

LIVESTOCK

CHAPTER 241

S. B. No. 75
(Nelson)

LIVESTOCK SANITARY BOARD, COMPENSATION

AN ACT

To amend and reenact section 36-01-04 of the North Dakota Century Code, relating to compensation and expenses of members of the livestock sanitary board.

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

§ 1. **Amendment.**) Section 36-01-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-01-04. Compensation and Expenses of Members of Board.) Each member of the state livestock sanitary board shall receive as compensation for his services the sum of fifteen dollars per day for each day employed, and his actual expenses incurred in attending the meetings of the board. Such sum shall be paid out of the state treasury upon vouchers of the board duly certified by the president and secretary thereof.

Approved March 6, 1965.

CHAPTER 242

S. B. No. 102
(Lips, Sinner)

EXECUTIVE OFFICER, SALARY

AN ACT

To amend and reenact section 36-01-05 of the North Dakota Century Code, relating to the salary of the executive officer.

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

§ 1. Amendment.) Section 36-01-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-01-05. Executive Officer—Salary—Bond.) The executive officer of the state livestock sanitary board shall receive for his services such annual salary as shall be fixed by the board within the limits of the appropriations made to the board by the legislative assembly. Before entering upon the discharge of his duties, the executive officer shall give a bond in the sum of five thousand dollars, to the state of North Dakota, conditioned for the proper discharge of his duties, and shall take the oath of office required of civil officers.

Approved March 6, 1965.

CHAPTER 243

S. B. No. 173
(Sinner, Robinson)

FEEDLOT REGISTRATION

AN ACT

To permit the registration of certain livestock feedlots, prescribe the powers and duties of the livestock sanitary board in connection therewith, and provide a penalty for violations.

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

§ 1. Feedlot Registration—Rules and Regulations—Penalty.) No person shall operate a registered livestock feedlot without obtaining from the livestock sanitary board a registration number. The livestock sanitary board is hereby authorized to

set rules within the limitations of this section for the operation of feedlots registered for the enforcement of brand inspection regulations. Applications for registration shall be made upon such forms as may be prescribed by the board and shall be accompanied by a fee equal to the fee charged for brand recording. All fees and any inspection fees established by the board shall be remitted regularly to the North Dakota stockmen's association. The board may promulgate in accordance with chapter 28-32 such rules and regulations consistent with law as may be required for the purpose of assuring that brand laws are complied with and brand inspection certificates are available, and proper records are maintained. Violation of any provision of law or of any rule or regulation of the board promulgated pursuant to this section shall subject the operator to revocation or suspension of registration issued hereunder, and in addition any person violating any provision of this section or rule or regulation of the board promulgated hereunder shall be guilty of a misdemeanor. The provisions of this section shall not be construed as prohibiting the operation of non-registered feedlots.

Approved March 10, 1965.

CHAPTER 244

H. B. No. 848

(Rivinius, Connolly, Mueller, Knudsen, Frank, Dornacker)

LIVESTOCK AUCTION MARKET LICENSES

AN ACT

To amend and reenact section 36-05-03 of the North Dakota Century Code, relating to the licensing of livestock auction markets.

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

§ 1. **Amendment.)** Section 36-05-03 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-05-03. 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 livestock sanitary board. An applicant for such license shall:

1. Make a written application therefor in the form prescribed by the livestock sanitary board;

2. File such evidence as the livestock sanitary board may require showing that he or it is financially responsible to operate such an auction market and that he or it will own or control adequate facilities for the care, sorting, feeding, loading and unloading, and shipment of livestock;
3. Pay to the livestock sanitary board a license fee of one hundred dollars;
4. File with the livestock sanitary board 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 livestock sanitary board and reposting of the changed schedule;
5. State the place where applicant proposes to operate a livestock auction market;
6. Make a complete and detailed description of the property and facilities proposed to be used in connection with such livestock market;
7. Make a showing of public convenience and necessity to the satisfaction of the board, provided, however, that the provisions of this subsection shall not apply to livestock auction markets legally licensed and engaged in business at the time of the effective date of this Act.

Approved March 8, 1965.

CHAPTER 245

H. B. No. 788

(Brown, Stallman, Connolly)

BONDING LIVESTOCK AUCTION MARKETS

AN ACT

To amend and reenact section 36-05-04 of the North Dakota Century Code, relating to bonding requirements of auction markets and providing exceptions therefor.

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

§ 1. Amendment.) Section 36-05-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-05-04. 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 the amount, form, and surety by the livestock sanitary board. The livestock sanitary board 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 livestock sanitary board 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 of the provisions of this code relating to the purchase, sale or holding of livestock.

Such bond shall cover the entire license period.

§ 2. Exemptions.) However, where the livestock sanitary board executive officer is the trustee or obligee of a surety bond wherein said auction market operator is the principal and is operating and is bonded under the provisions of the Packers and Stockyards Act of 1921 of the United States, the executive officer may accept such bond in lieu of the one herein otherwise required, except that the minimum bond requirements of ten thousand dollars shall be continued.

Approved March 2, 1965.

CHAPTER 246

S. B. No. 77

(Rolfsrud, Roen, Solberg, Robinson)

LIVESTOCK BRANDS

AN ACT

To amend and reenact subsection 3 of section 36-09-02 of the North Dakota Century Code, relating to the application for use of livestock brand or mark, and creating and enacting subsection 4 of section 36-09-02 of the North Dakota Century Code, defining the term "numerical brand".

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

§ 1. **Amendment.**) Subsection 3 of section 36-09-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Indicating clearly the place or position upon each kind of livestock where such brand is to be placed, except that the hips of any cattle shall not be used for registered numerical brands. Nonregistered numerical brands may be located upon the hips of cattle for individual identification. Registered brands other than numerical brands may also be located on the hips of cattle. The provisions of this Act shall not apply to any numerical brand recorded prior to the effective date of chapter 235 of the 1957 Session Laws.

§ 2.) Subsection 4 of section 36-09-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

4. Numerical brand shall mean a brand consisting entirely of upright number or numbers, and shall not include brands consisting of lazy numbers, or combinations of letters, or characters and numbers.

Approved February 26, 1965.

CHAPTER 247

H. B. No. 740

(Connolly, Reimers, Streibel, Bowman)

BRAND BOOKS

AN ACT

To amend and reenact section 36-09-14 of the North Dakota Century Code, relating to distribution of and fees for brand books.

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

§ 1. **Amendment.)** Section 36-09-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-09-14. Commissioner of Agriculture and Labor to Issue Brand Book.) The commissioner of agriculture and labor shall compile and issue a brand book from the records of livestock brands in his office as of the final date for rerecording, and a copy of such brand book shall be delivered free of charge to every brand inspector and upon written request from other law enforcement officers of the state of North Dakota. Annually thereafter the commissioner shall prepare a supplement of brands registered during the year and shall distribute the same free of charge to every brand inspector and upon written request from other law enforcement officers of the state of North Dakota. Brand books shall also be sold to all interested persons at the general office for recording marks and brands maintained in the office of the commissioner of agriculture and labor at a price of two dollars and fifty cents per brand book including supplement.

Approved March 6, 1965.

CHAPTER 248

S. B. No. 82
(Robinson, Roen)

IMPORTED CATTLE HEALTH CERTIFICATE

AN ACT

To amend and reenact section 36-14-05 of the North Dakota Century Code, relating to certificates of health required on cattle imported into this state.

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

§ 1. **Amendment.)** Section 36-14-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-14-05. Cattle Brought Into State—Certificate of Health Required.) All cattle brought into this state for dairy, breeding, and feeding purposes shall be accompanied by a certificate of health certifying that such animals are free from symptoms of contagious, infectious, or communicable disease, except that no health certificate is required for those cattle originating directly from a producer's premises and not diverted enroute, if such cattle are delivered directly to a licensed auction market or other premises approved by the livestock sanitary board.

Approved March 6, 1965.

CHAPTER 249

S. B. No. 83
(Robinson, Roen)

SHEEP HEALTH CERTIFICATES

AN ACT

To amend and reenact section 36-14-06 of the North Dakota Century Code, relating to certificates of health required on sheep imported into this state.

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

§ 1. **Amendment.)** Section 36-14-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-14-06. Certificate of Health Required of Sheep Imported Into State—Contents.) All sheep brought into this state shall be accompanied by a certificate of health certifying that such animals are free from symptoms of contagious, infectious, or communicable diseases, except that no health certificate is required for those sheep originating directly from a producer's premises and not diverted enroute, if such sheep are delivered directly to a licensed auction market or other premises approved by the livestock sanitary board.

Approved March 6, 1965.

CHAPTER 250

S. B. No. 84
(Robinson, Roen)

SWINE HEALTH CERTIFICATES

AN ACT

To amend and reenact section 36-14-07 of the North Dakota Century Code, relating to certificates of health required on swine imported into this state.

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

§ 1. Amendment.) Section 36-14-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-14-07. Swine Brought Into State to Have Certificate of Health—Contents.) All swine brought into this state shall be accompanied by a certificate of health certifying that such animals are free from symptoms of contagious, infectious, or communicable diseases, except that no health certificate is required for those swine originating directly from a producer's premises and not diverted enroute, if such swine are delivered directly to a licensed auction market or other premises approved by the livestock sanitary board.

Approved March 6, 1965.

CHAPTER 251

S. B. No. 85
(Robinson, Roen)

CATTLE SHIPMENTS

AN ACT

To amend and reenact section 36-14-10 of the North Dakota Century Code, relating to shipments of cattle, swine, or sheep for immediate slaughter.

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

§ 1. Amendment.) Section 36-14-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-14-10. Shipments of Cattle, Swine, or Sheep for Immediate Slaughter.) Shipments into this state of cattle, swine, and sheep for immediate slaughter shall be permitted without a health certificate only if such livestock are not diverted enroute, and are delivered directly to a slaughtering establishment approved by the livestock sanitary board.

Approved March 6, 1965.

CHAPTER 252

S. B. No. 136
(Morgan)

HOG CHOLERA

AN ACT

To provide for appraisal, indemnification, and destruction of swine infected with, affected with, or exposed to hog cholera, under certain conditions, and providing for right of appeal.

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

§ 1. Definitions.) As used in this Act:

1. "Hog cholera" means the contagious, infectious, and communicable disease of swine commonly known as hog cholera.

2. "Destroy" means to condemn because of hog cholera under state authority and slaughter or otherwise kill as a result of a or pursuant to such condemnation.
3. "Board" shall mean state livestock sanitary board.

§ 2. **General Authority.)** The board, or its executive officer or any authorized agents thereof, may destroy or require the destruction of any swine which said board, executive officer, or agent, knows to be, or suspects is, infected with, affected with, or exposed to hog cholera, whenever said board, executive officer, or agents, finds such destruction to be necessary to prevent or reduce the danger of the spread of hog cholera.

§ 3. **Appraisal and Indemnification.)** The board, or its executive officer, or agents, shall appraise any swine destroyed or ordered destroyed pursuant to this Act and shall indemnify the owner of such swine in an amount to be set by the board for either registered animals or grade animals.

§ 4. **Institution of Indemnification.)** It is hereby recognized and declared that indemnification for the destruction of swine infected with, exposed to, or suspected of being affected or exposed to hog cholera, is an expression of the public policy of this state to be employed only in the final phase of the official state-federal eradication program in the state, or as a means of preventing or minimizing its recurrence, as such may be determined by the board. The board, or its executive officer, or agents, shall not institute an initial program of indemnification until the state has been approved as meeting the requirements specified by the appropriate cooperating federal agency.

§ 5. **Cooperation with the United States.)** The board, or its executive officer, or agents, may cooperate with the United States, or any department, agency, or officer thereof, in the control and eradication of hog cholera, including the sharing in the payment of indemnities for swine destroyed, but the state shall only share in such payment of indemnities in the amounts or rates set by the board.

§ 6. **Rules and Regulations.)** The board may make, promulgate, amend, repeal, and enforce rules and regulations for implementing this Act.

§ 7. **Review.)** Any act or omission of the board pursuant to or within the purview of this Act shall be reviewable by the courts of this state as provided in chapter 28-32 of the North Dakota Century Code.

Approved March 10, 1965.

CHAPTER 253

S. B. No. 203

(Morgan, Robinson, Roen)

CALFHOOD VACCINATION

AN ACT

To amend and reenact section 36-15-21 of the North Dakota Century Code, relating to calfhlood vaccination against brucellosis.

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

§ 1. **Amendment.**) Section 36-15-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-15-21. Calfhlood Vaccination Against Brucellosis Required—Penalty.) No person shall bring into this state any female dairy cattle over eight months of age or any female beef cattle over twelve months of age for dairy or breeding purposes within this state that have not been officially calfhlood vaccinated against brucellosis; nor shall he acquire within this state, except by his own raising, any female dairy cattle over eight months of age or any female beef cattle over twelve months of age born after January 1, 1963, for dairy or breeding purposes within this state, that have not been officially calfhlood vaccinated against brucellosis. "Officially calfhlood vaccinated" shall mean a bovine female animal vaccinated against brucellosis while from four through eight months of age, if a dairy breed, or from four to twelve months, if a beef breed, under the supervision of a federal or state veterinary official, with a vaccine approved by the North Dakota state veterinarian, and permanently identified as such a vaccinate and reported at the time of vaccination to the appropriate state or federal agency cooperating in the eradication of brucellosis. However, the board in its discretion, and only in extenuating circumstances, may grant a hearing to any person under such rules and regulations as the board may prescribe, as to whether or not an exception should be made to the provisions of this section. An appeal may be taken from the decision of the board under the provisions of chapter 28-32 of the North Dakota Century Code. Any person who shall bring into this state or acquire within this state any cattle contrary to the provisions of this section, shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by

imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

Approved March 15, 1965.

CHAPTER 254

S. B. No. 86
(Robinson, Roen)

CATTLE DISEASES, REPEAL

AN ACT

To repeal section 36-14-14, all of chapters 36-16, 36-17, 36-18, and 36-19 of the North Dakota Century Code, relating to certificates of health being required on sale of purebred cattle and nonregistered bulls for breeding purposes, glanders and dourine, bot treatment law, serum institute, and dipping stations.

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

§ 1. Repeal.) Section 36-14-14, all of chapters 36-16, 36-17, 36-18, and 36-19 of the North Dakota Century Code are hereby repealed.

Approved February 25, 1965.

CHAPTER 255

H. B. No. 635
(Davis, Hardmeyer, Connolly)

MEAT INSPECTION EXEMPTIONS

AN ACT

To amend and reenact section 36-23-04 of the North Dakota Century Code, relating to exemptions to the meat inspection law.

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

§ 1. Amendment.) Section 36-23-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-23-04. Exemptions.) Retail and wholesale butchers and retail and wholesale dealers in meats or meat products supplying customers only within the municipality in which their

slaughter or manufacturing establishment is located or adjacent thereto, or delivering such products to any other municipality in the state, or anyone slaughtering or manufacturing meats and meat products for home consumption and all slaughterers under federal inspection, or markets and manufacturing establishments buying federal or state inspected meats shall be exempt from the provisions of this chapter.

The provisions of this section shall in no way affect or limit the statutes and laws of this state contained in chapter 40-05 of this code authorizing municipalities to regulate, inspect, and license slaughtering, meat packing, and manufacturing establishments engaged in the production of meat products for human consumption within the municipality, or who deliver or sell meat or meat products within the municipality. However, the livestock sanitary board in order to carry out the provisions of section 36-23-03 of this chapter, and upon the application of any person, may grant a license upon his compliance with the provisions of this chapter.

Approved March 2, 1965.