

LIVESTOCK

CHAPTER 383

HOUSE BILL NO. 1045
 (Legislative Council)
 (Interim Budget "C" Committee)

BRAND RECORDING FEES

AN ACT to amend and reenact sections 36-09-04, 36-09-13, and 36-09-14 of the North Dakota Century Code, relating to brand recording fees, fees for rerecording brands, and brand book pricing; and to provide an effective date.

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

SECTION 1. AMENDMENT. Section 36-09-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-09-04. Record of brands kept - Inspection of record - Certificate of ownership of brand --Fee. The commissioner of agriculture shall keep a record of all marks and brands showing the names and residences of the persons owning the same marks and brands, a description and facsimile of each mark or brand, and in the case of livestock, the range occupied by such ~~steek~~ the livestock, as nearly as the same may be determined. ~~Such~~ The record shall be is open to the inspection of any person interested therein. The commissioner shall deliver to the owner of each mark or brand a certificate thereof, and ~~such the~~ certificate shall be is evidence of ownership of the mark or brand described therein. ~~The fee for such certifieate shall be five dellars-~~

SECTION 2. AMENDMENT. Section 36-09-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-09-13. Recording and rerecording of brand brands - Fee. The rerecording of abandoned livestock brands or marks, and the recording of new brands and marks, shall conform in all respects to the provisions of this chapter. Each application for recording shall and rerecording must be accompanied by a fee of five ten dollars for each place or position upon the livestock where the brand or mark is to be placed. If the brand or mark is to be placed upon more than one kind of livestock, the fee is ten dollars for each brand position upon the type of livestock with the greatest number of brand positions.

SECTION 3. AMENDMENT. Section 36-09-14 of 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~~ the 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 supplement 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~~ fifteen dollars per brand book including supplement.

SECTION 4. EFFECTIVE DATE. Section 3 of this Act becomes effective on July 1, 1985.

Approved March 3, 1983

CHAPTER 384

HOUSE BILL NO. 1465
(Representative O. Hanson)
(Senator D. Meyer)

BRANDED CATTLE SLAUGHTER RECORDS

AN ACT to amend and reenact section 36-09-15 of the North Dakota Century Code, relating to the records of branded cattle slaughtered by a butcher.

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

SECTION 1. AMENDMENT. Section 36-09-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-09-15. Butcher to keep record of branded cattle slaughtered - ~~Report to commissioner of agriculture required--~~ Penalty. Any person engaged in the business of killing domestic animals and selling the meat thereof, ~~either of those animals at retail or wholesale, shall be or who slaughters animals on a custom basis, is deemed a butcher for the purposes of this section.~~ Any butcher who ~~shall kill within this state~~ kills any head of neat cattle shall keep a record thereof showing all of the following:

1. The name and place of residence of the person from whom such animal was purchased or for whom any custom slaughtering is performed.
2. When and where such animal was purchased or from where the animal came.
3. The sex of such animal and its age to the best of his knowledge.
4. A description of any and all marks and brands on such the animal.

The record shall be open to inspection during business hours by the state's attorney of the county in which the butcher shall reside, or to any person authorized by the state's attorney to make such inspection. Each butcher shall make a verified report of all branded cattle killed by him during the preceding month to the commissioner of agriculture on the first day of each month, giving the information specified in this section. Blank forms for such report shall be supplied by the commissioner, without cost, to butchers upon request a representative of the livestock sanitary board. Any person who shall ~~violate~~ violates any of the provisions of this section shall be is guilty of an infraction.

Approved March 8, 1983

CHAPTER 385

HOUSE BILL NO. 1466
(Representative O. Hanson)
(Senator D. Meyer)

BILL OF SALE REQUIREMENTS

AN ACT to amend and reenact section 36-09-20 of the North Dakota Century Code, relating to the bill of sale requirements for a registered brand.

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

SECTION 1. AMENDMENT. Section 36-09-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-09-20. Bill of sale to be given and kept - Copy with shipment - Effect - Penalty. Any person who sells any livestock carrying a registered brand shall give to the buyer, at the time of sale, a bill of sale, bearing the No person shall sell cattle, horses, mules, or any other livestock carrying a registered brand unless:

1. The seller is the owner of the registered brand and delivers a bill of sale for the cattle, horses, mules, or other livestock to the purchaser; or
2. The seller delivers to the purchaser a bill of sale executed by the owner of the registered brand and endorsed by the seller evidencing the later transaction.

The bill of sale shall contain the date, signature, and residence of the seller and name and address of the buyer, and showing the total number of animals sold, describing each animal sold as to sex and kind, and describing all the registered brands, except tattoos. The 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. Any violation of this section shall be an infraction.

Approved April 5, 1983

CHAPTER 386

SENATE BILL NO. 2349
(Senators Vosper, D. Meyer)
(Representatives W. Meyer, O. Hanson)

BRUCELLOSIS VACCINATION REQUIREMENTS

AN ACT to create and enact a new section to chapter 36-15 of the North Dakota Century Code, relating to the administrative enforcement of the provisions of that chapter; and to amend and reenact section 36-15-21 of the North Dakota Century Code, relating to calfhood vaccinations against brucellosis; and to provide a penalty; and to declare an emergency.

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

SECTION 1. A new section to chapter 36-15 of the North Dakota Century Code is hereby created and enacted to read as follows:

Enforcement orders - Administrative hearing.

1. The board may order cattle brought into the state which are not in compliance with the provisions of this chapter to be returned to their state of origin, or in the alternative, the board may order the cattle to be slaughtered.
2. If after a hearing, the board finds that a person has brought or kept cattle in this state and the cattle are not in compliance with the provisions of this chapter, a civil penalty not to exceed two thousand five hundred dollars may be assessed against that person.

SECTION 2. AMENDMENT. Section 36-15-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-15-21. Calfhood vaccination against brucellosis required - Penalty. No person shall bring into this state any female cattle over ~~ten~~ months of age the maximum vaccination age as prescribed in the brucellosis eradication uniform methods and rules approved and published by the United States department of agriculture, animal and plant health inspection service, for dairy or breeding purposes within this state, that have not been officially calfhood vaccinated against brucellosis. "Officially calfhood vaccinated" means a

bovine female animal vaccinated against brucellosis under the supervision of a federal or state veterinary official within age limits prescribed by the North Dakota livestock sanitary board in compliance with United States department of agriculture ~~recommended~~ 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 in its discretion may grant a hearing to any person under such the rules and regulations as adopted by the board may prescribe, as to whether or not an exception should be made 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 ~~shall bring~~ brings into this state or ~~acquire~~ acquires within this state any cattle contrary to the provisions of this section, ~~shall be~~ is guilty of a class B A misdemeanor.

SECTION 3. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved March 10, 1983

CHAPTER 387

SENATE BILL NO. 2255
(Goodman)

COCKFIGHT AND DOGFIGHT PENALTY

AN ACT to amend and reenact section 36-21.1-07 of the North Dakota Century Code, relating to the prohibition on cockfights, dogfights, and other exhibitions; and to provide penalties.

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

SECTION 1. AMENDMENT. Section 36-21.1-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-21.1-07. Cockfights, dogfights, and other exhibitions prohibited - Penalties.

1. No person shall engage in or be employed at cockfighting, dogfighting, bearbaiting, pitting one animal against another, or any other similar cruelty to animals; nor shall he receive money for the admission of any person to any place used, or about to be used, for any such purpose, nor shall he willfully permit anyone to enter or use, for any such purpose, premises of which he is the owner, agent, or occupant; nor shall he use, train, or possess a dog or other animal for the purpose of ~~seizing, detaining,~~ ~~or~~ maltreating any domestic animal; ~~nor shall any other.~~ Any person who violates any of the provisions of this subsection shall be guilty of a class C felony.
2. No person shall knowingly purchase a ticket of admission to any such place, be present at, or witness such ~~speetae~~ the activities prohibited by subsection 1. Any person who violates any of the provisions of this subsection shall be guilty of a class A misdemeanor.

Approved April 8, 1983