

**HOUSE BILL NO. 1392**

Introduced by

Representatives Nicholas, Kempenich, S. Meyer

Senators Erbele, Flakoll

1 A BILL for an Act to create and enact a new section to chapter 36-09 of the North Dakota  
2 Century Code, relating to the costs of brand reinspection; to amend and reenact sections  
3 36-09-09 and 36-09-24 of the North Dakota Century Code, relating to brand recording and  
4 fieldmen; to repeal section 36-09-09 of the North Dakota Century Code, relating to the  
5 cancellation and rerecording of brands; and to provide an effective date.

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

7 **SECTION 1. AMENDMENT.** Section 36-09-09 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **36-09-09. ~~(Effective through June 30, 2006)~~ Cancellation of brands - Rerecording -**  
10 **Limitation on brands.** On the first day of January 1966, each livestock brand or mark must be  
11 canceled and no person may use or have any right, title, or interest in or to any livestock brand  
12 or mark previously recorded in this state. If a person should desire to continue ownership of a  
13 brand or mark, the brand or mark must be rerecorded on or before January first, and each ten  
14 years thereafter. Rerecording is not required from an owner who has registered for a new  
15 brand within six months prior to the date provided for the rerecording of brands.

16 **~~(Effective after June 30, 2006) Cancellation of brands - Rerecording - Limitation~~**  
17 **~~on brands.~~** On the first day of January 1966, each and every livestock brand or mark must be  
18 canceled and no person, copartnership, company, firm, or corporation may use or have any  
19 right, title, or interest in or to any livestock brand or mark previously recorded in this state. If a  
20 person, copartnership, company, firm, or corporation should desire to continue ownership  
21 thereof, the brand or mark must be rerecorded on or before January first, and each ten years  
22 thereafter. Rerecording is not required from an owner who has registered for a new brand  
23 within six months prior to the date provided for the rerecording of brands thereafter.

1           **SECTION 2. AMENDMENT.** Section 36-09-24 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **36-09-24. Police powers of chief brand inspector and ~~two~~ fieldmen.** The chief  
4 brand inspector and ~~two fieldmen~~ all fieldmen employed by the North Dakota stockmen's  
5 association have the power:

- 6           1. Of a police officer for the purpose of enforcing brand laws and any other state laws  
7           or rules relating to livestock.
- 8           2. To make arrests upon view and without warrant for any violation of this chapter or  
9           any other state laws or rules relating to livestock committed in the inspector's  
10          presence.
- 11          3. To respond to requests from other law enforcement agencies or officers for aid and  
12          assistance. For the purposes of this subsection, a request from a law enforcement  
13          agency or officer means only a request for assistance to a particular and single  
14          violation or suspicion of violation of law, and does not constitute a continuous  
15          request for assistance.

16          **SECTION 3.** A new section to chapter 36-09 of the North Dakota Century Code is  
17 created and enacted as follows:

18          **Reinspection request - Responsibility for costs.** A person that contends a brand  
19 inspection error occurred and that, as a result of the error, cattle were shipped erroneously,  
20 may request a reinspection. If during the reinspection it is determined that a brand inspection  
21 error was made, the North Dakota stockmen's association shall bear the costs of the  
22 reinspection. If it is determined that a brand inspection error was not made, the person that  
23 requested the reinspection shall reimburse the stockmen's association for the costs of the  
24 reinspection.

25          **SECTION 4. REPEAL.** Section 36-09-09 of the North Dakota Century Code is  
26 repealed.

27          **SECTION 5. EFFECTIVE DATE.** Section 4 of this Act becomes effective on July 1,  
28 2006.