

Introduced by

Senators Schaible, Boehm, Magrum

Representatives Hauck, Nelson

1 A BILL for an Act to create and enact three 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, and the costs of elections of district representative commission members;
4 to amend and reenact sections 4.1-03-01, 4.1-03-02, 4.1-03-03, and 4.1-03-04 of the North
5 Dakota Century Code, relating to the definition of a cattle industry representative, the election
6 and terms of members to the North Dakota beef commission, commission vacancies, and
7 requiring livestock auction markets and livestock dealers to forward names of cattle sellers; to
8 provide a penalty; and to provide an effective date.

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

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

12 **4.1-03-01. Definitions.**

13 As used in this chapter:

- 14 1. "Beef producer" means any person that has an ownership interest in cattle.
- 15 2. "Cattle" means live domesticated bovine animals.
- 16 3. "Cattle feeder" means a person in the business of feeding cattle for the purpose of
17 adding weight to the cattle prior to slaughter.
- 18 4. "Cattle industry representative" means an individual who is or has been a beef
19 producer, cattle feeder, dairy producer, or representative of a public livestock market in
20 the state.
- 21 5. "Commission" means the North Dakota beef commission.
- 22 ~~5-6.~~ "Dairy producer" means any person in the business of producing and selling milk from
23 cows.
- 24 ~~6-7.~~ "Director" means the director of the North Dakota state university extension service.

- 1 8. "Eligible voter" means a beef producer who is at least eighteen years of age.
- 2 9. "Livestock auction market" means a public market or private buying station in which
- 3 livestock is offered for sale or sold.
- 4 7.10. "Livestock dealer" means a person that purchases cattle and is required to be licensed
- 5 under chapter ~~36-044.1-83~~.
- 6 8.11. "Participating producer" means a beef producer that has not obtained a refund of any
- 7 assessment paid on the sale of cattle under this chapter for the preceding ~~three-~~
- 8 ~~years~~year.
- 9 12. "Public livestock market" means a livestock auction market, public market, or private
- 10 buying station in which livestock is offered for sale, auctioned, or sold and is required
- 11 to be licensed under chapter 4.1-27 or 4.1-28.

12 **SECTION 2. AMENDMENT.** Section 4.1-03-02 of the North Dakota Century Code is

13 amended and reenacted as follows:

14 **4.1-03-02. North Dakota beef commission - Membership - Qualifications.**

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

1 ~~3.~~ a. The commission consists of one cattle industry representative elected from each
2 of the districts under section 5 of this Act. The chairman, vice chairman, and
3 secretary-treasurer of the commission, serving on December 31, 2025, may
4 continue to serve in their respective positions as provided under section
5 4.1-03-03.

6 2. Each member of the commission must:

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

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

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

11 ~~(3)~~ Have ~~been actively engaged in that phase of the cattle industry for a period~~
12 of five yearsrepresentative.

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

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

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

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

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

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

24 **4.1-03-03. Term of office.**

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

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

- 1 a. The chairman of the commission, serving on December 31, 2025, shall represent
2 district six, as described under section 5 of this Act, until December 31, 2027.
- 3 b. The vice chairman of the commission, serving on December 31, 2025, shall
4 represent district one, as described under section 5 of this Act, until
5 December 31, 2028.
- 6 c. The secretary-treasurer of the commission, serving on December 31, 2025, shall
7 represent district nine, as described under section 5 of this Act, until
8 December 31, 2026.
- 9 d. The chairman, vice chairman, and secretary-treasurer of the commission, serving
10 on December 31, 2025, each serving their respective term under this subsection,
11 have the same rights, duties, and privileges as elected commission members.
- 12 3. Between October 1, 2025, and December 31, 2025, districts two, three, four, five,
13 seven, and eight, as described under section 5 of this Act, each shall elect a
14 commission member with a term, beginning January 1, 2026. The initial terms of
15 individuals elected to begin serving as commission members on January 1, 2026, are:
- 16 a. One year for commission members representing districts two and five;
17 b. Two years for commission members representing districts three and seven; and
18 c. Three years for commission members representing districts four and eight.
- 19 4. Between October first and December thirty-first of the calendar year in which a
20 commission member's term is to expire, the respective district shall elect an individual
21 to serve as a commission member to represent that district for the succeeding term.
- 22 5. ~~A member of the commission may not serve more than two consecutive terms. If an~~
23 ~~individual is appointed after August 1, 2009, to complete a vacancy, that~~The service is-
24 ~~not counted as aof the initial term, for purposes of this section, unless the duration of~~
25 ~~that service exceeds one year under subdivision a of subsection 3 for commission~~
26 ~~members of districts two and five is not counted for purposes of this subsection.~~

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

29 **4.1-03-04. Vacancy.**

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

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

13 **SECTION 5.** A new section to chapter 4.1-03 of the North Dakota Century Code is created
14 and enacted as follows:

15 **Geographical districts - Redistricting - Report to legislative assembly.**

- 16 1. The state consists of the following districts:
 - 17 a. District one: Barnes, Cass, Cavalier, Eddy, Foster, Grand Forks, Griggs, Nelson,
18 Pembina, Ramsey, Steele, Towner, Traill, and Walsh Counties;
 - 19 b. District two: Dickey, LaMoure, McIntosh, Ransom, Richland, and Sargent
20 Counties;
 - 21 c. District three: Kidder, Logan, and Stutsman Counties;
 - 22 d. District four: Burleigh, Emmons, Sheridan, and Wells Counties;
 - 23 e. District five: Benson, Bottineau, McHenry, Pierce, Renville, and Rolette Counties;
 - 24 f. District six: Burke, Divide, McKenzie, McLean, Mountrail, Ward, and Williams
25 Counties;
 - 26 g. District seven: Billings, Dunn, Golden Valley, Oliver, and Mercer Counties;
 - 27 h. District eight: Adams, Bowman, Hettinger, Slope, and Stark Counties; and
 - 28 i. District nine: Grant, Morton, and Sioux Counties.
- 29 2. The commission shall review the nine district boundaries and tally the number of cattle
30 in each district at least once every seven years to ensure accurate producer
31 representation. If the commission determines the nine districts do not accurately

1 represent cattle industry representatives in the state, the commission may enact a
2 redistricting plan to amend district boundaries, provided each district contains at least
3 three undivided counties. If two-thirds of the elected commission members vote in
4 favor of the proposed redistricting plan, the commission shall adopt the plan. If the
5 commission adopts a redistricting plan, the commission shall report to the next
6 legislative assembly to propose an amendment to subsection 1 in a manner consistent
7 with the results of the redistricting plan. The redistricting plan becomes effective on the
8 date the amended district boundaries under subsection 1 become effective.

9 **SECTION 6.** A new section to chapter 4.1-03 of the North Dakota Century Code is created
10 and enacted as follows:

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

- 13 1. a. The director of the North Dakota state university extension service shall oversee
14 district representative commission member nominations and elections.
- 15 b. Between October first and November fifteenth of each year, the director shall
16 conduct the nominating and election process to elect successors for districts with
17 terms expiring that fiscal year.
- 18 c. The director shall notify all known cattle industry representatives in the respective
19 district and request nominations for district representative commission candidates
20 no fewer than forty-five days before the district representative commission
21 election. The notice must include the date, time, and place of the election and
22 must be published in all official county newspapers within the district or by
23 reliable electronic means.
- 24 d. To be eligible as a candidate in a district commission election, at least five cattle
25 industry representatives who reside in the district shall nominate the candidate in
26 writing. A cattle industry representative may not self-nominate.
- 27 e. Upon receiving the district commission nominations, the director shall certify that
28 nominated candidates meet the requirements of section 4.1-03-02. The director
29 shall prepare the election ballots with the names of the certified nominated district
30 commission candidates. Voting must occur within a period of five business days
31 set by the director. Each ballot also must include a statement indicating:

- 1 (1) The date, time, and location the director will open the ballots and tabulate
2 the results; and
- 3 (2) Any cattle industry representative in the district may be present at the time
4 the ballots are opened and tabulated.
- 5 f. The director and the executive director of the commission shall hold the district
6 commission election by paper ballot. An eligible voter shall go to the North
7 Dakota state university extension service location within the voter's district to cast
8 the ballot.
- 9 g. The director and the executive director of the commission shall canvass the
10 votes. The director shall notify the commission and the governor that the election
11 has taken place, and provide to the commission and the governor the name and
12 address and term of the newly elected district representative commission
13 member.
- 14 2. If the cattle industry representatives in a district fail to elect an individual, as required
15 by this section, the director shall notify the commission and the governor. The
16 governor shall appoint a cattle industry representative who meets the requirements of
17 section 4.1-03-02 to serve as the district commission member for the district. An
18 individual appointed under this subsection has the same rights, duties, and privileges
19 as an elected commission member.
- 20 3. Each eligible voter is entitled to one vote and must vote in the district in which the
21 voter's livestock operation headquarters is located. If an eligible voter has multiple
22 livestock operation headquarters in more than one district, the eligible voter shall cast
23 their vote in the district in which the voter physically resides. Before casting a vote, the
24 voter shall certify on the ballot the voter is an eligible voter as provided under section
25 4.1-03-01.
- 26 4. To verify the eligibility certification made under subsection 3, the commission may
27 request proof of an individual's eligibility, such as an eligible sales receipt.

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

1 **Election costs - Responsibility.**

2 All costs of holding district commission member nominations and elections under section 6
3 of this Act are the responsibility of the commission.

4 **SECTION 8. EFFECTIVE DATE.** Section 2 of this Act becomes effective on January 1,
5 2026.