

# LIVESTOCK

## CHAPTER 334

HOUSE BILL NO. 1179  
(K. Johnson, Austin, K. Erickson)

### DEFINITION OF "LIVESTOCK AND WOOL DEALER"

AN ACT to amend and reenact section 36-04-01 of the North Dakota Century Code, relating to the definition of livestock and wool dealers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

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

36-04-01. "DEALER" DEFINED.) In this chapter unless the context or subject matter otherwise requires:

1. "Dealer" shall mean any person, copartnership, association, or corporation engaged in the business of buying, selling or dealing in horses, mules, cattle, hogs, sheep, poultry, or wool from the producer, terminal market or livestock auction market for resale or shipment within or without the state, and also resale in the local market.
2. "Dairy commissioner" shall mean the dairy department of the department of agriculture.

Approved March 4, 1971

## CHAPTER 335

HOUSE BILL NO. 1178  
(K. Johnson, Austin, K. Erickson)

ISSUANCE OF CHECKS BY  
LIVESTOCK DEALERS' AGENTS

AN ACT to amend and reenact Section 36-04-03 of the North Dakota Century Code, relating to agents of livestock, poultry and wool dealers use of checks or other commercial paper other than in the name of their principals.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 36-04-03 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-04-03. DEALER'S LICENSE REQUIRED - AGENT LICENSED - LIABILITY OF OWNER FOR AGENT'S ACTS.) All dealers shall be licensed as provided in this chapter. No agent shall act for any such dealer unless the dealer is licensed and has designated such agent to act in his behalf and has notified the dairy department of such appointment in his application for a license or in a separate written instrument and requested the dairy department to issue to such agent an agent's license. Agents, as such, shall not deal in their own names or issue a check or any other commercial paper except in the name of their principals. Every officer of a corporation, association, or partnership, acting for the corporation, association, or partnership in dealing in livestock, must be licensed as an agent of the corporation, association, or partnership. A dealer shall be accountable and responsible for all the acts of his agent.

Approved March 4, 1971

## CHAPTER 336

SENATE BILL NO. 2467  
(Morgan, Barth)

BONDS OF LIVESTOCK  
DEALERS AND AGENTS

AN ACT to amend and reenact subsection 1 of section 36-04-06 of the North Dakota Century Code, relating to bonds of livestock dealers and agents.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 1 of section 36-04-06 of the 1969 supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. For a dealer in livestock twenty thousand dollars and for agents of livestock dealers ten thousand dollars each;

Approved March 18, 1971

## CHAPTER 337

HOUSE BILL NO. 1180  
(K. Johnson, Austin, K. Erickson)

## LIVESTOCK DEALERS' LICENSES

AN ACT to amend and reenact section 36-04-07 of the North Dakota Century Code, relating to livestock, poultry and wool dealer's licensure, penalty fees and transferability of licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 36-04-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-04-07. ISSUANCE OF LICENSES - FEES - PENALTY - LICENSE NOT ISSUED TO FELON - TERM OF LICENSE - LICENSES NOT TRANSFERABLE.) The dairy department shall issue to each applicant who has complied with the provisions of this chapter a license of the kind applied for upon the payment by him of fees as follows:

1. For a livestock dealer's license, ten dollars;
2. For a poultry dealer's license, four dollars;
3. For a wool dealer's license, ten dollars;
4. Penalty fee for any late applicant's application or late fee shall be five dollars per month from January first of any year.

For each agent appointed by the dealer and licensed by the dairy department, the amount of such license fee shall be increased in the amount of ten dollars if the principal's license is a livestock dealer's license or a wool dealer's license, and in the amount of four dollars if the principal's license is a poultry dealer's license. No license shall be issued to a dealer or to an agent who has been convicted of a felony in this state or elsewhere. Each license issued under the provisions of this chapter shall license the conduct of the business described therein at the place or places named in the application therefor, and shall expire on the thirty-first day of December next following the date of its issue. Licenses issued hereunder are not transferable between persons or places.

Approved March 4, 1971

## CHAPTER 338

HOUSE BILL NO. 1040

(K. Johnson, J. Peterson, Reimers, Solberg, Tweten)  
(Legislative Council Study)

## BRAND BOOK FEES

AN ACT to amend and reenact section 36-09-14 of the North Dakota Century Code, relating to the issuance of brand books by the commissioner of agriculture.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 36-09-14 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-09-14. COMMISSIONER OF AGRICULTURE TO ISSUE BRAND BOOK.) The commissioner of agriculture 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 at a price of five dollars per brand book including supplement.

Approved February 20, 1971

## CHAPTER 339

HOUSE BILL NO. 1366  
(Murphy)

## DISPOSITION OF ESTRAY

AN ACT to create and enact section 36-13-03.1 of the North Dakota Century Code, relating to alternate disposition of an animal as an estray on the property of any person.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1.) Section 36-13-03.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

36-13-03.1. ALTERNATE DISPOSITION OF ESTRAY.) In lieu of disposition of an animal as an estray as directed in the preceding section of this chapter, any person finding an estray upon his premises the ownership of which is unknown to him may dispose of the same by delivering such animal to a public livestock market licensed under the laws of this state as soon as practical after discovery of such animal upon his premises provided he first makes reasonable effort to determine the ownership thereof. At the time of delivery of an estray as provided in this section, the person so delivering the estray shall inform the brand inspector that the animal is being delivered as an estray. Such animal, and the proceeds of the sale thereof, shall thereupon be disposed of as provided in Chapter 36-22 of the North Dakota Century Code.

Approved March 4, 1971

## CHAPTER 340

HOUSE BILL NO. 1143  
(K. Johnson, Meyer, Rivinius)

## BRUCELLOSIS INDEMNITY

AN ACT to create and enact section 36-15-08.1 of the North Dakota Century Code, relating to payment of indemnity for brucellosis.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1.) Section 36-15-08.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

36-15-08.1 - OWNER ENTITLED TO COMPENSATION FOR CATTLE INFECTED WITH OR EXPOSED TO BRUCELLOSIS - LIVESTOCK SANITARY BOARD MAY MAKE RULES AND REGULATIONS GOVERNING PAYMENTS.) When in the discretion and judgment of the livestock sanitary board, a herd of cattle is so seriously infected with bovine brucellosis, as to warrant disposal of the entire herd, the board is hereby authorized to approve indemnity on all cattle in such herds in accordance with the limits set forth in section 36-15-09. The board may make reasonable rules and regulations governing the payment of such compensation within the limits prescribed in this chapter.

Approved February 26, 1971

## CHAPTER 341

HOUSE BILL NO. 1538  
(Hentges, K. Johnson)

## HUMANE TREATMENT OF ANIMALS

AN ACT to provide for the humane treatment of animals, and to provide penalties for their inhumane treatment; to repeal sections 36-21-02, 36-21-03, 36-21-06, 36-21-07, 36-21-08, and 36-21-09 of the North Dakota Century Code; and providing penalties.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. DEFINITIONS.) The word "animal" includes every living animal except the human race; the word "torture" or "cruelty", includes every act, omission, or neglect whereby unnecessary or unjustifiable pain, suffering, or death shall be caused or permitted.

## SECTION 2. OVERWORKING OR MISTREATING ANIMALS - MISDEMEANOR.)

1. No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when unfit for labor.

2. No person shall deprive any animal over which he has charge or control of necessary food, water, or shelter.

3. No person shall keep any animal in any enclosure without exercise and wholesome change of air.

4. No person shall abandon any animal.

5. No person shall allow any maimed, sick, infirm, or disabled animal of which he is the owner, or of which he has custody, to lie in any street, road, or other public place for more than three hours after notice.

6. No person shall willfully instigate, or in any way further, any act of cruelty to any animal or animals, or any act tending to produce such cruelty.

7. No person shall cage any animal for public display purposes unless the display cage is constructed of solid material on three sides to protect the caged animal from the elements, and unless the horizontal dimension of each side of the cage is at least four times the length of the caged animal. The provisions of this subsection shall not apply to the North Dakota



state fair association, to agricultural fair associations, to any agricultural display of caged animals by any political subdivision, or to district, regional, or national educational livestock or poultry exhibitions. Zoos which have been approved by the health district or the governing body of the political subdivision which has jurisdiction over the zoos shall be exempt from the provisions of this subsection.

8. Any person who fails to comply with any of the provisions of this section shall be guilty of a misdemeanor.

SECTION 3. CRUELTY IN TRANSPORTATION - MISDEMEANOR.) Every person who shall carry, or cause to be carried, any live animals upon any vehicle or otherwise, without providing suitable racks, cars, crates, or cages, or other proper carrying container, or who shall carry an animal, or cause an animal to be carried, in any other cruel manner shall be guilty of a misdemeanor.

SECTION 4. POISONING ANIMALS - MISDEMEANOR.) Any person unjustifiably administering or exposing any known poisonous substance or noxious drug, whether mixed with meat or other food or not, which may be eaten or is eaten by any domestic animal, shall be guilty of a misdemeanor.

SECTION 5. ANIMAL WITH INFECTIOUS DISEASE - MISDEMEANOR.) Every owner or person having charge of any animal, knowing the animal to have any infectious or contagious disease, or to have recently been exposed thereto, who knowingly permits such animal to run at large or come into contact with another animal, or with another person without his knowledge and permission, shall be guilty of a misdemeanor.

SECTION 6. EXPOSURE OF ANIMALS - AUTHORITY OF OFFICERS.) Any sheriff, police officer or veterinarian may remove, shelter, and care for any animal found unjustifiably exposed to cold or inclement weather, or not properly fed and watered, and, when necessary, may deliver the animal to another person to be sheltered, cared for, and furnished suitable food and drink. In all cases the owner, if known, shall be immediately notified, and the officer, or whoever has the animal, shall have a lien thereon for its care and keeping, the reasonable value of the food and drink furnished, and the expenses of notifying the owner. If the owner or custodian is unknown, and cannot by reasonable effort be ascertained, or shall not, within five days after notice, redeem the animal by paying the expenses incurred as aforesaid, the animal shall be sold to pay the charges for keeping the same, and the title to the animal shall pass by the sale.

SECTION 7. COCKFIGHTS, DOGFIGHTS, AND OTHER EXHIBITIONS PROHIBITED - MISDEMEANOR.) Every person who engages in, is employed at, aids, or abets cockfighting, dogfighting, bearbating, pitting one animal against another, or any other similar cruelty to animals; or who receives money for the admission of any person to any place used, or about to be used, for any such purpose, or

who shall willfully permit anyone to enter or use for any such purpose premises of which he is the owner, agent, or occupant; or who uses, trains, or possesses a dog or other animal for the purpose of seizing, detaining, or maltreating any domestic animal, or any person who knowingly purchases a ticket of admission to any such place, is present at, or witnesses such spectacle shall be guilty of a misdemeanor.

SECTION 8. ARTIFICIALLY COLORED ANIMALS - SALE - MISDEMEANOR.) Every person who sells or offers for sale, raffles, offers or gives as a prize, premium, or advertising device, or displays in any store, shop, carnival, or other public place, a chick, duckling, gosling, or rabbit which has been dyed or otherwise artificially colored, shall be guilty of a misdemeanor.

SECTION 9. USE OF CERTAIN BIRDS AS ADVERTISING DEVICES - MISDEMEANOR.) Every person who sells, offers for sale, raffles, offers, or gives as a prize, premium, or uses as an advertising device, chicks, ducklings, or goslings younger than four weeks of age in quantities of less than twelve birds to an individual person shall be guilty of a misdemeanor. Persons, firms, partnerships, or corporations engaging in the business of selling chicks, ducklings, or goslings for agricultural or wildlife purposes shall be exempt from the provisions of this section, but only when selling for such purposes.

SECTION 10. CARE OF ANIMALS USED AS ADVERTISING DEVICES.) Every person who sells, offers for sale, raffles, offers, or gives as a prize, premium, or advertising device, chicks, ducklings, or goslings to the public, shall provide and operate brooders or other heating devices necessary to maintain the chicks, ducklings, or goslings in good health, and shall keep adequate food and water available to the birds at all times.

SECTION 11. PENALTIES.) Any person violating any provisions of this chapter for which a specific penalty is not provided, shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

SECTION 12. REPEAL.) Sections 36-21-02, 36-21-03, 36-21-06, 36-21-07, 36-21-08, and 36-21-09 of the North Dakota Century Code are hereby repealed.

Approved March 30, 1971