

35-2013. LIEN STATEMENT FOR HOUSE MOVER'S LIEN; WHEN REQUIRED: CONTENTS.) The lien provided for in section 35-2012 must be perfected within thirty days after such moving is completed by recording a verified statement showing:

1. The labor performed and the materials furnished;
2. The price agreed upon, or if no price was agreed upon, the reasonable value of the work done and the materials furnished;
3. The name of the person for whom the work was performed; and
4. A description of the building moved and the description of the land upon which the building is located.

Such statement must be recorded in the office of the register of deeds of the county in which such building remains after moving. Unless such statement is recorded as aforesaid, any lien hereunder shall be deemed to be lost and waived.

Approved March 8, 1949.

LIVESTOCK

CHAPTER 227

Senate Bill No. 165
(Brant, Blume, and Nelson of McKenzie)

STATE LIVESTOCK SANITARY BOARD; MEMBERS; TERMS AND QUALIFICATIONS

AN ACT

To amend and reenact section 36-0101 of the North Dakota Revised Code of 1943 relating to the State Livestock Sanitary Board; Providing for the membership thereon and the manner in which appointed; Providing for the terms and qualifications of the members thereof and providing for the expiration of terms of office of members of said Board existing prior to the effective date of establishment of the Board provided for in this Act.

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

SECTION 1. AMENDMENT.) Section 36-0101 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0101. STATE LIVESTOCK SANITARY BOARD; HOW CONSTITUTED; THE MANNER IN WHICH APPOINTED; TERMS AND QUALIFICATIONS OF MEMBERS; EXPIRATION OF TERMS OF OFFICE OF MEMBERS OF SAID BOARD EXISTING PRIOR TO THE EFFECTIVE DATE OF ESTABLISHMENT OF THE BOARD PROVIDED FOR IN THIS ACT.) Commencing with the 1st day of August, 1949 the state livestock sanitary board shall consist of seven members appointed by the governor for terms of seven years each with their terms of office so arranged that one term, and only one, shall expire on the first day of August in each year. Members of the board as constituted previous to the passage of this act shall hold their respective offices until their terms have expired and their successors are appointed and qualified. The appointment of the two additional members prior to August, 1949 shall be one for a term of 5 years and one for a term of 6 years. Each member of such board shall be a qualified elector of this state. Each member of the board, immediately after his appointment shall take the oath of office required of civil officers. One member of said board shall be a person actively engaged and financially interested in the commercial beef cattle industry and shall represent said industry on said board; one member of said board shall be a person actively engaged and financially interested in the registered purebred beef cattle industry and shall represent said industry on said board; one member of said board shall be a person actively engaged and financially interested in the dairy cattle industry and shall represent said industry on said board; one member of said board shall be a person actively engaged and financially interested in the swine industry and shall represent said industry on said board; one member of said board shall be a person actively engaged and financially interested in the sheep industry and shall represent said industry on said board; and two members of said board shall be competent veterinarians who are graduates of a veterinary course in a recognized college or university. Vacancies occurring prior to the expiration of terms of office shall be filled by appointment by the governor and shall be for the balance of the unexpired term. Recommendations for appointment of members to said board as constituted under this section may be made to the governor by the following associations for the following stated industries, to-wit: By the North Dakota Stockmen's Association for the members representing commercial beef cattle; by the various registered purebred beef cattle associations for the member representing the registered purebred beef cattle; by the various dairy breed associations for the member representing dairy cattle; by the North Dakota Swine Breeders' association for the member representing swine; and by the North Dakota Wool Growers' association for the member representing sheep and by the State Veterinary Medical association for the two veterinarian members and

by such other associations within this state representing livestock industries as the governor may permit. Two recommendations shall be submitted for each office to be filled.

Approved March 8, 1949.

CHAPTER 228

House Bill No. 237
(Maher, Baeverstad, McInnes, Zurcher,
Hofstrand and Roy Larson)

LIVESTOCK INSPECTION AT SALES RING;
FEES AND REGULATIONS

AN ACT

To amend and reenact Section 36-0510 of the North Dakota Revised Code of 1943 relating to inspection of livestock entering sales ring for health, and prescribing fees.

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

SECTION 1. AMENDMENT.) That Section 36-0510 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

SECTION 36-0510. INSPECTION OF LIVESTOCK; FEES AND REGULATIONS GOVERNING.) When an animal enters a livestock sales ring and before it is offered for sale, it shall be inspected for health and brands. The inspection for health shall be made by a veterinarian approved by the state livestock sanitary board whether the livestock is moved interstate or intrastate. The fees for such inspection and the manner of payment thereof shall be established by regulations adopted by the state livestock sanitary board.

Approved March 9, 1949.

CHAPTER 229

Senate Bill No. 207
(Solberg)

EFFECT OF REGISTERED LIVESTOCK BRAND
AN ACT

Declaring the effect of a registered brand on livestock: requiring a bill of sale on the sale of branded livestock; declaring the effect thereof; providing a penalty and repealing section 36-0907 of the North Dakota Revised Code of 1943.

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

SECTION 1. EFFECT OF REGISTERED BRAND.) A legally registered brand on livestock shall be prima facie evidence that the animal bearing the same is the property of the owner of such brand, unless covered by a bill of sale as provided by this act.

SECTION 2. BILL OF SALE TO BE GIVEN AND KEPT; COPY WITH SHIPMENT: EFFECT. Any person who sells any registered branded livestock shall give, at the time of sale, to the buyer a written bill of sale, bearing the signature and residence of the seller and name and address of the buyer, and giving the total number sold, and describing each animal sold as to sex and kind and all registered brands, except tattoos. Such bill of sale shall be kept by the buyer for two years and as long thereafter as he shall own any of the animals described therein. A copy of the bill of sale shall be given to each hauler of such livestock, other than railroads, and shall go with the shipment of such stock while in transit. Such bill or copy shall be shown by the possessor on demand to any peace officer or brand inspector. Such bill of sale shall be prima facie evidence of the sale of the livestock therein described; provided, that no such bill of sale shall be required relative to sales of livestock covered by a legal livestock brand inspection.

SECTION 3. PENALTY.) Any violation of this statute shall be a misdemeanor.

SECTION 4. REPEAL.) Section 36-0907 of the Revised Code of 1943 is hereby repealed.

Approved March 19, 1949.

CHAPTER 230

House Bill No. 39

(at the request of the Department of Agriculture and Labor)

ISSUANCE OF LIVESTOCK BRAND BOOKS

AN ACT

To amend and reenact section 36-0914 of the North Dakota Revised Code of 1943, relating to the issuance of brand books and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 36-0914 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0914. 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 January 1, 1950, and shall compile and issue such book every sixth year thereafter. A copy of such brand book shall be delivered free of charge to every registered owner of brands at the time of the issuance of certificates of registration or reregistration. Annually thereafter, except in the year when a brand book is issued and the preceding year, the commissioner shall prepare a supplement of brands registered during the year and shall distribute the same free of charge to all brand owners as shown by the records of his office.

SECTION 2. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 9, 1949.

CHAPTER 231

House Bill No. 238

(Maher, Zurcher, Hofstrand, Brady, McInnis,
Braeverstad, Rolfsrud, and Roy Larson)

REGULATING INSPECTION, SALES, ETC., OF ESTRAYS

AN ACT

Defining strays and estrays; authorizing the inspection of cattle at all livestock markets; authorizing the North Dakota Livestock Sanitary Board to prescribe rules for inspection; authorizing the North Dakota Stockmen's Association to appoint brand inspectors and to make inspections of all shipments and consignments of cattle at all livestock markets; providing for the sale of estrays and determination of the ownership, and for the disposition of the moneys received therefor; providing for examination and inspection of accounts and records by the state examiner; and repealing all acts or parts of acts in conflict therewith.

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

SECTION 1. STRAYS OR ESTRAYS; DEFINITION.) Any marked or branded cattle found at any livestock market, to which a shipper cannot produce title or satisfactory evidence of ownership, is considered as an estray.

SECTION 2. NORTH DAKOTA STOCKMEN'S ASSOCIATION': AUTHORITY.) The North Dakota Stockmen's Association, a livestock association duly organized under the laws of the state of North Dakota, and duly registered as a market agency under the act of congress commonly known as the packers and stockyards act, is hereby authorized, for the better protection of the livestock industry of the state of North Dakota and for the purpose of securing a uniformity of inspection and cooperation with the department of agriculture of the United States, to make an inspection to determine ownership, of all cattle shipped or consigned from this state to any public livestock markets, including sales rings, buying stations, or packing plants within or without the state of North Dakota.

SECTION 3. RULES AND REGULATIONS; FEES FOR INSPECTION.) The North Dakota livestock sanitary board shall, with the advice of the officers of the North Dakota Stockmen's Association, make rules regulating the inspection of cattle for brands at sales rings, packing plants, buying stations and shall set the fees to be charged by the brand inspector. Brand inspectors under this act shall charge and collect fees for inspections on all shipments or consignments of cattle at livestock markets, at the rate authorized by the United States department of agriculture, and shall charge

and collect fees for inspection at sales rings, buying stations and packing plants as shall be set by the livestock sanitary board, which funds, so collected, shall be paid into the general fund of the North Dakota Stockmen's Association.

SECTION 4. COLLECTION OF ESTRAY FUNDS.) It shall be lawful for said brand inspectors of said association to receive and receipt for all funds from the sale of estray cattle and turn the same over to the treasurer of said association for disbursement as hereinafter provided.

SECTION 5. ESTRAY FUND.) All moneys received from the sale of estray cattle as above provided shall be kept in a separate fund of the association to be known as the "estray fund" until such time as the same may be claimed by the owners of said estray livestock, the claims therefor to be made within the time hereinafter provided.

SECTION 6. PAYMENT TO OWNERS OF ESTRAYS.) The secretary of said North Dakota Stockmen's Association, upon satisfactory proof of ownership of any estray for which the association has received the money, shall, with the approval of the board of directors of said association, pay such owner the amount received from the sale of such estray; provided, however, that such ownership shall be proven within one year after the publication of the notice provided for in Section 7 hereof.

SECTION 7. PUBLICATION OF LIST OF ESTRAYS.) The secretary of the North Dakota Stockmen's Association shall annually during the month of December send two lists of all unclaimed estrays, for which the association has received payment, to the county auditor of each county from which the estrays were originally shipped. Said county auditor shall post one copy thereof in a conspicuous place in the court house and place one copy on file in his office. It shall also be the duty of the association to cause a notice that such estray lists have been posted, to be advertised during the month of December of each year in the county from which the estrays were originally shipped, said notice to appear at least twice in the official newspaper of said county.

SECTION 8. DISPOSITION OF UNCLAIMED RECEIPTS FROM SALE OF ESTRAYS.) Any funds in the hands of said association, or hereinafter received by it from the sale of estrays which shall not be claimed by the owners within one year from the posting of the notice provided for in Section 7 hereof, shall be turned into the general fund of the association. All records relative to estrays shall be preserved by the association for a period of six years subsequent to the time the money reverts to the general fund of the association. Provided, however, that nothing herein shall bar

the lawful owner of any estray from maintaining an action against said association for the recovery of any sum to which he may be entitled within the period of limitation given by general law governing other causes of action of like character.

SECTION 9. STATE EXAMINER TO EXAMINE RECORDS OF THE ASSOCIATION; REPORT.) It shall be the duty of the state examiner to examine the records and accounts of said North Dakota Stockmen's Association and to report thereon to the governor in the same manner as is now provided by law for the examination of records and accounts of public officers.

SECTION 10. REPEAL.) All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1949.

MILITARY

CHAPTER 232

Senate Bill No. 126

(Krenz, Rue, Wahlund, Leno, Nordhougen, Brant)

ADJUTANT GENERAL, SALARY, ETC.

AN ACT

Amending and reenacting Section 37-0301 of the 1947 Supplement to the North Dakota Revised Code of 1943 relating to the office of the Adjutant General.

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

SECTION 1. AMENDMENT.) Section 37-0301 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-0301. ADJUTANT GENERAL: APPOINTMENT; QUALIFICATIONS; TERM; SALARY; OFFICE AT CAPITOL; REMOVAL.) The adjutant general shall be appointed by the governor, and shall have been a federally recognized commissioned officer of the national guard for a period of at least three years immediately preceding his appointment. His term of office shall be for six years and shall commence on July 1, 1941, and on every sixth anniversary thereof. Any vacancy in such office may be filled by the governor, but an appointment to fill a vacancy shall be made only for the unexpired term. The salary of the adjutant general shall be the biennial appropriation made for this purpose by the legislative assembly. He shall have his office at the state capitol. The provisions of chapter 4 of this title relating to the vacation of commissions, retirement, and discharge shall apply to the adjutant general.

Approved March 19, 1949.