensures collaboration between both segments of the cattle industry, and it allows dairy producers the representation of their checkoff dollars. This partnership demonstrates the power of collaboration between the two industries in meeting consumer preferences and advancing the sustainability of our food production systems.

I urge you to vote no on House Bill 1207. The removal of dairy representation from the North Dakota Beef Commission board would be a disservice to both the dairy and beef industries, as it would diminish the vital partnership that has been built over many years. Dairy plays an indispensable role in the continued success and growth of the beef industry, and their contributions to the Beef Checkoff and overall beef production must be recognized and valued.

Thank you for your time and consideration. I am happy to answer any questions you may have.





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**Testimony of  
Matt Perdue  
North Dakota Farmers Union  
Before the  
House Agriculture Committee  
January 17, 2025**

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Chairman Beltz and members of the committee,

Thank you for the opportunity to testify on House Bill No. 1207. My name is Matt Perdue, and I am testifying on behalf of North Dakota Farmers Union's members. NDFU supports HB 1207.

HB 1207 establishes an election process for the North Dakota Beef Commission. Under current law, the governor appoints every member of the Beef Commission. Six of those nine appointments are made from nominations by specific groups. This process is unique among checkoffs in North Dakota. Of the 10 commodity councils in North Dakota, eight have elected boards.

Our member-driven Policy & Action recognizes that research and promotion are important to the success of family farmers and ranchers. We support elections for checkoff boards, which give all participating producers equal opportunity to serve. The election process also gives all producers the opportunity to vote for their representatives on the commission.

HB 1207 also establishes a referendum process for adjusting the state beef checkoff. Currently, North Dakota cattle producers pay two dollars per head into the beef checkoff. The first dollar goes to the Cattlemen's Beef Board, the national checkoff group. The second dollar goes to the North Dakota Beef Commission. The referendum process included in this bill requires a more stringent process than the national process, requiring at least 15 producers to sign a petition to initiate a referendum. The bill also requires geographic diversity in who signs the petition.

This issue has been heavily deliberated in previous legislative sessions. NDFU remains committed to working with all stakeholders to make any improvements necessary to provide an effective and efficient election process.

We respectfully request a "Do Pass" recommendation on HB 1207. I will stand for any questions.

It is a privilege to be before you today to present my opposition to **HB 1207**. My name is **Kathy Tokach**, a lifelong rancher and proud resident of Morton County. I am here today to respectfully request a "NO" vote on this bill. While there are several issues within HB 1207 that I believe are flawed and inaccurate, I will focus on a few key concerns. I am more than willing to discuss these matters further with any of you individually, at your convenience.

### **Key Concerns Regarding HB 1207:**

#### **1. District Boundaries for Beef Commission Directors:**

One of the most concerning aspects of HB 1207 is how the proposed districts for electing Beef Commission directors are drawn. The bill stipulates that these districts should be based on the number of cattle in each, but the current mapping reveals a discrepancy of over 100,000 head of cattle between districts. This significant gap undermines fair and accurate representation. The cattle numbers used for these calculations come from the National Agricultural Statistics Survey, but it is crucial to understand that a "statistic" is an estimate, not an exact count. As such, the current mapping fails to accurately reflect the true distribution of cattle across the state and does not fairly represent beef producers in North Dakota.

#### **2. Timing of Director Elections:**

HB 1207 proposes that new directors be seated on January 1st, right in the middle of the Beef Commission's fiscal year. This timing creates logistical challenges, particularly when it comes to making important funding decisions. For instance, the North Dakota Beef Commission has a funding proposal deadline of March 1st for the upcoming fiscal year (July 1st - June 30th). If new directors are seated just before this critical decision-making period, they will not have enough time to understand the state's strategic priorities or the funding protocols, which could result in inappropriate or detrimental decision-making.

#### **3. Financial Implications:**

Another major concern is the financial burden that HB 1207 could place on the North Dakota Beef Commission. The bill would require the Commission to use checkoff funds to cover the costs of administering the election process. Early estimates suggest that the election could cost over \$30,000—equivalent to the sale of 30,000 head of cattle. Beyond this direct cost, there are additional expenses such as the time required from NDSU Extension staff, printing and mailing costs, and logistical issues due to ongoing postal service problems. Furthermore, it is unclear how the list of eligible beef producers will be compiled, given the restrictions imposed by confidentiality laws. These uncertainties raise serious concerns about the fairness and accuracy of the election process.

#### **4. Impact on Beef Promotion and Education:**

As someone deeply involved in beef education and promotion, I am very concerned about the potential loss of funding for these essential programs of beef promotion and education. Last year, the North Dakota CattleWomen's budget was reduced to approximately \$20,000. With the possibility of \$30,000 being redirected to manage an election process, the North Dakota CattleWomen could be left without the resources necessary to continue supporting beef education and promotion efforts. The North Dakota CattleWomen have been dedicated to educating the public for 74 years, reaching children

and families with accurate information about beef production, cattle care, environmental stewardship, and beef nutrition. I have personally witnessed the importance of this outreach when, for example, a third-grade student in Mandan expressed confusion about where hamburgers come from. The programs we provide—through educational materials, books, and public events—are critical in dispelling misconceptions and in promoting the nutritional benefits of beef. If funding is diverted to election costs, we will be unable to continue offering these vital programs. The North Dakota CattleWomen have long been committed to this work, and we volunteer our time and resources to make it happen. Without adequate funding, we will be unable to sustain these efforts, resulting in a significant loss for consumers, students, and the beef industry as a whole.

### **Conclusion:**

In closing, I urge you to carefully consider the numerous flaws within HB 1207. From the unfair district boundaries and potential financial strain on the Beef Commission to the detrimental impact on our state's beef education programs, this bill poses serious risks to the integrity of our beef industry and the programs that support it. I respectfully ask that you vote "NO" on HB 1207 to protect the interests of North Dakota's beef producers and the vital educational initiatives that benefit our consumers and students.

Thank you for your time and attention. I am happy to discuss these concerns further with any of you at your convenience.

Kathy Tokach  
North Dakota Beef Producer  
5520 County Road 81, St. Anthony, ND 58566  
[kattokach@gmail.com](mailto:kattokach@gmail.com)  
701-400-7390

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Agriculture Committee Room JW327C, State Capitol

HB 1207  
1/31/2025

A BILL for an Act to create and enact four new sections to chapter 41-03 of the North Dakota Century Code, relating to the creation of districts, district commission member nomination and election procedures, the costs of elections of district representative commission members, and the referral of cattle assessments; to amend and reenact sections 41-03-01, 41-03-02, 43-03-03, 41-03-04 and 41-03-12 of the North Dakota Century Code, relating to the definition of a cattle industry representative, the election and terms of members to the North Dakota beef commission, commission vacancies, and requiring livestock auction markets and livestock dealers to forward names of cattle sellers; to provide a penalty; and to provide an effective date.

11:22 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:

- Board/Commission role
- Division
- All industries represented
- District lines

11:22 a.m. Representative Hauck moved Do Pass.

11:22 a.m. Representative Henderson seconded the motion.

Representatives	Vote
Representative Mike Beltz	N
Representative Dori Hauck	Y
Representative Karen A. Anderson	AB
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	AB
Representative Bill Tveit	N
Representative Daniel R. Vollmer	N



House Agriculture Committee

HB 1207

01/31/25

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Motion fails 6-6-2

11:50 a.m. Chairman Beltz closed the meeting.

*Diane Lillis, Committee Clerk*

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Agriculture Committee Room JW327C, State Capitol

HB 1207  
1/31/2025

A BILL for an Act to create and enact four new sections to chapter 41-03 of the North Dakota Century Code, relating to the creation of districts, district commission member nomination and election procedures, the costs of elections of district representative commission members, and the referral of cattle assessments; to amend and reenact sections 41-03-01, 41-03-02, 43-03-03, 41-03-04 and 41-03-12 of the North Dakota Century Code, relating to the definition of a cattle industry representative, the election and terms of members to the North Dakota beef commission, commission vacancies, and requiring livestock auction markets and livestock dealers to forward names of cattle sellers; to provide a penalty; and to provide an effective date.

3:26 p.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:

- No refund of check off dollars
- Elected not appointed
- Representations
- Districts

3:26 p.m. Representative Tveit moved Adopt Amendment LC#25.0418.02001, #38331.

3:27 p.m. Representative Hauck seconded the motion.

Representatives	Vote
Representative Mike Beltz	N
Representative Dori Hauck	Y
Representative Karen A. Anderson	AB
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	Y
Representative Daniel R. Vollmer	N

Motion passed 7-6-1.

3:37 p.m. Representative Tveit moved Do Pass as amended.

3:37 p.m. Representative Nehring seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Mike Beltz	Y
Representative Dori Hauck	N
Representative Karen A. Anderson	AB
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 failed 6-7-1

3:44 a.m. Representative Vollmer moved Do Not Pass as amended.

3:45 p.m. Representative Keifert seconded the motion.

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

Motion passed 7-6-1.

3:45 p.m. Representative Holle will carry the bill.

House Agriculture Committee

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3:45 p.m. Chairman Beltz closed the meeting.

*Diane Lillis, Committee Clerk*

January 31, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

**HOUSE BILL NO. 1207**

Introduced by

Representatives Hauck, Henderson, S. Olson

Senators Boehm, Schaible, Van Oosting

*1-31-25*  
*JH*  
*108 10*

1 A BILL for an Act to create and enact four new sections to chapter 4.1-03 of the North Dakota  
2 Century Code, relating to the creation of districts, district commission member nomination and  
3 election procedures, the costs of elections of district representative commission members, and  
4 the referral of cattle assessments; to amend and reenact sections 4.1-03-01, 4.1-03-02,  
5 4.1-03-03, 4.1-03-04, ~~and 4.1-03-12~~, and 4.1-03-17 of the North Dakota Century Code, relating  
6 to the definition of a cattle industry representative, the election and terms of members to the  
7 North Dakota beef commission, commission vacancies, and requiring livestock auction markets  
8 and livestock dealers to forward names of cattle sellers, and the elimination of the refund  
9 procedure for assessments; to provide a penalty; and to provide an effective date.

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

11 **SECTION 1. AMENDMENT.** Section 4.1-03-01 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **4.1-03-01. Definitions.**

14 As used in this chapter:

- 15 1. "Beef producer" means any person that has an ownership interest in cattle.  
16 2. "Cattle" means live domesticated bovine animals.  
17 3. "Cattle feeder" means a person in the business of feeding cattle for the purpose of  
18 adding weight to the cattle prior to slaughter.

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- 1        4. "Cattle industry representative" means an individual who is or has been a beef  
2        producer, cattle feeder, dairy producer, or representative of a public livestock market in  
3        the state.
- 4        5. "Commission" means the North Dakota beef commission.
- 5        ~~5.6.~~ "Dairy producer" means any person in the business of producing and selling milk from  
6        cows.
- 7        ~~6.7.~~ "Director" means the director of the North Dakota state university extension service.
- 8        8. "Eligible voter" means a beef producer who is at least eighteen years of age.
- 9        9. "Livestock auction market" means a public market or private buying station in which  
10       livestock is offered for sale or sold.
- 11       ~~7.10.~~ "Livestock dealer" means a person that purchases cattle and is required to be licensed  
12       under chapter ~~36-044.1-83.~~
- 13       ~~8.11.~~ "Participating producer" means a beef producer that has not obtained a refund of any  
14       assessment paid on the sale of cattle under this chapter for the preceding ~~three~~  
15       yearsyear.
- 16       12. "Public livestock market" means a livestock auction market, public market, or private  
17       buying station in which livestock is offered for sale, auctioned, or sold and is required  
18       to be licensed under chapter 4.1-27 or 4.1-28.

19       **SECTION 2. AMENDMENT.** Section 4.1-03-02 of the North Dakota Century Code is  
20       amended and reenacted as follows:

21       **4.1-03-02. North Dakota beef commission - Membership - Qualifications.**

- 22       1. ~~The North Dakota beef commission consists of:~~
- 23           a. ~~Three beef producers;~~
- 24           b. ~~One cattle feeder;~~
- 25           c. ~~One dairy producer;~~
- 26           d. ~~One representative of a public livestock market; and~~
- 27           e. ~~Three at-large representatives.~~
- 28       2. ~~The governor shall appoint:~~
- 29           a. ~~Each beef producer from a list of at least two names submitted by the North~~  
30           ~~Dakota stockmen's association;~~



- 1           b. ~~The cattle feeder from a list of at least two names submitted by the North Dakota~~  
2           ~~stockmen's association feeder council;~~  
3           c. ~~The dairy producer from a list of at least two names submitted by the milk~~  
4           ~~producers association of North Dakota;~~  
5           d. ~~The representative of a public livestock market from a list of at least two names~~  
6           ~~submitted by the North Dakota livestock marketing association; and~~  
7           e. ~~The three at large representatives.~~  
8        3. ~~a.~~ The commission consists of one cattle industry representative elected from each of  
9           the districts under section 6 of this Act. The chairman, vice chairman, and secretary-  
10          treasurer of the commission, serving on December 31, 2025, may continue to serve in  
11          their respective positions as provided under section 4.1-03-03.  
12        2. Each member of the commission must:  
13                (1)a. Be a United States citizen and a resident of this state;  
14                (2)b. Physically reside in the district the member represents; and  
15                c. Be an actively engaged in ~~that phase of the cattle industry the member~~  
16                ~~represents; and~~  
17                (3) ~~Have been actively engaged in that phase of the cattle industry for a period~~  
18                ~~of five years~~representative.  
19        ~~b.3.~~ Each member of the commission, ~~except~~unless the member is a representative of a  
20          public livestock market, must be a participating producer.  
21        ~~e.4.~~ For purposes of this subsection, "actively engaged" means ~~that~~ the individual:  
22                (1)a. Has an ownership interest in ~~an~~ cattle operation that ~~is~~ qualifies the individual as  
23                a cattle industry representative;  
24                b. Is engaged in an activity of sufficient scope and significance as to constitute a  
25                distinct activity; and  
26                (2)c. Has ~~and regularly exercises~~exercised direct control of the cattle operation for the  
27                preceding year.

28        **SECTION 3. AMENDMENT.** Section 4.1-03-03 of the North Dakota Century Code is  
29        amended and reenacted as follows:

JB 7/08/10

1       **4.1-03-03. Term of office.**

- 2       1. ~~The~~Except as otherwise provided in this section, the term of office for each member is  
3       three years and begins on ~~July~~January first. The terms must be staggered so that no  
4       more than three terms expire each year.
- 5       2. The terms of all commission members, except the members serving as chairman, vice  
6       chairman, and secretary-treasurer of the commission on December 31, 2025, expire  
7       on December 31, 2025.
- 8       a. The chairman of the commission, serving on December 31, 2025, shall represent  
9       district six, as described under section 6 of this Act, until December 31, 2027.
- 10      b. The vice chairman of the commission, serving on December 31, 2025, shall  
11      represent district one, as described under section 6 of this Act, until  
12      December 31, 2028.
- 13      c. The secretary-treasurer of the commission, serving on December 31, 2025, shall  
14      represent district nine, as described under section 6 of this Act, until  
15      December 31, 2026.
- 16      d. The chairman, vice chairman, and secretary-treasurer of the commission, serving  
17      on December 31, 2025, each serving their respective term under this subsection,  
18      have the same rights, duties, and privileges as elected commission members.
- 19      3. Between October 1, 2025, and December 31, 2025, districts two, three, four, five,  
20      seven, and eight, as described under section 6 of this Act, each shall elect a  
21      commission member with a term, beginning January 1, 2026. The initial terms of  
22      individuals elected to begin serving as commission members on January 1, 2026, are:
- 23      a. One year for commission members representing districts two and five;  
24      b. Two years for commission members representing districts three and seven; and  
25      c. Three years for commission members representing districts four and eight.
- 26      4. Between October first and December thirty-first of the calendar year in which a  
27      commission member's term is to expire, the respective district shall elect an individual  
28      to serve as a commission member to represent that district for the succeeding term.
- 29      5. A member of the commission may not serve more than two consecutive terms. If an  
30      individual is appointed after August 1, 2009, to complete a vacancy, that~~The service is~~  
31      ~~not counted as a~~of the initial term, for purposes of this section, unless the duration of



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1           ~~that service exceeds one year~~ under subdivision a of subsection 3 for commission  
2           members of districts two and five is not counted for purposes of this subsection.

3           **SECTION 4. AMENDMENT.** Section 4.1-03-04 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **4.1-03-04. Vacancy.**

6           ~~If a member's office is vacant, the position must be filled, for the remainder of the term, in~~  
7 ~~the same manner as the original appointment. A member's office is vacant if:~~

- 8           ~~1. At any time during a member's term the member ceases to possess any of the~~  
9           ~~qualifications provided for in this chapter;~~  
10          ~~2. Any event enumerated in section 44-02-01 occurs; or~~  
11          ~~3. The commission determines that a member has failed to attend three consecutive~~  
12 ~~meetings of the commission without justification~~ a commission member fails to meet the  
13 qualifications required to serve as a commission member under this chapter or a vacancy under  
14 section 44-02-01 occurs, the commission, by majority vote, shall appoint a qualified cattle  
15 industry representative for the remainder of the term. If an individual is appointed by the  
16 commission to complete a vacancy, that service is not counted as years of service under  
17 section 3 of this Act, unless the duration of that service exceeds one year. An individual  
18 appointed under this section has the same rights, duties, and privileges as an elected  
19 commission member.

20          **SECTION 5. AMENDMENT.** Section 4.1-03-12 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22          **4.1-03-12. Collection of assessment.**

- 23          1. Each livestock auction market and livestock dealer shall:  
24           a. Collect the assessments due under this chapter by deducting the assessments  
25           from any credit given or payment made to the seller of the cattle, at the time of  
26           the transaction; and  
27           b. Forward the assessments to the commission in accordance with section  
28           4.1-03-13.  
29          2. a. If a person sells North Dakota cattle outside this state or if a person sells North  
30           Dakota cattle to an out-of-state buyer, the person shall forward any assessments  
31           due under this chapter to the commission in accordance with section 4.1-03-13.

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- 1           b. This subsection does not apply if the assessment has been paid to a brand  
2           inspector in another state or to another qualified state beef council.
- 3           3. Any other person selling cattle in this state shall forward any assessments due under  
4           this chapter to the commission in accordance with section 4.1-03-13.

5           **SECTION 6. AMENDMENT.** Section 4.1-03-17 of the North Dakota Century Code is  
6           amended and reenacted as follows:

7           **4.1-03-17. Permitted refunds of assessment - Refunds requiring certification by**  
8           **attorney general.**

- 9           1. ~~a.~~ When the attorney general certifies to the commission that refunds of  
10           assessments paid under subdivision a of subsection 1 of section 4.1-03-11 are no  
11           longer precluded by federal law, the commission may provide to producers refunds of  
12           assessments paid under subdivision a of subsection 1 of section 4.1-03-11.
- 13           ~~b. Refunds of assessments paid under subdivision b of subsection 1 of section~~  
14           ~~4.1-03-11 are available, subject to the requirements of this section.~~
- 15           2. a. To receive a permitted refund of any assessment paid in accordance with this  
16           chapter, a producer shall request a refund application from the commission within  
17           sixty days after the date of the sale. The request may be made orally, in writing,  
18           or in electronic form.
- 19           b. The producer must complete the refund application and return the application to  
20           the commission, together with a record of the assessment paid, within ninety  
21           days after the date of the sale. The application may be returned to the  
22           commission in person, by mail, or in electronic form. The commission shall then  
23           refund the net amount of the assessment that had been collected.
- 24           c. If a request for a refund is not submitted to the commission within the prescribed  
25           time period, the producer is presumed to have agreed to the assessment.

26           **SECTION 7.** A new section to chapter 4.1-03 of the North Dakota Century Code is created and  
27           enacted as follows:

28           **Geographical districts.**

- 29           1. The state consists of the following districts:
- 30           a. District one: Barnes, Cass, Cavalier, Eddy, Foster, Grand Forks, Griggs, Nelson,  
31           Pembina, Ramsey, Steele, Towner, Traill, and Walsh Counties;



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- 1           b. District two: Dickey, LaMoure, McIntosh, Ransom, Richland, and Sargent
- 2           Counties;
- 3           c. District three: Kidder, Logan, and Stutsman Counties;
- 4           d. District four: Burleigh, Emmons, Sheridan, and Wells Counties;
- 5           e. District five: Benson, Bottineau, McHenry, Pierce, Renville, and Rolette Counties;
- 6           f. District six: Burke, Divide, McKenzie, McLean, Mountrail, Ward, and Williams
- 7           Counties;
- 8           g. District seven: Billings, Dunn, Golden Valley, Oliver, and Mercer Counties;
- 9           h. District eight: Adams, Bowman, Hettinger, Slope, and Stark Counties; and
- 10          i. District nine: Grant, Morton, and Sioux Counties.
- 11          2. The commission shall review the nine district boundaries and tally the number of cattle
- 12          in each district at least once every seven years to ensure accurate producer
- 13          representation. If the commission determines the nine districts do not accurately
- 14          represent cattle industry representatives in the state, the commission may enact a
- 15          redistricting plan to amend district boundaries, provided each district contains at least
- 16          three undivided counties. If two-thirds of the elected commission members vote in
- 17          favor of the proposed redistricting plan, the commission shall adopt the plan. If the
- 18          commission adopts a redistricting plan, the commission shall submit a bill to the next
- 19          legislative assembly to amend subsection 1 in a manner consistent with the results of
- 20          the redistricting plan. The redistricting plan becomes effective on the date the
- 21          amended district boundaries under subsection 1 become effective.

22          **SECTION 8.** A new section to chapter 4.1-03 of the North Dakota Century Code is created  
23 and enacted as follows:

24          **Director of the North Dakota state university extension service - Nomination and**  
25 **election of district commission candidates.**

- 26          1. a. The director of the North Dakota state university extension service shall oversee
- 27              district representative commission member nominations and elections.
- 28          b. Between October first and December thirty-first of each year, the director shall
- 29              conduct the nominating and election process to elect successors for districts with
- 30              terms expiring that fiscal year.

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- 1       c. The director shall notify all known cattle industry representatives in the respective  
2       district and request nominations for district representative commission candidates  
3       no fewer than forty-five nor more than sixty days before the district representative  
4       commission election. The notice must be published in all official county  
5       newspapers within the district or by reliable electronic means.
- 6       d. To be eligible as a candidate in a district commission election, at least five cattle  
7       industry representatives who reside in the district shall nominate the candidate in  
8       writing. A cattle industry representative may not self-nominate.
- 9       e. Upon receiving the district commission nominations, the director shall certify that  
10      nominated candidates meet the requirements of section 4.1-03-02. The director  
11      shall prepare the election ballots with the names of the certified nominated district  
12      commission candidates. Each ballot also must include a statement indicating:  
13      (1) The date, time, and location the director will open the ballots and tabulate  
14      the results;  
15      (2) The last date by which the ballots must be postmarked or filed with the  
16      director; and  
17      (3) Any cattle industry representative in the district may be present at the time  
18      the ballots are opened and tabulated.
- 19      f. The director shall hold the district commission election by mail paper ballot. The  
20      director shall mail the ballots to each known cattle industry representative in the  
21      district at least thirty days before the election.
- 22      g. The director shall canvass the votes. The director shall notify the commission and  
23      the governor that the election has taken place, and provide to the commission  
24      and the governor the name and address and term of the newly elected district  
25      representative commission member.
- 26      2. If the cattle industry representatives in a district fail to elect an individual, as required  
27      by this section, the director shall notify the commission and the governor. The  
28      governor shall appoint a cattle industry representative who meets the requirements of  
29      section 4.1-03-02 to serve as the district commission member for the district. An  
30      individual appointed under this subsection has the same rights, duties, and privileges  
31      as an elected commission member.



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1       3. Each eligible voter is entitled to one vote and must vote in the district in which the  
2       voter's livestock operation headquarters is located. If an eligible voter has multiple  
3       livestock operation headquarters in more than one district, the eligible voter shall cast  
4       their vote in the district in which the voter physically resides.

5       4. To determine whether an individual is eligible to vote under this chapter, the  
6       commission may:

7       a. Obtain a list of livestock producers from the United States department of  
8       agriculture farm service agency through the process under title 7, Code of  
9       Federal Regulations, part 798; or

10       b. Require the beef producer to certify to the North Dakota state university  
11       extension service the producer is an eligible voter under this chapter.

12       **SECTION 9.** A new section to chapter 4.1-03 of the North Dakota Century Code is created  
13 and enacted as follows:

14       **Election costs - Responsibility.**

15       All costs of holding district commission member nominations and elections under section 7  
16 of this Act are the responsibility of the commission.

17       **SECTION 10.** A new section to chapter 4.1-03 of the North Dakota Century Code is created  
18 and enacted as follows:

19       **Referendums - Assessments.**

20       1. If petitioned by at least fifteen percent of the cattle industry representatives of the  
21       state, the commission shall conduct a referendum among the cattle industry  
22       representatives to determine the amount by which the assessment imposed under  
23       section 4.1-03-11 should be adjusted.

24       2. No more than fifty percent of the cattle industry representatives who signed the  
25       petition may reside in the same district.

26       3. The commission shall hold an assessment referendum by mail paper ballot. The  
27       commission shall prepare the ballots with the petitioned amount by which the  
28       assessment imposed under section 4.1-03-11 is proposed to be adjusted and  
29       distribute the ballots to each cattle industry representative at least thirty days before  
30       the last date for filing ballots.

31       4. Each ballot must include a statement indicating:

JAS 10/08/10

- 1           a. The date the petition was filed and the number of signatures on the petition;
- 2           b. The date, time, and location the commission will open the ballots and tabulate the
- 3           results;
- 4           c. The last date by which the ballots must be postmarked or filed with the
- 5           commission; and
- 6           d. Any cattle industry representative may be present at the time the ballots are
- 7           opened and tabulated.
- 8        5. The date selected by the commission for the opening and tabulation of the ballots
- 9           must be at least five days after the date by which the ballots must be postmarked or
- 10          filed with the commission.
- 11        6. The commission shall canvass the votes. If the majority of voting cattle industry
- 12          representatives vote in favor of the proposed change, the commission shall submit a
- 13          bill to the next legislative assembly to amend the statutory assessment in a manner
- 14          consistent with the results of the vote.
- 15        7. Assessment funds collected under this chapter may not be used to fund an election.
- 16          All costs of holding an assessment referendum under this section are the responsibility
- 17          of the commission.

18        **SECTION 11. EFFECTIVE DATE.** Section 2 of this Act becomes effective on January 1,  
19        2026.

**REPORT OF STANDING COMMITTEE  
HB 1207**

**Agriculture Committee (Rep. Beltz, Chairman)** recommends **AMENDMENTS** ([25.0418.02001](#)) and when so amended, recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1207 was placed on the Sixth order on the calendar.

25.0418.02001  
Title.03000

Adopted by the Agriculture Committee

January 31, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1207

Introduced by

Representatives Hauck, Henderson, S. Olson

Senators Boehm, Schaible, Van Oosting

1 A BILL for an Act to create and enact four new sections to chapter 4.1-03 of the North Dakota  
2 Century Code, relating to the creation of districts, district commission member nomination and  
3 election procedures, the costs of elections of district representative commission members, and  
4 the referral of cattle assessments; to amend and reenact sections 4.1-03-01, 4.1-03-02,  
5 4.1-03-03, 4.1-03-04, ~~and 4.1-03-12,~~ and 4.1-03-17 of the North Dakota Century Code, relating  
6 to the definition of a cattle industry representative, the election and terms of members to the  
7 North Dakota beef commission, commission vacancies, and requiring livestock auction markets  
8 and livestock dealers to forward names of cattle sellers, and the elimination of the refund  
9 procedure for assessments; to provide a penalty; and to provide an effective date.

### 10 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

11 **SECTION 1. AMENDMENT.** Section 4.1-03-01 of the North Dakota Century Code is  
12 amended and reenacted as follows:

#### 13 **4.1-03-01. Definitions.**

14 As used in this chapter:

- 15 1. "Beef producer" means any person that has an ownership interest in cattle.
- 16 2. "Cattle" means live domesticated bovine animals.
- 17 3. "Cattle feeder" means a person in the business of feeding cattle for the purpose of  
18 adding weight to the cattle prior to slaughter.



- 1       4.   "Cattle industry representative" means an individual who is or has been a beef  
2           producer, cattle feeder, dairy producer, or representative of a public livestock market in  
3           the state.
- 4       5.   "Commission" means the North Dakota beef commission.
- 5       ~~5-6.~~ "Dairy producer" means any person in the business of producing and selling milk from  
6           cows.
- 7       ~~6-7.~~ "Director" means the director of the North Dakota state university extension service.
- 8       8.   "Eligible voter" means a beef producer who is at least eighteen years of age.
- 9       9.   "Livestock auction market" means a public market or private buying station in which  
10          livestock is offered for sale or sold.
- 11      ~~7-10.~~ "Livestock dealer" means a person that purchases cattle and is required to be licensed  
12          under chapter ~~36-044.1-83.~~
- 13      ~~8-11.~~ "Participating producer" means a beef producer that has not obtained a refund of any  
14          assessment paid on the sale of cattle under this chapter for the preceding ~~three-~~  
15          yearsyear.
- 16      12.   "Public livestock market" means a livestock auction market, public market, or private  
17          buying station in which livestock is offered for sale, auctioned, or sold and is required  
18          to be licensed under chapter 4.1-27 or 4.1-28.

19       **SECTION 2. AMENDMENT.** Section 4.1-03-02 of the North Dakota Century Code is  
20   amended and reenacted as follows:

21       **4.1-03-02. North Dakota beef commission - Membership - Qualifications.**

- 22       1.   ~~The North Dakota beef commission consists of:~~
- 23           a.   ~~Three beef producers;~~
- 24           b.   ~~One cattle feeder;~~
- 25           c.   ~~One dairy producer;~~
- 26           d.   ~~One representative of a public livestock market; and~~
- 27           e.   ~~Three at-large representatives.~~
- 28       2.   ~~The governor shall appoint:~~
- 29           a.   ~~Each beef producer from a list of at least two names submitted by the North-~~  
30               ~~Dakota stockmen's association;~~

- 1           b. ~~The cattle feeder from a list of at least two names submitted by the North Dakota~~  
2           ~~stockmen's association feeder council;~~
- 3           e. ~~The dairy producer from a list of at least two names submitted by the milk~~  
4           ~~producers association of North Dakota;~~
- 5           d. ~~The representative of a public livestock market from a list of at least two names~~  
6           ~~submitted by the North Dakota livestock marketing association; and~~
- 7           e. ~~The three at-large representatives.~~

8       3. a. The commission consists of one cattle industry representative elected from each of  
9       the districts under section 6 of this Act. The chairman, vice chairman, and secretary-  
10       treasurer of the commission, serving on December 31, 2025, may continue to serve in  
11       their respective positions as provided under section 4.1-03-03.

12       2. Each member of the commission must:

13           (1)a. Be a United States citizen and a resident of this state;

14           (2)b. Physically reside in the district the member represents; and

15           c. Be an actively engaged in ~~that phase of the cattle industry the member~~  
16           ~~represents; and~~

17           (3) ~~Have been actively engaged in that phase of the cattle industry for a period~~  
18           ~~of five years~~representative.

19       b.3. Each member of the commission, ~~except~~unless the member is a representative of a  
20       public livestock market, must be a participating producer.

21       e.4. For purposes of this subsection, "actively engaged" means ~~that~~ the individual:

22           (1)a. Has an ownership interest in an cattle operation that ~~is~~ qualifies the individual as  
23           a cattle industry representative;

24           b. Is engaged in an activity of sufficient scope and significance as to constitute a  
25           distinct activity; and

26           (2)c. Has and regularly ~~exercises~~exercised direct control of the cattle operation for the  
27           preceding year.

28       **SECTION 3. AMENDMENT.** Section 4.1-03-03 of the North Dakota Century Code is  
29       amended and reenacted as follows:

1       **4.1-03-03. Term of office.**

2       1. ~~The~~Except as otherwise provided in this section, the term of office for each member is  
3       three years and begins on ~~July~~January first. The terms must be staggered so that no  
4       more than three terms expire each year.

5       2. The terms of all commission members, except the members serving as chairman, vice  
6       chairman, and secretary-treasurer of the commission on December 31, 2025, expire  
7       on December 31, 2025.

8       a. The chairman of the commission, serving on December 31, 2025, shall represent  
9       district six, as described under section 6 of this Act, until December 31, 2027.

10      b. The vice chairman of the commission, serving on December 31, 2025, shall  
11      represent district one, as described under section 6 of this Act, until  
12      December 31, 2028.

13      c. The secretary-treasurer of the commission, serving on December 31, 2025, shall  
14      represent district nine, as described under section 6 of this Act, until  
15      December 31, 2026.

16      d. The chairman, vice chairman, and secretary-treasurer of the commission, serving  
17      on December 31, 2025, each serving their respective term under this subsection,  
18      have the same rights, duties, and privileges as elected commission members.

19      3. Between October 1, 2025, and December 31, 2025, districts two, three, four, five,  
20      seven, and eight, as described under section 6 of this Act, each shall elect a  
21      commission member with a term, beginning January 1, 2026. The initial terms of  
22      individuals elected to begin serving as commission members on January 1, 2026, are:

23      a. One year for commission members representing districts two and five;

24      b. Two years for commission members representing districts three and seven; and

25      c. Three years for commission members representing districts four and eight.

26      4. Between October first and December thirty-first of the calendar year in which a  
27      commission member's term is to expire, the respective district shall elect an individual  
28      to serve as a commission member to represent that district for the succeeding term.

29      5. A member of the commission may not serve more than two consecutive terms. If an-  
30      individual is appointed after August 1, 2009, to complete a vacancy, that~~The service is-~~  
31      ~~not counted as a~~of the initial term, ~~for purposes of this section, unless the duration of~~

1           ~~that service exceeds one year under subdivision a of subsection 3 for commission~~  
2           ~~members of districts two and five is not counted for purposes of this subsection.~~

3           **SECTION 4. AMENDMENT.** Section 4.1-03-04 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **4.1-03-04. Vacancy.**

6           ~~If a member's office is vacant, the position must be filled, for the remainder of the term, in~~  
7 ~~the same manner as the original appointment. A member's office is vacant if:~~

8           1. ~~At any time during a member's term the member ceases to possess any of the~~  
9           ~~qualifications provided for in this chapter;~~

10          2. ~~Any event enumerated in section 44-02-01 occurs; or~~

11          3. ~~The commission determines that a member has failed to attend three consecutive~~  
12 ~~meetings of the commission without justification~~a commission member fails to meet the  
13 qualifications required to serve as a commission member under this chapter or a vacancy under  
14 section 44-02-01 occurs, the commission, by majority vote, shall appoint a qualified cattle  
15 industry representative for the remainder of the term. If an individual is appointed by the  
16 commission to complete a vacancy, that service is not counted as years of service under  
17 section 3 of this Act, unless the duration of that service exceeds one year. An individual  
18 appointed under this section has the same rights, duties, and privileges as an elected  
19 commission member.

20          **SECTION 5. AMENDMENT.** Section 4.1-03-12 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22          **4.1-03-12. Collection of assessment.**

23          1. Each livestock auction market and livestock dealer shall:

24           a. Collect the assessments due under this chapter by deducting the assessments  
25           from any credit given or payment made to the seller of the cattle, at the time of  
26           the transaction; and

27           b. Forward the assessments to the commission in accordance with section  
28           4.1-03-13.

29          2. a. If a person sells North Dakota cattle outside this state or if a person sells North  
30           Dakota cattle to an out-of-state buyer, the person shall forward any assessments  
31           due under this chapter to the commission in accordance with section 4.1-03-13.

b. This subsection does not apply if the assessment has been paid to a brand inspector in another state or to another qualified state beef council.

3. Any other person selling cattle in this state shall forward any assessments due under this chapter to the commission in accordance with section 4.1-03-13.

**SECTION 6. AMENDMENT.** Section 4.1-03-17 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-03-17. Permitted refunds of assessment - Refunds requiring certification by attorney general.**

1. ~~a.~~ When the attorney general certifies to the commission that refunds of assessments paid under subdivision a of subsection 1 of section 4.1-03-11 are no longer precluded by federal law, the commission may provide to producers refunds of assessments paid under subdivision a of subsection 1 of section 4.1-03-11.

~~b. Refunds of assessments paid under subdivision b of subsection 1 of section 4.1-03-11 are available, subject to the requirements of this section.~~

2. a. To receive a permitted refund of any assessment paid in accordance with this chapter, a producer shall request a refund application from the commission within sixty days after the date of the sale. The request may be made orally, in writing, or in electronic form.

b. The producer must complete the refund application and return the application to the commission, together with a record of the assessment paid, within ninety days after the date of the sale. The application may be returned to the commission in person, by mail, or in electronic form. The commission shall then refund the net amount of the assessment that had been collected.

c. If a request for a refund is not submitted to the commission within the prescribed time period, the producer is presumed to have agreed to the assessment.

**SECTION 7.** A new section to chapter 4.1-03 of the North Dakota Century Code is created and enacted as follows:

**Geographical districts.**

1. The state consists of the following districts:

a. District one: Barnes, Cass, Cavalier, Eddy, Foster, Grand Forks, Griggs, Nelson, Pembina, Ramsey, Steele, Towner, Traill, and Walsh Counties;

- b. District two: Dickey, LaMoure, McIntosh, Ransom, Richland, and Sargent Counties;
- c. District three: Kidder, Logan, and Stutsman Counties;
- d. District four: Burleigh, Emmons, Sheridan, and Wells Counties;
- e. District five: Benson, Bottineau, McHenry, Pierce, Renville, and Rolette Counties;
- f. District six: Burke, Divide, McKenzie, McLean, Mountrail, Ward, and Williams Counties;
- g. District seven: Billings, Dunn, Golden Valley, Oliver, and Mercer Counties;
- h. District eight: Adams, Bowman, Hettinger, Slope, and Stark Counties; and
- i. District nine: Grant, Morton, and Sioux Counties.

2. The commission shall review the nine district boundaries and tally the number of cattle in each district at least once every seven years to ensure accurate producer representation. If the commission determines the nine districts do not accurately represent cattle industry representatives in the state, the commission may enact a redistricting plan to amend district boundaries, provided each district contains at least three undivided counties. If two-thirds of the elected commission members vote in favor of the proposed redistricting plan, the commission shall adopt the plan. If the commission adopts a redistricting plan, the commission shall submit a bill to the next legislative assembly to amend subsection 1 in a manner consistent with the results of the redistricting plan. The redistricting plan becomes effective on the date the amended district boundaries under subsection 1 become effective.

**SECTION 8.** A new section to chapter 4.1-03 of the North Dakota Century Code is created and enacted as follows:

**Director of the North Dakota state university extension service - Nomination and election of district commission candidates.**

1. a. The director of the North Dakota state university extension service shall oversee district representative commission member nominations and elections.
- b. Between October first and December thirty-first of each year, the director shall conduct the nominating and election process to elect successors for districts with terms expiring that fiscal year.

- 1           c. The director shall notify all known cattle industry representatives in the respective  
2           district and request nominations for district representative commission candidates  
3           no fewer than forty-five nor more than sixty days before the district representative  
4           commission election. The notice must be published in all official county  
5           newspapers within the district or by reliable electronic means.
- 6           d. To be eligible as a candidate in a district commission election, at least five cattle  
7           industry representatives who reside in the district shall nominate the candidate in  
8           writing. A cattle industry representative may not self-nominate.
- 9           e. Upon receiving the district commission nominations, the director shall certify that  
10          nominated candidates meet the requirements of section 4.1-03-02. The director  
11          shall prepare the election ballots with the names of the certified nominated district  
12          commission candidates. Each ballot also must include a statement indicating:  
13          (1) The date, time, and location the director will open the ballots and tabulate  
14             the results;  
15          (2) The last date by which the ballots must be postmarked or filed with the  
16             director; and  
17          (3) Any cattle industry representative in the district may be present at the time  
18             the ballots are opened and tabulated.
- 19          f. The director shall hold the district commission election by mail paper ballot. The  
20          director shall mail the ballots to each known cattle industry representative in the  
21          district at least thirty days before the election.
- 22          g. The director shall canvass the votes. The director shall notify the commission and  
23          the governor that the election has taken place, and provide to the commission  
24          and the governor the name and address and term of the newly elected district  
25          representative commission member.
- 26          2. If the cattle industry representatives in a district fail to elect an individual, as required  
27          by this section, the director shall notify the commission and the governor. The  
28          governor shall appoint a cattle industry representative who meets the requirements of  
29          section 4.1-03-02 to serve as the district commission member for the district. An  
30          individual appointed under this subsection has the same rights, duties, and privileges  
31          as an elected commission member.



1       3. Each eligible voter is entitled to one vote and must vote in the district in which the  
2       voter's livestock operation headquarters is located. If an eligible voter has multiple  
3       livestock operation headquarters in more than one district, the eligible voter shall cast  
4       their vote in the district in which the voter physically resides.

5       4. To determine whether an individual is eligible to vote under this chapter, the  
6       commission may:

7           a. Obtain a list of livestock producers from the United States department of  
8           agriculture farm service agency through the process under title 7, Code of  
9           Federal Regulations, part 798; or

10          b. Require the beef producer to certify to the North Dakota state university  
11          extension service the producer is an eligible voter under this chapter.

12       **SECTION 9.** A new section to chapter 4.1-03 of the North Dakota Century Code is created  
13 and enacted as follows:

14       **Election costs - Responsibility.**

15       All costs of holding district commission member nominations and elections under section 7  
16 of this Act are the responsibility of the commission.

17       **SECTION 10.** A new section to chapter 4.1-03 of the North Dakota Century Code is created  
18 and enacted as follows:

19       **Referendums - Assessments.**

20       1. If petitioned by at least fifteen percent of the cattle industry representatives of the  
21       state, the commission shall conduct a referendum among the cattle industry  
22       representatives to determine the amount by which the assessment imposed under  
23       section 4.1-03-11 should be adjusted.

24       2. No more than fifty percent of the cattle industry representatives who signed the  
25       petition may reside in the same district.

26       3. The commission shall hold an assessment referendum by mail paper ballot. The  
27       commission shall prepare the ballots with the petitioned amount by which the  
28       assessment imposed under section 4.1-03-11 is proposed to be adjusted and  
29       distribute the ballots to each cattle industry representative at least thirty days before  
30       the last date for filing ballots.

31       4. Each ballot must include a statement indicating:

- 1           a. The date the petition was filed and the number of signatures on the petition;
- 2           b. The date, time, and location the commission will open the ballots and tabulate the
- 3           results;
- 4           c. The last date by which the ballots must be postmarked or filed with the
- 5           commission; and
- 6           d. Any cattle industry representative may be present at the time the ballots are
- 7           opened and tabulated.
- 8        5. The date selected by the commission for the opening and tabulation of the ballots
- 9           must be at least five days after the date by which the ballots must be postmarked or
- 10          filed with the commission.
- 11       6. The commission shall canvass the votes. If the majority of voting cattle industry
- 12          representatives vote in favor of the proposed change, the commission shall submit a
- 13          bill to the next legislative assembly to amend the statutory assessment in a manner
- 14          consistent with the results of the vote.
- 15       7. Assessment funds collected under this chapter may not be used to fund an election.
- 16          All costs of holding an assessment referendum under this section are the responsibility
- 17          of the commission.

18       **SECTION 11. EFFECTIVE DATE.** Section 2 of this Act becomes effective on January 1,  
19       2026.

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Agriculture Committee Room JW327C, State Capitol

HB 1207  
2/6/2025

A BILL for an Act to create and enact four new sections to chapter 41-03 of the North Dakota Century Code, relating to the creation of districts, district commission member nomination and election procedures, the costs of elections of district representative commission members, and the referral of cattle assessments; to amend and reenact sections 41-03-01, 41-03-02, 43-03-03, 41-03-04 and 41-03-12 of the North Dakota Century Code, relating to the definition of a cattle industry representative, the election and terms of members to the North Dakota beef commission, commission vacancies, and requiring livestock auction markets and livestock dealers to forward names of cattle sellers; to provide a penalty; and to provide an effective date.

2:37 p.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:

- No longer refunds
- Sunset clause

2:37 p.m. Representative Holle moved to reconsider.

2:37 p.m. Representative Henderson seconded the motion.

Voice Vote.

Motion passed.

2:38 p.m. Representative Tveit moved Adopt Amendment LC#25.0418.02002, #38332.

2:27 p.m. Representative Vollmer 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	Y
Representative Nico Rios	AB
Representative Cynthia Schreiber-Beck	AB
Representative Bill Tveit	Y
Representative Daniel R. Vollmer	Y

Motion passed 12-0-2.

2:49 p.m. Representative Henderson moved to further amend by removing overstrike on page 6, lines 13-14.

2:52 p.m. Representative Henderson withdrew the motion.

3:52 p.m. Representative Holle moved a Do Not Pass as amended.

2:53 p.m. Representative Tveit seconded the motion.

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

Motion passed 7-5-2

2:54 p.m. Representative Holle will carry the bill.

2:54 p.m. Chairman Beltz closed the meeting.

*Diane Lillis, Committee Clerk*

February 6, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO****HOUSE BILL NO. 1207**

Introduced by

Representatives Hauck, Henderson, S. Olson

Senators Boehm, Schaible, Van Oosting

*In place of the amendments 25.0418.02001 proposed in the journal by the House, House Bill No. 1207 is amended by amendment 25.0418.02002 as follows:*

- 1 A BILL for an Act to create and enact four new sections to chapter 4.1-03 of the North Dakota  
2 Century Code, relating to the creation of districts, district commission member nomination and  
3 election procedures, the costs of elections of district representative commission members, and  
4 the referral of cattle assessments; to amend and reenact sections 4.1-03-01, 4.1-03-02,  
5 4.1-03-03, 4.1-03-04, ~~and 4.1-03-12,~~ and 4.1-03-17 of the North Dakota Century Code, relating  
6 to the definition of a cattle industry representative, the election and terms of members to the  
7 North Dakota beef commission, commission vacancies, and requiring livestock auction markets  
8 and livestock dealers to forward names of cattle sellers, and the refund of assessments; to  
9 provide a penalty; and to provide an effective date.

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

11 **SECTION 1. AMENDMENT.** Section 4.1-03-01 of the North Dakota Century Code is  
12 amended and reenacted as follows:

**13 4.1-03-01. Definitions.**

14 As used in this chapter:

- 15 1. "Beef producer" means any person that has an ownership interest in cattle.  
16 2. "Cattle" means live domesticated bovine animals.  
17 3. "Cattle feeder" means a person in the business of feeding cattle for the purpose of  
18 adding weight to the cattle prior to slaughter.

- 1       4. "Cattle industry representative" means an individual who is or has been a beef  
2       producer, cattle feeder, dairy producer, or representative of a public livestock market in  
3       the state.
- 4       5. "Commission" means the North Dakota beef commission.
- 5       ~~5-6.~~ "Dairy producer" means any person in the business of producing and selling milk from  
6       cows.
- 7       ~~6-7.~~ "Director" means the director of the North Dakota state university extension service.
- 8       8. "Eligible voter" means a beef producer who is at least eighteen years of age.
- 9       9. "Livestock auction market" means a public market or private buying station in which  
10       livestock is offered for sale or sold.
- 11       ~~7-10.~~ "Livestock dealer" means a person that purchases cattle and is required to be licensed  
12       under chapter ~~36-044.1-83~~.
- 13       ~~8-11.~~ "Participating producer" means a beef producer that has not obtained a refund of any  
14       assessment paid on the sale of cattle under this chapter for the preceding ~~three~~  
15       yearsyear.
- 16       12. "Public livestock market" means a livestock auction market, public market, or private  
17       buying station in which livestock is offered for sale, auctioned, or sold and is required  
18       to be licensed under chapter 4.1-27 or 4.1-28.

19       **SECTION 2. AMENDMENT.** Section 4.1-03-02 of the North Dakota Century Code is  
20       amended and reenacted as follows:

21       **4.1-03-02. North Dakota beef commission - Membership - Qualifications.**

- 22       1. ~~The North Dakota beef commission consists of:~~
- 23           a. ~~Three beef producers;~~
- 24           b. ~~One cattle feeder;~~
- 25           c. ~~One dairy producer;~~
- 26           d. ~~One representative of a public livestock market; and~~
- 27           e. ~~Three at-large representatives.~~
- 28       2. ~~The governor shall appoint:~~
- 29           a. ~~Each beef producer from a list of at least two names submitted by the North~~  
30           ~~Dakota stockmen's association;~~



- 1           b. ~~The cattle feeder from a list of at least two names submitted by the North Dakota~~  
2                 ~~stockmen's association feeder council;~~  
3           e. ~~The dairy producer from a list of at least two names submitted by the milk~~  
4                 ~~producers association of North Dakota;~~  
5           d. ~~The representative of a public livestock market from a list of at least two names~~  
6                 ~~submitted by the North Dakota livestock marketing association; and~~  
7           e. ~~The three at-large representatives.~~

8       3. a. The commission consists of one cattle industry representative elected from each of  
9         the districts under section 6 of this Act. The chairman, vice chairman, and secretary-  
10        treasurer of the commission, serving on December 31, 2025, may continue to serve in  
11        their respective positions as provided under section 4.1-03-03.

12       2. Each member of the commission must:

- 13           (1) a. Be a United States citizen and a resident of this state;  
14           (2) b. Physically reside in the district the member represents; and  
15           c. Be an actively engaged in ~~that phase of the cattle industry the member~~  
16                 represents; and  
17           (3) ~~Have been actively engaged in that phase of the cattle industry for a period~~  
18                 of five years representative.

19       ~~b.3.~~ Each member of the commission, ~~except~~ unless the member is a representative of a  
20         public livestock market, must be a participating producer.

21       ~~e.4.~~ For purposes of this subsection, "actively engaged" means that the individual:

- 22           (1) a. Has an ownership interest in ~~ana~~ cattle operation that ~~is~~ qualifies the individual as  
23                 a cattle industry representative;  
24           b. Is engaged in an activity of sufficient scope and significance as to constitute a  
25                 distinct activity; and  
26           (2) c. ~~Has and regularly exercises~~ exercised direct control of the cattle operation for the  
27                 preceding year.

28       **SECTION 3. AMENDMENT.** Section 4.1-03-03 of the North Dakota Century Code is  
29       amended and reenacted as follows:



95  
4 of 10

**4.1-03-03. Term of office.**

1. ~~The~~Except as otherwise provided in this section, the term of office for each member is three years and begins on ~~July~~January first. The terms must be staggered so that no more than three terms expire each year.
2. The terms of all commission members, except the members serving as chairman, vice chairman, and secretary-treasurer of the commission on December 31, 2025, expire on December 31, 2025.
  - a. The chairman of the commission, serving on December 31, 2025, shall represent district six, as described under section 6 of this Act, until December 31, 2027.
  - b. The vice chairman of the commission, serving on December 31, 2025, shall represent district one, as described under section 6 of this Act, until December 31, 2028.
  - c. The secretary-treasurer of the commission, serving on December 31, 2025, shall represent district nine, as described under section 6 of this Act, until December 31, 2026.
  - d. The chairman, vice chairman, and secretary-treasurer of the commission, serving on December 31, 2025, each serving their respective term under this subsection, have the same rights, duties, and privileges as elected commission members.
3. Between October 1, 2025, and December 31, 2025, districts two, three, four, five, seven, and eight, as described under section 6 of this Act, each shall elect a commission member with a term, beginning January 1, 2026. The initial terms of individuals elected to begin serving as commission members on January 1, 2026, are:
  - a. One year for commission members representing districts two and five;
  - b. Two years for commission members representing districts three and seven; and
  - c. Three years for commission members representing districts four and eight.
4. Between October first and December thirty-first of the calendar year in which a commission member's term is to expire, the respective district shall elect an individual to serve as a commission member to represent that district for the succeeding term.
5. A member of the commission may not serve more than two consecutive terms. If an individual is appointed after August 1, 2009, to complete a vacancy, that ~~The~~ service is not counted as ~~a~~of the initial term, for purposes of this section, unless the duration of

1           ~~that service exceeds one year~~ under subdivision a of subsection 3 for commission  
2           members of districts two and five is not counted for purposes of this subsection.

3           **SECTION 4. AMENDMENT.** Section 4.1-03-04 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **4.1-03-04. Vacancy.**

6           ~~If a member's office is vacant, the position must be filled, for the remainder of the term, in~~  
7 ~~the same manner as the original appointment. A member's office is vacant if:~~

8           ~~1. At any time during a member's term the member ceases to possess any of the~~  
9           ~~qualifications provided for in this chapter;~~

10          ~~2. Any event enumerated in section 44-02-01 occurs; or~~

11          ~~3. The commission determines that a member has failed to attend three consecutive~~  
12 ~~meetings of the commission without justification~~ a commission member fails to meet the  
13 qualifications required to serve as a commission member under this chapter or a vacancy under  
14 section 44-02-01 occurs, the commission, by majority vote, shall appoint a qualified cattle  
15 industry representative for the remainder of the term. If an individual is appointed by the  
16 commission to complete a vacancy, that service is not counted as years of service under  
17 section 3 of this Act, unless the duration of that service exceeds one year. An individual  
18 appointed under this section has the same rights, duties, and privileges as an elected  
19 commission member.

20          **SECTION 5. AMENDMENT.** Section 4.1-03-12 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22          **4.1-03-12. Collection of assessment.**

23          1. Each livestock auction market and livestock dealer shall:

24           a. Collect the assessments due under this chapter by deducting the assessments  
25           from any credit given or payment made to the seller of the cattle, at the time of  
26           the transaction; and

27           b. Forward the assessments to the commission in accordance with section  
28           4.1-03-13.

29          2. a. If a person sells North Dakota cattle outside this state or if a person sells North  
30           Dakota cattle to an out-of-state buyer, the person shall forward any assessments  
31           due under this chapter to the commission in accordance with section 4.1-03-13.



- 1           b. This subsection does not apply if the assessment has been paid to a brand  
2           inspector in another state or to another qualified state beef council.
- 3           3. Any other person selling cattle in this state shall forward any assessments due under  
4           this chapter to the commission in accordance with section 4.1-03-13.

5           **SECTION 6. AMENDMENT.** Section 4.1-03-17 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **4.1-03-17. Permitted refunds of assessment - Refunds requiring certification by**  
8 **attorney general.**

- 9           1. ~~a.~~ When the attorney general certifies to the commission that refunds of  
10           assessments paid under subdivision a of subsection 1 of section 4.1-03-11 are no  
11           longer precluded by federal law, the commission may provide to producers refunds of  
12           assessments paid under subdivision a of subsection 1 of section 4.1-03-11.
- 13           ~~b. Refunds of assessments paid under subdivision b of subsection 1 of section~~  
14           ~~4.1-03-11 are available, subject to the requirements of this section.~~
- 15           2. a. To receive a permitted refund of any assessment paid in accordance with this  
16           chapter, a producer shall request a refund application from the commission within  
17           sixty days after the date of the sale. The request may be made orally, in writing,  
18           or in electronic form.
- 19           b. The producer must complete the refund application and return the application to  
20           the commission, together with a record of the assessment paid, within ninety  
21           days after the date of the sale. The application may be returned to the  
22           commission in person, by mail, or in electronic form. The commission shall then  
23           refund the net amount of the assessment that had been collected.
- 24           c. If a request for a refund is not submitted to the commission within the prescribed  
25           time period, the producer is presumed to have agreed to the assessment.

26           **SECTION 7.** A new section to chapter 4.1-03 of the North Dakota Century Code is created  
27 and enacted as follows:

28           **Geographical districts.**

- 29           1. The state consists of the following districts:
- 30           a. District one: Barnes, Cass, Cavalier, Eddy, Foster, Grand Forks, Griggs, Nelson,  
31           Pembina, Ramsey, Steele, Towner, Traill, and Walsh Counties;

NS  
7.8.10

- 1           **b.**   District two: Dickey, LaMoure, McIntosh, Ransom, Richland, and Sargent
- 2                   Counties;
- 3           **c.**   District three: Kidder, Logan, and Stutsman Counties;
- 4           **d.**   District four: Burleigh, Emmons, Sheridan, and Wells Counties;
- 5           **e.**   District five: Benson, Bottineau, McHenry, Pierce, Renville, and Rolette Counties;
- 6           **f.**   District six: Burke, Divide, McKenzie, McLean, Mountrail, Ward, and Williams
- 7                   Counties;
- 8           **g.**   District seven: Billings, Dunn, Golden Valley, Oliver, and Mercer Counties;
- 9           **h.**   District eight: Adams, Bowman, Hettinger, Slope, and Stark Counties; and
- 10           **i.**   District nine: Grant, Morton, and Sioux Counties.
- 11       **2.**   The commission shall review the nine district boundaries and tally the number of cattle
- 12           in each district at least once every seven years to ensure accurate producer
- 13           representation. If the commission determines the nine districts do not accurately
- 14           represent cattle industry representatives in the state, the commission may enact a
- 15           redistricting plan to amend district boundaries, provided each district contains at least
- 16           three undivided counties. If two-thirds of the elected commission members vote in
- 17           favor of the proposed redistricting plan, the commission shall adopt the plan. If the
- 18           commission adopts a redistricting plan, the commission shall submit a bill to the next
- 19           legislative assembly to amend subsection 1 in a manner consistent with the results of
- 20           the redistricting plan. The redistricting plan becomes effective on the date the
- 21           amended district boundaries under subsection 1 become effective.

22       **SECTION 8.** A new section to chapter 4.1-03 of the North Dakota Century Code is created  
23 and enacted as follows:

24       **Director of the North Dakota state university extension service - Nomination and**  
25 **election of district commission candidates.**

- 26       **1.**   **a.**   The director of the North Dakota state university extension service shall oversee
- 27           district representative commission member nominations and elections.
- 28       **b.**   Between October first and December thirty-first of each year, the director shall
- 29           conduct the nominating and election process to elect successors for districts with
- 30           terms expiring that fiscal year.



- 1           c. The director shall notify all known cattle industry representatives in the respective  
2           district and request nominations for district representative commission candidates  
3           no fewer than forty-five nor more than sixty days before the district representative  
4           commission election. The notice must be published in all official county  
5           newspapers within the district or by reliable electronic means.
- 6           d. To be eligible as a candidate in a district commission election, at least five cattle  
7           industry representatives who reside in the district shall nominate the candidate in  
8           writing. A cattle industry representative may not self-nominate.
- 9           e. Upon receiving the district commission nominations, the director shall certify that  
10          nominated candidates meet the requirements of section 4.1-03-02. The director  
11          shall prepare the election ballots with the names of the certified nominated district  
12          commission candidates. Each ballot also must include a statement indicating:  
13          (1) The date, time, and location the director will open the ballots and tabulate  
14             the results;  
15          (2) The last date by which the ballots must be postmarked or filed with the  
16             director; and  
17          (3) Any cattle industry representative in the district may be present at the time  
18             the ballots are opened and tabulated.
- 19          f. The director shall hold the district commission election by mail paper ballot. The  
20          director shall mail the ballots to each known cattle industry representative in the  
21          district at least thirty days before the election.
- 22          g. The director shall canvass the votes. The director shall notify the commission and  
23          the governor that the election has taken place, and provide to the commission  
24          and the governor the name and address and term of the newly elected district  
25          representative commission member.
- 26          2. If the cattle industry representatives in a district fail to elect an individual, as required  
27          by this section, the director shall notify the commission and the governor. The  
28          governor shall appoint a cattle industry representative who meets the requirements of  
29          section 4.1-03-02 to serve as the district commission member for the district. An  
30          individual appointed under this subsection has the same rights, duties, and privileges  
31          as an elected commission member.

- 1       3. Each eligible voter is entitled to one vote and must vote in the district in which the  
2       voter's livestock operation headquarters is located. If an eligible voter has multiple  
3       livestock operation headquarters in more than one district, the eligible voter shall cast  
4       their vote in the district in which the voter physically resides.
- 5       4. To determine whether an individual is eligible to vote under this chapter, the  
6       commission may:
- 7       a. Obtain a list of livestock producers from the United States department of  
8       agriculture farm service agency through the process under title 7, Code of  
9       Federal Regulations, part 798; or
- 10       b. Require the beef producer to certify to the North Dakota state university  
11       extension service the producer is an eligible voter under this chapter.

12       **SECTION 9.** A new section to chapter 4.1-03 of the North Dakota Century Code is created  
13 and enacted as follows:

14       **Election costs - Responsibility.**

15       All costs of holding district commission member nominations and elections under section 7  
16 of this Act are the responsibility of the commission.

17       **SECTION 10.** A new section to chapter 4.1-03 of the North Dakota Century Code is created  
18 and enacted as follows:

19       **Referendums - Assessments.**

- 20       1. If petitioned by at least fifteen percent of the cattle industry representatives of the  
21       state, the commission shall conduct a referendum among the cattle industry  
22       representatives to determine the amount by which the assessment imposed under  
23       section 4.1-03-11 should be adjusted.
- 24       2. No more than fifty percent of the cattle industry representatives who signed the  
25       petition may reside in the same district.
- 26       3. The commission shall hold an assessment referendum by mail paper ballot. The  
27       commission shall prepare the ballots with the petitioned amount by which the  
28       assessment imposed under section 4.1-03-11 is proposed to be adjusted and  
29       distribute the ballots to each cattle industry representative at least thirty days before  
30       the last date for filing ballots.
- 31       4. Each ballot must include a statement indicating:

- 1           a. The date the petition was filed and the number of signatures on the petition;
- 2           b. The date, time, and location the commission will open the ballots and tabulate the
- 3           results;
- 4           c. The last date by which the ballots must be postmarked or filed with the
- 5           commission; and
- 6           d. Any cattle industry representative may be present at the time the ballots are
- 7           opened and tabulated.
- 8        5. The date selected by the commission for the opening and tabulation of the ballots
- 9        must be at least five days after the date by which the ballots must be postmarked or
- 10       filed with the commission.
- 11       6. The commission shall canvass the votes. If the majority of voting cattle industry
- 12       representatives vote in favor of the proposed change, the commission shall submit a
- 13       bill to the next legislative assembly to amend the statutory assessment in a manner
- 14       consistent with the results of the vote.
- 15       7. All costs of holding an assessment referendum under this section are the responsibility
- 16       of the commission.
- 17       **SECTION 11. EFFECTIVE DATE.** Section 2 of this Act becomes effective on January 1,
- 18       2026.



**REPORT OF STANDING COMMITTEE  
HB 1207**

**Agriculture Committee (Rep. Beltz, Chairman)** recommends **AMENDMENTS** ([25.0418.02002](#)) and when so amended, recommends **DO NOT PASS** (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1207 was placed on the Sixth order on the calendar.

25.0418.02002  
Title.04000

Adopted by the Agriculture Committee

February 6, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1207

Introduced by

Representatives Hauck, Henderson, S. Olson

Senators Boehm, Schaible, Van Oosting

*In place of the amendments 25.0418.02001 proposed in the journal by the House, House Bill No. 1207 is amended by amendment 25.0418.02002 as follows:*

1 A BILL for an Act to create and enact four new sections to chapter 4.1-03 of the North Dakota  
2 Century Code, relating to the creation of districts, district commission member nomination and  
3 election procedures, the costs of elections of district representative commission members, and  
4 the referral of cattle assessments; to amend and reenact sections 4.1-03-01, 4.1-03-02,  
5 4.1-03-03, 4.1-03-04, ~~and 4.1-03-12,~~ and 4.1-03-17 of the North Dakota Century Code, relating  
6 to the definition of a cattle industry representative, the election and terms of members to the  
7 North Dakota beef commission, commission vacancies, and requiring livestock auction markets  
8 and livestock dealers to forward names of cattle sellers, and the refund of assessments; to  
9 provide a penalty; and to provide an effective date.

### 10 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

11 **SECTION 1. AMENDMENT.** Section 4.1-03-01 of the North Dakota Century Code is  
12 amended and reenacted as follows:

#### 13 **4.1-03-01. Definitions.**

14 As used in this chapter:

- 15 1. "Beef producer" means any person that has an ownership interest in cattle.
- 16 2. "Cattle" means live domesticated bovine animals.
- 17 3. "Cattle feeder" means a person in the business of feeding cattle for the purpose of  
18 adding weight to the cattle prior to slaughter.

- 1       4.   "Cattle industry representative" means an individual who is or has been a beef  
2           producer, cattle feeder, dairy producer, or representative of a public livestock market in  
3           the state.
- 4       5.   "Commission" means the North Dakota beef commission.
- 5       ~~5-6.~~ "Dairy producer" means any person in the business of producing and selling milk from  
6           cows.
- 7       ~~6-7.~~ "Director" means the director of the North Dakota state university extension service.
- 8       8.   "Eligible voter" means a beef producer who is at least eighteen years of age.
- 9       9.   "Livestock auction market" means a public market or private buying station in which  
10          livestock is offered for sale or sold.
- 11      ~~7-10.~~ "Livestock dealer" means a person that purchases cattle and is required to be licensed  
12          under chapter ~~36-044.1-83.~~
- 13      ~~8-11.~~ "Participating producer" means a beef producer that has not obtained a refund of any  
14          assessment paid on the sale of cattle under this chapter for the preceding ~~three-~~  
15          yearsyear.
- 16      12.   "Public livestock market" means a livestock auction market, public market, or private  
17          buying station in which livestock is offered for sale, auctioned, or sold and is required  
18          to be licensed under chapter 4.1-27 or 4.1-28.

19       **SECTION 2. AMENDMENT.** Section 4.1-03-02 of the North Dakota Century Code is  
20   amended and reenacted as follows:

21       **4.1-03-02. North Dakota beef commission - Membership - Qualifications.**

- 22       1.   ~~The North Dakota beef commission consists of:~~
- 23           a.   ~~Three beef producers;~~
- 24           b.   ~~One cattle feeder;~~
- 25           c.   ~~One dairy producer;~~
- 26           d.   ~~One representative of a public livestock market; and~~
- 27           e.   ~~Three at-large representatives.~~
- 28       2.   ~~The governor shall appoint:~~
- 29           a.   ~~Each beef producer from a list of at least two names submitted by the North-~~  
30               ~~Dakota stockmen's association;~~

- 1           b. ~~The cattle feeder from a list of at least two names submitted by the North Dakota~~  
2           ~~stockmen's association feeder council;~~
- 3           e. ~~The dairy producer from a list of at least two names submitted by the milk~~  
4           ~~producers association of North Dakota;~~
- 5           d. ~~The representative of a public livestock market from a list of at least two names~~  
6           ~~submitted by the North Dakota livestock marketing association; and~~
- 7           e. ~~The three at-large representatives.~~

8       3. a. The commission consists of one cattle industry representative elected from each of  
9       the districts under section 6 of this Act. The chairman, vice chairman, and secretary-  
10       treasurer of the commission, serving on December 31, 2025, may continue to serve in  
11       their respective positions as provided under section 4.1-03-03.

12       2. Each member of the commission must:

13           (1)a. Be a United States citizen and a resident of this state;

14           (2)b. Physically reside in the district the member represents; and

15           c. Be an actively engaged in ~~that phase of the cattle industry the member~~  
16           ~~represents; and~~

17           (3) ~~Have been actively engaged in that phase of the cattle industry for a period~~  
18           ~~of five years~~representative.

19       b.3. Each member of the commission, ~~except~~unless the member is a representative of a  
20       public livestock market, must be a participating producer.

21       e.4. For purposes of this subsection, "actively engaged" means ~~that~~ the individual:

22           (1)a. Has an ownership interest in an cattle operation that ~~is~~ qualifies the individual as  
23           a cattle industry representative;

24           b. Is engaged in an activity of sufficient scope and significance as to constitute a  
25           distinct activity; and

26           (2)c. Has and regularly ~~exercises~~exercised direct control of the cattle operation for the  
27           preceding year.

28       **SECTION 3. AMENDMENT.** Section 4.1-03-03 of the North Dakota Century Code is  
29       amended and reenacted as follows:

1       **4.1-03-03. Term of office.**

2       1. ~~The~~Except as otherwise provided in this section, the term of office for each member is  
3       three years and begins on ~~July~~January first. The terms must be staggered so that no  
4       more than three terms expire each year.

5       2. The terms of all commission members, except the members serving as chairman, vice  
6       chairman, and secretary-treasurer of the commission on December 31, 2025, expire  
7       on December 31, 2025.

8       a. The chairman of the commission, serving on December 31, 2025, shall represent  
9       district six, as described under section 6 of this Act, until December 31, 2027.

10      b. The vice chairman of the commission, serving on December 31, 2025, shall  
11      represent district one, as described under section 6 of this Act, until  
12      December 31, 2028.

13      c. The secretary-treasurer of the commission, serving on December 31, 2025, shall  
14      represent district nine, as described under section 6 of this Act, until  
15      December 31, 2026.

16      d. The chairman, vice chairman, and secretary-treasurer of the commission, serving  
17      on December 31, 2025, each serving their respective term under this subsection,  
18      have the same rights, duties, and privileges as elected commission members.

19      3. Between October 1, 2025, and December 31, 2025, districts two, three, four, five,  
20      seven, and eight, as described under section 6 of this Act, each shall elect a  
21      commission member with a term, beginning January 1, 2026. The initial terms of  
22      individuals elected to begin serving as commission members on January 1, 2026, are:

23      a. One year for commission members representing districts two and five;

24      b. Two years for commission members representing districts three and seven; and

25      c. Three years for commission members representing districts four and eight.

26      4. Between October first and December thirty-first of the calendar year in which a  
27      commission member's term is to expire, the respective district shall elect an individual  
28      to serve as a commission member to represent that district for the succeeding term.

29      5. A member of the commission may not serve more than two consecutive terms. If an-  
30      individual is appointed after August 1, 2009, to complete a vacancy, that~~The service is-~~  
31      ~~not counted as a~~of the initial term, ~~for purposes of this section, unless the duration of~~

1           ~~that service exceeds one year under subdivision a of subsection 3 for commission~~  
2           ~~members of districts two and five is not counted for purposes of this subsection.~~

3           **SECTION 4. AMENDMENT.** Section 4.1-03-04 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **4.1-03-04. Vacancy.**

6           ~~If a member's office is vacant, the position must be filled, for the remainder of the term, in~~  
7 ~~the same manner as the original appointment. A member's office is vacant if:~~

8           1. ~~At any time during a member's term the member ceases to possess any of the~~  
9           ~~qualifications provided for in this chapter;~~

10          2. ~~Any event enumerated in section 44-02-01 occurs; or~~

11          3. ~~The commission determines that a member has failed to attend three consecutive~~  
12 ~~meetings of the commission without justification~~a commission member fails to meet the  
13 qualifications required to serve as a commission member under this chapter or a vacancy under  
14 section 44-02-01 occurs, the commission, by majority vote, shall appoint a qualified cattle  
15 industry representative for the remainder of the term. If an individual is appointed by the  
16 commission to complete a vacancy, that service is not counted as years of service under  
17 section 3 of this Act, unless the duration of that service exceeds one year. An individual  
18 appointed under this section has the same rights, duties, and privileges as an elected  
19 commission member.

20          **SECTION 5. AMENDMENT.** Section 4.1-03-12 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22          **4.1-03-12. Collection of assessment.**

23          1. Each livestock auction market and livestock dealer shall:

24           a. Collect the assessments due under this chapter by deducting the assessments  
25           from any credit given or payment made to the seller of the cattle, at the time of  
26           the transaction; and

27           b. Forward the assessments to the commission in accordance with section  
28           4.1-03-13.

29          2. a. If a person sells North Dakota cattle outside this state or if a person sells North  
30           Dakota cattle to an out-of-state buyer, the person shall forward any assessments  
31           due under this chapter to the commission in accordance with section 4.1-03-13.



b. This subsection does not apply if the assessment has been paid to a brand inspector in another state or to another qualified state beef council.

3. Any other person selling cattle in this state shall forward any assessments due under this chapter to the commission in accordance with section 4.1-03-13.

**SECTION 6. AMENDMENT.** Section 4.1-03-17 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-03-17. Permitted refunds of assessment - Refunds requiring certification by attorney general.**

1. ~~a.~~ When the attorney general certifies to the commission that refunds of assessments paid under subdivision a of subsection 1 of section 4.1-03-11 are no longer precluded by federal law, the commission may provide to producers refunds of assessments paid under subdivision a of subsection 1 of section 4.1-03-11.

~~b. Refunds of assessments paid under subdivision b of subsection 1 of section 4.1-03-11 are available, subject to the requirements of this section.~~

2. a. To receive a permitted refund of any assessment paid in accordance with this chapter, a producer shall request a refund application from the commission within sixty days after the date of the sale. The request may be made orally, in writing, or in electronic form.

b. The producer must complete the refund application and return the application to the commission, together with a record of the assessment paid, within ninety days after the date of the sale. The application may be returned to the commission in person, by mail, or in electronic form. The commission shall then refund the net amount of the assessment that had been collected.

c. If a request for a refund is not submitted to the commission within the prescribed time period, the producer is presumed to have agreed to the assessment.

**SECTION 7.** A new section to chapter 4.1-03 of the North Dakota Century Code is created and enacted as follows:

**Geographical districts.**

1. The state consists of the following districts:

a. District one: Barnes, Cass, Cavalier, Eddy, Foster, Grand Forks, Griggs, Nelson, Pembina, Ramsey, Steele, Towner, Traill, and Walsh Counties;

- b. District two: Dickey, LaMoure, McIntosh, Ransom, Richland, and Sargent Counties;
- c. District three: Kidder, Logan, and Stutsman Counties;
- d. District four: Burleigh, Emmons, Sheridan, and Wells Counties;
- e. District five: Benson, Bottineau, McHenry, Pierce, Renville, and Rolette Counties;
- f. District six: Burke, Divide, McKenzie, McLean, Mountrail, Ward, and Williams Counties;
- g. District seven: Billings, Dunn, Golden Valley, Oliver, and Mercer Counties;
- h. District eight: Adams, Bowman, Hettinger, Slope, and Stark Counties; and
- i. District nine: Grant, Morton, and Sioux Counties.

- 2. The commission shall review the nine district boundaries and tally the number of cattle in each district at least once every seven years to ensure accurate producer representation. If the commission determines the nine districts do not accurately represent cattle industry representatives in the state, the commission may enact a redistricting plan to amend district boundaries, provided each district contains at least three undivided counties. If two-thirds of the elected commission members vote in favor of the proposed redistricting plan, the commission shall adopt the plan. If the commission adopts a redistricting plan, the commission shall submit a bill to the next legislative assembly to amend subsection 1 in a manner consistent with the results of the redistricting plan. The redistricting plan becomes effective on the date the amended district boundaries under subsection 1 become effective.

**SECTION 8.** A new section to chapter 4.1-03 of the North Dakota Century Code is created and enacted as follows:

**Director of the North Dakota state university extension service - Nomination and election of district commission candidates.**

- 1. a. The director of the North Dakota state university extension service shall oversee district representative commission member nominations and elections.
- b. Between October first and December thirty-first of each year, the director shall conduct the nominating and election process to elect successors for districts with terms expiring that fiscal year.

- 1           c. The director shall notify all known cattle industry representatives in the respective  
2           district and request nominations for district representative commission candidates  
3           no fewer than forty-five nor more than sixty days before the district representative  
4           commission election. The notice must be published in all official county  
5           newspapers within the district or by reliable electronic means.
- 6           d. To be eligible as a candidate in a district commission election, at least five cattle  
7           industry representatives who reside in the district shall nominate the candidate in  
8           writing. A cattle industry representative may not self-nominate.
- 9           e. Upon receiving the district commission nominations, the director shall certify that  
10          nominated candidates meet the requirements of section 4.1-03-02. The director  
11          shall prepare the election ballots with the names of the certified nominated district  
12          commission candidates. Each ballot also must include a statement indicating:  
13          (1) The date, time, and location the director will open the ballots and tabulate  
14             the results;  
15          (2) The last date by which the ballots must be postmarked or filed with the  
16             director; and  
17          (3) Any cattle industry representative in the district may be present at the time  
18             the ballots are opened and tabulated.
- 19          f. The director shall hold the district commission election by mail paper ballot. The  
20          director shall mail the ballots to each known cattle industry representative in the  
21          district at least thirty days before the election.
- 22          g. The director shall canvass the votes. The director shall notify the commission and  
23          the governor that the election has taken place, and provide to the commission  
24          and the governor the name and address and term of the newly elected district  
25          representative commission member.
- 26          2. If the cattle industry representatives in a district fail to elect an individual, as required  
27          by this section, the director shall notify the commission and the governor. The  
28          governor shall appoint a cattle industry representative who meets the requirements of  
29          section 4.1-03-02 to serve as the district commission member for the district. An  
30          individual appointed under this subsection has the same rights, duties, and privileges  
31          as an elected commission member.

1       3. Each eligible voter is entitled to one vote and must vote in the district in which the  
2       voter's livestock operation headquarters is located. If an eligible voter has multiple  
3       livestock operation headquarters in more than one district, the eligible voter shall cast  
4       their vote in the district in which the voter physically resides.

5       4. To determine whether an individual is eligible to vote under this chapter, the  
6       commission may:

7           a. Obtain a list of livestock producers from the United States department of  
8           agriculture farm service agency through the process under title 7, Code of  
9           Federal Regulations, part 798; or

10          b. Require the beef producer to certify to the North Dakota state university  
11          extension service the producer is an eligible voter under this chapter.

12       **SECTION 9.** A new section to chapter 4.1-03 of the North Dakota Century Code is created  
13 and enacted as follows:

14       **Election costs - Responsibility.**

15       All costs of holding district commission member nominations and elections under section 7  
16 of this Act are the responsibility of the commission.

17       **SECTION 10.** A new section to chapter 4.1-03 of the North Dakota Century Code is created  
18 and enacted as follows:

19       **Referendums - Assessments.**

20       1. If petitioned by at least fifteen percent of the cattle industry representatives of the  
21       state, the commission shall conduct a referendum among the cattle industry  
22       representatives to determine the amount by which the assessment imposed under  
23       section 4.1-03-11 should be adjusted.

24       2. No more than fifty percent of the cattle industry representatives who signed the  
25       petition may reside in the same district.

26       3. The commission shall hold an assessment referendum by mail paper ballot. The  
27       commission shall prepare the ballots with the petitioned amount by which the  
28       assessment imposed under section 4.1-03-11 is proposed to be adjusted and  
29       distribute the ballots to each cattle industry representative at least thirty days before  
30       the last date for filing ballots.

31       4. Each ballot must include a statement indicating:

- 1           a. The date the petition was filed and the number of signatures on the petition;
- 2           b. The date, time, and location the commission will open the ballots and tabulate the
- 3           results;
- 4           c. The last date by which the ballots must be postmarked or filed with the
- 5           commission; and
- 6           d. Any cattle industry representative may be present at the time the ballots are
- 7           opened and tabulated.
- 8        5. The date selected by the commission for the opening and tabulation of the ballots
- 9           must be at least five days after the date by which the ballots must be postmarked or
- 10          filed with the commission.
- 11       6. The commission shall canvass the votes. If the majority of voting cattle industry
- 12          representatives vote in favor of the proposed change, the commission shall submit a
- 13          bill to the next legislative assembly to amend the statutory assessment in a manner
- 14          consistent with the results of the vote.
- 15       7. All costs of holding an assessment referendum under this section are the responsibility
- 16          of the commission.

17       **SECTION 11. EFFECTIVE DATE.** Section 2 of this Act becomes effective on January 1,  
18   2026.