

this act, shall subject him to a fine of \$500.00 for each offense and be cause for his removal from office.

§ 4. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 5. EMERGENCY.] Whereas, an emergency exists in that there is no law giving an adequate publicity of state finances, therefore this act shall take effect and be in force from and after its passage and approval.

Approved February 27, 1911.

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## TUBERCULOSIS

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### CHAPTER 310.

[H. B. No. 355—England]

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#### REIMBURSEMENT OF OWNERS OF TUBERCULAR CATTLE.

AN ACT to Provide for the Reimbursement of Owners of Cattle Destroyed by Order of the State Live Stock Sanitary Board on Account of the Disease Known as Tuberculosis, and Providing for the Levy of a Tax to Create a Fund Therefor.

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

§ 1. NOTICE, HOW SERVED.] Whenever any neat animal or animals have been adjudged to be infected with the disease known as tuberculosis, by the state live stock sanitary board, it shall be the duty of said board, or its duly authorized agent to serve a written notice upon its owner or keeper, of such decision before the killing of said animal or animals condemned, which notice shall contain the provisions for a protest according to section five of this act, and if no protest is made by the owner or keeper, such animal or animals shall be appraised according to the provisions contained in section 2 of this act.

§ 2. APPRAISAL, HOW MADE.] Whenever any neat cattle has been adjudged to be infected with the disease known as tuberculosis by the state live stock sanitary board and has been ordered killed by said board and is killed in accordance therewith, the actual value of said animal or animals at the time of appraisal shall be determined by the state live stock sanitary board or its authorized agent, within twenty-four hours after the killing is ordered and before it or they are killed; provided, that if the owner or keeper is aggrieved by such appraisal he may cause a board of appraisers to be appointed according to section 3 of this act.

§ 3. APPRAISERS, HOW APPOINTED.] In case the owner of a neat animal or animals to be killed under the provisions of this act, or his agent, is not satisfied with the appraisal made by the state live stock sanitary board or its agents, he may protest against the same, whereupon a board of three appraisers is to be formed, of which one member shall be the agent of the state live stock sanitary board, one member shall be selected by the owner of the animal or animals involved, and a third member shall be selected by the first two members as herein provided. Whereupon an appraisal of the animal or animals involved shall be made by the board of appraisers according to section 4 of this act, and in case all three appraisers or any two of them agree upon a certain valuation, this appraisal shall be regarded as final.

§ 4. MAXIMUM VALUATION.] In no case shall the appraised value of a grade neat animal of two years old or more exceed twenty-five dollars, nor that of a grade neat animal below that age exceed fifteen dollars; provided in the case of pure bred neat cattle, accompanied by certificates of registration in the recognized herd book, the appraised value of said pure bred neat cattle of two years old or over shall not exceed fifty dollars, nor that of pure bred neat cattle under two years of age exceed thirty dollars.

§ 5. PROTEST, HOW MADE.] Providing the owner or his agent is aggrieved with the diagnosis of the state live stock sanitary board, or its agents, said owner may within twenty-four hours make protest against diagnosis; and be entitled to a consultation, in accordance with the provisions of sections 10 and 11 of chapter 169 of session laws of 1907.

§ 6. FEES, HOW PAID.] The two members of this board of appraisers, not connected with the state live stock sanitary board, shall be entitled to one dollar per day for their services, to be paid out of the fund created for the purposes of carrying out this act, upon presentation of vouchers to the state auditor and duly approved by the state live stock sanitary board.

§ 7. WHO MAY TAKE ADVANTAGE OF THIS ACT.] The owner of any neat cattle affected with tuberculosis, or so adjudged by the state live stock sanitary board, and appraised in accordance with this act shall be entitled to the amount named in the appraisal providing that the owner or owners of such neat cattle has applied to the state live stock sanitary board for a tuberculin test to be made under the supervision of said board, and provided further that said owner enters into the following agreement:

In consideration of the assistance by the state live stock sanitary board in the eradication of tuberculosis from my neat cattle by means of the tuberculin test, and in order to secure the state reimbursement for animals killed on account of tuberculosis, I,.....of.....owner of said

neat cattle, comprising of.....do hereby agree as follows:

A. That I will abide by the decision of the state live stock sanitary board whether or not a neat animal should be killed or to be segregated on account of tuberculosis.

B. In any case in which segregation is decided upon, I will cause all animals which react to the tuberculin test to be removed from the herd and portion of the premises or farm upon which the healthy animals of the herd are maintained, and I will cause the diseased animals to be permanently segregated from the healthy animals.

C. In all cases where the milk from such segregated reacting cows is to be used for any purpose whatsoever, I will cause the said milk to be sterilized or pasteurized.

D. In case any reacting bull is used for breeding purposes, I agree to have him held on leash and not permit him to leave the premises reserved for his use, and that the healthy cows bred to such bull will not be unduly exposed to infected premises or to other diseased cattle.

E. I will cause the young from segregated reacting animals to be removed from their mothers at birth, and will not permit the said young to suck their mothers.

F. Any part of my premises contaminated by reacting animals will be submitted by me to a thorough disinfection under the direction or supervision of the state live stock sanitary board at my own expense.

G. I will add no cattle to the said herd which have not passed a tuberculin test administered by an authorized public agent qualified to perform such test, or by an inspector of the bureau of animal husbandry.

H. In case I do not conform with any or all of the above agreements, I voluntarily relinquish any further claim upon the state of North Dakota for the reimbursement of neat cattle ordered killed on account of tuberculosis.

I. I relinquish all claims for the carcasses of animals killed and to be reimbursed for by the state.

§ 8. CLAIMS, HOW PAID.] The return of appraisers made under this act shall be in writing, and signed by the state live stock sanitary board or its agents making the appraisement or by the board of appraisers in case of protest, also signed by the owner of said neat cattle condemned and certified to by the executive officer of the state live stock sanitary board, to the state auditor, who shall draw a warrant on the state treasurer in favor of the owner for the amount thereof.

§ 9. CARCASSES. HOW DISPOSED OF.] All and any money realized by the state live stock sanitary board from the sale of the whole or any part of neat animals killed for tuberculosis and inspected and passed as provided for in section 2005, re-

vised codes of 1905, as amended by chapter 162, session laws of 1909, must be turned in to the state treasurer and by him to be credited to the fund provided for in this act, or may be paid to the owner of said condemned neat cattle, and the amount thereof deducted from the appraised value of said condemned neat cattle.

§ 10. OWNER SHALL NOT BE INDEMNIFIED IN THE FOLLOWING CASES.] The right to be indemnified shall not exist, and payment shall not be made in the following cases:

First. For animals belonging to the United States, or any county, city, township, or village in the state.

Second. When the owner at the time of coming into possession of the animal or animals knew it or them to be diseased or suspected of it or them being diseased.

Third. For animals found to have been diseased at the time of their arrival in this state.

Fourth. When the owner is a non-resident and not engaged in the breeding of live stock in this state.

Fifth. When the animal or animals, at the time of its or their killing had been in the state less than six months.

Sixth. When the owner shall have been guilty of negligence by wilfully exposing his animal or animals to the infection of tuberculosis or violated any of the sections of the agreement contained in section 7 of this act.

§ 11. FUND. HOW CREATED.] For the purpose of creating a fund to provide for the expenses incurred in carrying out the provisions of this act, there is hereby created a fund to be known as the bovine tuberculosis fund.

§ 12. DUTY OF STATE BOARD OF EQUALIZATION.] It shall be the duty of the state board of equalization at the time of the levy of the annual tax, to levy a special tax of one twentieth of a mill on the dollar upon the assessed valuation of all property, and when collected paid into the hands of the state treasurer who shall at once enter the same into the bovine tuberculosis fund, said fund shall be preserved inviolate for the purpose of paying the expenses incurred in carrying out the provisions of this act.

Approved March 6, 1911.