

Chapter 597

1955 REPLACEMENT PART

Diseases of Cattle and Goats

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DEFINITIONS

597.005 Definitions for ORS 597.005 to 597.395. As used in ORS 597.005 to 597.395, unless the context requires otherwise:

(1) "County veterinarian" includes deputy county veterinarian.

(2) "Court" means the county court or board of county commissioners of the counties of this state.

(3) "Department" means the State Department of Agriculture.

(4) "Disease-free herd" means a herd of bovine animals in which no reactors are found on the test required by ORS 597.165 or which has returned to testing under such section after being tested as provided in ORS 597.235.

(5) "Infected herd" means a herd of bovine animals in which a reactor is discovered pursuant to a test required by ORS 597.155 to 597.395 and which has not regained its disease-free herd status as provided in ORS 597.235.

(6) "Official test" means:

(a) In the case of brucellosis, a test for brucellosis performed on a blood sample from a bovine animal, taken by an official veterinarian, by a laboratory approved by the department.

(b) A test for tuberculosis in bovine animals performed by an official veterinarian in a manner prescribed by the department.

(7) "Officially vaccinated" means an animal which has been vaccinated against brucellosis only as provided in ORS 597.155.

(8) "Official veterinarian" means a state veterinarian, county veterinarian, or a United States Department of Agriculture, Bureau of Animal Industry veterinarian.

(9) "Reactor" means a bovine animal found to be infected with brucellosis or tuberculosis, as the case may be, as a result of a test performed pursuant to ORS 597.155 to 597.395. [1953 c.688 §1]

597.010 [Repealed by 1953 c.688 §38]

597.020 [Repealed by 1953 c.688 §38]

597.030 [Repealed by 1953 c.688 §38]

597.040 [Repealed by 1953 c.688 §38]

597.050 [Repealed by 1953 c.688 §38]

COUNTY VETERINARIANS

597.055 Office of county veterinarian created; duties; appointment; term; removal.

(1) There hereby is created for the respective counties of this state the office of

county veterinarian who shall carry out his duties under the general supervision and direction of the department.

(2) The county veterinarian shall be appointed by each county court of this state. Such appointment shall not become effective until it has been approved by the department, in writing.

(3) The county veterinarian shall hold office at the pleasure of the court and the department and may be removed for cause at any time by either of them. [1953 c.688 §2]

597.060 [Repealed by 1953 c.688 §38]

597.065 Appointment of more than one county veterinarian in a county. (1) The court, when it deems it necessary, may appoint several county veterinarians in the county.

(2) When the court appoints more than one county veterinarian, it shall allocate by official court order to each county veterinarian a specified territory within which such veterinarian shall be responsible for the performance of his duties.

(3) Duly certified copies of all orders allocating territories to county veterinarians shall be filed with the department. [1953 c.688 §3]

597.070 [Repealed by 1953 c.688 §38]

597.075 Bond of county veterinarian. A county veterinarian shall, before entering upon the duties of his office, file with the court a bond, the amount of which shall be determined by the court in a sum not less than \$1,000. The bond shall be conditioned upon the faithful performance of the duties of the veterinarian. The bond premium shall be paid by the county. [1953 c.688 §5]

597.080 [Repealed by 1953 c.688 §38]

597.085 Compensation of county veterinarians. (1) County veterinarians shall be paid by the county, at the rate the court determines for the services performed by the veterinarian pursuant to ORS 597.055 to 597.395.

(2) County veterinarians shall be paid in the same manner as for the annual test for retesting bovine animals.

(3) County veterinarians shall not be entitled to any salary from the department for the performance of duties under ORS 597.055 to 597.395.

(4) County veterinarians shall not be

paid until the monthly report required by ORS 597.125 has been filed. [1953 c.688 §7]

597.090 [Repealed by 1953 c.688 §38]

597.095 County veterinarians as deputy state veterinarians; acting as county veterinarian for more than one county. (1) County veterinarians shall be deputy state veterinarians under appointments held pursuant to ORS 596.210 to 596.250, and shall devote the time necessary to the performance of the duties of their office.

(2) With the approval of the department and of the respective courts, the same person may act as county veterinarian for more than one county. [1953 c.688 §6]

597.100 [Repealed by 1953 c.688 §38]

597.105 Deputy county veterinarians. Deputy county veterinarians may be appointed to work under the supervision of the county veterinarian who shall be responsible for the conduct of the work of the deputy. The appointment of such deputies shall be in the same manner as county veterinarians are appointed. [1953 c.688 §4]

597.110 [Repealed by 1953 c.688 §38]

597.115 Department may provide veterinary services to county when county unable to secure a county veterinarian. If any county is unable to obtain the services of a veterinarian for appointment as county veterinarian, the department may, at the request of the county, provide veterinary services for the performance of the duties of a county veterinarian. The county shall reimburse the state for any expenses incurred in the performance of such duties. For the purpose of ORS 597.055 to 597.395 any veterinarian provided by the department shall be deemed a county veterinarian. [1953 c.688 §29]

597.120 [Repealed by 1953 c.688 §38]

597.125 Reports to be filed by county veterinarians. (1) County veterinarians shall file with the department and the court on forms provided by the department:

(a) A monthly record of official tests completed, identifying retests.

(b) A monthly record of official vaccinations.

(c) Such additional information as the court or department deems necessary.

(2) Reports required by subsection (1) of this section shall be submitted to the

department and the court not later than the tenth of the month next following the completion of the work. [1953 c.688 §9]

597.130 [Repealed by 1953 c.688 §38]

597.140 [Repealed by 1953 c.688 §38]

597.150 [Repealed by 1953 c.688 §38]

CONTROL OF BRUCELLOSIS, TUBERCULOSIS AND PARATUBERCULOSIS

597.155 Vaccination of bovine animals against brucellosis. (1) No person shall vaccinate any bovine animals against brucellosis in any county in this state except as provided in this section.

(2) The owner of a herd of bovine animals which have been tested as required by ORS 597.155 to 597.395 may carry on a program of calfhood vaccination in such herd under regulations promulgated by the department. The cost of administration of vaccine by the veterinarian shall be paid as provided in ORS 597.355 for the payment of the testing of animals.

(3) Calves may be vaccinated only between the ages of:

(a) Six to 12 months, inclusive, in the case of beef calves.

(b) Five to eight months, inclusive, in the case of dairy calves.

(4) The department may furnish vaccine for the vaccination of calves as permitted by ORS 597.155 to 597.395 to the extent funds are available to the department.

(5) The department shall provide by regulation for methods of identifying vaccinated animals.

(6) At the request of the court in counties where the testing of beef animals for brucellosis is not compulsory, the department may supervise a voluntary program of vaccination of beef calves against brucellosis. The vaccination of all calves in such counties may be carried on without previous testing for brucellosis in the herd. The county may appropriate and include in its annual budget sufficient money to pay all or any portion of the work provided by this subsection, or the county may require the owner or person in charge to pay all or any portion of the amount budgeted for the cost of administration of the vaccine. Any portion to be paid by the owner of the herd shall be collected as provided for in ORS 597.355. If the county budgets none of the cost, or only budgets

the portion to be borne by the county, then the owner shall pay the portion not to be paid by the county to the veterinarian at the time of vaccination.

(7) The owner shall be entitled to receive indemnity for animals which have been officially vaccinated as a calf if the animal is otherwise eligible.

(8) Vaccination of adult cattle hereby is prohibited except by written permission of the department. In no event shall vaccination of either calves or adult cattle be done by anyone other than an official veterinarian until permission in writing has first been obtained from the department. [1953 c.688 §24; 1955 c.555 §1]

597.160 [Repealed by 1953 c.688 §38]

597.165 Testing of dairy-type bovine animals for brucellosis and tuberculosis. (1) The following dairy-type bovine animals shall be tested annually for brucellosis by the county veterinarian:

(a) All such animals over 12 months of age which have not been officially vaccinated.

(b) All such officially vaccinated animals which have calved or which have reached 24 months of age.

(2) The county veterinarian may test for brucellosis at the owner's request:

(a) All the dairy-type bovine animals over six months of age which have not been officially vaccinated for brucellosis. The owner shall be eligible for indemnity for reactors in such cattle as in the case of cattle which are required to be tested.

(b) All officially vaccinated dairy-type bovine animals over 12 months of age.

(3) The county veterinarian shall test annually all dairy-type bovine animals for tuberculosis concurrently with the test for brucellosis, except as provided in ORS 597.195. [1953 c.688 §10; 1955 c.555 §2]

597.170 [Repealed by 1953 c.688 §38]

597.175 Compulsory testing of beef cattle for brucellosis and tuberculosis upon petition. (1) The court may order the testing in the same manner as provided in ORS 597.165, of all beef cattle within the county or a portion thereof upon the petition of:

(a) One hundred or more persons owning bovine animals within the county; or

(b) Of a majority of persons owning cattle in a legally described portion of the county.

(2) No such order shall be entered by the court except after public hearing held at the county seat or such other place, as the court determines.

(3) The court may provide in its order that all beef cattle shall be tested only for brucellosis or only for tuberculosis. The court may order that the test for tuberculosis be applicable only to a specified percentage of all the cattle in the county, such order being for the purpose of fulfilling the federal-state requirements for the tuberculosis reaccreditation program.

(4) A certified copy of any order of the court made pursuant to this section shall be filed with the county clerk and the department.

(5) The court may exempt, at the petition of the owner, individual beef cattle or herds of beef cattle from the compulsory test required by any order entered pursuant to this section when:

(a) Such cattle are on range and cannot be available for test without undue hardship, are at all times isolated from cattle owned by the other persons and the county veterinarian recommends such exemption.

(6) Compulsory testing of beef cattle in any county or portion thereof may be terminated by the same procedure as such testing was established.

(7) Any county or area in which the testing of all beef cattle was made compulsory pursuant to the provisions of chapter 355, Oregon Laws 1945, as amended, is continued in effect, subject to the provisions of ORS 597.155 to 597.395. [1953 c.688 §11]

597.180 [Repealed by 1953 c.688 §38]

597.185 Alternative petition to make testing of beef cattle compulsory in certain areas. (1) The owner of a herd of beef cattle which is located in an area in which the testing of beef cattle has not been made compulsory under the provisions of ORS 597.175 may petition the court for an order making the provisions of ORS 597.155 to 597.395 applicable to such herd for an indefinite period but not less than two years.

(2) The court may enter an order granting such petition when the county veterinarian recommends such action as advisable and practicable for the eradication and control of brucellosis in the herd.

(3) The court may revoke any such order at the petition of the owner of any herd of beef cattle showing that continued

application of the provisions of ORS 597.155 to 597.395 would cause undue hardship or that the disease control and eradication purposes of ORS 597.155 to 597.395 have been carried out so far as is practicable for such herd. [1953 c.688 §14]

597.189 Alternate program of brucellosis testing of beef cattle on range or semi-range areas. (1) In addition to the powers conferred upon the court by ORS 597.175 the court may establish an alternate program of brucellosis testing of beef cattle as provided in this section.

(2) The manner and method of establishing such a program shall be the same as provided in ORS 597.175 for compulsory test counties.

(3) The provisions of this section shall apply only to a range or semi-range county or portions of a county. For the purposes of this section, a county or portion thereof shall be deemed a range or semi-range county or area when the number of beef cattle exceeds 60 percent of the total cattle population of the county or area as determined by the court. The determination of whether or not any county or area is within such definition may be made by the court from the records of the county assessor or any other reliable source of information. Such determination shall be conclusive and shall not be reviewable by any court of this state except upon the ground that the determination was arbitrary and capricious.

(4) Upon the establishment by the court of any county or area as range or semi-range area the following testing program of beef cattle for brucellosis shall be observed:

(a) As used in this section, "herd" includes only beef cattle more than 12 months of age and in the case of beef cattle which have been officially calf vaccinated only those animals more than 30 months of age.

(b) Except as provided in subparagraphs (c) and (d) of this subsection, all of the animals in herds of 25 or less shall be tested annually for brucellosis, and in herds of more than 25 in number at least 25 animals or at least 20 percent of the herd, whichever is greater, shall be tested annually for brucellosis.

(c) In a herd of registered bovine animals, the entire registered herd must be tested for brucellosis annually.

(d) Except as provided in subparagraph (c) of this subsection, if upon test for brucellosis no reactors are found, in a herd in

which an official calfhood brucellosis vaccination program approved by the county veterinarian and the department has been undertaken and maintained, no further test for brucellosis is required for a period of three years.

(e) In any herd of beef cattle in which reactors are found, the entire herd must be retested in a manner and at such times as the department may deem necessary until the department shall determine that the disease is eradicated in such herd. In any event, however, there must be at least two tests of the entire herd in which no reactors are found.

(5) Any reactors to any test required by this section must be identified, appraised and slaughtered and shall be eligible for indemnity in the same manner and to the same extent as other bovine animals required to be tested pursuant to the provisions of ORS 597.165. [1955 c.555 §5]

597.190 [Repealed by 1953 c.688 §38]

597.195 Limiting testing for tuberculosis to biennial basis. In counties where the last test required by ORS 597.155 to 597.395 showed the incidence of tuberculosis in such county did not exceed one-half of one percent in all cattle subject to testing for tuberculosis, the court may by official order limit the testing of cattle for tuberculosis to a biennial basis. If the incidence reaches a rate of incidence of tuberculosis exceeding one-half of one percent, the test shall be made annually. [1953 c.688 §12]

597.200 [Repealed by 1953 c.688 §38]

597.205 ORS 597.155 to 597.395 not applicable to steers or spayed female animals; testing of dairy-type female goats for brucellosis. The provisions of ORS 597.155 to 597.395 are not applicable to steers or spayed female animals; provided that the owner of any dairy-type female goats shall be entitled to have such goats tested once annually for brucellosis in the same manner as is provided in ORS 597.155 to 597.395 for the testing of dairy bovine animals. [1953 c.688 §32]

597.210 [Repealed by 1953 c.688 §38]

597.215 Identification of animals tested; identification of reactors. (1) The department shall prescribe by regulation the method of identifying animals tested for brucellosis or tuberculosis.

(2) All brucellosis reactors shall be branded with a "B" on the left jaw, and all tuberculosis reactors shall be branded with a "T" on the left jaw.

(3) In addition to the requirements of subsection (2) of this section, reactors shall be tagged with an appropriate reactor tag.

(4) Any devices or materials necessary for the identification of officially tested cattle or reactors shall be furnished by the department. [1953 c.688 §16]

597.220 [Repealed by 1953 c.688 §38]

597.225 Delivery of copy of test results to owner. (1) Within 15 days after testing any cattle for brucellosis or tuberculosis the veterinarian conducting or supervising the test shall deliver to the owner a copy of the results of the test.

(2) The copy of the test results shall show among other things:

(a) The reactors discovered on the test.

(b) The age, sex, breed and other relevant information relating to animals which he officially tested. [1953 c.688 §15]

597.230 [Repealed by 1953 c.688 §38]

597.235 Retesting of herd when reactor found in herd. (1) When a reactor is found in any herd as the result of any test required by ORS 597.155 to 597.395, all other cattle in the herd shall be retested further as provided in this section.

(2) All cattle required to be tested by the provisions of ORS 597.165 and 597.175 and all unvaccinated cattle over six months of age shall be retested for brucellosis and the entire herd found to be free from brucellosis on each of three successive tests at the following intervals:

(a) Two successive retests at intervals of not more than 45 days, computed from the date of the annual test or from succeeding test. At least 15 days must intervene between such tests.

(b) A third retest following the tests required by paragraph (a) of this subsection not less than six months nor more than seven months from the second clean test.

(3) All cattle required to be tested for tuberculosis by the provisions of ORS 597.165 and 597.175 shall be retested for tuberculosis twice and found to be free from such disease at the following intervals:

(a) One retest not less than 60 nor more than 90 days from the annual test.

(b) A second retest not less than six

nor more than seven months from the first retest.

(4) If reactors are found in a herd on a retest, the herd shall be retested as provided in case reactors are found on the annual test.

(5) A herd which has been retested as prescribed by subsections (2), (3) and (4) of this section and found to be free from the disease for which they were tested shall, thereafter, be tested for such disease as provided in ORS 597.165 or 597.175. [1953 c.688 §13]

597.240 [Repealed by 1953 c.688 §38]

597.245 Compulsory slaughtering of reactors; indemnity for voluntarily slaughtering reactors not required to be slaughtered.

(1) Each reactor must be slaughtered if it is found to be infected with brucellosis or tuberculosis by a test required by ORS 597.155 to 597.395 or by any test performed by a laboratory approved by the department on a blood sample collected and submitted by an official veterinarian or deputy state veterinarian.

(2) Subsection (1) of this section shall not be construed to require the slaughter of a beef animal reactor which is not subject to compulsory brucellosis testing under the provisions of ORS 597.175 in the county where the reactor is located.

(3) For the purpose of this section an officially vaccinated animal shall not be deemed a reactor until 24 months have passed since the date of vaccination. Any animal which has been officially vaccinated and reacts positively to the official test for brucellosis after 24 months from the date of such vaccination shall be slaughtered.

(4) If the owner elects to slaughter a reactor 18 months after the date of such vaccination, he shall then be entitled to receive indemnity as in the case of animals required to be slaughtered. [1953 c.688 §17]

597.255 Time within which reactor must be slaughtered. (1) Except as provided in subsections (2) and (3) of this section, reactors shall be slaughtered within 15 days from the date the owner receives notice that the animal is infected as provided for in ORS 597.225.

(2) Except as provided in subsection (3) of this section, if the owner of a reactor claims indemnity for the slaughter of such animal as provided in ORS 597.265, the re-

actor shall be slaughtered within 15 days from the time the appraisal becomes final.

(3) With the written approval of the department, a reactor may be retained by the owner for not more than 30 days from the date of receiving notice the animal is infected or the date the animal is appraised, as the case may be, if either a condition of advanced pregnancy or emaciation due to lack of sufficient food makes such retention advisable in the opinion of the veterinarian supervising or conducting the testing. No reactor may be so retained, however, unless it can be effectively isolated from noninfected animals and there is a reasonable expectation of an improvement in the animal's physical condition or of its calving during the period of retention. [1953 c.688 §18]

597.265 Claim for indemnity for slaughter of reactor; appraisal of reactor. (1) The owner may claim indemnity for the slaughter of a reactor by giving notice of claim for indemnity to the veterinarian who supervised or conducted its testing. The notice of claim shall be given within five days from the time the owner receives the notice of infection. To assist the owner, the department shall provide forms on which claim for indemnity can be entered. Such forms shall be delivered to the owner by the veterinarian in conjunction with the owner's copy of the test results. The failure or neglect of the owner of a reactor to give notice of claim for indemnity within the time limited shall be deemed a waiver of the privilege to receive indemnity.

(2) The veterinarian who supervised or conducted the testing of a reactor shall appraise it within 10 days from receiving the owner's notice of claim for indemnity. He shall appraise it at its market value in the locality in which it is owned and located. If the owner approves such appraisal, he shall indicate his assent to the appraisal in writing. Notwithstanding the fact that the owner fails to assent to such appraisal in writing, the appraisal shall be deemed final unless the owner appeals such appraisal as provided in subsection (3) of this section.

(3) An owner who disapproves of the veterinarian's appraisal of a reactor must notify the court of that fact within 10 days of such appraisal. Upon receiving such notice the court shall immediately appoint a disinterested and competent person to reappraise the reactor. The person appointed

by the court shall proceed forthwith to make the reappraisal, which shall be deemed final. Such person shall be paid \$10 a day, while engaged in making the appraisal, and mileage from his home to the place of appraisal. The cost of such payments shall be computed by the court and advanced by the owner requesting the appraisal. [1953 c.688 §19]

597.275 Application to court for order requiring destruction of reactor. When a reactor is required by ORS 597.155 to 597.395 to be slaughtered, the department may apply to the circuit court of the county in which the reactor is located for an order requiring the destruction of the reactor. [1953 c.688 §20]

597.285 Payment of indemnity for slaughter of reactor. (1) The State of Oregon and each county of the state shall pay indemnity to the owner of a reactor which is required to be slaughtered pursuant to ORS 597.155 to 597.395, except as provided in ORS 597.305.

(2) The state and county shall each pay an amount equal to one-sixth of the difference between the appraised value of the animal and its salvage, if any. However, neither the state nor the county shall pay more than \$8 per head for grade animals nor more than \$12 per head for registered purebred animals. [1953 c.688 §21]

597.295 Processing and payment of indemnity claims. (1) The department shall promulgate regulations relating to the method of handling and processing claims for indemnity by owners of reactors which are slaughtered as required by ORS 597.155 to 597.395.

(2) All claims for indemnity approved by the court and the department shall be transmitted to the Secretary of State, who shall then issue his warrant upon the State Treasurer to the order of the claimant. Such claim shall be paid from moneys in the Department of Agriculture Account appropriated for that purpose. [1953 c.688 §22]

597.305 When right to indemnity does not exist. The right to indemnity for a reactor slaughtered shall not exist nor shall any claims be allowed or paid:

(1) For an animal owned by the United States or the State of Oregon, or any governmental subdivision or agency of such government.

(2) For any animal unless all of the requirements of ORS 597.155 to 597.395 and the regulations promulgated hereunder have been complied with by the owner as to all animals in the herd.

(3) For an animal unless the contaminated premises have been properly cleaned and disinfected with a disinfectant approved by the department and in a manner prescribed by the department.

(4) For all animals on a claim for indemnity if there is substantial evidence that the owner or his agent has in any way been responsible for any attempt to obtain unlawfully or improperly indemnity funds for any such animals.

(5) For any animal which was brought into this state within 12 months prior to the date of appraisal, contrary to the requirements of the department relating to the importation of animals into this state.

(6) For an animal which has not been in the state for more than 30 days.

(7) For any animal which has not been tagged, branded and appraised prior to slaughter as required by ORS 597.155 to 597.395 and the regulations promulgated hereunder.

(8) For any animal which died prior to being slaughtered as required by ORS 597.155 to 597.395.

(9) To an owner who knew at the time he purchased the animal that it was infected with tuberculosis or brucellosis or who negligently or wilfully exposed the animal to such diseases.

(10) For a brucellosis reactor which has been vaccinated with brucella abortus vaccine as permitted by ORS 597.155 to 597.395 unless the owner has complied with the rules and regulations relating to such vaccination and at least 18 months have elapsed since the date of vaccination at the time the animal was tested.

(11) For a brucellosis reactor which was more than the age limit for such type of animal at the time of vaccination.

(12) For any animal which has not been slaughtered within the time limited for slaughter as prescribed by ORS 597.255. [1953 c.688 §23; 1955 c.555 §3]

597.310 [Repealed by 1953 c.116 §2]

597.315 Control of paratuberculosis in bovine animals; testing; identifying and slaughtering reactors; indemnity. (1) The department may test and retest bovine ani-

mals for paratuberculosis and take such other action as the department deems necessary for the detection, eradication and control of such disease. The test shall be performed in a manner approved by the department. When any bovine animal is found to be infected with paratuberculosis, it shall be tagged or branded in a manner prescribed by the department.

(2) Any bovine animal found to be infected with paratuberculosis shall be slaughtered and its owner indemnified in accordance with the provisions of ORS 597.155 to 597.395 relating to the slaughter and indemnification therefor of animals found to be infected with tuberculosis and brucellosis. [1953 c.688 §25]

597.320 [Repealed by 1953 c.116 §2]

597.325 Prohibitions. (1) No person who is the owner of beef cattle which have not been officially tested shall permit them to be ranged or pastured on any lands which are not fenced to prevent commingling of such beef cattle with other bovine animals in a compulsory test area.

(2) No person who is the owner of female dairy cattle shall permit them to range on community pasture unless they have been officially tested and found free from brucellosis and tuberculosis and free from exposure to such disease.

(3) No owner or person in charge of any animals required to be tested by ORS 597.155 to 597.395 shall fail, refuse or neglect to render the county veterinarian reasonable assistance in the performance of the veterinarian's duties in testing, branding, marking or appraising such person's cattle.

(4) No person shall obstruct or interfere, or threaten to obstruct or interfere, with the county veterinarian in the performance of his duties under ORS 597.055 to 597.395.

(5) No owner or person in charge of a reactor shall remove or permit the removal of the reactor from the premises where it is isolated, except to a person licensed to slaughter such animals in this state, or pursuant to regulations promulgated by the department. [1953 c.688 §26]

597.330 [Repealed by 1953 c.116 §2]

597.335 Restraining animal for testing, marking or appraising. (1) A person owning or having custody or control of a bovine animal shall restrain such animal for any test, branding, marking or appraisal re-

quired by ORS 597.155 to 597.395 on 24 hours' notice.

(2) Each animal shall be restrained by placing it in a stanchion, holding chute or by being otherwise immobilized to permit access to the animal by the veterinarian for performance of such duties as may be required of him. [1953 c.688 §27]

597.340 [Repealed by 1953 c.116 §2]

597.345 **Requiring owner to share cost of test or vaccination.** The court may require the owner to pay:

(1) Not more than one-half of the cost of testing animals, including retests, as required by ORS 597.155 to 597.395.

(2) Not more than one-half of the cost of the administration of vaccine where the owner has elected to carry on a program of calfhood vaccination as provided in subsection (2) of ORS 597.155. [1953 c.688 §30]

597.350 [Repealed by 1953 c.116 §2]

597.355 **Collection of owner's share of cost of test or vaccination.** (1) Whenever a county court has, pursuant to ORS 597.345, directed that any portion of the cost of testing or administration of vaccine be paid by the owner, the county shall pay the veterinarian the entire cost and recover the portion payable by the owner as provided in subsection (2) of this section.

(2) The court shall furnish the owner a statement for the services rendered. If payment for the services is not made to the county clerk within 30 days of the date the statement was rendered, the court shall certify the name of such owner to the tax levying authority for the county together with the date on which the test or vaccination was performed and the amount due and owing from such owner. The amount certified shall be a lien upon the herd which was tested or vaccinated and shall be levied and collected with the next taxes on personal property in the county. The levy and collecting shall be made in the same manner and with the same interest, penalty and cost charges as apply to personal property taxes in this state.

(3) All costs recovered as provided in this section shall be paid into the county general fund. [1953 c.688 §31]

597.360 [Repealed by 1953 c.116 §2]

597.365 **County to appropriate money for its share of cost of test, vaccination and indemnity; payment of claims by county.** (1) The court shall appropriate annually a sum

of money sufficient to pay the cost of testing and vaccinating cattle and paying indemnity as required by ORS 597.155 to 597.395.

(2) All claims payable by the county under ORS 597.155 to 597.395 shall be paid out of the county general fund and shall be approved by the court before a warrant may be drawn and paid by the county treasurer. [1953 c.688 §8]

597.370 [Repealed by 1953 c.116 §2]

597.375 **Effect of failure of county to provide funds.** (1) If any county of this state fails or neglects to provide funds for the payment of indemnity as provided in ORS 597.155 to 597.395, the State of Oregon shall not be required to pay indemnity for animals in such county.

(2) The failure or neglect of any county of this state to provide funds for the payment of indemnity shall not affect or limit the requirement of ORS 597.155 to 597.395 that reactors to the official test shall be slaughtered. [1953 c.688 §34]

597.380 [Repealed by 1953 c.116 §2]

597.385 **Department to provide laboratory services.** The department shall provide for laboratory services for use in conjunction with any test required by ORS 597.155 to 597.395. [1953 c.688 §33]

597.390 [Repealed by 1953 c.116 §2]

597.395 **Agreements with Federal Government regarding control of brucellosis and tuberculosis; federal veterinarians as county veterinarians.** (1) The department may enter into agreements with the United States Department of Agriculture, Bureau of Animal Industry, for the mutual purpose of eradicating and controlling tuberculosis and brucellosis.

(2) Veterinarians employed by the Bureau of Animal Industry may be appointed county veterinarian, without meeting the requirements of ORS 597.075 and 597.095, but no such veterinarian shall be entitled to receive from the county or the state any compensation for services performed by him arising out of such appointment. [1953 c.688 §28]

597.400 [Repealed by 1953 c. 116 §2]

597.410 [Repealed by 1953 c.116 §2]

597.420 [Repealed by 1953 c.116 §2]

597.430 [Repealed by 1953 c.116 §2]

597.440 [Repealed by 1953 c.116 §2]

597.450 [Repealed by 1953 c.116 §2]

597.460 [Repealed by 1953 c.116 §2]

597.470 to 597.500 [Reserved for expansion]

RESTRICTION ON MOVEMENT OF CATTLE

597.505 Definitions for ORS 597.505 to 597.555. As used in ORS 597.505 to 597.555:

(1) "Beef cattle" includes all bovine animals which are not dairy cattle.

(2) "Slaughterer" means a person actively engaged in the slaughter of beef and dairy cattle.

(3) "Compulsory test county or area" means any county or area in which the testing of all bovine animals, including beef cattle, for brucellosis has been made compulsory pursuant to the provisions of ORS 597.155 to 597.395.

(4) "Dairy cattle" means animals showing the predominant characteristics of the Ayrshire, Guernsey, Brown Swiss, Jersey and Holstein breeds and crosses of such breeds.

(5) "Department" means the Department of Agriculture of the State of Oregon.

(6) "Market facility" means a fixed place of business where beef and dairy cattle are purchased and sold, such as livestock auction markets and stockyards.

(7) "Officially vaccinated against brucellosis" means:

(a) In the case of dairy cattle, animals which have been vaccinated with brucella abortus vaccine between the ages of five and eight months by a veterinarian approved by the department.

(b) In the case of beef cattle, animals which have been vaccinated with brucella abortus vaccine between the ages of six and twelve months by a veterinarian approved by the department.

(8) "Test for brucellosis" means a test performed by a veterinarian approved by the department and conducted in a manner approved by the department to determine whether the animal tested is infected with brucellosis. [1953 c.163 §1; 1955 c.159 §1]

597.510 [Repealed by 1953 c.115 §2]

597.515 Prohibitions. (1) No person shall:

(a) Import any beef cattle over six months of age which have not been tested for brucellosis or officially vaccinated against

brucellosis into any compulsory test county or area from any county of this state.

(b) Import any dairy cattle over six months of age which have not been tested for brucellosis or vaccinated against brucellosis into any county.

(c) Remove any dairy cattle over six months of age which have not been tested for brucellosis or officially vaccinated against brucellosis from the premises of a market facility into the county in which such facility is located.

(d) Remove any beef cattle over six months of age which have not been tested for brucellosis or officially vaccinated against brucellosis from the premises of any market facility located in a compulsory test county or area into such county or area.

(2) The provisions of subsection (1) of this section shall not apply:

(a) To cattle which are imported into a county, including a compulsory test county or area, or removed from a market facility consigned to a slaughterer or to another market facility.

(b) To steers or spayed females. [1953 c.163 §2; 1955 c.159 §2]

597.520 [Repealed by 1953 c.115 §2]

597.525 Removal of cattle which have not been tested or vaccinated from slaughtering premises prohibited. No slaughterer shall remove or permit the removal from the premises on which beef or dairy cattle over six months of age, except steers or spayed females, are held in connection with the slaughtering operation of such slaughterer of any such cattle which have not been tested for brucellosis or officially vaccinated against brucellosis. [1953 c.163 §3; 1955 c.159 §3]

597.530 [Repealed by 1953 c.115 §2]

597.535 Limitations on importation of cattle into county or area where brucellosis test or vaccination is compulsory. In all cases where the test for brucellosis or official vaccination against brucellosis is required as a condition of importation into a county, including compulsory test county or area, the test must have been performed within 30 days prior to importation and the animal found to be free from brucellosis, and the vaccination must have been made within 18 months of the time of importation. [1953 c.163 §4]

597.539 Importer, at department request, to furnish name of veterinarian making test or vaccination; evidentiary effect of failure to do so. (1) No person who imports any beef cattle or dairy cattle subject to the provisions of ORS 597.505 to 597.555 shall fail to furnish in writing, at the request of the department, the name of the veterinarian making or performing the test or vaccination required by ORS 597.505 to 597.555.

(2) In any criminal prosecution for a violation of ORS 597.515 or subsection (2) of ORS 597.555, the failure of the defendant to furnish, at the request of the department, the name of the veterinarian performing the test or vaccination is prima facie evidence that the cattle imported by the defendant were not officially vaccinated against or tested for brucellosis as required by ORS 597.505 to 597.555. [1955 c.159 §5]

597.540 [Repealed by 1953 c.115 §2]

597.545 Movement of cattle in usual conduct of farming operation not involving change in ownership not affected. ORS 597.505 to 597.555 shall not apply to any transportation, shipment or movement of beef or dairy cattle carried on in the usual conduct of ranch or farming operations not involving a change of ownership of such cattle. [1953 c.163 §5]

597.549 Importation of cattle into quarantine feed lots without test or vaccination; permits therefor. (1) The department may issue permits subject to the provisions of subsection (2) of this section, authorizing the establishment and operation of quarantine feed lots in any county or area of this state. Notwithstanding the other provisions of ORS 597.505 to 597.555, it shall be lawful to import beef cattle or dairy cattle into quarantine feed lots located in such county or area without test or vaccination.

(2) The department shall issue a written permit authorizing the establishment and operation of such feed lots if it finds that such feed lot may be operated and conducted in a manner which will safeguard other animals in the locality where the feed lot is located from contracting brucellosis, or other communicable diseases. It shall be an implied condition of the issuance of such permit that:

(a) Only animals being fed for slaughter be commingled on the same premises.

(b) That animals in such feed lot be sold only for immediate slaughter.

(3) The department may summarily revoke a permit issued to any person to operate a quarantine feed lot if it finds:

(a) That animals being maintained thereon are being sold for other than immediate slaughter; or

(b) The feed lot is not operated in a manner which will prevent spread of diseases; or

(c) The feed lot operation has become a disease hazard.

(4) As used in this section, "quarantine feed lot" means a place where bovine animals are fed by hand or mechanically in confined premises and are not ranged or grazed. [1955 c.159 §8]

597.550 [Repealed by 1953 c.115 §2]

597.555 Quarantine of cattle moved contrary to ORS 597.505 to 597.555. (1) The department may summarily quarantine any beef or dairy animal which has been moved contrary to the provisions of ORS 597.505 to 597.555. The department may require as a condition of releasing the animal from such quarantine that it be tested for brucellosis or proof be submitted that it has been officially vaccinated against brucellosis. A quarantined animal which is tested for brucellosis and found to be infected shall be released from quarantine only for slaughter.

(2) No person shall remove an animal from the premises on which it is quarantined as provided in this section except by the written permission of the department. [1953 c.163 §6]

597.560 [Repealed by 1953 c.115 §2]

597.570 to 597.600 [Reserved for expansion]

597.610 [Repealed by 1955 c.98 §1 and 1955 c.557 §36]

597.620 [Repealed by 1955 c.557 §36]

597.630 [Repealed by 1953 c.688 §37]

597.640 [Repealed by 1953 c.688 §37]

597.650 [Repealed by 1953 c.688 §37]

597.660 [Repealed by 1953 c.688 §37]

597.670 [Repealed by 1953 c.688 §37]

597.680 [Repealed by 1953 c.688 §37]

597.690 [Repealed by 1953 c.688 §37]

597.700 [Repealed by 1953 c.688 §37]

597.710 [Repealed by 1955 c.98 §1]

- 597.720 [Repealed by 1955 c.98 §1]
597.730 [Repealed by 1955 c.98 §1]
597.740 [Repealed by 1955 c.98 §1]
597.750 [Repealed by 1955 c.98 §1]
597.760 [Formerly 598.510; repealed by 1955 c.98 §1]
597.770 [Formerly 598.520; repealed by 1955 c.98 §1]
597.780 to 597.980 [Reserved for expansion]

PENALTIES

597.990 Penalties. (1) Violation of any of the provisions of ORS 597.055 to 597.395 is punishable, upon conviction, by a fine of not more than \$500 or by imprisonment in

the county jail for not more than 90 days, or by both.

(2) Any person violating any provision of ORS 597.505 to 597.555 shall be punished, upon conviction, by a fine of not less than \$25 nor more than \$500. Justice courts and district courts shall have concurrent jurisdiction with circuit courts of any criminal prosecution instituted for a violation of ORS 597.505 to 597.555.

(3) Violation of subsection (1) of ORS 597.539 is a misdemeanor.

(4) Violation of any of the provisions of ORS 597.620 is punishable, upon conviction, by a fine of not less than \$50 nor exceeding \$250. [Amended by 1953 c.116 §2; 1953 c.688 §38; subsection (1) enacted as 1953 c.688 §35; subsection (2) enacted as 1953 c.163 §§7,8; amended by 1955 c.98 §2; subsection (3) enacted as 1955 c.159 §6]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on October 15, 1955.

Sam R. Haley
Legislative Counsel

