

Introduced by

Senator Dotzenrod

Representatives Hawken, Mock, Mueller, Wall

1 A BILL for an Act to create and enact eight new sections to chapter 36-21.1 of the North Dakota
2 Century Code, relating to the humane treatment of animals; to amend and reenact sections
3 36-21.1-01, 36-21.1-02, 36-21.1-03, 36-21.1-03.1, 36-21.1-04, 36-21.1-05, 36-21.1-06,
4 36-21.1-07, 36-21.1-08, 36-21.1-09, 36-21.1-10, 36-21.1-11, 36-21.1-12, 36-21.1-13,
5 36-21.1-14, and 36-21.1-15 of the North Dakota Century Code, relating to the humane
6 treatment of animals; and to provide a penalty.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

10 **36-21.1-01. Definitions.**

11 In this chapter, unless the context otherwise requires:

- 12 1. ~~"Abandoned animal" means an animal that is or reasonably appears to have been~~
13 ~~deserted by its owner or keeper. The term may include an animal that is running loose~~
14 ~~on property other than that of its owner or the owner's agent if the animal bears no~~
15 ~~identification indicating the owner or the owner's agent and the owner or owner's agent~~
16 ~~is not known to the sheriff, police officer, licensed veterinarian, or investigator taking~~
17 ~~custody of the animal under this chapter.~~
- 18 2. ~~"Adequate care" means normal and prudent attention to the needs of an animal,~~
19 ~~including wholesome food, clean water, shelter, and health care, as necessary to~~
20 ~~maintain good health in a specific species of animal.~~
- 21 3. ~~"Animal" includes every living animal except the human race.~~
- 22 4. ~~"Commissioner" means the agriculture commissioner.~~

- 1 5. ~~"Cruelty" or "torture" means any act, omission, or neglect whereby unnecessary or~~
2 ~~unjustifiable pain, suffering, or death is caused or permitted. The term does not~~
3 ~~include:~~
- 4 a. ~~Any activity that requires a license or permit under chapter 20.1-03;~~
5 b. ~~Any activity that is usual and customary practice in production agriculture;~~
6 e. ~~Any scientific research conducted at a public or private facility or laboratory by or~~
7 ~~under the direction of a qualified researcher;~~
8 d. ~~Any show, fair, competition, performance, or parade;~~
9 e. ~~A rodeo;~~
10 f. ~~A wagon or buggy ride;~~
11 g. ~~Trail or pleasure riding; or~~
12 h. ~~Any activity that involves the training or teaching of animals.~~
- 13 6. ~~"Investigator" means any person approved by the board to determine whether there~~
14 ~~has been a violation of this chapter. "neglect an animal" means to deprive an animal~~
15 ~~that is owned by or in a person's custody or control of:~~
- 16 1. ~~Necessary food, water, or shelter;~~
17 2. ~~Adequate facilities;~~
18 3. ~~Adequate sanitation; or~~
19 4. ~~Other care generally accepted to be reasonable, given the species, breed, physical~~
20 ~~condition, and type of animal.~~

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

23 **36-21.1-02. Overworking, mistreating, or abandoning**~~Mistreatment of animals -~~
24 **Prohibitions.**

- 25 1. ~~No person may overdrive, overload, torture, cruelly beat, neglect, or unjustifiably~~
26 ~~injure, maim, mutilate, or kill any animal, or cruelly work any animal when unfit for~~
27 ~~labor.~~
- 28 2. ~~No person may deprive any animal over which the person has charge or control of~~
29 ~~necessary food, water, or shelter.~~
- 30 3. ~~No person may keep any animal in any building, room, cage, or pen without adequate~~
31 ~~care.~~

- 1 4. ~~No person may abandon any animal.~~
- 2 5. ~~A person shall reclaim an animal within forty-eight hours of the agreed-upon time for~~
3 ~~termination of a boarding contract and pay all charges for boarding the animal.~~
- 4 6. ~~No person may allow any maimed, sick, infirm, or disabled animal of which the person~~
5 ~~is the owner, or of which the person has custody, to lie in any street, road, or other~~
6 ~~public place for more than three hours after notice.~~
- 7 7. ~~No person may willfully instigate, or in any way further, any act of cruelty to any animal~~
8 ~~or animals, or any act tending to produce such cruelty.~~
- 9 8. ~~No person may cage any animal for public display purposes unless the display cage is~~
10 ~~constructed of solid material on three sides to protect the caged animal from the~~
11 ~~elements, and unless the horizontal dimension of each side of the cage is at least four~~
12 ~~times the length of the caged animal. This subsection does not apply to the North-~~
13 ~~Dakota state fair association, to agricultural fair associations, to any agricultural~~
14 ~~display of caged animals by any political subdivision, or to district, regional, or national~~
15 ~~educational livestock or poultry exhibitions. Zoos which have been approved by the~~
16 ~~health district or the governing body of the political subdivision which has jurisdiction~~
17 ~~over the zoos are exempt from this subsection.~~

18 A person may not:

- 19 1. Willfully neglect an animal;
- 20 2. Unjustifiably injure or kill an animal;
- 21 3. Engage in any act or omission that causes an animal unjustifiable pain, suffering, or
22 death;
- 23 4. Knowingly permit an act or an omission to continue if doing so causes an animal
24 unjustifiable pain or suffering;
- 25 5. Knowingly have permitted an act or an omission to continue if doing so caused an
26 animal's death;
- 27 6. Instigate an act or omission if that act would cause an animal unjustifiable pain,
28 suffering, or death;
- 29 7. Confine an animal in an enclosure if the animal is denied adequate ventilation; or
- 30 8. Willfully abandon or desert an animal.

1 **SECTION 3.** A new section to chapter 36-21.1 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Caging of animals - Public display.**

4 1. A person may not cage an animal for public display unless:

5 a. The cage is constructed of solid material on three sides and affords the animal
6 protection from the elements; and

7 b. The horizontal dimensions of the cage are at least equal to four times the length
8 of the caged animal.

9 2. This section does not apply to:

10 a. The North Dakota state fair association;

11 b. An agricultural fair association;

12 c. A political subdivision;

13 d. A district, regional, or national educational livestock or poultry exhibition; and

14 e. A zoo that is approved by the political subdivision having jurisdiction.

15 **SECTION 4. AMENDMENT.** Section 36-21.1-03 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **36-21.1-03. Cruelty in transportation.**

18 ~~No~~A person may carry, not commercially transport an animal or cause an animal to be
19 ~~carried, any live animals upon any vehicle or otherwise, without providing suitable racks, cars,~~
20 ~~crates, or cages, or other proper carrying container, nor may a person carry an animal, or cause~~
21 ~~an animal to be carried, in any other cruel manner~~commercially transported unless that animal
22 is crated, caged, or otherwise suitably confined in a manner that does not cause the animal
23 unjustifiable pain, suffering, or death.

24 **SECTION 5. AMENDMENT.** Section 36-21.1-03.1 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **36-21.1-03.1. Unattended ~~dog or cat~~ animal in motor vehicle.**

27 ~~No~~A person may not leave a ~~dog or cat~~ animal unattended in a stationary or parked
28 motor vehicle in a manner that endangers the animal's health or safety. Any person who
29 violates this section is guilty of an infraction, or well-being. A law enforcement officer may use
30 reasonable means to remove an animal from a vehicle if the animal has been left in the vehicle
31 in violation of this section.

1 **SECTION 6. AMENDMENT.** Section 36-21.1-04 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **36-21.1-04. Poisoning animals.**

4 ~~NeA~~ person may not unjustifiably administer a poisonous substance or noxious drug to an
5 animal, directly or indirectly, or expose anyan animal to a known poisonous substance or
6 noxious drug, ~~whether mixed with meat or other food or not, which may be eaten by any~~
7 ~~domestic animal~~directly or indirectly.

8 **SECTION 7. AMENDMENT.** Section 36-21.1-05 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **36-21.1-05. Animal with infectious disease.**

11 ~~NeA~~ person ~~owning or having charge of any~~who owns or has custody of an animal,
12 ~~knowing and knows that the animal to have any~~has an infectious or contagious disease, or ~~to~~
13 ~~have~~knows the animal recently has been exposed ~~theretoto~~ an infectious or contagious
14 disease, may not knowingly permit ~~such~~the animal to ~~run at large or~~ come into contact with
15 another:

- 16 1. Another animal;~~;~~ or ~~with another~~
17 2. Another person, without ~~the~~that person's knowledge and permission.

18 **SECTION 8. AMENDMENT.** Section 36-21.1-06 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **36-21.1-06. Exposure of animals - Authority of ~~officers~~law enforcement officer and**
21 **veterinarian.**

- 22 1. ~~Any sheriff, police officer, licensed veterinarian, or investigator may take custody of~~
23 ~~and care for any animal unjustifiably exposed to cold or inclement weather or not~~
24 ~~properly fed and watered. Any sheriff or police officer may use reasonable means to~~
25 ~~enter a motor vehicle and remove an animal that has been left in the vehicle in~~
26 ~~violation of section 36-21.1-03.1.~~
27 2. ~~A sheriff, police officer, licensed veterinarian, or investigator may care for the animal~~
28 ~~until it is redeemed by the owner or authorized agent of the owner and when~~
29 ~~necessary may deliver the animal to another person or facility to be sheltered, cared~~
30 ~~for, and furnished suitable food and drink.~~

- 1 3. ~~If the owner or the owner's agent is known, the individual must be immediately~~
2 ~~notified. If the owner or the owner's agent is unknown, notice must be given by~~
3 ~~publication in the manner prescribed by law. The notice must inform the owner or the~~
4 ~~owner's agent that the animal may be sold, or otherwise disposed of, pursuant to court~~
5 ~~order if the animal is not redeemed within five days from the date of the notice.~~
- 6 4. ~~The sheriff, police officer, licensed veterinarian, investigator, or whoever has custody~~
7 ~~of the animal has a lien on the animal and that lien is superior to any other claim or~~
8 ~~lien, for the animal's care and keeping, the reasonable value of the food and drink~~
9 ~~furnished, and the expenses of notifying the owner or the owner's agent. If the lien is~~
10 ~~not discharged and satisfied by the owner or the owner's agent within five days after~~
11 ~~receipt of the notice, the person holding the claim may apply to the district court for an~~
12 ~~order to sell the animal and discharge the lien.~~
- 13 5. ~~Upon order of the court, the animal may be sold at a public market to pay the charges~~
14 ~~for its keeping, and the title to the animal passes by the sale.~~
- 15 6. ~~The court may award costs and reasonable attorney's fees to the person bringing the~~
16 ~~action to enforce the lien, arrange for the adoption of the animal, or arrange for the~~
17 ~~destruction and disposal of the animal if no market exists for the animal or if the animal~~
18 ~~is a companion animal.~~
- 19 7. ~~If the animal is sold, the lienholder is entitled to the proceeds of the sale to the extent~~
20 ~~of the lien and the remainder, if any, must be paid over to the owner or the owner's~~
21 ~~agent, if known. If the owner or the owner's agent is not known, the remainder must be~~
22 ~~deposited in the county general fund. If no purchaser is found, the animal, at the~~
23 ~~discretion of the commissioner, may be offered for adoption or disposed of consistent~~
24 ~~with the law.~~
- 25 8. ~~Before the animal is returned to its owner, the court shall determine whether the owner~~
26 ~~or the owner's agent can provide adequate care for the animal. The court has ten days~~
27 ~~within which to make this determination. The owner shall pay the cost of taking the~~
28 ~~animal into custody before the animal is released to the owner or the owner's agent.~~

29 A law enforcement officer or a licensed veterinarian may take custody and control of an
30 animal if there is reasonable cause to believe that the animal has been subjected to an activity
31 prohibited by this chapter.

1 **SECTION 9.** A new section to chapter 36-21.1 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Seizure of animal - Warrant - Court order.**

- 4 1. A law enforcement officer may seize an animal, without a warrant or court order, if:
5 a. (1) There is reasonable cause to believe that the animal has been subjected to
6 an activity prohibited by this chapter; and
7 (2) During the time normally required to obtain a warrant or a court order, the
8 animal would be subjected to extreme suffering; or
9 b. Other exigent circumstances exist.
10 2. A law enforcement officer seizing an animal without a warrant or court order, in
11 accordance with subsection 1, shall show cause for the action thereafter. If the court
12 finds sufficient cause, the court shall issue an order ratifying the seizure of the animal.
13 If the court finds insufficient cause, the court shall order the return of the animal to its
14 owner or order any other appropriate remedy.

15 **SECTION 10.** A new section to chapter 36-21.1 of the North Dakota Century Code is
16 created and enacted as follows:

17 **Notification of owner.**

- 18 1. If the owner of an animal seized under section 9 of this Act is known to the law
19 enforcement officer or to a veterinarian, the law enforcement officer or veterinarian
20 shall immediately notify the animal's owner.
21 2. If the owner of an animal seized under section 9 of this Act is not known to the law
22 enforcement officer or to a veterinarian, the law enforcement officer or veterinarian
23 shall publish a notice in the manner required by law and indicate that the animal may
24 be sold or otherwise disposed of pursuant to a court order if the animal is not claimed
25 within five days from the date of the notice.

26 **SECTION 11.** A new section to chapter 36-21.1 of the North Dakota Century Code is
27 created and enacted as follows:

28 **Lien on animal.**

29 The law enforcement officer or veterinarian having custody and control of an animal seized
30 under section 9 of this Act has a lien on the animal for the reasonable value of the animal's care.

1 and shelter, and for any expenses incurred in notifying the animal's owner. This lien is superior
2 to any other claim or lien.

3 **SECTION 12.** A new section to chapter 36-21.1 of the North Dakota Century Code is
4 created and enacted as follows:

5 **Sale of seized animal.**

- 6 1. A court may order that an animal seized under section 9 of this Act be sold to pay for
7 any expenses incurred as a result of its seizure. Title to the animal passes to the
8 purchaser at the time of the sale.
- 9 2. A court may award costs and reasonable attorney's fees to the person bringing the
10 action to enforce the lien, arrange for adoption of the animal, or arrange for destruction
11 and disposal of the animal if no market exists for the animal or if it is a companion
12 animal.
- 13 3. If the animal is sold, the lienholder is entitled to the proceeds of the sale, to the extent
14 of the lien. Any remaining amount must be paid to the owner, if known. If the owner is
15 not known, the remainder must be deposited in the county general fund.
- 16 4. If a purchaser is not found for the animal, the agriculture commissioner shall determine
17 whether the animal is to be offered for adoption or destroyed and disposed of in
18 accordance with law.

19 **SECTION 13.** A new section to chapter 36-21.1 of the North Dakota Century Code is
20 created and enacted as follows:

21 **Return of animal to owner.**

22 If the owner of an animal seized under section 9 of this Act asks the court to return the
23 animal, the court shall require the owner to demonstrate to the satisfaction of the court, within
24 ten days, that the owner can and will continue to care for the animal in a manner that is not in
25 violation of this chapter. Before the court returns the animal to its owner, the owner shall pay all
26 costs associated with the animal's seizure.

27 **SECTION 14.** A new section to chapter 36-21.1 of the North Dakota Century Code is
28 created and enacted as follows:

29 **Conviction - Prohibition or restriction of ownership.**

30 In addition to any other sentence imposed, a court may:

- 1 1. Prohibit or restrict a person found guilty of violating this chapter from owning or having
2 custody of an animal during the term of sentence, including any period of probation;
3 and
- 4 2. Require that a person found guilty of violating this chapter:
 - 5 a. Immediately deliver any animal owned by or in the custody of the person to a
6 designated shelter or other entity for adoption or destruction and lawful disposal;
7 or
 - 8 b. Demonstrate to the court that the person no longer has ownership or custody of
9 an animal.

10 **SECTION 15. AMENDMENT.** Section 36-21.1-07 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **36-21.1-07. Cockfights, dogfights, and other exhibitions prohibited -- Penalties**
13 **Animal fights - Prohibition - Penalty.**

- 14 1. No a person may not engage in or be employed at cockfighting, dogfighting,
15 bearbaiting, or the pitting of one animal against another, ~~or any other similar~~
16 cruelty, ~~such as bear fighting, kangaroo boxing, or similar activity, to animals; nor~~
17 may a
18 b. A person may not receive money for the admission of ~~any person~~ another to any
19 place used, or about to be used, for ~~any such a~~ purpose, ~~nor may a~~ prohibited by
20 this subsection.
- 21 c. A person that owns, manages, or occupies property may not willfully permit
22 ~~anyone~~ another person to enter or use; that property for any such purpose,
23 ~~premises of which that person is the owner, agent, or occupant; nor may a~~
24 prohibited by this subsection.
- 25 d. A person may not use, train, or possess a ~~dog or other~~ an animal for the any
26 purpose of ~~maltreating any domestic animal~~ prohibited by this subsection.
- 27 e. Any person ~~who violates~~ violating this subsection is guilty of a class C felony.
- 28 2. ~~No~~ a person may not knowingly purchase a ticket of admission ~~to, for or~~ be present at,
29 or witness the ~~activities~~ any activity prohibited by subsection 1. Any person ~~who~~
30 ~~violates~~ violating this subsection is guilty of a class A misdemeanor.

1 **SECTION 16. AMENDMENT.** Section 36-21.1-08 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **36-21.1-08. Artificially colored animals~~animal~~ - Sale.**

4 No~~A~~ person may not sell or offer for sale or sell, raffle, offer, ~~or give~~use as a prize, premium,
5 or advertising device, or ~~display in any store, shop, carnival, or other public place,~~publicly a
6 chick, duckling, gosling, or rabbit which has been dyed or otherwise artificially colored.

7 **SECTION 17. AMENDMENT.** Section 36-21.1-09 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **36-21.1-09. Use of certain birds as advertising devices - Use of live beef or dairy**
10 **cattle as raffle prizes - Gifts of animals.**

- 11 1. No~~A~~ person may ~~sell,~~not offer for sale or sell to an individual, raffle, offer, ~~or give~~use
12 as a prize, premium, or ~~use as an~~ advertising device, chicks, ducklings, or goslings
13 younger than four weeks of age in quantities of less than twelve ~~birds to an individual~~
14 ~~person. Persons engaging. This subsection does not apply to a person engaged in the~~
15 ~~business of selling chicks, ducklings, or goslings for agricultural or wildlife purposes~~
16 ~~are exempt from the provisions of this section, but only when selling for such~~
17 ~~purposes, provided the activities are conducted as a part of that business.~~
- 18 2. An eligible organization authorized to conduct games of chance under chapter 53-06.1
19 may raffle live beef or dairy cattle, bison, sheep, horses, and pigs, provided each raffle
20 ticket contains a statement that the person who wins the animal may convert that prize
21 to a cash prize. The animal to be raffled may be donated to or purchased by the
22 organization. The donor or seller of the animal shall determine the market value of the
23 animal. If the person who wins the animal desires a cash prize instead of the animal,
24 the organization shall pay the player a cash prize that must equal the lesser of the
25 market value of the animal or the maximum single cash prize amount allowed under
26 section 53-06.1-10.1.
- 27 3. A person may not give away any live animal, other than those authorized under
28 subsections 1 and 2, as:
- 29 a. A prize for, or as an inducement to enter any contest, game, or other competition;
30 b. An inducement to enter a place of amusement; or

1 c. An incentive to enter into any business agreement where the offer was for the
2 purpose of attracting trade.

3 4. ~~The provisions of subsection 3 do~~Subsection 3 does not apply to a person or
4 organization that gives away an animal:

5 a. ~~As a project for the promotion of~~In order to promote the equine and livestock
6 industry of North Dakota;

7 b. ~~As a project for the promotion of~~In order to promote the conservation of animals
8 and wildlife in North Dakota; or

9 c. ~~Which~~If the animal is intended for slaughter.

10 **SECTION 18. AMENDMENT.** Section 36-21.1-10 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **36-21.1-10. Care of animals used as advertising devices.**

13 ~~Every~~A person who sells, offers for sale or sells to the public, raffles, offers, ~~or gives~~or uses
14 as a prize, premium, or advertising device, chicks, ducklings, or goslings ~~to the public~~, shall
15 provide and operate brooders or other heating devices necessary to maintain the chicks,
16 ducklings, or goslings in good health, and shall keep adequate food and water available to the
17 birds at all times.

18 **SECTION 19. AMENDMENT.** Section 36-21.1-11 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **36-21.1-11. Penalty.**

21 ~~Any~~A person ~~knowingly and willfully~~ violating any rule adopted by the board or violating any
22 provision of this chapter for which a specific penalty is not provided is guilty of ~~a class~~:

23 1. A class A misdemeanor; or

24 2. A class C felony for a second or subsequent offense within five years.

25 **SECTION 20. AMENDMENT.** Section 36-21.1-12 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **36-21.1-12. ~~Duties of State board and commissioner of animal health - Animal~~**
28 **importation - Restriction.**

29 1. ~~The state board shall adopt rules to effectuate this chapter. The board by rule of animal~~
30 health may restrict the importation into ~~the~~this state, and ~~restrict~~ the sale or other
31 distribution within the state, of ~~all any domestic animals or animals~~or wild by nature

1 ~~which animal if the board may have~~has reason to believe that the animal may be a
2 threat to the health and well-being of the human or animal population of ~~thethis~~ state,
3 ~~or both, unless.~~

4 2. Notwithstanding subsection 1, the state board of animal health may not restrict the
5 importation or sale of a domestic or wild animal if the importation or sale is for bona
6 fide scientific or educational purposes. The board shall establish reasonable
7 qualifications for approved investigators and the commissioner shall maintain a current
8 listing of all approved investigators. Employees of the commissioner may be assigned
9 as investigators. The commissioner may by injunctive procedure without bond or other
10 undertaking proceed against any person or persons for a continuous violation of any
11 provision of this chapter. No liability may accrue to the board, the commissioner, or
12 any authorized representative in proceeding against any person or persons pursuant
13 to this section.

14 **SECTION 21.** A new section to chapter 36-21.1 of the North Dakota Century Code is
15 created and enacted as follows:

16 **Investigators - Assignment - Qualifications.**

- 17 1. The state board of animal health may establish qualifications for and authorize
18 individuals other than law enforcement officers to investigate violations of this chapter.
19 2. The state board of animal health shall maintain a list of all authorized investigators.
20 3. The commissioner may assign employees of the department of agriculture to serve as
21 investigators.
22 4. The agriculture commissioner may by injunctive procedure, without bond or other
23 undertaking, proceed against any person for violating this chapter.

24 **SECTION 22. AMENDMENT.** Section 36-21.1-13 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **36-21.1-13. Abandoned animalsanimal - Assumption of custody.**

- 27 1. Any sheriff, policeA law enforcement officer, licensed veterinarian, or investigator may
28 take custody of ~~and care for any~~and control an abandoned animal ~~found abandoned.~~
29 The. An individual takingthat takes custody and control of an animal under this section
30 shall takemake a reasonable stepseffort to determine the ownership of the ~~abandoned~~
31 animal.

- 1 2. A sheriff, ~~police~~law enforcement officer, licensed veterinarian, or investigator who
2 takes custody and control of an animal under this section may care for the animal until
3 the animal is redeemed by the owner or the owner's agent or may deliver the animal to
4 another person ~~or facility to be sheltered, cared for, and furnished suitable food and~~
5 ~~drink~~for the provision of care and shelter.
- 6 3. ~~Notice must be given by publication~~The person taking custody and control of an
7 animal under this section shall publish notice in the official newspaper of the
8 jurisdiction. ~~The notice must provide indicating that the animal is in the custody and~~
9 ~~control of another and that it may be sold, placed for adoption, or otherwise disposed~~
10 of if the animal is not redeemed within five days from the date of the notice.
- 11 4. a. The person having custody and control of the animal has a lien on the animal for
12 the animal's ~~care and keeping, the reasonable value of the food and drink~~
13 ~~furnished,~~animal's care and shelter and ~~the~~for any expenses of notifying the
14 ~~owner or the owner's agent~~incurred in publishing the notice required by this
15 section. The lien is superior to any other claim or lien.
- 16 b. If the lien is not discharged and satisfied by the owner ~~or the owner's agent~~of the
17 animal within five days after publication of the notice, the person holding the
18 claim may sell the animal and discharge the lien.
- 19 5. The court may award reasonable attorney's fees to the person bringing the action to
20 enforce the lien and may award costs, ~~which include~~including the costs of arranging
21 for the adoption of the animal or the costs of ~~the~~its destruction and disposal ~~of the~~
22 animal.
- 23 6. If the animal is sold, the lienholder is entitled to the proceeds of the sale to the extent
24 of the lien and the remainder, if any, must be deposited in the county general fund.
- 25 7. For purposes of this section, an abandoned animal includes an animal that is:
- 26 a. Left in the care and custody of another person and not reclaimed within
27 forty-eight hours of an agreed-upon time;
- 28 b. Left at a location without evidence that a person will return to provide care for it;
29 or
- 30 c. (1) Running loose;
31 (2) Without identification;

1 (3) On public property or on private property without the consent of the property
2 owner; and

3 (4) Unaccompanied by its owner or by a person having custody and control.

4 **SECTION 23. AMENDMENT.** Section 36-21.1-14 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **36-21.1-14. Assumption of custody - Immunity from liability.**

7 ~~Any sheriff, police~~A law enforcement officer, licensed veterinarian, investigator, ~~or~~and any
8 ~~other person who has or had custody and control of an animal under this chapter and who is~~
9 ~~acting is immune from any civil or criminal liability for acts taken or omitted while attempting to~~
10 ~~comply with this chapter, provided the person acted in an official or professional capacity and~~
11 ~~making~~made a good-faith effort to comply with this chapter is immune from any civil or criminal
12 ~~liability for acts taken or omitted while attempting to comply with this chapter.~~

13 **SECTION 24. AMENDMENT.** Section 36-21.1-15 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **36-21.1-15. Applicability of chapter.**

16 1. This chapter does not prohibit:

- 17 a. The humane destruction of an animal for just cause;
- 18 b. The use of practices in the production of livestock which are commonly accepted
19 in this state;
- 20 c. Rodeos;
- 21 d. Lawful animal racing;
- 22 e. Livestock exhibitions;
- 23 f. Livestock competitions;
- 24 g. Lawful fishing, hunting, and trapping;
- 25 h. Lawful wildlife management practices;
- 26 i. Research or educational activities that involve the use of animals;
- 27 j. The provision of medical services by a veterinarian;
- 28 k. The lawful control of rodents and predators; or
- 29 l. Lawful animal damage control activities.

30 2. This chapter does not apply to estrays covered under chapter 36-22.