

**Fifty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2003**

SENATE BILL NO. 2201
(Senators Klein, Erbele, Nichols)
(Representatives DeKrey, Froelich)

AN ACT to create and enact a new section to chapter 36-15 of the North Dakota Century Code, relating to waivers of requirements for calfhood vaccination against brucellosis; and to amend and reenact section 36-15-21 of the North Dakota Century Code, relating to requirements for calfhood vaccination against brucellosis.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 36-15-21 of the North Dakota Century Code is amended and reenacted as follows:

36-15-21. Calfhood vaccination against brucellosis required - Penalty.

1. ~~No~~ A person may not bring into this state or receive from outside this state any female cattle over the maximum vaccination age as prescribed in the brucellosis eradication uniform methods and rules approved and published by the United States department of agriculture, agriculture's animal and plant health inspection service, that have not been unless the cattle have been officially calfhood vaccinated against brucellosis. Female or a waiver has been granted by the board in accordance with section 2 of this Act. This subsection does not apply if the cattle originating originate from a free states that do state, a United States possession, or a Canadian province or territory, which does not require place requirements on North Dakota-origin female cattle to be regarding calfhood brucellosis vaccinated are exempt from the requirements of this section vaccinations or brucellosis testing before entry.
2. A person who brings female cattle into this state from other a reciprocating free states that reciprocate state, United States possession, or Canadian province or territory shall prove that the cattle were located in that state, possession, province, or territory for a period of at least sixty days. "Officially calfhood vaccinated"
3. For purposes of this section, "officially calfhood vaccinated" means a bovine female animal bovine vaccinated against brucellosis under the supervision of a federal or state veterinary official or an accredited veterinarian within age limits prescribed by the board in compliance with as prescribed in the brucellosis eradication uniform methods and rules approved by the United States department of agriculture uniform methods and rules, 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 may grant an exception to the provisions of this section. An appeal may be taken from the decision of the board under the provisions of chapter 28-32. Any person who brings into this state, or acquires within this state, any cattle contrary to the provisions of this section agriculture's animal and plant health inspection service.
4. In addition to other penalties provided in this chapter, a person who violates this section is guilty of a class A misdemeanor.

SECTION 2. A new section to chapter 36-15 of the North Dakota Century Code is created and enacted as follows:

Calfhood vaccination against brucellosis - Waiver of requirements.

1. The board may waive the requirement set forth in section 36-15-21 if the person requesting the waiver obtains a form from the state veterinarian and submits the completed form to the board.
2. As a condition of granting the waiver, the board may require disease testing, vaccination, quarantine, and reporting, as well as any other actions the board determines necessary to protect the health and safety of domestic animals or nontraditional livestock.
3. If the board does not grant the application for waiver within one hundred twenty days from the date the application is received by the board, the application is deemed denied.
4. Any person aggrieved by a decision of the board has the right to receive an administrative hearing if the person files a written request for a hearing with the board within ten days from the date on which the board's determination regarding the waiver is received by the applicant or, if no response is received by the applicant, within ten days from the date the application is deemed denied under this section.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2201.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 81 Nays 0 Absent 13

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2003.

Approved at _____ M. on _____, 2003.

Governor

Filed in this office this _____ day of _____, 2003,

at _____ o'clock _____ M.

Secretary of State