

OPINION
66-9

December 20, 1966 (OPINION)

Mr. John E. Schick

Acting Dairy Commissioner

RE: Agriculture - Livestock Dealer Employed by Packing Company - Lic

Your letter requesting an opinion and dated December 16, 1966, has been received by this office. Your letter states that there is some question as to whether or not a Livestock Dealer's License and Bond are required for a livestock buyer employed by a commercial meat packing firm. You further state that animals purchased by such buyers are not for resale but are shipped for slaughter either within or outside the State of North Dakota. You request our opinion on the following questions: (1) Are livestock buyers employed by packing companies required to secure a Livestock Dealer's License and Bond? (2) Is there a different requirement for livestock buyers employed by meat packers which are located outside the State of North Dakota? Your letter also states that you would appreciate a clarification of Paragraph 4 of Section 36-04-02 of the North Dakota Century Code.

Section 36-04-03 of the North Dakota Century Code requires all livestock dealers to be licensed as provided in Chapter 36-04. The definition of "Dealer" as it applies to Chapter 36-04 is set forth in Section 36-04-01, Subsection 1, and reads as follows:

"'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 and dealing in horses, mules, cattle, hogs, sheep, poultry, or wool from the producers or livestock auction market for resale or shipment within or without the state, and also resale in the local market. * * * ."

It is our opinion that livestock buyers employed by a commercial packing firm are "dealers" within the purview of the statute quoted herein because such buyers purchase animals which will either be resold or shipped within or without the State of North Dakota. When such buyers are included within the definition of "dealers" under Chapter 36-04 of the North Dakota Century Code they must secure a Livestock Dealer's License and Bond before dealing in livestock.

It is also our opinion that Chapter 36-04 of the North Dakota Century Code does not distinguish between those meat packers located within and those located outside the State of North Dakota.

Section 36-04-02 of the North Dakota Century Code sets forth several exceptions to which the provisions of Chapter 36-04 shall not apply. These exceptions are limited in their coverage, and in our opinion Paragraph 4 of Section 36-04-02 does not exempt commercial meat packers from the licensing requirements of Chapter 36-04.

HELGI JOHANNESON

Attorney General