

SENATE BILL NO. 2187

Introduced by

Senators Solberg, Bowman, Tomac

Representatives Berg, DeKrey, Meyer

1 A BILL for an Act to provide for a special fund; to amend and reenact sections 36-01-30,
2 36-05-12, 36-09-18, 36-22-03, 36-22-04, and 36-22-08 of the North Dakota Century Code,
3 relating to feedlot registration fees, brand recording and inspection fees, and estray inspections;
4 to repeal section 36-22-05 of the North Dakota Century Code, relating to the estray fund; to
5 provide for a continuing appropriation; and to declare an emergency.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 36-01-30 of the 1997 Supplement to the North
8 Dakota Century Code is amended and reenacted as follows:

9 **36-01-30. Feedlot registration - Rules - Penalty.** No person may operate a
10 registered livestock feedlot without obtaining ~~from the commissioner~~ a registration number from
11 the chief brand inspector. The board may adopt rules for the operation of feedlots registered for
12 the enforcement of brand inspection rules. Applications for registration must be made upon
13 forms as may be prescribed by the board and must be accompanied by a fee equal to the fee
14 charged for brand recording. All fees and any inspection fees established by the board must be
15 remitted regularly to the state treasurer for deposit in the North Dakota stockmen's association
16 fund. The board may adopt rules required for the purpose of assuring ~~that compliance with~~
17 brand laws are complied with, availability of brand inspection certificates are available, and
18 maintenance of proper records are maintained. A registration issued under this section may be
19 revoked or suspended for violation of any law or any rule adopted by the board under this
20 section. In addition, any person violating this section or any rule adopted by the board under
21 this section is guilty of a class B misdemeanor. This section does not prohibit the operation of
22 nonregistered feedlots.

23 **SECTION 2. AMENDMENT.** Section 36-05-12 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **36-05-12. Operator to warrant title to purchaser - Dispute in title of animal sold.**

2 The operator of each livestock auction market shall warrant to the purchaser the title of all
3 livestock bought by ~~him~~ the purchaser through ~~such~~ the auction market and is liable to the
4 rightful owner of any livestock sold through the auction market for the net proceeds in cash
5 received ~~therefor~~ for the livestock. If the operator of an auction market is notified by an
6 authorized brand inspector that there is a question as to whether or not any designated
7 livestock sold through ~~such~~ the auction market is lawfully owned by the consignor ~~thereof~~ of the
8 livestock, ~~such~~ the operator shall hold the proceeds received from the sale of the livestock for a
9 reasonable time, not to exceed sixty days, to permit the consignor to establish ownership. At
10 the expiration of such time, if the consignor fails to establish ~~his~~ lawful ownership of the
11 livestock to the satisfaction of the brand inspector, the proceeds must be ~~paid into~~ remitted to
12 the state treasurer for deposit in the estray North Dakota stockmen's association fund in
13 accordance with ~~the provisions of~~ chapter 36-22.

14 **SECTION 3. AMENDMENT.** Section 36-09-18 of the 1997 Supplement to the North
15 Dakota Century Code is amended and reenacted as follows:

16 **36-09-18. ~~Performance bond—Disposition~~ Collection of fees - Continuing**
17 **~~appropriation— Discrimination prohibited.~~** ~~The North Dakota stockmen's association shall~~
18 ~~file with the secretary of state a performance bond in the amount of forty thousand dollars,~~
19 ~~payable to the state of North Dakota and conditioned upon the faithful performance of the~~
20 ~~requirements of this chapter. Any fees collected under this chapter must be deposited in the~~
21 ~~general fund or~~ remitted to the state treasurer for deposit in the North Dakota stockmen's
22 association fund. ~~The fees deposited under this chapter and section 36-22-03 are appropriated~~
23 ~~as a continuing appropriation to the North Dakota stockmen's association.~~ The North Dakota
24 stockmen's association may not discriminate between or among members of the association
25 and persons who are not members of the association with respect to fees, recordings,
26 complaints, requests for assistance, and any other services to be provided under this chapter.

27 **SECTION 4. AMENDMENT.** Section 36-22-03 of the 1997 Supplement to the North
28 Dakota Century Code is amended and reenacted as follows:

29 **36-22-03. Rules - Fees for inspection.** The board of animal health ~~shall~~, with the
30 advice of the officers of the North Dakota stockmen's association, ~~make~~ shall adopt rules
31 regulating the inspection of cattle for brands at auction markets, packing plants, and buying

1 stations and shall set the fees to be charged by the brand inspector. Brand inspectors under
2 this chapter shall charge and collect fees for inspections on all shipments or consignments of
3 cattle at livestock markets, at the rate authorized by the United States department of
4 agriculture, and shall charge and collect fees for inspection at auction markets, buying stations,
5 and packing plants as must be set by the board of animal health, ~~which funds, so.~~ The fees
6 collected, must be paid into the general fund of remitted to the state treasurer for deposit in the
7 North Dakota stockmen's association fund.

8 **SECTION 5. AMENDMENT.** Section 36-22-04 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **36-22-04. Collection of estray funds.** ~~It is lawful for said A brand inspectors of said~~
11 ~~association to~~ inspector may receive and receipt for all funds from the sale of estray cattle and
12 turn shall remit the same over funds to the state treasurer of said association for disbursement
13 as hereinafter provided for deposit in the North Dakota stockmen's association fund.

14 **SECTION 6. AMENDMENT.** Section 36-22-08 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **36-22-08. Disposition of unclaimed receipts from sale of estrays.** ~~Any funds in the~~
17 ~~hands of said association, or hereinafter received by it from the sale of estrays which are not~~
18 ~~claimed by the owners within one year from the posting of the notice provided for in section~~
19 ~~36-22-07 must be turned in to the general fund of the association. All~~ The North Dakota
20 stockmen's association shall preserve all records relative to estrays must be preserved by the
21 association for a period of six years subsequent to the time the money reverts to is deposited
22 by the state treasurer in the general North Dakota stockmen's association fund of the
23 association. Provided, however, that nothing herein bars. This section does not bar the lawful
24 owner of any estray from maintaining an action against said the association for the recovery of
25 any sum to which he the owner may be entitled within the period of limitation given by general
26 law governing other claims for relief of like character.

27 **SECTION 7. North Dakota stockmen's association fund - Continuing**
28 **appropriation.** The North Dakota stockmen's association fund is a special fund in the state
29 treasury. The state treasurer shall deposit in the North Dakota stockmen's association fund all
30 brand fees and estray funds received by the North Dakota stockmen's association in return for
31 its performance of statutory duties and services and remitted to the state treasurer. All moneys

1 in the North Dakota stockmen's association fund, together with all interest income earned by
2 moneys in the fund, are appropriated on a continuing basis to the North Dakota stockmen's
3 association to be used for the purpose of carrying out duties statutorily assigned to the
4 association.

5 **SECTION 8. REPEAL.** Section 36-22-05 of the North Dakota Century Code is
6 repealed.

7 **SECTION 9. EMERGENCY.** This Act is declared to be an emergency measure.