

## **CHAPTER 4.1-72 STOCKMEN'S ASSOCIATION**

### **4.1-72-01. North Dakota stockmen's association - Statutory authority.**

1. The North Dakota stockmen's association is a livestock association organized under the laws of this state and registered as a market agency under the Packers and Stockyards Act, 1921 [7 U.S.C. 181 et seq.]:
  - a. For the protection of the livestock industry of this state; and
  - b. To secure uniformity of inspection and cooperation with the United States department of agriculture.
2. The association shall inspect all cattle, horses, and mules, which are shipped or consigned to any livestock auction market, buying station, or packing plant, in this state, and all those that are shipped or consigned to a livestock auction market, buying station, or packing plant, located outside this state, if brand inspection services are provided in accordance with section 4.1-73-24, for the purpose of determining or verifying ownership and for any other purpose established by law.

### **4.1-72-02. Discrimination - Prohibited.**

The North Dakota stockmen's association may not discriminate between members of the association and persons who are not members of the association with respect to fees, recordings, complaints, requests for assistance, or any other duties assigned under this chapter.

### **4.1-72-03. Office for recording brands - Chief brand inspector - Employment.**

The North Dakota stockmen's association shall:

1. Maintain an office for recording brands; and
2. Employ an individual to serve as the chief brand inspector of this state.

### **4.1-72-04. Chief brand inspector - Deputy brand inspectors - Licensed peace officers.**

The chief brand inspector and any individual employed by the North Dakota stockmen's association to serve as a deputy brand inspector must be licensed peace officers in accordance with chapter 12-63 or hold a limited peace officer license under section 12-63-09. As used in this section "peace officer" has the same meaning as in section 12-63-01. These peace officers may exercise the full authority of their license to enforce the brand laws and any other state laws relating to livestock. The chief brand inspector and the deputy brand inspectors may provide aid and assistance to other law enforcement agencies or officers, upon request, provided the requests are not for continuous or ongoing assistance.

#### **4.1-72-04.1. Uniform complaint and summons - Promise to appear - Penalty.**

1. There is established a uniform complaint and summons that may be used by licensed peace officers under section 4.1-72-04 in cases involving violations of this title or other violations of state law. Whenever the complaint and summons established by this section is used, the provisions of the North Dakota Rules of Criminal Procedure apply. The uniform complaint and summons must comply with the North Dakota Rules of Criminal Procedure.
2. The time of court appearance to be specified in the summons must be at least five days after the issuance of the summons unless the defendant demands an earlier hearing.
3. Upon receipt from the defendant of a written promise to appear at the time and place specified in the summons, the defendant must be released from custody. After signing a promise to appear, the defendant must be given a copy of the uniform complaint and summons. Any individual refusing to give a written promise to appear may be arrested if proper cause exists, or proceeded against by complaint and warrant of arrest as provided in the North Dakota Rules of Criminal Procedure.
4. If an individual fails to appear in court after promising to do so, the court may issue an arrest warrant.

#### **4.1-72-05. Animal identification program - Administration.**

The North Dakota stockmen's association shall serve as the state's administrator and allocator for that portion of any federally sponsored animal identification program which pertains to cattle, horses, and mules.

#### **4.1-72-06. Federally sponsored programs - Administration - Records.**

1. Except as provided in subsection 2, any information created, collected, or maintained by the state veterinarian or the North Dakota stockmen's association with respect to the administration of any federally sponsored program pertaining to livestock as permitted by section 4.1-72-05 is confidential and not subject to the open records requirements of section 44-04-18.
2. Neither the state veterinarian nor the North Dakota stockmen's association may release any information designated as confidential under subsection 1, except:
  - a. Upon the written consent of every person identified or identifiable by the information;
  - b. In accordance with federal law;
  - c. To any state or federal agency for the purpose of animal disease control or animal disease traceback;
  - d. To the attorney general and any other law enforcement agency pursuing a criminal investigation; or
  - e. Pursuant to an order issued by a court upon a showing of good cause.
3. This section does not preclude the exchange of information between the state veterinarian and the North Dakota stockmen's association.
4. Any person violating this section is subject to the remedies set forth in section 44-04-21.2. For purposes of applying section 44-04-21.2, "public entity" includes any person that has contracted with the state for the administration of any federally sponsored program pertaining to livestock.

#### **4.1-72-07. Collection of fees - Continuing appropriation.**

The North Dakota stockmen's association shall forward all moneys received under this title to the state treasurer for deposit in a special fund known as the North Dakota stockmen's association fund. All moneys in the North Dakota stockmen's association fund, together with all income earned on the moneys in the fund, are appropriated on a continuing basis to the North Dakota stockmen's association to carry out its statutory directives.

#### **4.1-72-08. Biennial audit.**

At least once every two years, the North Dakota stockmen's association shall provide for an audit by a certified public accountant or a licensed public accountant and shall submit an electronic copy of the audit report to the legislative council.