

Chapter 597

1959 REPLACEMENT PART

Diseases of Livestock

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DEFINITIONS AND GENERAL PROVISIONS

597.005 [1953 c.688 §1; repealed by 1957 c.234 §21]

597.010 [Repealed by 1953 c.688 §38]

597.015 Definitions. For the purpose of this chapter:

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

(2) "Livestock" means bovine animals, swine, goats and any other farm or domesticated animals that are known to be or may be carriers of brucellosis, tuberculosis or paratuberculosis. [1957 c.234 §2]

597.020 [Repealed by 1953 c.688 §38]

597.025 Declaration of policy. To protect the health and welfare of the citizens of this state, to preserve and expand the state's agricultural economy and to insure federal financial participation in eradicating these diseases, it hereby is declared to be the public policy of this state to take immediate and positive action to eradicate brucellosis, tuberculosis and paratuberculosis in Oregon livestock. [1957 c.234 §1]

597.030 [Repealed by 1953 c.688 §38]

597.031 Interpretation of certain provisions of chapter. The provisions of ORS 597.015 to 597.226 and 597.260 to 597.290, relating to the control and eradication of brucellosis, tuberculosis and paratuberculosis, are in pari materia with the provisions of subsection (1) of ORS 596.020, ORS 596.040 to 596.230 and 596.250 to 596.470. [1959 c.190 §2]

597.035 Administration and enforcement of chapter. The department shall administer and enforce the provisions of this chapter. The State Veterinarian and assistant state veterinarians are authorized to perform all tests, make all examinations and to carry out all of the provisions of this chapter, or the rules and regulations promulgated by the department. [1957 c.234 §3]

597.040 [Repealed by 1953 c.688 §38]

597.045 Employment of deputy state veterinarians. The department may hire deputy state veterinarians as authorized by ORS 596.210 to 596.250, to perform all tests, make all examinations and to carry out all

of the provisions of this chapter, or the rules and regulations promulgated by the department. Such veterinarians shall be unclassified as provided in ORS 240.205. The department may hire several veterinarians in a county and may allocate to each a specified territory within which such veterinarian shall be responsible for the performance of his duties. [1957 c.234 §6]

597.050 [Repealed by 1953 c.688 §38]

597.055 [1953 c.688 §2; repealed by 1957 c.234 §21]

597.056 Compensation of deputy state veterinarians. Notwithstanding ORS 596.240, the department may pay deputy state veterinarians for services rendered in carrying out the provisions of this chapter, and all other laws or regulations relating to the eradication or the prevention of brucellosis, tuberculosis or paratuberculosis, on any basis that is fair and reasonable. This may include the establishment of a Veterinary Medical Fee Schedule and is not limited to, but may include overtime fees, minimum or maximum fees or amounts to be paid during certain periods of time or for certain work, or fees based on calls or the number of animals. Special fees may be allowed in certain areas or to handle particular problems. As far as possible and practical, the fees shall be uniform throughout the state. [1957 c.234 §7]

597.060 [Repealed by 1953 c.688 §38]

597.065 [1953 c.688 §3; repealed by 1957 c.234 §21]

597.066 Counties may provide department with moneys for administration of chapter; acceptance and use of moneys from other sources. (1) Any county in its discretion hereby is authorized to appropriate from the general fund of the county, but shall pay to the department such funds for the purpose of carrying out the provisions of this chapter. The funds shall be continuously appropriated for such purpose and shall be expended by the department within the boundaries of the county in carrying out the provisions of this chapter, including administrative costs of the department.

(2) The department is authorized to receive funds from any person and to expend the funds in carrying out the provisions of this chapter. Such funds are continuously appropriated for the purpose of carrying out the provisions of this chapter.

(3) Funds provided by subsections (1) and (2) of this section shall not be subject to ORS 291.368 to 291.372. [1957 c.234 §13 (2), (3), (4)]

597.070 [Repealed by 1953 c.688 §38]

597.075 [1953 c.688 §5; repealed by 1957 c.234 §21]

597.076 Powers of federal officers, employees and agents. Whenever any federal department or agency with the approval of the department is engaged in carrying out any of the provisions of this chapter, or the regulations promulgated thereunder:

(1) Its authorized veterinary officers shall have the full power and authority of a deputy state veterinarian.

(2) Its agents or employees shall have the same authority as employees of the department engaged in a similar capacity or type of work. [1957 c.234 §8]

597.080 [Repealed by 1953 c.688 §38]

597.085 [1953 c.688 §7; repealed by 1957 c.234 §21]

597.090 [Repealed by 1953 c.688 §38]

597.095 [1953 c.688 §6; repealed by 1957 c.234 §21]

597.100 [Repealed by 1953 c.688 §38]

597.105 [1953 c.688 §4; repealed by 1957 c.234 §21]

597.110 [Repealed by 1953 c.688 §38]

597.115 [1953 c.688 §29; repealed by 1957 c.234 §21]

597.120 [Repealed by 1953 c.688 §38]

597.125 [1953 c.688 §9; repealed by 1957 c.234 §21]

597.130 [Repealed by 1953 c.688 §38]

597.140 [Repealed by 1953 c.688 §38]

597.150 [Repealed by 1953 c.688 §38]

597.155 [1953 c.688 §24; 1955 c.555 §1; repealed by 1957 c.234 §21]

597.160 [Repealed by 1953 c.688 §38]

597.165 [1953 c.688 §10; 1955 c.555 §2; repealed by 1957 c.234 §21]

597.170 [Repealed by 1953 c.688 §38]

597.175 [1953 c.688 §11; repealed by 1957 c.234 §21]

597.180 [Repealed by 1953 c.688 §38]

597.185 [1953 c.688 §14; repealed by 1957 c.234 §21]

597.189 [1955 c.555 §5; repealed by 1957 c.234 §21]

597.190 [Repealed by 1953 c.688 §38]

597.195 [1953 c.688 §12; repealed by 1957 c.234 §21]

597.200 [Repealed by 1953 c.688 §38]

597.205 [1953 c.688 §32; repealed by 1957 c.234 §21]

CONTROL OF BRUCELLOSIS, TUBERCULOSIS AND PARATUBERCULOSIS

597.206 Powers of State Department of Agriculture to control spread of brucellosis, tuberculosis and paratuberculosis. The department is authorized and shall take all measures necessary and proper in its judgment to eradicate and prevent the spread of brucellosis, tuberculosis and paratuberculosis and to prevent the entry into an area, county or into this state of animals or materials liable to convey these diseases to livestock. The department may require and cause all livestock to be examined, tested and vaccinated in such manner and at such reasonable and seasonable times and in such counties or areas as it may prescribe by regulation. [1957 c.234 §§4, 5; 1959 c.190 §4]

597.210 [Repealed by 1953 c.688 §38]

597.211 Standards to consider in adopting regulations and exercising powers. When exercising the powers conferred by this chapter or in promulgating regulations thereunder, the department may consider the provisions of ORS 596.010 to 596.480 and shall also give appropriate weight and consideration to the following:

(1) The previous existence of brucellosis, tuberculosis and paratuberculosis in this state.

(2) The action taken by the United States Government in respect to the eradication and control of such diseases.

(3) The economic consequences to the citizens of this state which might result from the spread of the diseases.

(4) The extent to which the diseases are endemic or epidemic through neighboring states, the United States and this state.

(5) The extent to which livestock other than those which are affected or carriers of the diseases may be adversely affected by them.

(6) Any other factors which may reasonably be found to affect the welfare of the livestock industry specifically or the people of the State of Oregon generally if such diseases are not eradicated or controlled. [1959 c.190 §3]

597.215 [1953 c.688 §16; repealed by 1957 c.234 §21]

597.216 Slaughter of reactors; indemnification of owner. Each reactor must be slaughtered as required by regulations promulgated by the department if it is found to be infected with brucellosis, tuberculosis or paratuberculosis by a test approved by the department. The owner of an animal required to be slaughtered and who has complied with all regulations of the department may be paid idemnity as provided in this chapter. [1957 c.234 §9]

597.220 [Repealed by 1953 c.688 §38]

597.225 [1953 c.688 §15; repealed by 1957 c.234 §21]

597.226 Application to court for order requiring destruction of reactor. When a reactor is required by this chapter, or by regulations promulgated by the department, 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. [1957 c.234 §12]

597.230 [Repealed by 1953 c.688 §38]

597.235 [1953 c.688 §13; repealed by 1957 c.234 §21]

597.236 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 department or the deputy state 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 department or the deputy state 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 indēmnity within the time limited shall be deemed a waiver of the privilege to receive indemnity.

(2) The department or the deputy state 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 department's or the deputy state veterinarian's appraisal of a reactor must notify the department of that fact within 10 days of such appraisal. Upon receiving such notice the department shall immediately appoint a disinterested and competent person to re-appraise the reactor. The person appointed by the department shall proceed forthwith to make the reappraisal, which shall be deemed final. Such person may be paid not to exceed \$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 department and advanced by the owner requesting the appraisal before the appraisal is made. [1957 c.234 §11]

597.240 [Repealed by 1953 c.688 §38]

597.245 [1953 c.688 §17; repealed by 1957 c.234 §21]

597.250 Payment of indemnity for slaughter of reactor. (1) The department shall pay indemnity to the owner of a reactor which is required to be and has been slaughtered.

(2) The department shall pay an amount equal to one-sixth of the difference between the appraised value of the animal and its salvage, if any. However, the department shall not pay more than \$8 per head for grade animals nor more than \$12 per head for registered purebred animals.

(3) 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 the department.

(4) All claims for indemnity approved by 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. [1957 c.234 §10; 1959 c.190 §5]

597.255 [1953 c.688 §18; repealed by 1957 c.234 §21]

597.256 When indemnity not required to be paid. 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 an animal unless all of the requirements of ORS 596.010 to 596.480 and this chapter, and regulations promulgated thereunder 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 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 this chapter and the regulations promulgated thereunder.

(8) For any animal which died prior to being slaughtered unless appraisal was completed, as required by this chapter and the regulations promulgated thereunder.

(9) To an owner who knew at the time he purchased the animal that it was infected with brucellosis, tuberculosis or paratuber-

culosis 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 this chapter and ORS chapter 596, and the regulations promulgated thereunder, unless the owner of the animal has fully complied with such law or regulations, and the animal is at least 30 months of age.

(11) For an animal which has not been sold for slaughter within the time limited for such slaughter as prescribed by this chapter, and regulations promulgated thereunder. [1959 c.190 §6]

597.260 Counties authorized to pay additional indemnity. In addition to the amounts paid for indemnity by the department, as provided in ORS 597.250, any county hereby is authorized to appropriate from the general fund of the county, and may pay indemnity direct to the owner of a reactor which has been slaughtered in compliance with this chapter and the regulations promulgated by the department in an amount equal to one-sixth of the difference between the appraised value of the animal and its salvage, if any. However, the county shall not pay more than \$8 per head for grade animals nor more than \$12 per head for registered purebred animals. [1957 c.234 §13(1)]

597.265 [1953 c.688 §19; repealed by 1957 c.234 §21]

597.270 Person moving livestock to furnish, upon request of department, name of veterinarian making test or vaccination and results of test; evidentiary effect of failure to do so. (1) No person who moves or transports within this state any livestock subject to the provisions of this chapter, or regulations promulgated thereunder, shall fail to furnish in writing at the request of the department the name of the veterinarian making or performing the test or vaccination, and the results of the test required by this chapter or the regulations promulgated thereunder.

(2) In any criminal prosecution for a violation of a law or a regulation involving movement or transportation of livestock, 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 livestock being moved or transported by the

defendant were not officially vaccinated against or tested for brucellosis or tuberculosis, as required by this chapter and the regulations promulgated thereunder. [1957 c.234 §16]

597.275 [1953 c.688 §20; repealed by 1957 c.234 §21]

597.280 Owners and persons in charge of livestock to assist department; interference with department prohibited. (1) No owner or person in charge of any livestock required to be tested or vaccinated, as required by this chapter, or regulations promulgated thereunder, shall fail, refuse or neglect to render representatives of the department reasonable assistance in the performance of their duties in testing, vaccinating, branding, marking or appraising such person's livestock.

(2) No person shall obstruct or interfere, or threaten to obstruct or interfere with a representative of the department or the deputy state veterinarian in the performance of his duties under this chapter. [1957 c.234 §15]

597.285 [1953 c.688 §21; repealed by 1957 c.234 §21]

597.290 Quarantine of livestock and premises for violation of chapter or regulations of department. If the owner of any livestock refuses to have them tested, or violates any of the provisions of this chapter, or regulations promulgated thereunder, the department may order the premises on which the animals were kept or all livestock in the herd or the animals with which they were or are associated, quarantined, and no animals or the products of such animals shall be removed from the premises or the area under quarantine except by written permission of the department. [1957 c.234 §14]

597.295 [1953 c.688 §22; repealed by 1957 c.234 §21]

597.305 [1953 c.688 §23; 1955 c.555 §3; repealed by 1957 c.234 §21]

597.310 [Repealed by 1953 c.116 §2]

597.315 [1953 c.688 §25; repealed by 1957 c.234 §21]

597.320 [Repealed by 1953 c.116 §2]

597.325 [1953 c.688 §26; repealed by 1957 c.234 §21]

597.330 [Repealed by 1953 c.116 §2]

597.335 [1953 c.688 §27; repealed by 1957 c.234 §21]

597.340 [Repealed by 1953 c.116 §2]

597.345 [1953 c.688 §30; repealed by 1957 c.234 §21]

597.350 [Repealed by 1953 c.116 §2]

597.355 [1953 c.688 §31; repealed by 1957 c.234 §21]

597.360 [Repealed by 1953 c.116 §2]

597.365 [1953 c.688 §8; repealed by 1957 c.234 §21]

597.370 [Repealed by 1953 c.116 §2]

597.375 [1953 c.688 §34; repealed by 1957 c.234 §21]

597.380 [Repealed by 1953 c.116 §2]

597.385 [1953 c.688 §33; repealed by 1957 c.234 §21]

597.390 [Repealed by 1953 c.116 §2]

597.395 [1953 c.688 §28; repealed by 1957 c.234 §21]

597.400 [Repealed by 1953 c.116 §2]

STATE BRUCELLOSIS ADVISORY COMMITTEE

597.405 State Brucellosis Advisory Committee. (1) There hereby is created a State Brucellosis Advisory Committee consisting of five regular members appointed by the Governor for the following term of office:

(a) One member whose name was submitted by the Oregon Cattlemen's Association for two years.

(b) One member whose name was submitted by the Oregon Dairymen's Association for two years.

(c) One member whose name was submitted by the Western Oregon Livestock Association for two years.

(d) One member whose name was submitted by the Oregon Cattlemen's Association for three years.

(e) One member whose name was submitted by the Oregon Dairymen's Association for three years.

(2) If a vacancy occurs in such committee, a successor to the member whose position has become vacant shall be appointed by the Governor to serve for the unexpired term of such member. If within 30 days from

the date of occurrence of a vacancy, the association from which such member was appointed has not submitted the names of persons from whom his successor may be chosen, the Governor shall appoint such qualified person from the association as he deems proper to fill such vacancy.

(3) At the expiration of the term of office for positions provided in paragraphs (a), (b) and (c) of subsection (1) of this section, new appointments or reappointments shall be for a term of two years and for positions provided in paragraphs (d) and (e) of subsection (1) of this section, new appointments or reappointments shall be for a term of three years.

(4) The director shall be an ex officio member of the committee provided that he may designate an employe of the department as his representative. The chairman of the committee shall be elected from its membership.

(5) The members of the committee shall be paid \$10 per diem while actually engaged in the business of the committee, including necessary travel time, and their subsistence and actual traveling expenses from funds provided by this chapter.

(6) The committee shall meet upon call of the director or the chairman. A majority of the members present at any meeting shall constitute a quorum and a majority vote of the quorum at any meeting shall constitute an official act of the committee. [1957 c.234 §17]

597.410 [Repealed by 1953 c.116 §2]

597.415 **Committee to advise department.** The powers and duties of the committee are to advise and counsel with the department in the administration of this chapter. [1957 c.234 §18]

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]

597.505 [1953 c.163 §1; 1955 c.159 §1; repealed by 1957 c.234 §21]

597.510 [Repealed by 1953 c.115 §2]

597.515 [1953 c.163 §2; 1955 c.159 §2; repealed by 1957 c.234 §21]

597.520 [Repealed by 1953 c.115 §2]

597.525 [1953 c.163 §3; 1955 c.159 §3; repealed by 1957 c.234 §21]

597.530 [Repealed by 1953 c.115 §2]

597.535 [1953 c.163 §4; repealed by 1957 c.234 §21]

597.539 [1955 c.159 §5; repealed by 1957 c.234 §21]

597.540 [Repealed by 1953 c.115 §2]

597.545 [1953 c.163 §5; repealed by 1957 c.234 §21]

597.549 [1955 c.159 §8; repealed by 1957 c.234 §21]

597.550 [Repealed by 1953 c.115 §2]

597.555 [1953 c.163 §6; repealed by 1957 c.234 §21]

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 [Amended by 1953 c.116 §2; 1953 c.688 §38; subsection (1) of 1955 Replacement Part enacted as 1953 c.688 §35; subsection (2) of 1955 Replacement Part enacted as 1953 c.163 §§7, 8; amended by 1955 c.98 §2; subsection (3) of 1955 Replacement Part enacted as 1955 c.159 §6; repealed by 1957 c.234 §21]

597.991 Penalties. Violation of any of the provisions of this chapter or any rule or regulation of the department promulgated thereunder is punishable, upon conviction, by a fine not exceeding \$500. [1957 c.234 §19; 1959 c.190 §7]

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 November 1, 1959.

Sam R. Haley
Legislative Counsel