

ARTICLE 48.1-03 BRAND INSPECTION

Chapter
48.1-03-01 Brand Inspection

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48.1-03-01-01. Definitions.

The terms used throughout this title have the same meaning as in North Dakota Century Code chapter 36-01 except:

1. "Association" means the North Dakota stockmen's association.
2. "Buying station" means a point where cattle, horses, or mules are gathered for sale and is also referred to as a weigh station or scale.

History: Effective July 1, 2016.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

48.1-03-01-02. Feedlot registration.

1. Any person who operates a dry lot cattle feeding operation within the confines of permanently fenced lots may make application to the chief brand inspector of the association for a registered feedlot number and permit. After the association has received application and a fee, an agent of the association, within thirty days, shall make investigation to determine that the following requirements are satisfied:
 - a. Operator's lots must be of permanently fenced dry lot status.
 - b. Operator must commonly practice feeding cattle to finish for slaughter.
2. Commercial feedlots, which custom feed cattle for other persons, and do not have ownership of the cattle, are not eligible for registered feedlot numbers and permits.
 - a. Producers intending to have cattle fed at a commercial lot may apply for a registered feedlot permit individually and the operators of a commercial lot are responsible for submitting the necessary documentation on behalf of the producers.
 - b. The association may issue a registration number and permit valid for ten years unless rescinded for cause.
3. All cattle placed in a registered feedlot must be accompanied by a brand inspection certificate. Such certificate may be a market clearance, a local brand inspection certificate, or a recognized brand inspection certificate from another state.
 - a. Cattle purchased or acquired by a registered feedlot operator from a North Dakota producer must be inspected before being mixed with other cattle and the producer shall pay inspection costs.

- b. Cattle raised by a registered feedlot operator and placed in the operator's own feedlot must be inspected at the time they are placed in the feedlot and the regular inspection fee shall be paid by the operator.
 - c. Cattle to be placed in a registered feedlot which come from outside the state, but which are not accompanied by a brand inspection certificate, must be inspected without charge before being mixed with other cattle.
4. The operator of a registered feedlot shall maintain certain cattle inventory records. The chief brand inspector shall prescribe a permit form for this purpose. The form must show number of cattle in the lot, number sold, date and place where cattle were sold, number of cattle remaining in the lot, number of replacement cattle placed in the lot, and such other information as may be necessary, including death losses.
 - a. Cattle shipped from a registered feedlot directly to market are not subject to brand inspection or payment of inspection fees at the market. These cattle must be shipped on a chief brand inspector permit form. This form must be made in triplicate:
 - (1) One copy must be delivered to the brand inspector at the market along with shipment;
 - (2) One copy must be sent to the chief brand inspector along with the fees no later than ten days after the end of each quarter (quarters being March, June, September, December) for those cattle shipped during the previous three months; and
 - (3) One copy must be retained by the operator.
 - b. If the above permit form fails to accompany shipment of cattle to market, cattle are subject to inspection and regular fees must be charged for the service.
 - c. The operator of a registered feedlot shall pay an annual assessment of twenty-five dollars plus fifty cents per head on each head shipped on the above permit form. Operators will be billed the twenty-five dollar portion of the annual assessment by the chief brand inspector in December for the annual assessment of the following year.
5. Cattle sold from a registered feedlot, but which are not sold for slaughter, must be inspected and the seller bears the cost of inspection at the regular fee.
6. Registered feedlots are subject to inspection at any reasonable time at the discretion of the chief brand inspector, and the operator shall show cattle inventory records and inspection certificates to cover all cattle in the operator's feedlot.
7. The chief brand inspector, for good cause, may suspend or revoke a registration.

History: Effective July 1, 2016.

General Authority: NDCC 36-01-30

Law Implemented: NDCC 36-01-30

48.1-03-01-03. Brand inspection.

1. When cattle, horses, or mules are offered for sale at any brand inspection point, proof of ownership must be established by the shipper of the cattle, horses, or mules, either by a recorded brand, bill of sale, livestock market clearance, local inspection certificate, or an affidavit of ownership.
2. If any animal inspected bears the recorded brand of the shipper or seller and also bears a recorded brand or brands other than the recorded brand of the shipper or seller, then the

shipper or seller may be required, at the discretion of the brand inspector, to establish ownership of such animal by bills of sale, market clearance, local inspection certificate, or any other satisfactory evidence of ownership.

3. A claim for feed, pasture, or gathering may not be submitted at market. All such claims must be referred to and approved for payment from proceeds of sale by the association, unless payment is authorized in writing by the owner of the brand carried by such livestock.
4. Sales agency, packing plant, and buying stations where inspection is conducted must furnish necessary help, without charge, to assist the brand inspectors in handling cattle, horses, or mules to be inspected for brands.
5. All cattle, horses, or mules entering an inspection point must be placed in pens assigned to individual sellers and must be kept separate from all other cattle, horses, or mules until inspected by the brand inspector and released for sale or shipment.
6. No cattle, horses, or mules may be inspected when loaded in trucks or after dark or by artificial light, unless approved by the chief brand inspector. The chief brand inspector may grant approval to premises which meet artificial light specifications and may extend or remove such approval.
7. The association shall provide a sufficient and competent force of brand inspectors at inspection points to conduct the brand inspection in an efficient and timely manner.
8. Brand inspectors may not inspect their own livestock.
9. Meat processing facility inspections:
 - a. The association, upon a recommendation by the chief brand inspector, shall make an inspection of any butcher shop, buying station, locker plant, or custom meat cutting and processing establishment where cattle are slaughtered or processed for the owner for a fee.
 - b. Brand inspectors, when directed to do so by the chief brand inspector, may go upon the premises of any such butcher shop, buying station, locker plant, or custom meat cutting establishment, for the purpose of making physical inspection on the premises as to the ownership or identity of animals or their carcasses.
10. Brand inspection fees and expenses are as follows:
 - a. A permanent inspection permit may be obtained from the association, for horses and mules only, by payment of a twenty-five dollar inspection fee.
 - b. A fee of one dollar and fifty cents per head on all cattle, horses, or mules subject to brand inspection at points where such inspection is maintained shall be paid by:
 - (1) The owner of the cattle, horses, or mules; or
 - (2) The commission firm, sales agency, buying station operator, or packing plant company when sold by a commission firm, sales agency, or when purchased by a buying station operator or packing plant. Upon a sale, the commission firm, sales agency, buying station operator, or packing plant company shall:
 - (a) Collect and withhold from the proceeds of such sale the inspection fee; and
 - (b) Pay the association upon demand the entire amounts collected without any deductions.

- c. Whenever a brand inspector is required to travel to points other than the inspector's official stations to perform local brand inspection, the shipper, owner, or consignor shall pay the inspector mileage at the same rate per mile [1.61 kilometers] paid to state officials, in addition to the regular brand inspection fee.
11. The following auction markets outside the state are designated official brand inspection markets for North Dakota origin cattle, horses, and mules: Mobridge livestock auction, Mobridge, South Dakota; Lemmon livestock market, inc., Lemmon, South Dakota; Sisseton livestock sale co., Sisseton, South Dakota; Britton livestock sale co., Britton, South Dakota; hub city livestock sale co., Aberdeen, South Dakota; Aberdeen livestock sales, Aberdeen, South Dakota; Herreid livestock sale co., Herreid, South Dakota; Glendive livestock auction, Glendive, Montana; Sidney livestock market center, Sidney, Montana. If any of the above markets, or other markets designated by the board, where the association provides brand inspection closes for a period of three months or longer, the market must file a written request and follow the same criteria as listed for new requests for brand inspection services.
 - a. The request must be from a market within thirty-five miles of the state border, unless granted an exemption by the board.
 - b. The number of potential inspections must be at a level that is feasible for the association to hire personnel to perform the inspection services.
 - c. The auction markets must file a bond with the association in an amount to assure that any shortage of income from inspections will cover all expenses incurred in performing the services.
 - d. The auction markets must agree to abide by all North Dakota livestock inspection laws and rules. Failure to do so may result in immediate suspension or revocation of brand inspection services.

History: Effective July 1, 2016.

General Authority: NDCC 4.1-72-01

Law Implemented: NDCC 4.1-72-01, 4.1-73-23, 4.1-74-01, 36-05-10