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MEMORANDUM

TO: Administrative Rules Committee

FROM: Beth W. Carlson 
Deputy State Veterinarian

DATE: December 15, 2010

RE: Administrative Rule Changes Concerning Brand Inspection Fees 48-09-01-02

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1. This rule change did not result from any statutory changes made by the legislature.
 2. This rule is not related to any federal statute or regulation.
 3. This rule change was done by following the Attorney General's procedure for adopting administrative rules. Public notice was given by publication in the official newspaper of every county in the state at least 20 days prior to the public hearing. One public hearing was held.
 4. No objections or complaints were presented. One concern was presented, by Mike Heaton, representing the Independent Beef Association of North Dakota (IBAND). IBAND supports the brand program, but was concerned by the amount of the fee increase resulting from this rule change and wanted to make sure that the brand program is run as efficiently as possible. In response to this concern, the North Dakota Stockmen's Association indicated that a financial audit is required by law every other year; however, the association voluntarily has an audit done annually. These audits are on file with the Legislative Council and are reviewed by the Legislative Audit and Fiscal Review Committee. Julie Ellingson, Executive Vice President of the North Dakota Stockmen's Association (NDSA), testified in support of the fee increase resulting from the rule change, and explained why increased costs have necessitated the need for the fee

increase. Steve Brooks, NDSA Director and chair of the Brand Board, testified in support of the rule change. Albin Jallo, President of the Walsh County Livestock Association, submitted written comments in support of the rule change.

5. \$1415.46 was spent giving notice regarding the public hearing. Other than staff time, there was no other expense associated with this rule change.
6. This rule change increases the brand inspection fee for cattle, horses, and mules from seventy-five cents per head to one dollar per head at the request of the North Dakota Stockmen's Association. This rule change was brought forth in order to provide adequate funds to continue to operate the brand inspection program.
7. A Regulatory Analysis was required and prepared.
8. A Small Entity Regulatory Analysis and Small Entity Economic Impact Statement was required and prepared.
9. A Constitutional Takings Assessment was not required.
10. These rules were not adopted as emergency rules.