

OPINION
55-77

August 16, 1955 (OPINION)

LIVESTOCK

RE: Venting Brands

This office is in receipt of your letter of August 10, 1955, asking our opinion as to how best to proceed in rerecording livestock brands which is now in progress in your office.

You state that many of the owners of livestock who may have bought other branded stock desire to vent the brands on such purchased animals, and you ask us how best to proceed.

Prior to 1949, section 36-0907 of the North Dakota Revised Code of 1943 provided that it was mandatory for any person who sells livestock to vent his brand on the part of the animal which the purchaser may determine. However, in 1949 this section was repealed and there is no such provision in our law at this time. In place of this section, however, the legislature, at the same session, adopted section 36-0920 of the 1953 Supplement which provides that any person who sells any registered branded livestock shall give, at the time of sale, to the buyer a written bill of sale. Such bill of sale shall carry the signature and residence of the seller and the name and address of the buyer, and give the total number sold and describing each animal sold as to sex and kind. Such bill of sale must be kept by the purchaser for two years and a copy thereof must be furnished to any buyer from such purchaser.

There is nothing in the law now that requires the commissioner of agriculture and labor to change the brand. However, this office can see no reason, and it is not prohibited by law under the present statutes, why a person who sells with the agreement of the purchaser may not vent his brand upon such animal so sold so as to permit the purchaser to put his own brand on the animal.

LESLIE R. BURGUM

Attorney General