

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1384

2007 HOUSE AGRICULTURE

HB 1384

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1384

House Agriculture Committee

Check here for Conference Committee

Hearing Date: 1-26-07

Recorder Job Number: 2032

Committee Clerk Signature

Edward Ellefson

Minutes:

Chairman Kingsbury: opened the hearing on HB 1384.

Rep. Shirley Meyer gave her testimony.

Years ago the Ag Department registered all the brands and listed all the brands. Some are good brands and some are just flat not good. If you talk to a brand inspector they will tell you why. Many times when you get an animal to come to an auction barn it becomes difficult for brand inspectors because some are blotches or runs making it hard to read.

We did try and get this out of the Ag Department and put it to the Stockman's Association where they would have a little more logic to the problem. At that time they developed standards as to how we were going to brand animals and which letters were going to be prohibited.

This bill deals only with branding of horses such as legal branding locations on a horse is going to be the Jaw, shoulders or both sides of the hip which is 6 locations.

The problem this bill is trying to address in the re-registering are the people that have horse brands that they feel are exceptionally good horse brands, under the provisions of the first page. When it came to re-registering these brands we are watching for not so much blotching. It is a much clear brand. When they wanted to re-register the brand they wanted to purchase

this on the other side of the horse. These become real property. These brands become valuable. They can be sold. Right now the brand showing is illegal, but as all these brands get re-registered these brands are grandfather in. The Chief Brand inspector decides what a good brand is and will tell you if the brand is awful and will not license a bad brand. The Chief Brand inspector decides if you can brand on both sides of the hip.

Rep Kingsbury: Did some one else have the same brands as you did?

Rep Meyer: The brand was purchased on the location. They may have the same symbol but a different location.

Rep Mueller: Has there been any consideration as to why we brand animals at all?

Rep Meyer: The brand assures our ownership. Our industry is changing so fast. People are now riding and renting horses. We have bucking horses.

In South Dakota you can sell a good brand for as much as \$5000. A brand that is grandfathered can be sold. It is real property.

Wade Moser: From the Stockman's Association. I am not here to oppose this bill but to get some clarification as to the intent. In 1989 a brand inspector really had to issue the brand. In the 1989 the Legislative session restricted a circle brand with something in the circle. (See HB 1384 Page 2 line 3 as a permissible place for the brand)

Chairwoman Kingsbury: closed the hearing on HB 1384

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1384

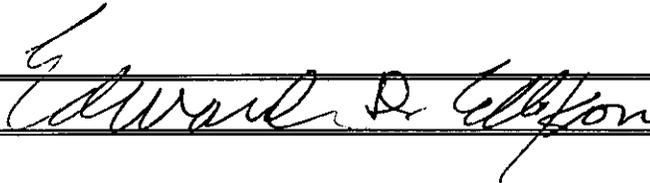
House Agriculture Committee

Check here for Conference Committee

Hearing Date: 2-8-07

Recorder Job Number: 3187

Committee Clerk Signature



Minutes:

CHAIRMAN JOHNSON: OPENED THE HEARING ON HB 1384 WHICH IS THE BRAND ISSUE.

REPRESENTATIVE BRANDENBURG: MADE A MOTION FOR A DO NOT PASS.

REPRESENTATIVE BELTER SECONDED THE MOTION.

WADE MOSER: THE BILL HAS A NARROW FOCUS. DOWN THE LINE WE MIGHT HAVE TO GO BACK AND TAKE A LOOK AT THIS. WE KNOW LITTLE EXCEPTIONS CAUSE PROBLEMS. EVERYONE WOULD WANT THE SAME TREATMENT

CHAIRMAN JOHNSON: I HAVE CONCERNS GOING DOWN THAT ROAD

REPRESENTATIVE BOE: THE NEW USE OF FREEZE BRANDS AND DIFFERENT TYPES OF BRANDING ARE CAUSING WHAT KINDS OF PROBLEMS?

WADE MOSER: YOU STILL HAVE TO KNOW WHAT YOU ARE DOING WHEN IT COMES TO BRANDING. I HAVE SEEN SOME BAD BRANDS. WE HAVE ELECTRIC BRANDERS. WE ARE TRYING TO EDUCATE BRANDERS.

CHAIRMAN JOHNSON: WE HAVE A DO NOT PASS ON HB 1384 BEFORE US.

8 YES 5 NO 0 ABSENT.

REPRESENTATIVE BRANDENBURG CARRIED HB 1384

CHAIRMAN JOHNSON CLOSED ON HB 1384.

Job 16

Date: 2-8-07
Roll Call Vote #: ①

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1384

House AGRICULTURE Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken To Not Pass As Amended

Motion Made By Brandenburg Seconded By Belter

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chairman	✓		Tracy Boe		✓
Joyce Kingsbury Vice Chairman	✓		Rodney J Froelich		✓
Wesley Belter	✓		Phillip Mueller		✓
Mike Brandenburg	✓		Kenton Onstad		✓
Mike Brandenburg			Ben Vig		✓
Craig Headland	✓				
Brenda Heller	✓				
John D Wall	✓				
Gerry Uglem	✓				

Total (Yes) 8 No 5

Absent 0

Floor Assignment Rep Brandenburg

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1384: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1384 was placed on the Sixth order on the calendar.

Page 2, replace lines 15 through 18 with:

- "4. Notwithstanding any other provision of this section, if a letter, number, or symbol within another letter, number, or symbol is recorded for placement on a horse, the chief brand inspector shall allow the owner to record that brand for placement on one or more additional locations on a horse, if those locations are permissible for a horse under subsection 2 and if the brand placed on those locations has not been recorded in favor of another person. A person owning a brand in accordance with this subsection may not transfer or sell the brand except to the person's spouse, parent, child, or sibling."

Renumber accordingly

2007 SENATE AGRICULTURE

HB 1384

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1384

Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: March 16, 2007

Recorder Job Number: 5197

Committee Clerk Signature



Minutes:

Sen. Flakoll opened the hearing on HB 1384, a bill relating to the brands placed on horses.

All members (7) were present.

Rep. Meyer, district 36, testified in favor of the bill. See attached testimony.

Sen. Erbele- you said that this is a very limited request just for horses, would there be an exception for it to say that they could only be freeze branded because there is less likely chance of that blotching?

Rep. Meyer- the object of this was just to allow the chief brand inspector to allow a brand that he doesn't think is going to blotch he could approve the brand. Some of the brands don't blotch with easier brands and I don't believe that you could limit it to freeze branding.

Sen. Wanzek- you say that your brand is only registered in one location and how would you go about if you wanted to get it in a different location also?

Rep. Meyer- you can't. Many of these brands are a person's heritage and they are their property and are worth a lot of money. You get into the fact where if you have children you may want to give one side to one child and the other side to the other child and you couldn't.

This bill would open up that scope a little bit more so that you would be allowed to do that.

You can't sell it to anyone else or transfer it to anyone else but you could to a child, parent, or some sort of relative.

Sen. Klein- why is it so important that you have a different location, is it only because of that?

Rep. Meyer- they are real property, that location is only allowed for that person. And as you children may grow and they get married they become 2 separate entities, so this way you could extend that.

Sen. Erbele- so this is for brands that are already registered we are not trying to reactivate some old symbols that may have been around generations ago?

Rep. Meyer- correct they have to have been already grandfathered in.

Sen. Erbele- why are we only looking at horses, is that something that a livestock person would want to do sometime too?

Rep. Meyer- I didn't allow it to expand to cattle because I think that we should try it in a limited scope with test forces and hopefully if it would work I felt it would be more acceptable to our chief brand inspector just to see if it works or if it creates problems. With horses it is more of a source of pride issue.

Rep. Froelich, district 31, testified in favor of the bill.

Rep. Froelich- With brands there is a sense of pride and heritage there that we would want to pass on to keep in within the family. I would urge a do pass on this bill for that reason.

Sen. Klein- it would be allowable under the current law to turn the brand and still be in compliance with the law?

Rep. Froelich- it is very possible but when you turn some of the brands it changes them and the meanings of them.

Sen. Wanzek- it is my understanding that if this bill passes that allowing you to record on other sites you would still have to register that?

Rep. Froelich- I would think so.

Wade Moser, ND Stockmens Association, testified in favor of the bill. (Went over 1989 minutes regarding the bill.)

Sen. Taylor- how many grandfathered brands are there?

Wade Moser- we have 20,000 brands recorded.

No opposition to the bill.

Sen. Flakoll closed the hearing.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1384

Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: March 16, 2007

Recorder Job Number: 5222

Committee Clerk Signature

Cassie Krow

Minutes:

Sen. Flakoll opened discussion on HB 1384.

Sen. Klein- I don't have a problem with this bill but I don't think that it serves a purpose this time horses next time cows, where do we draw the line?

Sen. Taylor- I understand, this is written fairly narrow.

Sen. Flakoll closed the discussion.

Sen. Heckaman motioned for a do pass and was seconded by **Sen. Taylor**, roll call vote 1: 4 yea, 3 nay, 0 absent. **Sen. Taylor** was designated to carry the bill to the floor.

REPORT OF STANDING COMMITTEE (410)
March 19, 2007 3:27 p.m.

Module No: SR-51-5686
Carrier: Taylor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1384, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1384 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

HB 1384

HIEROGLYPHICS
UNDER THE HAIR

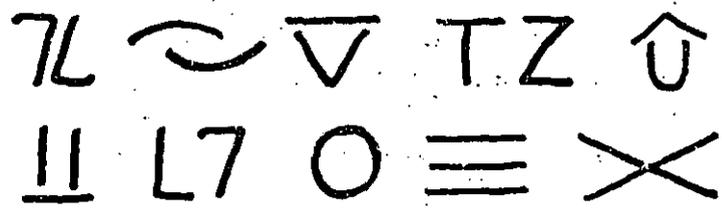


ON THE
EDGE
OF COMMON
SENSE Barber Block
D.M.

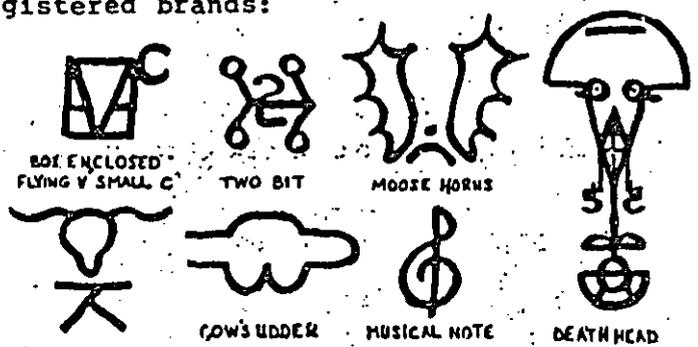
*Lyle Dawson
H/B
1182*

One of the fellers that usually beats everyone to the shippin' corrals is the brand inspector. The rancher might expect the vet to peer through the trailer holes and examine the calves for a health certificate. But not the brand inspector! He watches 'em with that mysterious look of someone who knows what he's doin'. Then he stops one and runs his fingers through the hair, tracing the outline like a blindman rubbin' the wrinkles out of a wet tee shirt. The only thing that could be more difficult than readin' brands would be finding a stud in a wall covered with shag carpet and wearin' welding gloves!

I asked several brand inspectors around the west to send me the best and worst brands they'd seen. Here are some of their favorites:



Since I've been scourin' the Colorado brand book to find one for my vagrant cows, I paid particular attention to the good ones. But put yourself in the brand inspector's place when he starts tracing the "hieroglyphics under the hair" on these registered brands:



After seein' them, I figgered what I had in mind wouldn't be so bad:



BAR DOUBLE B FLYIN ROCKIN A X SLASH

'Course, I'll have to register it on the neck, shoulder, rib and hip to make it big enough to keep from blotchin'. Otherwise it will look like my cow fell into a flame thrower!

Mr. Chairman and Members of the Committee HB 1384 would allow the chief brand inspector of the North Dakota Stockmen's Association to permit a holder of a brand on a horse that is currently ineligible for registration to expand that registration to a different location.

Currently on a horse, there are six permissible brand locations: the left and right jaw, the left and right shoulder, and the left and right hip. Each of these locations is considered to be real property. When a brand renewal comes up (and we just completed one last December) you are charged \$25 per location per brand.

At one time when the brand inspection duties were handled by the Agriculture Department every brand that was submitted was approved. Our brand inspectors were having a difficult time with some of these brands because they would blotch when they were put on with a hot iron. The brands that were giving them the most difficulty are listed in 36-09-02.1 sub-section 1. e.

When the Stockmen's Association took over the duties of brand inspection from the Agriculture Department they created the list of letters, numerals, and symbols that were the most problematic and put standards in place so they could refuse to register any brand that fell into those categories. However, any brand that had been registered under the old law was grandfathered in, and is allowed to be re-registered every ten years.

Brands are not only real property; they are a great source of pride. A brand can indicate the family's heritage, horses that run, cut, or show, or a long line of cattle with an outstanding pedigree.

When our brands came up for renewal last year I had constituents request that we look at this law and amend it so if you currently have a brand in a location that has been grandfathered in you could extend that brand to a different location.

These requests were made because you may have two children that you wish to leave an equal equity in your estate and by allowing your brand to be placed in a different location you would accomplish that goal.

This bill is very limited in scope. It only applies to horses, it has to be a brand that has already been grandfathered in, and cannot be transferred or sold except to the person's spouse, parent, child, or sibling.

We also have at this time a new branding process called freeze branding which is a lot less likely to blotch, and many horse owners are currently using this process.

I respectfully ask this committee to give this bill a "Do Pass" recommendation.

Wade Moser

1989 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1182

Senate Committee on AGRICULTURE

Subcommittee on _____

Identify or
check where
appropriate

Conference Committee _____

Hearing Date 2/16/89

Tape Number 1 /Side A X
Side B _____

Meter #1485-4975

Committee clerk signature Caryl Hib

Minutes:

Lyle Dawson, Department of Agriculture, appeared in support of HB 1182. Distributed written testimony (see attached). The policies were never made official by law, rules or regulations, and this is an attempt to do that at this time.

In response to a question by Chairman Meyer, Mr. Dawson stated they would like to have some basis in the law to make judgment calls on the brands. Sen. Axtman asked about whether animal rights people have ever been against the branding, and Mr. Dawson stated they never had any contact with them. Mr. Dawson addressed another question by Sen. Axtman that freeze branding is not acknowledged by any branding group as being a legitimate brand for identification ownership purposes.

Jack Chase, Chief Brand Inspector, North Dakota Stockmens Ass'n., testified in support of the bill. To be able to say no to some brands, there should be some law addressing this. Commenting on a question by Chairman Meyer, he stated if the brand is not legible, there is a problem, i.e., boxes or circles with some marks inside of them.

In response to a question by Sen. Vosper, Mr. Chase stated that in buying cattle with someone else's brand, it depends on where it is bought. In an auction market, the brand inspector issues title to the brands on those cattle at an auction market. Then you are free to rebrand those cattle.

COMMITTEE ACTION:

Sen. Vosper moved a do pass. Seconded by Sen. Axtman. Passed unanimously - 8 yea - 0 nay - 0 absent. Sen. W. Meyer will carry the bill on the floor.