

# LIVESTOCK

## CHAPTER 301

### SENATE BILL NO. 2114

(Agriculture Committee)

(At the request of the Agriculture Commissioner)

## BOARD OF ANIMAL HEALTH FEES

AN ACT to amend and reenact section 36-01-08 of the North Dakota Century Code, relating to state board of animal health fees; and to provide a continuing appropriation.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 36-01-08 of the North Dakota Century Code is amended and reenacted as follows:

**36-01-08. Duties - Rules - Fees - Continuing appropriation.** The board shall protect the health of the domestic animals and nontraditional livestock of this state, shall determine and employ the most efficient and practical means for the prevention, suppression, control, and eradication of dangerous, contagious, and infectious diseases among the domestic animals and nontraditional livestock of this state, and shall prevent the escape and release of an animal injurious to or competitive with agriculture, horticulture, forestry, wild animals, and other natural resource interests. For the purpose of preventing the escape and release of an animal injurious to or competitive with agriculture, horticulture, forestry, wild animals, and other natural resource interests, the board may, by rule, quarantine any such animal, cause any such animal to be killed, regulate or prohibit the arrival in or departure from this state of any such animal, and at the cost of the owner thereof, the board may detain any animal found to be in violation of any rule or prohibition. Any matter relating to the health and welfare of domestic animals and nontraditional livestock and not specifically assigned by statute to another entity is deemed to be within the authority of the board. The board may make rules to carry into effect the purposes of this chapter and other duties prescribed in this title. The commissioner shall collect ~~six cents~~ fees for the actual direct cost of providing each brucellosis tag and each identification tag, and ~~eight dollars~~ for each health book the commissioner distributes. The fees collected by the commissioner must be deposited in the ~~state general fund~~ agriculture commissioner's operating fund and are appropriated on a continuing basis to the state board of animal health to be used to enforce this chapter.

Approved March 7, 2007

Filed March 8, 2007

## CHAPTER 302

### SENATE BILL NO. 2338

(Senators Olafson, Erbele, Taylor, Wanzek)  
(Representatives Herbel, Pinkerton)

## ANIMAL TRACKING DATA BASE

AN ACT to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to the state board of animal health; to provide an appropriation; and to declare an emergency.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new section to chapter 36-01 of the North Dakota Century Code is created and enacted as follows:

**Duties - Animal tracking.** The board shall develop and maintain an animal tracking data base to assist with tracking animal movements for animal health purposes only. The information obtained and maintained in the data base is subject to open records laws as provided for in section 36-09-28.

**SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$90,836, or so much of the sum as may be necessary, to the state board of animal health for the development and maintenance of an animal tracking data base, for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

Approved April 10, 2007

Filed April 11, 2007

## CHAPTER 303

### HOUSE BILL NO. 1421

(Representatives Headland, Brandenburg, Froelich, Pollert)  
(Senators Erbele, Wanzek)

## HUMANE ANIMAL TREATMENT

AN ACT to amend and reenact sections 36-21.1-01 and 36-21.1-02 of the North Dakota Century Code, relating to the humane treatment of animals.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 36-21.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**36-21.1-01. Definitions.** In this chapter, unless the context otherwise requires:

1. "Abandoned animal" means an animal that is or reasonably appears to have been deserted by its owner or keeper. The term may include an animal that is running loose on property other than that of its owner or the owner's agent if the animal bears no identification indicating the owner or the owner's agent and the owner or owner's agent is not known to the sheriff, police officer, licensed veterinarian, or investigator taking custody of the animal under this chapter.
2. "Adequate care" means normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter, and health care, as necessary to maintain good health in a specific species of animal.
3. "Animal" includes every living animal except the human race.
- ~~3.~~ 4. "Commissioner" means the agriculture commissioner.
4. 5. "Cruelty" or "torture" ~~includes every~~ means any act, omission, or neglect whereby unnecessary or unjustifiable pain, suffering, or death is caused or permitted. The term does not include:
  - a. Any activity that requires a license or permit under chapter 20.1-03;
  - b. Any activity that is usual and customary practice in production agriculture;
  - c. Any scientific research conducted at a public or private facility or laboratory by or under the direction of a qualified researcher;
  - d. Any show, fair, competition, performance, or parade;
  - e. A rodeo;
  - f. A wagon or buggy ride;
  - g. Trail or pleasure riding; or

h. Any activity that involves the training or teaching of animals.

- 5- 6. "Investigator" means any person approved by the board to determine whether there has been a violation of this chapter.

**SECTION 2. AMENDMENT.** Section 36-21.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**36-21.1-02. Overworking, mistreating, or abandoning animals.**

1. No person may overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when unfit for labor.
2. No person may deprive any animal over which the person has charge or control of necessary food, water, or shelter.
3. No person may keep any animal in any enclosure building, room, cage, or pen without ~~exercise and wholesome change of air~~ adequate care.
4. No person may abandon any animal.
5. A person shall reclaim an animal within forty-eight hours of the agreed-upon time for termination of a boarding contract and pay all charges for boarding the animal.
6. No person may allow any maimed, sick, infirm, or disabled animal of which the person is the owner, or of which the person has custody, to lie in any street, road, or other public place for more than three hours after notice.
7. No person may willfully instigate, or in any way further, any act of cruelty to any animal or animals, or any act tending to produce such cruelty.
8. No person may cage any animal for public display purposes unless the display cage is constructed of solid material on three sides to protect the caged animal from the elements, and unless the horizontal dimension of each side of the cage is at least four times the length of the caged animal. This subsection does not apply to the North Dakota state fair association, to agricultural fair associations, to any agricultural display of caged animals by any political subdivision, or to district, regional, or national educational livestock or poultry exhibitions. Zoos which have been approved by the health district or the governing body of the political subdivision which has jurisdiction over the zoos are exempt from this subsection.

Approved April 10, 2007  
Filed April 11, 2007