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MEMORANDUM

TO: Administrative Rules Committee

FROM: Susan Keller *SBK*
State Veterinarian

DATE: June 9, 2016

RE: Repeal of Administrative Rules Title 48 and Adoption of Administrative Rules
Title 48.1

1. This rule change did not result from a statutory change made by the Legislative Assembly.
2. This rule is not related to any federal statute or regulation.
3. This rule change was done according to the Attorney General's procedure for adopting administrative rules. Public Notice was given through 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 in Bismarck.
4. Most of the comments presented were supportive of the majority of the rule changes. There were comments received that indicated concern about the brand inspection fee increase and the use of the increased brand inspection fee. The North Dakota Stockmen's Association indicated that a financial audit is required by law every other year and they voluntarily have an audit done every year.

Sixteen comments/testimony were received. Five were in favor of brand fee increase; four were opposed to a brand fee increase; three gave suggestions for requirements for bison from foreign countries; one gave suggestions for requirements for amphibians and non-venomous reptiles; two were opposed to a private organization (ND Stockmen's Association) running a state regulatory program (brand inspection); and one comment related to new federal feed antibiotic rules (not part of this rule making hearing).

5. \$2,799.32 was spent giving notice regarding the public hearing. Other than staff time, there were no other expenses associated with this rule change.

6. At the request of the North Dakota Stockmen's Association to the ND State Board of Animal Health, this rule change increases the brand inspection fee for cattle, horses and mules from one dollar to one dollar fifty cents per head; the lifetime horse permit from ten dollars to twenty-five dollars; the registered feedlot permit and inspection fees from twenty dollars to twenty five dollars per registered feedlot and also from ten cents per head to fifty cents per head. The purpose of the proposed increase in fees is to provide adequate funding for 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. The proposed rules clarify and incorporate current Board of Animal Health Orders and have no new fiscal effect on state revenues and expenditures, nor any effect on funds controlled by our agency.
10. A Constitutional Takings Assessment was not required.
11. These rules were not adopted as emergency rules.