

1 IN THE SENATE

BY SENATORS COGHILL AND OWEN

2 SENATE BILL NO. 58

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act pertaining to the branding of
7 livestock; prescribing penalties for
8 violations; repealing Sec. 33-3-61 through
9 and including Sec. 33-3-67, ACLA 1949."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 Section 1. "BRAND" DEFINED. For the purpose of the Act a
12 "brand" is defined as an identification mark that is burned into
13 the hide of a live animal.

14 Sec. 2. BRANDS AND MARKS: ADOPTION AND USE. Any person or
15 persons, association, firm, or corporation having cattle, sheep,
16 horses, mules or asses, shall have the right to adopt a brand or
17 mark, for the use of which he shall have the exclusive right in
18 this state, after recording such brand or mark as provided in
19 Sec. 4 of this Act.

20 Sec. 3. BRANDS AND MARKS: RECORD: EVIDENCE OF OWNERSHIP.
21 Such animals may be branded or marked on either side with the
22 owner's brand or mark. No evidence of ownership by brands or
23 marks shall be permitted in any court in this state unless the
24 brands or marks shall be recorded as provided in Sec. 4 of this
25 Act. The animal shall be so branded or marked that the distin-
26 guishing brand or mark of the owner shows distinctly. Sheep may
27 be marked distinctly with such mark or device as may be sufficient
28 to distinguish the same readily should they become intermixed with
29 other flocks of sheep owned in the state.

1 Sec. 4. BRANDS AND MARKS: RECORDING: FEE: RENEWAL PERIOD:
2 RENEWAL FEE. Any person or persons, association, firm or corpor-
3 ation desiring to adopt any brand or mark, not the recorded brand
4 or mark of another person, firm, association or corporation, shall
5 forward to the Director of the Division of Agriculture a facsimile
6 of such desired brand or mark, together with a written application,
7 and shall accompany the same with a recording fee of two (\$2.00)
8 dollars. Upon receipt of such facsimile and fee, the Director
9 shall record the same, as in this section provided, unless such
10 brand or mark is of record as that of some other person, associa-
11 tion or corporation, and conflicts with or closely resembles that
12 of any person, association or corporation, in which case the Dir-
13 ector shall not record the same, but shall return such facsimile
14 and fee to the forwarding person. The power of rejection shall be
15 vested in the Director of the Division of Agriculture. No brand
16 described as being on either side of the animal shall be accepted
17 or recorded. It shall be the duty of the Director to file all
18 brands or marks offered for record pending the examination, as
19 hereinafter provided, which he shall make as promptly as possible,
20 and if the brand or mark is accepted, the ownership thereof shall
21 vest from the date of filing. The recording as herein provided
22 shall secure to the person so applying said brand or mark until
23 the next renewal period, which shall be on or before January 1,
24 1960. A renewal period shall occur every five years, commencing
25 with January 1, 1960, and, at least ninety days before such time,
26 the Director shall notify every owner of a brand or mark of record
27 of such renewal period and the owner of a brand or mark shall pay
28 to the Director a renewal fee of one (\$1.00) dollar and furnish
29 such other information as may be required. The renewal fee of one

1 (\$1.00) dollar shall be due and payable on or before January 1 of
2 the renewal year, and if any owner shall fail, refuse or neglect
3 to pay such renewal fee by March 1 of the renewal year, such brand
4 or mark shall become forfeited and shall be available to be issued
5 to another applicant.

6 Sec. 5. BRANDS: COPY OF RECORD: PROCUREMENT: FEE. When any
7 brand or mark is recorded, the owner thereof shall be entitled to
8 one certified copy of the record of such brand or mark from the
9 Director of the Division of Agriculture. Additional certified
10 copies of the record may be obtained by anyone upon the payment
11 of one (\$1.00) dollar for each copy.

12 Sec. 6. BRANDS: USE WITHOUT CERTIFICATE PROHIBITED. It
13 shall be unlawful to use any brand for branding any horses,
14 cattle, mules or asses, unless the person, persons, association,
15 or corporation using such brand holds a written certificate of
16 acceptance from the Director of the Division of Agriculture.

17 Sec. 7. BRANDS: USE WITHOUT CERTIFICATE: PENALTY. Any person
18 persons, association, firm or corporation, who shall violate the
19 provisions of Sec. 6 of this Act shall be guilty of a misdemeanor,
20 and upon conviction thereof shall be fined in any sum not less than
21 fifty (\$50.00) dollars nor more than three hundred (\$300.00)dollars.

22 Sec. 8. BRANDS: PERSONAL PROPERTY WHEN RECORDED: ASSIGNMENT:
23 RECORD: FEE. Any brand or mark recorded, as provided in Sec. 4
24 of this Act, shall be the property of the person, persons, asso-
25 ciation or corporation causing such record to be made, and shall
26 be subject to sale, assignment, transfer, devise and descent, as
27 personal property. Instruments of writing evidencing the sale,
28 assignment or transfer of such brand or mark, shall be recorded
29 by the Director of the Division of Agriculture, and the fee for

1 recording such sale, assignment or transfer shall be one (\$1.50)
2 dollar and fifty cents. The recording of such instruments shall
3 give notice to all third persons of the matter therein recorded,
4 certified copies of which shall be admissible in evidence without
5 further foundation.

6 Sec. 9. BRANDS: RECORD: EVIDENCE OF OWNERSHIP. In all suits
7 at law or in equity, or in any criminal proceedings, wherein the
8 title to animals is an issue, the certified copy provided for in
9 Sec. 8 of this Act shall be prima facie evidence of the ownership
10 of such animal by the person whose brand or mark it may be.

11 Sec. 10. BRANDS: RECORD: PUBLICATION. It shall be the duty
12 of the Director of the Division of Agriculture, from time to time,
13 to cause to be published, in book form, a list of all brands and
14 marks on record at the time of such publication. Such lists may
15 be supplemented from time to time. The publication shall contain
16 a facsimile of all brands and marks recorded, together with the
17 owner's name and post office address. The records shall be ar-
18 ranged in convenient form for reference. The books and supplements
19 may be sold to the general public at not to exceed two (\$2.00)
20 dollars per copy.

21 Sec. 11. BRANDS: BRANDING ANOTHER'S LIVESTOCK: DEFACING
22 BRANDS: PENALTY. If any person or persons, association, firm or
23 corporation shall willfully and knowingly brand or mark, or cause
24 to be branded or marked, the animals of another, or who shall
25 willfully and knowingly efface, deface or obliterate any brand or
26 mark upon any animal or animals of another, he or they shall be
27 deemed guilty of a felony, and upon conviction thereof shall be
28 imprisoned for not less than two (2) years, nor more than five
29 (5) years.

1 Sec. 12. ANIMALS FROM OTHER STATES: DISTINGUISHABLE BRANDS
2 REQUIRED: VIOLATION: PENALTY. It shall be the duty of any person
3 or persons, organization or corporation, who brings into this
4 state for grazing purposes, any animals mentioned in Sec. 2 of
5 this Act, already branded or marked, to present to the Director of
6 the Division of Agriculture a statement of the brands or marks of
7 such animals, and, if such brands or marks conflict with any pre-
8 viously recorded, it shall be the duty of the owner or manager of
9 such animals to brand or mark them with a brand or mark that the
10 Director of the Division of Agriculture shall consider a fully dis-
11 tinguishable brand or mark from all brands or marks recorded, and
12 such owner shall be enjoined from the further use of the conflict-
13 ing brand or mark. A failure to comply with the provisions of
14 this section shall render the party so violating liable for all
15 damages resulting from such failure. This section shall apply to
16 all animals in this state whose brands or marks infringe on pre-
17 viously recorded brands or marks.

18 Sec. 13. BRANDED LIVESTOCK: SALE: REQUIREMENTS: VIOLATION:
19 PENALTY. No person or persons, whether as principal or agent,
20 shall hereafter sell or otherwise dispose of any branded live-
21 stock, nor shall any person, whether as principal or agent, buy,
22 purchase, or otherwise receive any such stock, unless the person
23 or persons so selling or disposing of any such stock shall give,
24 and the person or persons buying, purchasing or otherwise receiv-
25 ing any such stock shall receive a bill of sale in writing as to
26 the stock so sold. Any person who shall violate or fail to comply
27 with any of the provisions of this section shall be deemed guilty
28 of a misdemeanor, and upon conviction thereof shall be fined in a
29 sum of not less than twenty-five (\$25.00) dollars nor more than

1 six (6) months, or both.

2 Sec. 14. BRANDED LIVESTOCK: BILL OF SALE: EXHIBITION BY
3 PURCHASER: VIOLATION: PENALTY. It shall be the duty of any person
4 who has purchased or received, or has in his possession any
5 branded livestock, either for himself or for another, to exhibit,
6 on request of any person inquiring therefor, the bill of sale of
7 such stock. Any persons violating or failing to comply with the
8 provisions of this section shall be deemed guilty of a misdemeanor
9 and shall upon conviction be liable to punishment as provided in
10 Sec. 13 of this Act.

11 Sec. 15. BRANDED LIVESTOCK: SALE WITHOUT POWER OF ATTORNEY
12 OR BILL OF SALE PROHIBITED: EXCEPTION: CONTENTS OF BILL. No per-
13 son or persons shall sell or offer for sale or trade, any branded
14 livestock upon which such persons have not their recorded brand,
15 or for which the person so offering has neither the bill of sale
16 nor power of attorney from the owner of such stock, authorizing
17 such sale. The bill of sale shall state the buyer's name and
18 address, the date of transfer, the guarantee of title, the number
19 of cattle transferred, the sex, the brand or brands, the location
20 of the brand or brands, and the name and address of the seller.
21 The signature of the seller shall be attested by at least one wit-
22 ness.

23 Sec. 16. BRANDED LIVESTOCK: SALE WITHOUT POWER OF ATTORNEY
24 OR BILL OF SALE: PENALTY. Every person violating Sec. 15 of this
25 Act shall be deemed guilty of a felony, unless such person upon
26 trial shall establish and prove that he was at the time the actual
27 owner of the stock so sold or traded, or offered for sale or trade
28 or that he acted by the direction of one shown and proved to be
29 the actual owner of such stock. Every person convicted of such
SB #58 As amended -6-

1 felony shall be imprisoned for not less than two (2) years nor
2 more than five (5) years. In prosecutions for a violation of said
3 section, it shall not be necessary, in order to warrant a convic-
4 tion, to prove motive, intent, or purpose on the part of the ac-
5 cused, or that the accused knew that the stock sold or traded, or
6 offered for sale or trade, were so sold, traded or offered in
7 violation hereof, but the fact of such selling, trading, or offer-
8 ing for sale or trade contrary to the provisions hereof, when
9 proved, shall be sufficient to authorize a conviction, unless the
10 accused shall by testimony explain the case made by the State of
11 Alaska in a manner consistent with good faith and an innocent pur-
12 pose.

13 Sec. 17. BRANDED LIVESTOCK: SLAUGHTER: PERMIT. Any person,
14 firm, association or corporation who slaughters, or causes to be
15 slaughtered, branded livestock for sale or distribution, shall ob-
16 tain a permit from the Director of the Division of Agriculture.
17 The application for such permit shall be made in writing, under
18 oath, to the Director of the Division of Agriculture, giving the
19 full name of such person, firm, association or corporation, and
20 the name of the city or village where it is intended to carry on
21 such business. The registration fee for such permit shall be one
22 (\$1.00) dollar per annum, due and payable on July 1 of each year.

23 Sec. 18. BRANDED LIVESTOCK: SLAUGHTERERS: VIOLATION: GENERAL
24 PENALTY. Any person, firm or corporation who shall violate Sec.
25 17 of this Act shall be deemed guilty of a misdemeanor, and upon
26 conviction thereof shall be fined for each offense not less than
27 ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars.

28 Sec. 19. BRANDED LIVESTOCK: SLAUGHTER FOR USE: HIDE: PRESER-
29 VATION REQUIRED: EXCEPTION. It shall be unlawful for any person,
SB #58 As amended

1 corporation or company to kill, for his, her or its own use and
2 consumption, or to offer for sale, any branded livestock without
3 preserving the hide of such animal intact, for a period of not less
4 than fifteen (15) days, and such hide shall be presented for
5 inspection upon demand of any person.

6 Sec. 20. BRANDED LIVESTOCK: PROVISIONS: INSPECTED SLAUGHTER-
7 ERS EXEMPT. Nothing in this Act shall be construed to interfere
8 or apply in any way to packing plants in this state where the
9 United States Department of Agriculture of the State of Alaska
10 maintains regular inspection.

11 Sec. 21. BRANDS AND MARKS: VIOLATIONS: GENERAL PENALTY. Any
12 person, association or corporation, or the agent thereof, who vio-
13 lates any of the provisions of this Act, for which a specific
14 penalty is not provided, shall be deemed guilty of a misdemeanor,
15 and upon conviction thereof shall be fined not less than twenty-
16 five (\$25.00) dollars nor more than one hundred (\$100.00) dollars
17 for each offense.

18 Sec. 22. BRANDED HIDES: RECORD: PURCHASERS AND CARRIERS
19 MUST KEEP. All purchasers of hides shall keep a record of all
20 branded hides of meat cattle purchased by them which record shall
21 state the name or names of the person or persons from whom pur-
22 chased, their place of residence, the date of purchase, and all
23 marks and brands on the hides, and which shall at all times be
24 open for the inspection of stock growers, their agents and em-
25 ployees.

26 Sec. 23. BRANDED HIDES: PROVISIONS: VIOLATION: PENALTY. Any
27 person, who shall violate the provisions of Sec. 23 of this Act
28 or willfully neglect or refuse to do any act therein required,
29 shall be guilty of a misdemeanor, and upon conviction shall be

1 punished by imprisonment in the jail for a period not exceeding
2 three (3) months or pay a fine not exceeding one hundred (\$100.00)
3 dollars.

4 Sec. 24. BRANDS: "S" ON LEFT JAW: REGISTRATION. There is
5 hereby registered in the office of the Director of the Division of
6 Agriculture a cattle brand consisting of an "S" on the left jaw.
7 This brand shall not be assigned to any person, firm or corpora-
8 tion in the state of Alaska, and it shall be unlawful for any per-
9 son, firm, or corporation to use this brand except as provided in
10 Sec. 25 of this Act.

11 Sec. 25. BRANDS: SPAYED HEIFERS: BRANDING. It shall be the
12 duty of every person when spaying heifers, upon request of the
13 owner thereof, to brand such heifers with an "S" on the left jaw,
14 and to furnish the owner with a certificate that all heifers so
15 branded have been properly spayed.

16 Sec. 26. BRANDS: SPAYED HEIFERS: PROVISIONS: VIOLATION: PEN-
17 ALTY. Any person who violates any of the provisions of Sec. 25
18 or Sec. 26 of this Act shall be guilty of a misdemeanor,
19 and shall upon conviction be fined in any sum not less than ten
20 (\$10.00) dollars nor more than one hundred (\$100.00) dollars.

21 Sec. 27. BRANDED LIVESTOCK: INSPECTION BY DIRECTOR OF DIVI-
22 SION OF AGRICULTURE. The Director of the Division of Agriculture,
23 or any agent duly authorized by him, may at any time make inspec-
24 tions of branded livestock in order to ascertain and enforce com-
25 pliance with the provisions of this Act.

26 Sec. 28. REPEALER. Sec. 33-3-61 through and including
27 Sec. 33-3-67, ACLA 1949 are hereby repealed.
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