

April 18, 2013

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2211

That the House recede from its amendments as printed on pages 1088-1093 of the Senate Journal and pages 1176-1181 of the House Journal and that Engrossed Senate Bill No. 2211 be amended as follows:

Page 1, line 1, replace "a" with "two"

Page 1, line 1, replace "section" with "sections"

Page 1, line 1 remove "a new section to"

Page 1, line 5, remove "and"

Page 1, line 5, after "penalty" insert "; and to provide for reports to the legislative management"

Page 1, line 15, replace the second "or" with "purposes."

Page 1, line 15, after "purposes" insert ", or temporary exhibitions"

Page 1, after line 15, insert:

"SECTION 2. A new section to chapter 36-01 of the North Dakota Century Code is created and enacted as follows:

Assistance in criminal investigations.

The board shall maintain and make available to any law enforcement agency a list of veterinarians who are licensed in this state and trained to provide assistance in any criminal investigation pertaining to this state's animal laws."

Page 1, remove line 20

Page 1, line 21, remove "occurring within ten years"

Page 1, line 22, after ""neglect"" insert "with respect to dogs and cats."

Page 2, replace lines 11 through 24 with:

- "3. For purposes of this chapter, "neglect" with respect to all animals other than those included in subsection 2, means the failure to provide:
 - a. Food and water that is:
 - (1) Appropriate for the species and the breed; and
 - (2) Sufficient to sustain the animal's health;
 - b. Minimal protection from adverse weather conditions, as appropriate for the species and the breed; and
 - c. Medical attention in the event of an injury or illness, as appropriate for the species and the breed.
4. The following do not constitute violations of this section:

- a. Any usual and customary practice in:
 - (1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;
 - (2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;
 - (3) The sport of rodeo;
 - (4) Animal racing;
 - (5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;
 - (6) Fishing, hunting, and trapping;
 - (7) Wildlife management;
 - (8) The culinary arts;
 - (9) Lawful research and educational activities; and
 - (10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;
- b. The humane or swift destruction of an animal for cause; and
- c. Services provided by or under the direction of a licensed veterinarian."

Page 2, line 29, replace "the physical abuse of" with "any act or omission that results in physical injury to an animal or that causes the death of"

Page 2, line 30, remove "or omission"

Page 3, replace lines 1 through 16 with:

- "3. The following do not constitute violations of this section:
 - a. Any usual and customary practice in:
 - (1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;
 - (2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;
 - (3) The sport of rodeo;
 - (4) Animal racing;
 - (5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;
 - (6) Fishing, hunting, and trapping;
 - (7) Wildlife management;
 - (8) The culinary arts;
 - (9) Lawful research and educational activities; and

- (10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;
- b. Any action taken by an individual against an animal that is attacking or is about to attack a human, a companion animal, or livestock;
- c. The humane or swift destruction of an animal for cause; and
- d. Services provided by or under the direction of a licensed veterinarian."

Page 3, line 18, replace "willfully" with "intentionally"

Page 3, remove lines 20 through 31

Page 4, replace lines 1 through 10 with:

- "a. Breaking an animal's bones;
- b. Causing the prolonged impairment of an animal's health;
- c. Mutilating an animal; or
- d. Physically torturing an animal.

3. The following do not constitute violations of this section:

- a. Any usual and customary practice in:
 - (1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;
 - (2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;
 - (3) The sport of rodeo;
 - (4) Animal racing;
 - (5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;
 - (6) Fishing, hunting, and trapping;
 - (7) Wildlife management;
 - (8) The culinary arts;
 - (9) Lawful research and educational activities; and
 - (10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;
- b. Any action taken by an individual against an animal that is attacking or is about to attack a human, a companion animal, or livestock;
- c. The humane or swift destruction of an animal for cause; and
- d. Services provided by or under the direction of a licensed veterinarian."

Page 4, line 13, remove "for a first or a second offense and a class C felony for a third or"

Page 4, line 14, remove "subsequent offense occurring within ten years"

Page 4, remove lines 24 through 31

Page 5, replace lines 1 through 6 with:

"3. The following do not constitute violations of this section:

a. Any usual and customary practice in:

(1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;

(2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;

(3) The sport of rodeo;

(4) Animal racing;

(5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;

(6) Fishing, hunting, and trapping;

(7) Wildlife management;

(8) The culinary arts;

(9) Lawful research and educational activities; and

(10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;

b. The humane or swift destruction of an animal for cause; and

c. Services provided by or under the direction of a licensed veterinarian."

Page 6, line 15, replace "The" with "If convicted of violating this chapter, the"

Page 6, line 20, after "seizure" insert "and conviction"

Page 8, line 26, after the underscored semicolon insert "or"

Page 8, remove line 27

Page 8, line 28, replace "d." with "c."

Page 8, line 28, replace the underscored semicolon with an underscored period

Page 8, remove lines 29 through 31

Page 9, replace lines 1 through 12 with:

"4. The following do not constitute violations of this section:

a. Any usual and customary practice in:

- (1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;
 - (2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;
 - (3) The sport of rodeo;
 - (4) Animal racing;
 - (5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;
 - (6) Fishing, hunting, and trapping;
 - (7) Wildlife management;
 - (8) The culinary arts;
 - (9) Lawful research and educational activities; and
 - (10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;
- b. Any action taken by an individual against an animal that is attacking or is about to attack a human, a companion animal, or livestock;
 - c. The humane or swift destruction of an animal for cause; and
 - d. Services provided by or under the direction of a licensed veterinarian."

Page 9, line 14, replace "A person" with "An individual"

Page 9, line 16, replace "Any person that" with "An individual who"

Page 9, line 26, replace "**Collectives**" with "**Multiple animals**"

Page 9, line 26, replace "**Status**" with "**Enhancement**"

Page 9, replace lines 27 through 29 with "If a violation of this chapter involves multiple animals, whether of the same species or not, the violation is deemed to be a singular offense for purposes of enhancement."

Page 10, after line 3, insert:

"SECTION 5. REPRESENTATIVES OF AGRICULTURAL PRODUCTION GROUPS - REPORT TO THE LEGISLATIVE MANAGEMENT. Before July 1, 2014, representatives of agricultural production groups, including representatives of this state's livestock industry, shall compile information regarding the effects of this Act on the various sectors of the agricultural industry. The compiled information must be presented to the legislative management for review, together with any suggestions for potential statutory changes."

Re-number accordingly