

LIVESTOCK

CHAPTER 273

S. B. No. 262
(Wadeson)

DUPLICATE SCALE TICKETS AT LIVESTOCK MARKETS

AN ACT

To require public livestock markets or commission firms, to give a duplicate scale ticket to all persons consigning livestock to or purchasing livestock from public livestock markets, and providing a penalty.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Public Livestock Markets or Commission Firms; Duplicate Scale Tickets.) All public livestock markets or commission firms doing business in this state shall deliver to each person consigning livestock to such market or purchasing livestock from such market, a duplicate scale ticket showing the net weight of such livestock. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars.

Approved March 2, 1959.

CHAPTER 274

S. B. No. 175
(Vendsel, Fiedler, Kisse, Roen)

INSPECTION OF LIVESTOCK PRIOR TO REMOVAL FROM STATE

AN ACT

Requiring inspection of livestock to determine ownership, providing certain exceptions and a penalty.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) The owner or possessor shall not remove cattle, horses or mules from this state or within a mile of any boundary of the state for the purpose of removal except upon complying with the following: such livestock shall be inspected for

marks and brands by an official brand inspector of the North Dakota stockmen's association and a certificate of inspection shall accompany such livestock to destination. Or in lieu of such inspection, the owner or possessor shall make and sign an invoice or waybill covering such stock showing marks and brands, number, sex and kind of the stock and the consignee and market destination where official brand inspection is provided by or for the said stockmen's association and shall mail a copy of such invoice to the association before the stock leaves the state.

§ 2.) It shall be unlawful for the owner or possessor to remove any such livestock from any place of such regular official brand inspection unless and until official brand inspection has been made and the brand inspection certificate issued.

§ 3.) Any violation of this chapter shall constitute a misdemeanor and shall be punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment for not less than 30 days nor more than 90 days.

Approved March 4, 1959.

CHAPTER 275

H. B. No. 781
(Saugstad, Guy, Sorlie)

LIVESTOCK FEEDLOTS

AN ACT

Authorizing the state livestock sanitary board to provide by regulation for the quarantine of livestock feedlots; providing for the licensing of quarantined livestock feedlots; and making an appropriation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Quarantined Livestock Feedlots: Establishment by Regulations of the State Livestock Sanitary Board and Licensing Thereof.** The livestock sanitary board is authorized to promulgate regulations for the establishment and maintenance by any person of a quarantined livestock feedlot. Any person may, on compliance with such regulations, obtain a license for said feedlot upon filing an application with the state livestock sanitary board and upon the payment of an annual fee

of fifty dollars to the state livestock sanitary board. Such fee shall be deposited with the state treasurer in the quarantined livestock feedlot fund out of which upon legislative appropriation the veterinarian inspector's fees and cost of administration, shall be paid. When so licensed and upon compliance with the regulations for the maintenance of the quarantined livestock feedlot, such licensee shall be authorized to confine and feed, in the feedlot, without vaccination or tests for brucellosis and such other diseases as the livestock sanitary board may specify, cattle to be sold only for slaughter or at public market or to another quarantined feedlot.

§ 2. Appropriation.) There is hereby appropriated to the state livestock sanitary board out of any moneys in the state treasury in the quarantined livestock feedlot fund the sum of twenty-five thousand dollars or so much thereof as may be necessary for paying veterinarian inspector's fees and expenses and costs of administration in connection with licensed quarantined feedlots as provided by law and regulations of the state livestock sanitary board for the biennium beginning July 1, 1959 and ending June 30, 1961.

Approved March 11, 1959.

CHAPTER 276

H. B. No. 678

(Gress and Rolfsrud)

LIVESTOCK AUCTION MARKETS

AN ACT

To amend and reenact sections 36-0507, 36-0508, and 36-0511 of the North Dakota Revised Code of 1943, and sections 36-0501, 36-0503, 36-0504, 36-0505, 36-0506, 36-0509, 36-0510, 36-0512, and 36-0513 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to changing the name of "livestock sales rings" to "livestock auction markets", and to repeal section 36-0503 of the 1957 Supplement to the North Dakota Revised Code of 1943, as amended by section 20 of chapter 231 of the 1957 Session Laws of North Dakota.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 36-0501 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0501. Definitions.) In this chapter, unless the context or subject matter otherwise requires:

1. "Livestock" shall mean horses, mules, cattle, swine, sheep, and goats;
2. "Livestock auction markets" shall mean a place or establishment conducted or operated for compensation or profit as a public market, consisting of pens or other enclosures and their appurtenances, in which livestock is received, held, or kept for sale and where such livestock is sold or offered for sale, at either public auction or private sale; and
3. "Dairy commissioner" shall mean the dairy department of the department of agriculture and labor.

§ 2. **Amendment.**) Section 36-0503 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0503. License Required; Application; Fee.) No person, partnership, firm, or corporation shall establish or operate a livestock auction market within this state without first procuring a license to do so from the dairy department. An applicant for such license shall:

1. Make a written application therefor in the form prescribed by the dairy department;
2. File with the dairy department a statement showing that he or it is financially responsible to operate such an auction market and that he or it owns or controls adequate facilities for the care, sorting, feeding, loading and unloading, and shipment of livestock, and have the written approval of the livestock sanitary board;
3. Pay to the dairy department a license fee of one hundred dollars; and
4. File with the dairy department a schedule of the fees and commissions which will be charged to owners, sellers, or their agents; such schedule shall likewise be posted conspicuously at the auction market. This schedule shall not be altered except upon notification to the dairy department and reposting of the changed schedule.

§ 3. **Amendment.)** Section 36-0504 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0504. Bond to Accompany Application for License; Amount; Approval; Conditions; Term.) Each applicant for a license to operate a livestock auction market shall file his application for such license, or for a renewal thereof, a surety bond in the minimum amount of ten thousand dollars. Such bond shall be approved as to amount, form, and surety by the dairy department. The dairy department shall be the obligee in the bond, and it shall be for the benefit of, and for

the purpose of protecting, any person selling to or through or buying livestock through or from the licensee or his or its agent. The dairy department may demand an additional bond of the licensee whenever in its judgment the volume of the business of the licensee warrants such demand. The bond shall be conditioned for:

1. The payment of all money received by the licensee and operator of such livestock auction market as such operator, less reasonable expenses and agreed commissions;
2. The faithful performance by the licensee of his duties as such licensee; and
3. The faithful performance by the licensee of all the provisions of this Code relating to the purchase, sale or holding of livestock.

Such bond shall cover the entire license period.

§ 4. Amendment.) Section 36-0505 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0505. Expiration and Renewal of License: Fee Returned Upon Failure to Issue or Renew License.) Each license issued under the provisions of this chapter shall expire on the thirty-first day of January next following the date of issuance thereof and shall not be renewed without the approval of the livestock sanitary board. On or before January 20 of each year the livestock sanitary board shall certify, in writing, to the dairy department the name and address of each auction market approved by it and within five days after it approves any additional auction market. Each license shall be renewed annually on or before January thirty-first. The fee for a renewal license shall be the same as that prescribed for an original license. If the dairy department does not issue a requested original license or renewal license, the fee paid shall be refunded to the applicant.

§ 5. Amendment.) Section 36-0506 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0506. Investigation of Auction Market; Hearing Conducted to Determine Whether License Should Be Issued or Revoked.) The dairy department upon its own motion or upon a complaint by any person, may enter into an investigation of the sales and transactions of any livestock auction market and of the conditions under which its business is conducted. The dairy department when it deems it necessary, may conduct a hearing to determine whether the license of any auction

market should be revoked or whether the application of the owner or operator of a livestock auction market for an original or renewal license should be denied.

§ 6. **Amendment.**) Section 36-0507 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0507. Sanitary Regulations of Livestock Auction Market.) Every livestock auction market shall be maintained in a sanitary condition. Any portion thereof used for the handling of hogs, including all hog pens, alleys, and auction markets, shall be equipped with concrete floors at least three inches thick. Such floors shall be cleaned and disinfected after each sale, or in case of a continuous sale, not less than once each week or as often as may be prescribed by the state livestock sanitary board.

§ 7. **Amendment.**) Section 36-0508 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0508. Scales Maintained by Auction Market To Be Inspected.) All scales used in the operation of a livestock auction market shall be tested and inspected by the department of weights and measures in the manner provided in this Code. All livestock sold by weight shall be weighed on such scales, and the purchaser and seller of such livestock shall be furnished with a true and correct statement of such weight.

§ 8. **Amendment.**) Section 36-0509 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0509. Records To Be Kept by Operator of Auction Market; Contents; Examination; Report.) The operator of each livestock auction market shall keep on file an accurate record of:

1. The date on which each consignment of animals was received and sold;
2. The name and address of the buyer and seller of such animals;
3. The number and species of the animals received and sold; and
4. The marks and brands on each such animal.

Such record, together with the gross selling price, commission, and other proper care, handling, and sales charges on each consignment of livestock shall be available for inspection by the dairy department or its authorized inspector, and a copy thereof shall be supplied to the owner of such livestock. All records of sales during the preceding twelve months shall be kept readily accessible for immediate examination.

§ 9. Amendment.) Section 36-0510 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0510. Inspection of Livestock; Fees and Regulations Governing.) When an animal enters a livestock auction market and before it is offered for sale, it shall be inspected for health by a state-employed veterinarian and in the case of cattle for brands by a trained brand inspector, acting under rules promulgated by the North Dakota stockmen's association and the livestock sanitary board. Veterinary inspection shall include all livestock, whether it is to be moved interstate or intrastate. The fees for such inbound inspection shall be sent to the livestock sanitary board by the auction market company and shall be deposited with the state treasurer in the livestock auction market fund out of which, upon legislative appropriation, the veterinary inspector's fees and costs of administration shall be paid. The fees for such inspection and the manner of paying the veterinarian shall be established by rules and regulations adopted by the livestock sanitary board and such fees shall be set in accordance with the costs of providing inspection service for the purpose of conforming with the federal laws and regulations governing interstate movement of cattle.

§ 10. Amendment.) Section 36-0511 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0511. Treatment Administered to Livestock Before Removal From Auction Market; Fees for Inspection and Treatment.) No operator of a livestock auction market shall permit the removal of any livestock from the establishment until such livestock has been treated in accordance with the regulations prescribed by the state livestock sanitary board. The authorized veterinarian of such board shall furnish to each purchaser a certificate showing that inspection has been made and treatment administered as provided by the rules and regulations of the state livestock sanitary board. If livestock is destined to be shipped interstate, the certificate shall show that it has been inspected in accordance with the requirements of the state of destination. All fees for veterinary inspection, treatment, and services, including brand inspection, shall be collected by the operator of the livestock auction market and paid to the inspector.

§ 11. Amendment.) Section 36-0512 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

***36-0512. Operator to Warrant Title to Purchaser; Dispute in Title of Animal Sold.)** The operator of each livestock

***Note:** Section 36-0512 was also amended by chapter 277.

auction market shall warrant to the purchaser the title of all livestock bought by him through such auction market and shall be liable to the rightful owner of any livestock sold through the auction market for the net proceeds in cash received therefor. If the operator of an auction market is notified by an authorized brand inspector that there is a question as to whether or not any designated livestock sold through such market is lawfully owned by the consignor thereof, such operator shall hold the proceeds received from the sale of the livestock for a reasonable time, not to exceed sixty days, to permit the consignor to establish ownership. At the expiration of such time, if the consignor fails to establish his lawful ownership of the livestock to the satisfaction of the brand inspector, the proceeds shall be transmitted by such operator to the dairy department, and the dairy department shall dispose of the same to the rightful owner in accordance with the provisions of this Code.

§ 12. Amendment.) Section 36-0513 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0513. Use of Fees Collected by Dairy Department: Grounds for Refusal or Revocation of License; Procedure on Revocation and on Default of Licensee.) All fees collected by the dairy department under the provisions of this chapter shall be deposited and disbursed in accordance with the provisions of section 36-0409. A license to operate a livestock auction market may be refused or revoked for any of the reasons specified in section 36-0410, and the provisions of section 36-0411 shall apply to the revocation of licenses issued under the provisions of this chapter. The provisions of sections 36-0412 to 36-0419, both inclusive, shall apply when the holder of a license issued under the provisions of this chapter shall default in any of the conditions of any bond filed with the dairy department by such licensee.

§ 13. Repeal.) Section 36-0503 of the 1957 Supplement to the North Dakota Revised Code of 1943, as amended by section 20 of chapter 231 of the 1957 Session Laws of North Dakota, is hereby repealed.

Approved March 11, 1959.

CHAPTER 277

S. B. No. 176

(Fiedler, Vendsel, Kisse, Roen)

TITLE TO LIVESTOCK SOLD THROUGH AUCTION MARKETS

AN ACT

To amend and reenact section 36-0512 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to ownership and title of livestock sold through livestock auction markets.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 36-0512 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

***36-0512. Operator to Warrant Title to Purchaser; Dispute in Title of Animal Sold.)** The operator of each livestock auction market shall warrant to the purchaser the title of all livestock bought by him through such auction market and shall be liable to the rightful owner of any livestock sold through the auction market for the net proceeds in cash received therefor. If the operator of an auction market is notified by an authorized brand inspector that there is a question as to whether or not any designated livestock sold through such auction is lawfully owned by the consignor thereof, such operator shall hold the proceeds received from the sale of the livestock for a reasonable time, not to exceed sixty days, to permit the consignor to establish ownership. At the expiration of such time, if the consignor fails to establish his lawful ownership of the livestock to the satisfaction of the brand inspector, the proceeds shall be paid into the estray fund in accordance with the provisions of chapter 36-22 of the 1957 Supplement to the North Dakota Revised Code of 1943.

Approved March 4, 1959.

*Note: Section 36-0512 was also amended by chapter 276, section 11.

CHAPTER 278

S. B. No. 64

(Saumur, Morgan, Erickson, Roen)

TUBERCULIN AND BRUCELLOSIS TESTING

AN ACT

To amend and reenact section 36-1517 of the North Dakota Revised Code of 1943, relating to tuberculin and brucellosis testing of entire counties being enforced under certain conditions.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.** Section 36-1517 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-1517. Tuberculin and Brucellosis Testing of Entire County May Be Enforced Under Certain Conditions.) The board and its agents may enforce the tuberculin or brucellosis testing of all cattle in a county under the provisions of this chapter relating to the eradication of bovine tuberculosis or brucellosis when such county lies adjacent on two sides to counties:

1. In which all cattle have been tuberculin or brucellosis tested; and
2. Which have been established by federal and state authorities as modified accredited tuberculosis-free counties or certified brucellosis-free counties.

Approved March 4, 1959.