

THE LAWS

ANIMALS

CHAPTER 1

(S. B. No. 193—Committee on Live Stock.)

MARKING TUBERCULOUS CATTLE

An Act to repeal Chapter 53, Sections 9797 and 9798, Penal Code, Compiled Laws of North Dakota 1913, marking of tuberculous cattle.

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

§ 1. Whereas, the Federal Laws require that cattle reacting to the tuberculin test to be moved interstate shall be branded with the letter "T" on the right jaw, therefore Sections 9797 and 9798 of Chapter 53, Penal Code, Compiled Laws 1913, requiring that the letter "T" be punched in the ear are inconsistent and are hereby repealed.

Approved March 11, 1931.

CHAPTER 2

(S. B. No. 192—Committee on Live Stock.)

TUBERCULIN TESTING OF CATTLE IN ADJACENT COUNTIES

An Act to provide for the tuberculin testing of cattle in counties lying adjacent on two sides to counties wherein cattle have been tuberculin tested and such counties have been established by Federal and State authorities cooperating as modified accredited tuberculosis-free areas.

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

§ 1. TUBERCULIN TESTING CATTLE IN COUNTIES.] In any county in this state that lies adjacent on two sides to counties wherein the cattle have been tuberculin tested and such counties have been established by federal and state authorities as modified accredited tuberculosis-free counties the State Live Stock Sanitary Board and its agents are hereby authorized to enforce the tuberculin testing of all cattle in such county under the laws providing for the eradication of bovine tuberculosis.

§ 2. COUNTY COMMISSIONERS SHALL PROVIDE FUNDS.] When the tuberculin testing of cattle shall be undertaken by the state live stock sanitary board and its agents under authority granted in Section 1 of this act, the board of county commissioners in such

county shall provide funds for the transportation between the different farms for the official veterinarians acting as agents of the state live stock sanitary board engaged in the tuberculin testing of the cattle in such county.

§ 3. PENALTY.] Any person who refuses to assist or endeavors to prevent the State Live Stock Sanitary Board or its agents in carrying out the provisions of this act shall be guilty of a misdemeanor and be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than ninety days, or both such fine and imprisonment.

Approved March 11, 1931.

CHAPTER 3

(H. B. No. 119—Strutz.)

REGISTRATION OF DOGS

An Act imposing a tax upon dogs, providing for the assessment, levy and collection thereof; providing for the issuance of license tags for all dogs upon which said tax is assessed and defining duties of police officers with reference to killing of unlicensed dogs.

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

§ 1. NAME AND DEFINITION.] This Act shall be known and may be cited as the Dog Law of 1931 of the State of North Dakota. The term "dog" as herein used shall include any dog, male or female, or unsexed, and whether a pup or a mature animal. The term "owner" or "keeper" as herein used shall include every person having a right of property in such dog, and every person who keeps or harbors or cares for such dog, or permits a dog to remain on or about the premises occupied by him. The term "person" as used herein shall include individuals, corporations, co-partnerships and associations; singular words shall include plural, masculine words shall include the feminine and the neuter.

§ 2. ASSESSORS TO LIST DOGS.] Each assessor within the State of North Dakota whose duty it is to assess personal property for the purposes of taxation shall annually when making such personal property assessment, list the name of each and every person who at that time is the owner or keeper of a dog or dogs and in so listing shall set forth the full name, postoffice address and location of the owner or the keeper of the dog or dogs, with the number of the dogs owned or kept by him.

§ 3. DOG TAX.] The county auditor shall enter and charge upon the tax rolls of each year against each person so returned by the assessor as owner or keeper of a dog or dogs at the time of

such assessment, the sum of one dollar (\$1.00) as a personal property tax for each dog so returned as owned or kept by such person. Provided, that any person keeping or having in his possession for boarding or breeding purposes or for the purpose of selling and exchanging such dogs, may obtain from the county auditor a license for the kenneling of dogs and shall pay for such license the sum of seven dollars and fifty cents (\$7.50) for ten dogs or less, and ten dollars (\$10.00) for more than ten dogs, which license shall be granted for the period of one year from July 1st following assessment. All moneys collected from dog taxes as provided in this section shall be entered in the same manner as other personal property tax against the owner or keeper and shall be collected by the treasurer as other taxes upon personal property and by him placed in the general fund.

§ 4. TAGS.] Upon the entry and the charge of said individual dog tax as above provided, the county auditor shall issue to said owner a metal tag for each dog upon which such tax is so assessed and levied, which said tag shall bear the words "dog tax," the name of the county, and the year of its issuance and the serial number of the tag. Said tag shall not be transferable and shall be good until July 1st of the year following that in which the tax is assessed. Said tag shall be worn by the dog for which it is issued at all times during the year, and shall be firmly attached to a collar to be provided by the owner of the dog. Upon payment of a kenneling license, the county auditor shall issue to the person paying said license sufficient tags for all dogs kept by said person, which tags shall bear the words, "kennel tax" and shall otherwise be in the same form as the individual dog tax. The county auditor shall keep a record of serial numbers of tags issued to both owners and kennel keepers. The shape of the tags shall be changed each year. The tags shall be furnished by the county auditor and paid for out of the county general fund. Provided, that should any dog license tag be lost, the owner may, upon affidavit of such loss, procure from the auditor another tag and the latter shall keep a record of all tags so replaced and the serial number of both the old and the new tag. Replacement tags shall be twenty-five cents (25c) each.

§ 5. LIVESTOCK AND POULTRY-KILLING DOGS.] When the ownership of the dog or dogs causing damage to livestock or poultry is determined, the township clerk in organized townships and the county auditor in case of unorganized townships, shall be notified and he in turn shall notify the owner or keeper by registered mail or written notice of such damage. Such notice shall require the owner or keeper of said dog or dogs to kill such dog or dogs within forty-eight (48) hours after the receipt thereof under penalty of paying five dollars (\$5.00) fine for each and every day thereafter until such dog shall be killed. Provided, however, that if the owner or keeper, after receipt of notice as hereinbefore provided, notifies

the township clerk in organized townships and the county auditor in case of unorganized townships, that he desires a hearing in court, the township clerk in organized townships and the county auditor in case of unorganized townships shall file the notice with one of the justices of the peace and the justice of the peace shall notify the owner or keeper of such dogs to appear before him upon three days' notice. All parties interested in such proceedings may be heard and the decision by the justice in such matters shall be final and dogs destroyed by order of said justice; provided, however, that in counties where the herd law is in force, the provisions of this section shall not apply to any dog damaging livestock in driving the same from the premises of its owner.

§ 6. WHEN DOGS MAY BE KILLED.] It is hereby made the duty of every sheriff, deputy sheriff, constable, marshal, police officer or other peace officer within his jurisdiction to take into custody any dog more than six months old found without the tag hereinbefore provided. If the owner of the dog can be ascertained by the officer, he shall be notified; otherwise the dog shall be kept in custody by the officer for five (5) days and destroyed. Upon satisfactory showing to said officer that the dog was under the age requiring a license, it shall be released; and, if the dog is of the age requiring a license upon payment of all dog taxes, penalties and costs assessed against the owner, a tag shall be issued by the county auditor and the dog released.

§ 7. UNCONSTITUTIONALITY.] If any section, clause or proviso of this act shall be declared to be unconstitutional by a court of competent jurisdiction, said section, clause, or proviso so declared to be unconstitutional shall thereby cease to be a part of this act, but the remainder of said act shall stand and be in full force.

§ 8. 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 March 12, 1931.

CHAPTER 4

(H. B. No. 70—Wilson.)

HERD LAW SUSPENSION

An Act to amend and re-enact Section 1 of Chapter 140 of the Session Laws of 1919, being Section 2618 of the Supplement to the Compiled Laws of 1913.

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

§ 1. That Section 1 of Chapter 140 of the Session Laws of 1919, being Section 2618 of the Supplement to the Compiled Laws

of 1913 be, and the same is, hereby amended and re-enacted to read as follows:

§ 2618. HERD LAW: HOW AND WHEN SUSPENDED.] The board of county commissioners of each county in the state shall establish stock districts including all territory within the county for the purposes hereinafter provided. The boundaries of districts so established shall follow township lines. A district may consist of one or more congressional townships or the entire county may be made to comprise one district and all districts shall be subject to the jurisdiction of the board of county commissioners for the purposes of this act. Upon petition of sixty per cent of the electors of any such district as determined by the whole of the number of votes polled at the general election last held therein excluding those votes cast within the corporate limits of any city, town or village, within such district, being filed in the office of the county auditor asking that stock be permitted to run at large between certain dates specified in such petition, it shall be the duty of the board of county commissioners of such county, within ten days thereafter, at a regular or special meeting to declare by resolution that stock may run at large within the limits of said district between the dates named in said petition, except within the corporate limits of any city, town or village, but no stallion, jack, boar, ram, bull or any animal known to be vicious shall be permitted to run at large at any time. Said resolution shall state the date of its taking effect and the date of its discontinuance, which dates shall correspond to those found in the petition hereinbefore provided for, and said resolution shall be effective to permit stock to run at large between said dates of the year or years named only. Provided that if sixty per cent of the electors of any district as determined by the whole number of the votes polled at the general election last held therein, excluding those votes cast within the corporate limits of any city, town or village therein, shall file a petition in the office of the county auditor asking that such resolution by (be) revoked, it shall be the duty of the board of county commissioners of said county, within ten days thereafter at any regular or special meeting, to revoke the previous resolution declaring that stock may run at large, and said board shall not thereafter within one year from the date of such revocation declare it lawful for stock to run at large within said district or any part thereof.

Approved March 7, 1931.

CHAPTER 5

(H. B. No. 302—Northridge and Correll.)

GRADING LIVESTOCK BEFORE PACKING PLANT PURCHASES

An Act to prohibit the purchase by packing plants of livestock by weight until after such livestock has been graded and sorted in the yard; defining packing plants, and prescribing penalties for violation hereof.

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

§ 1. No packing plant within this state shall purchase any livestock by weight unless such livestock shall have been graded and sorted in the yard and the price per pound for each grade fixed and determined before the weighing of such livestock.

§ 2. For the purpose of this act a packing plant shall be construed to be a place where livestock, exclusive of poultry, shall be purchased for the purpose of slaughtering, dressing, curing or processing the same for human consumption, for storage and distribution thereof at wholesale.

§ 3. Each purchase of livestock in violation of this act shall be a separate offense and shall constitute a misdemeanor upon the part of every owner of such packing plant, whether natural persons or corporations, who shall permit the purchase of livestock in any other manner and shall be punishable by a fine not to exceed one hundred (\$100.00) dollars for each offense.

§ 4. All acts or parts of acts in conflict herewith are hereby repealed.

§ 5. 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 March 11, 1931.

CHAPTER 6

(H. B. No. 304—Northridge and Correll.)

WEIGHING LIVE STOCK AT PACKING PLANTS

An Act to require all weighing of livestock at packing plants to be done by licensed weighmasters; to provide for the licensing and bonding of such weighmasters and the revocation of such licenses; to define packing plants for the purposes of this act; and to prescribe penalties for violation hereof.

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

§ 1. All livestock purchased or sold at any packing plant within this state shall be weighed by a licensed and bonded weighmaster, who shall deliver to each person from whom livestock is purchased

or to whom livestock is sold a duplicate scale ticket showing gross, tare and net weights. Violation of this section shall be a misdemeanor upon the part of every person or corporation permitting such weighing to be done by any other person than a licensed weighmaster, and shall be punished by a fine of not to exceed one hundred dollars for each unlawful weighing.

§ 2. The chief inspector of the department of weights and measures, or such other state officer as may be charged with the administration of the laws with reference to weights and measures, shall issue a weighmaster's license to any person of good moral character who shall make application therefor, upon payment of a license fee of Five Dollars, and the filing of a bond for the faithful performance of his duties in the penal sum of \$1000.00. Such bond shall run to the State of North Dakota, but any person injured by the wrongful conduct of such weighmaster in the performance of his official duties may bring an action thereon in the name of the state for the recovery of damages therefor. Such bond may be that of a corporate surety company authorized to do business in this state, the cost thereof to be borne by the applicant, and shall be filed in the office of the officer issuing the license. The term of such license and bond shall be for two years, and such license shall be renewable upon the same terms as originally issued.

§ 3. The remuneration of such weighmaster shall be paid by the packing plant by which he is employed.

§ 4. The license of any such weighmaster who shall wilfully or carelessly issue any incorrect scale ticket, or otherwise fail to discharge his duties in a faithful and impartial manner, shall be cancelled by the officer who issued the same in the manner following. Any person may make complaint against any weighmaster in writing to the officer who issued the license, and if such complaint appears upon its face to be meritorious, such officer shall give the complainant and such weighmaster ten days notice by mail of the time and place at which he will hear such complaint, and the notice to the weighmaster shall specify the nature of the charges against him. At such hearing the officer who issued the license may administer oaths and hear such evidence as may be submitted on behalf of the complainant and the weighmaster, and upon such evidence he shall make such order dismissing the complaint or allowing the complaint and cancelling the license, as may, in his judgment, be warranted by the evidence. The wrongful weighing or the wilful issuance of a false scale ticket by a weighmaster shall be a misdemeanor, punishable by imprisonment in the county jail for not to exceed thirty days or a fine of not to exceed \$100 or by both such fine and imprisonment.

§ 5. For the purpose of this act a packing plant shall be construed to be a place where livestock, exclusive of poultry, shall be

purchased for the purpose of slaughtering, dressing, curing or processing the same for human consumption, for storage and distribution thereof at wholesale.

§ 6. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 11, 1931.

APPORTIONMENT

CHAPTER 7

(H. B. No. 308—Brunsdale and Herman.)

STATE LEGISLATIVE APPORTIONMENT

An Act to amend and re-enact Section 44 of the Supplement to the Compiled Laws of 1913, relating to legislative apportionment.

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

§ 1. AMENDMENT.] That Section 44 of the Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 44. STATE LEGISLATIVE APPORTIONMENT.] The senatorial and representative districts of the state shall be formed, and the senators and representatives be apportioned as follows:

(1) The First Legislative District shall consist of the County of Pembina, and be entitled to one senator and three representatives.

(2) The Second District shall consist of the City of Kenmare and that portion of Ward County situated and being in townships 154, 155 and 156 of ranges 85, 86 and 87; township 157 of ranges 84, 85, 86 and 87; township 158 of range 87; townships 159 and 160 of ranges 87, 88 and 89; and township 161 of range 88, and be entitled to one senator and one representative.

(3) The Third District shall consist of the townships of Perth, Latona, Adams, Village of Lankin, Village of Fordville, Silvesta, Cleveland, Norton, Vesta, Tiber, Medford, Vernon, Golden, Lamp-ton, Eden, Rushford, Kensington, Dundee, Ops, Prairie Center, Fertile, City of Park River, Village of Edinburg, Village of Conway, Village of Hoople, Village of Pisek, Village of Adams, Fairdale, Glenwood, Kinloss, Shepherd, Sauter and Dewey, in the County of Walsh and be entitled to one senator and two representatives.

(4) The Fourth District shall consist of the townships of Forest River, Village of Forest River, Walsh Centre, Grafton, City of Grafton, Farmington, Ardoch, Village of Ardoch, Harriston, Oakwood, Martin, Walshville, Pulaski, Acton, City of Minto, and St. Andrews, in the County of Walsh, and be entitled to one senator and one representative.