

1999 HOUSE NATURAL RESOURCES
HB 1315

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1315

House Natural Resources Committee

Conference Committee

Hearing Date 2/04/99

Tape Number	Side A	Side B	Meter #
1		x	8.5-25.3
3	x		1.1-1.3
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes:

REP. TOLLEFSON introduces the bill on the abandonment of animals. He urges the support of Natural Resource Committee for this legislation . TOLLEFSON goes on to describe the bill.

FLOYD LAMERE, STERLING KENNELS OF MINOT. SEE HANDOUT.

REP. NELSON asks if LAMERE requires a deposit when people drop off their pet for a length of stay? LAMERE replies no he does not. REP. NELSON asks wouldn't a statute require a deposit up front then it possibly defray some of your costs, as the owner. Then some of the cost out of pocket would be recovered? LAMERE replies that it wouldn't really matter or help much since the up front money would probably go for haircuts and treats.

REP. PORTER asks if LAMERE requires a verbal or written agreement when the pet is dropped off? LAMERE replies that he has a written agreement that has to be signed. REP. PORTER asks if the written agreement was given to the judge in the lawsuit that LAMERE took to court for an

owner abandoning their pet at his kennels? LAMERE said yes that he made it a point to the judge. REP. PORTER asks if the judge did not recognize the written agreement or contract? LAMERE replies that's exactly what happened.

REP. GALVIN asks if there is some point to when LAMERE gets suspicious to as when the owner is not coming back, and then what do you do with the pet? LAMERE replies that the contract states that after ten days of the due date when the pet has to be picked up, and the owner still is not found, LAMERE has the right to disclose and dispose of the pet.

REP. NOTTESTAD asks about the dollar figure that it costs LAMERE and a number of instances that he has had to deal with abandoned pets? LAMERE replies that it has been 11 instances in the past year.

Being there was no opposition to the bill the hearing was closed until later in the day, at which time REP. MARTINSON moved for a DO PASS. REP. KELSH seconded the motion. The roll call was taken with 15 YES, 0 NO, 0 ABSENT. The CARRIER was REP. MARTINSON.

HB 1315

Date: 2.4.99
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House House Natural Resources Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Martinson Seconded By Kelsh

Representatives	Yes	No	Representatives	Yes	No
Chairman Mick Grosz	✓				
Vice-Chairman Dale Henegar	✓				
Representative David Drovdal	✓				
Representative Pat Galvin	✓				
Representative Duane DeKrey	✓				
Rep. Darrell D. Nottestad	✓				
Representative Jon O. Nelson	✓				
Representative Byron Clark	✓				
Representative Todd Porter	✓				
Representative Jon Martinson	✓				
Reperesentative Lyle Hanson	✓				
Representative Scot Kelsh	✓				
Representative Deb Lundgren	✓				
Representative Sally M. Sandvig	✓				
Representative Dorvan Solberg	✓				

Total (Yes) 15 No 0

Absent _____

Floor Assignment Martinson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 4, 1999 4:27 p.m.

Module No: HR-23-1963
Carrier: Martinson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1315: Natural Resources Committee (Rep. Grosz, Chairman) recommends DO PASS
(15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1315 was placed on the
Eleventh order on the calendar.

1999 SENATE NATURAL RESOURCES

HB 1315

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1315

Senate Natural Resources Committee

Conference Committee

Hearing Date March 5, 1999

Tape Number	Side A	Side B	Meter #
1		x	5410-6210
2	x		0-630
1	x		2665-4195
Committee Clerk Signature <i>Sylvia W. Zagen</i>			

Minutes:

SENATOR TRAYNOR opened the hearing on HB1315: A BILL FOR AN ACT TO AMEND AND REENACT SECTION 36-21.1-02 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO THE ABANDONMENT OF ANIMALS.

REP. WENTZ explained the bill based on testimony from the House committee hearing. The bill relates to a person abandoning animals at pet boarding facilities which creates excess costs to the facility and the need for disposal of animals.

SENATOR FISCHER asked if these are people who are intending to abandon an animal.

REP. WENTZ replied yes.

SENATOR FREBORG asked if this language would allow a facility to dispose of a pet after 48 hours with no recourse if the owner came back after this time.

REP. WENTZ yes.

SENATOR CHRISTMANN asked what is the penalty for being 48 hours late and is this a criminal defense not to pick up the animal.

SENATOR TRAYNOR stated it may be well to ask Rep. Tollefson next week and discuss this.

SENATOR FREBORG stated according to the bill, it appears an animal is considered abandoned after 48 hours.

SENATOR FISCHER stated if there was no contract, it would be 48 hours.

SENATOR TRAYNOR recited Section 36-21.1-11 Penalty, "Any person knowingly and willfully violating any rule adopted by the board or violating any provision of this chapter for which a specific penalty is not provided is guilty of a Class A Misdemeanor." This would make it a crime to abandon the animal and not reclaim it within 48 hours, in addition to being required to pay the board charges.

REP. WENTZ replied a judge stated that unless it specifies boarding kennels in the statute, the judge would not consider it as abandonment.

SENATOR TRAYNOR closed the hearing on HB1315.

COMMITTEE DISCUSSION, March 11, 1999-Tape 1, Side A, Meter#2665-4195:

SENATOR FISCHER opened the hearing on HB1315.

REP. TOLLEFSON explained this bill is only an amendment to Section 36-21.1-02 concerning abandonment of animals. There is a glitch in the existing law that this bill will correct on line 5.

FLOYD LAMERE, Sterling Kennels of Minot testified this amendment would allow kennel owners to locate people who abandon animals and the words boarding kennels need to be incorporated into this bill.

SENATOR HEITKAMP asked are you able to make recourse by just their name.

FLOYD LAMERE replied no, we need addresses and phone numbers, otherwise, the only way to track these people is if a warrant is issued and if they get stopped on a violation, this warrant will appear to the police officer so their address and phone number can be obtained.

SENATOR CHRISTMANN asked why isn't there a deposit charged of possible cost to keep an animal in the event it is abandoned.

FLOYD LAMERE replied the majority of the kennels throughout the US do not charge a deposit, and they pay when the pets are picked up. The contracts are standard wherein if anything happens with a pet that should need a vet, the boarders are allowed to have the pet treated. Because of an extra expenses that may occur during the stay of the pet, it is difficult to charge in advance.

SENATOR FREBORG asked do the pet owners sign a contract when the pet is boarded.

FLOYD LAMERE replied yes.

SENATOR REDLIN asked if the judge advised to have the law changed.

FLOYD LAMERE replied yes, "If you don't like it, change the law." I'm not trying to change the law, I'm trying to amend it.

SENATOR FISCHER closed the hearing on HB1315.

COMMITTEE ACTION: March 11, 1999, Tape 1, Side A, Meter# 2621-3080: SENATOR

HEITKAMP moved for a DO PASS, seconded by SENATOR FISCHER. Roll call vote indicated 5 YEAS, 1 NAYS, 0 Absent and not voting. SENATOR FREBORG volunteered to carry the bill.

Date: 3-11-99

Roll Call Vote #: /

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1315

Senate Natural Resources Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Heitkamp Seconded By Fischer

Senators	Yes	No	Senators	Yes	No
Senator John T. Traynor, Chr	✓				
Senator Tom Fischer, Vice Chr	✓				
Senator Randel Christmann		✓			
Senator Layton Freborg	✓				
Senator Joel C. Heitkamp	✓				
Senator Rolland W. Redlin	✓				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Freborg

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 11, 1999 4:41 p.m.

Module No: SR-44-4622
Carrier: Freborg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1315: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO PASS (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1315 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

HB 1315

ABANDONMENT OF PETS

Abandoning pets is becoming more and more a problem for society. It involves law enforcement, humane societies, veterinarians, dog pounds, and local health officials. The cost of capturing and impoundment increases year after year. The past several years has brought about another twist. Abandoning pets at boarding facilities. This problem has been increasing at an alarming rate. The facility has the cost of food and care, as well as treats and grooming, that the owner usually requests. It also involves either finding the pet a home if possible, or putting the pet to sleep. I lost over \$5,000.00 last year alone. Without specifying boarding kennels in the abandonment statute, myself and others like me, are left with no recourse. Let me give you an example: Recently, I tried to take someone to court for abandoning a pet at my facility. The judge told me that he would not accept it, because even though the pet was left, and abandoned, it was still warm, had food and had water. He said that as far as he was concerned, it was just the cost of doing business. I showed the judge a copy of the statute, and he said unless it specified boarding kennels in the statute, that he would not consider it as abandonment. He said if I didn't agree, that I could try and change the law. This is why I need the amendment. A customer that refuses to pick up their pet and pay the charges due, is not the cost of doing business. Never has been and never will be. It is fraudulent, it is deceitful, and it is a crime. If they realize that they can and will be prosecuted, then this amendment will have done its job.

ABANDONMENT OF PETS.

I have given you the statistics as to why we need this amendment, but I would like you to know a few other reasons, on a more personal note. I am a person, who, just like you, is trying to support my family with the business I run, and this problem could put our finances in jeopardy. But it's more than that. I built this business 14 years ago out of a love of pets. Pets are like children. They need affection and attention, a clean environment and a sense of security. They don't ask for anything more, and they give you back love, trust, loyalty and respect. Each pet has their own personality, just like children. Some are shy and others outgoing. As with having a child, you have a responsibility to your pet also. They depend on you in the same way. They trust in you completely, and if you abandon that trust and abandon your responsibility, they are lost. I have found, in all the years that I have cared for pets, that if a person has no compassion for the well being of a pet, that they usually have no compassion for the well being of other people either. We can't force these people to have compassion, but we can try to make them live up to their responsibility. Abandoning pets is inhumane, and it is everyone's responsibility to try and protect those who cannot protect themselves.

PET ABANDONMENT

Pet abandonment in todays society has increased, dramatically. There seems to be a certain fringe of pet owners that just toss aside their pets when they are no longer in that cute puppy stage, or when it just becomes inconvenient for them to live up to the responsibilities that they accepted when they took in the pet. Some toss them aside when they are moving to a new residence, but whatever the reason, these pet owners are transferring their responsibility to someone else. Before they would simply leave them beside the road somewhere, which many still do, but now it seems that they have found another way to shirk their responsibilities. They take them to a boarding facility, where they usually ask to have them groomed, and purchase bones and toys for them, which they never intend to pay for, and they never return, Maybe they feel less guilty this way, but when you add the cost of boarding and maintaining these pets along with the other charges, it is a cost that boarding facilities cannot afford. We try to find homes for these abandoned pets, if we can, but if we cannot do so, then we must have them put down. Trying to find homes for these pets takes time, and having to have them put to sleep isn't something that I like doing. Most boarding facilities are out of city limits, and in many cases, such as mine, the county has no animal control officer for the pet to be turned over to. We can try to turn it over to the local Humane Society, but in most instances, this will involve a cost, and many times they have no room, and many times if the pet cannot be sold, then they are not receptive to receiving the pet. In most cases, the owner has moved and changed their telephone number, so we have no way to track them. If boarding facilities are listed in this statute, then we can issue a warrant for pet abandonment, so that if the owner ever gets arrested, or even stopped for a traffic offense, the warrant will show up, and then the warrant can be served. Abandoning these pets is cruel to a pet that has done nothing wrong, It's a hardship that boarding kennels cannot afford, It is an expense for communities and the state that have to house abandoned pets, employ animal control to pick them up, and pay veterinarians to put them to sleep. Adding this amendment may not solve the problem, but it is a step in the right direction. It will be a deterrent. It will be a notice to pet owners, that they have a responsibility that they have to live up to, and that now there is another way to enforce this responsibility.

STERLING KENNELS, INC.
 Country Meadows Pet Cemetery
 P.O. BOX 1615
 MINOT, ND 58702