

Introduced by

Representative Berg

Senator Solberg

1 A BILL for an Act to create and enact a new section to chapter 36-05 and a new section to
2 chapter 36-14 of the North Dakota Century Code, relating to livestock unfit for sale and animals
3 imported into the state; to amend and reenact sections 36-01-05, 36-01-07, 36-01-08,
4 36-01-08.1, 36-01-08.3, 36-01-08.4, 36-01-13, 36-01-14, 36-01-28, 36-05-01, subsection 4 of
5 section 36-05-13.2, sections 36-07-07, 36-14-10, 36-14-20, 36-14-21, 36-15-01, 36-15-02,
6 36-15-08.1, 36-15-09, 36-15-14, 36-15-19, 36-15-21, 36-15-22, and subsection 1 of section
7 36-21.1-06 of the North Dakota Century Code, relating to the board of animal health, livestock
8 auction markets, rendering plants, contagious and infectious livestock diseases, tuberculosis
9 and brucellosis eradication in animals, and humane treatment of animals; to repeal sections
10 36-14-04, 36-14-05, 36-14-06, 36-14-07, 36-15-08, and 36-15-12 of the North Dakota Century
11 Code, relating to horses, cattle, sheep, and swine imported into the state, compensation for
12 owners of animals infected with tuberculosis or paratuberculosis, and bovine tuberculosis and
13 brucellosis funds; to provide a penalty; and to provide for a legislative council study.

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

15 **SECTION 1. AMENDMENT.** Section 36-01-05 of the 1997 Supplement to the North
16 Dakota Century Code is amended and reenacted as follows:

17 **36-01-05. State veterinarian - Appointment.** The commissioner shall, with the
18 consent of the board, appoint the state veterinarian and deputy state veterinarian. ~~However,~~
19 ~~the commissioner's first appointments to the positions of state veterinarian and deputy state~~
20 ~~veterinarian must be the persons serving in those capacities for the board of animal health on~~
21 ~~the day before August 1, 1995.~~ The state veterinarian and deputy state veterinarian must be
22 competent and skilled veterinarians and graduates of a veterinary medicine and surgery course
23 at a recognized college or university. The commissioner may remove the state veterinarian or
24 deputy state veterinarian for cause. At the request of the board, the commissioner shall

1 deputize persons licensed to practice veterinary medicine in this state as assistant state
2 veterinarians. Deputized persons shall serve during periods of emergency and only for the time
3 period determined by the board.

4 **SECTION 2. AMENDMENT.** Section 36-01-07 of the 1997 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **36-01-07. ~~Bacteriologist and consulting~~ Consulting veterinarian of board - Duties**
7 **- Compensation.** ~~The professor of veterinary science of the North Dakota state university of~~
8 ~~agriculture and applied science shall~~ board shall choose a veterinarian on staff at North Dakota
9 state university to act as bacteriologist and consulting veterinarian to the board. The
10 bacteriologist term of appointment is open and at the will of the board. At the discretion of the
11 board, the consulting veterinarian, or any United States department of agriculture approved
12 laboratory shall make bacteriological or pathological diagnostic examinations of all diseased
13 animals or portions thereof or of such material as may be forwarded to the bacteriologist by the
14 board or the commissioner's duly authorized agents. The bacteriologist shall furnish material
15 for the diagnosis of contagious diseases and instruction as to its use. For services, the
16 ~~bacteriologist~~ consulting veterinarian or United States department of agriculture approved
17 laboratory is entitled to receive such compensation as the commissioner may deem proper,
18 which must be paid out of the fund appropriated for the use of the commissioner.

19 **SECTION 3. AMENDMENT.** Section 36-01-08 of the 1997 Supplement to the North
20 Dakota Century Code is amended and reenacted as follows:

21 **36-01-08. Duties - Rules - Fees.** The board shall protect the health of the domestic
22 animals and nontraditional livestock of this state, shall determine and employ the most efficient
23 and practical means for the prevention, suppression, control, and eradication of dangerous,
24 contagious, and infectious diseases among the domestic animals and nontraditional livestock of
25 this state, and shall prevent the escape and release of an animal injurious to or competitive with
26 agriculture, horticulture, forestry, wild animals, and other natural resource interests. For the
27 purpose of preventing the escape and release of an animal injurious to or competitive with
28 agriculture, horticulture, forestry, wild animals, and other natural resource interests, the board
29 may, by rule, quarantine any such animal, cause any such animal to be killed, regulate or
30 prohibit the arrival in or departure from this state of any such animal, and at the cost of the
31 owner thereof, the board may detain any animal found to be in violation of any rule or

1 prohibition. Any matter relating to the health and welfare of domestic animals and
2 nontraditional livestock and not specifically assigned by statute to another entity is deemed to
3 be within the authority of the board. The board may make rules to carry into effect the
4 purposes of this chapter and other duties prescribed in this title. The commissioner shall collect
5 six cents for each brucellosis tag and each identification tag and eight dollars for each health
6 book the commissioner distributes. The fees collected by the commissioner must be deposited
7 in the state general fund.

8 **SECTION 4. AMENDMENT.** Section 36-01-08.1 of the 1997 Supplement to the North
9 Dakota Century Code is amended and reenacted as follows:

10 **36-01-08.1. ~~Captive wildlife~~ Nontraditional livestock license - Fee.** The board of
11 animal health may require a license for ~~captive wildlife~~ nontraditional livestock maintained
12 within this state. The annual fee for a license for a bird species required to be licensed is five
13 dollars. The maximum annual fees for bird species licenses to be paid by a person holding
14 more than one bird species license is twenty-five dollars. The annual fee for a license for any
15 other species required to be licensed is ten dollars. The maximum annual fees for nonbird
16 species licenses to be paid by a person holding more than one nonbird species license is
17 seventy-five dollars.

18 **SECTION 5. AMENDMENT.** Section 36-01-08.3 of the 1997 Supplement to the North
19 Dakota Century Code is amended and reenacted as follows:

20 **36-01-08.3. Duties - Evaluations - Report.** The board and the commissioner shall
21 conduct performance evaluations of the state veterinarian and any assistant state veterinarians;
22 ~~review the short term and the long term role and mission of the board and its employees;~~
23 ~~review alternatives for the enhancement of, and the efficient delivery of, services provided by~~
24 ~~the board and its employees; and evaluate the consolidation and cooperation with the~~
25 ~~department of agriculture. The board shall report to the governor and the legislative council~~
26 ~~before September 1, 1996, and each year thereafter.~~

27 **SECTION 6. AMENDMENT.** Section 36-01-08.4 of the 1997 Supplement to the North
28 Dakota Century Code is amended and reenacted as follows:

29 **36-01-08.4. Ownership of skunks and raccoons prohibited - Exception - Rules -**
30 **Penalty on primates, wolves, and wolf hybrids.** ~~No~~ A person may not keep a skunk or
31 raccoon in captivity. This section does not apply to a zoo licensed by the regulatory

1 ~~enforcement and~~ animal care program of the animal and plant health inspection service of the
2 United States department of agriculture. The state veterinarian shall confiscate and dispose of
3 any animal kept in violation of this section. The board shall adopt rules governing the keeping
4 of a primate, wolf, or wolf hybrid in captivity and to implement this section. As used in this
5 section, "primate" does not include a human being; "wolf" means any animal of the species
6 canis lupus; and "wolf hybrid" means any animal that is any part wolf. ~~A person who willfully~~
7 ~~violates this section is guilty of a class B misdemeanor.~~

8 **SECTION 7. AMENDMENT.** Section 36-01-13 of the 1997 Supplement to the North
9 Dakota Century Code is amended and reenacted as follows:

10 **36-01-13. Diseased animal to be reported - Records exempt.**

- 11 1. Any person who discovers, suspects, or has reason to believe that any domestic
12 animal or nontraditional livestock belonging to that person or belonging to any
13 other person, is affected by any reportable contagious disease as defined by the
14 board, shall report that knowledge, suspicion, or belief to:
- 15 ~~4.~~ ~~The~~ the state veterinarian or any other agent or representative of the
16 commissioner; ~~or~~
- 17 ~~2.~~ ~~Any law enforcement officer of the county or city in which the animal is present. If~~
18 ~~a report is made to a law enforcement officer under this subsection, the officer~~
19 ~~shall report the facts immediately to the commissioner or the state veterinarian and~~
20 ~~failure to do so constitutes a violation of this chapter.~~
- 21 2. The records are exempt from open records laws, except those records concerning
22 diseases that are specifically regulated by mandatory control and eradication
23 programs or to protect public health.

24 **SECTION 8. AMENDMENT.** Section 36-01-14 of the 1997 Supplement to the North
25 Dakota Century Code is amended and reenacted as follows:

26 **36-01-14. Protest against killing of diseased animal - Examination of animal by**
27 **experts - Appointment of experts.** Whenever a domestic animal or nontraditional livestock
28 has been determined to be affected with a contagious or infectious disease and has been
29 ordered killed by the board, the state veterinarian, or an agent or representative of the board,
30 the owner or keeper of the animal must be notified of the order. Notice may be accomplished
31 by sending, by registered mail, a copy of the order to the owner or keeper of the animal, or by

1 having an agent or representative of the board, ~~or a law enforcement officer,~~ serve a copy of
2 the order upon the owner or keeper of the animal. Within twenty-four hours after receiving
3 notice of the order, the owner or keeper may file a protest against the killing of the animal with
4 the board or with the person who has ordered the animal killed. The protest must state under
5 oath, that to the best of the knowledge and belief of the person making the protest, the animal
6 is not infected with any contagious or infectious disease. An examination of the animal or
7 laboratory reports involved then must be made by three experts, one of whom must be
8 appointed by the board, one by the person making the protest, and the third by the two thus
9 appointed. All the experts must be persons learned in veterinary medicine and surgery and
10 graduates of the veterinary course of a recognized college or university.

11 **SECTION 9. AMENDMENT.** Section 36-01-28 of the 1997 Supplement to the North
12 Dakota Century Code is amended and reenacted as follows:

13 **36-01-28. Enforcement orders - Administrative hearing - Penalty.**

- 14 1. Except when otherwise ordered by a court of competent jurisdiction, the board may
15 order any domestic animal or nontraditional livestock brought into this state which
16 is not in compliance with the provisions of this chapter to be returned to the state of
17 origin, or in the alternative, the board may order the animal slaughtered or
18 destroyed. The board may grant an exception for any nontraditional livestock if a
19 zoo licensed by the animal care program of the animal and plant health inspection
20 service of the United States department of agriculture takes possession upon
21 confiscation of the animal.
- 22 2. If, after a hearing, the board finds that a person has brought, kept, or received any
23 domestic animal or nontraditional livestock in this state and the animal or livestock
24 is not in compliance with the provisions of this chapter or rules adopted under this
25 chapter, a civil penalty not to exceed five thousand dollars per violation may be
26 assessed against that person.
- 27 3. Any person who violates any of the provisions of this chapter for which a specific
28 penalty is not provided, or who knowingly violates any rule adopted by the board of
29 animal health, is guilty of a ~~class B misdemeanor~~ an infraction.

30 **SECTION 10. AMENDMENT.** Section 36-05-01 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **36-05-01. Definitions.** In this chapter, unless the context or subject matter otherwise
2 requires:

- 3 1. "Commissioner" means the commissioner of agriculture.
- 4 2. "Livestock" means horses, mules, asses, cattle, swine, sheep, and goats.
- 5 3. "Livestock auction market" means a place or establishment conducted or operated
6 for compensation or profit as a public market or a private buying station, consisting
7 of pens or other enclosures and their appurtenances, in which livestock is
8 received, held, or kept for sale and where such livestock is sold or offered for sale,
9 at either public auction or private sale.

10 **SECTION 11.** A new section to chapter 36-05 of the North Dakota Century Code is
11 created and enacted as follows:

12 **Livestock unfit for sale.** Livestock may not be offered for sale or sold at any licensed
13 public livestock auction market if the livestock has a condition including the following:

- 14 1. Is infected with a disease that permanently renders the livestock unfit for human
15 consumption;
- 16 2. Has severe neoplasia;
- 17 3. Has severe actinomycosis;
- 18 4. Is unable to rise to its feet by itself; or
- 19 5. Has an obviously fractured long bone or other fractures or dislocation of a joint that
20 renders the livestock unable to bear weight on the affected limb without the limb
21 collapsing.

22 If, in the judgment of a veterinarian licensed in this state and approved by the board of animal
23 health, the livestock consigned and delivered on the premises of a livestock auction market is in
24 any of the conditions described above, the veterinarian shall humanely euthanize the livestock
25 or direct the consignor to immediately remove the livestock from the premises of the livestock
26 auction market. All expenses incurred for euthanasia and disposal of the livestock under the
27 provisions of this section are the responsibility of the consignor. Collection of expenses is not
28 the responsibility of the consignee.

29 **SECTION 12. AMENDMENT.** Subsection 4 of section 36-05-13.2 of the 1997
30 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1 4. Fail to notify the commissioner of the receipt of a nonsufficient funds check as
2 required by section ~~36-04-07.1~~ 36-05-09.1;

3 **SECTION 13. AMENDMENT.** Section 36-07-07 of the 1997 Supplement to the North
4 Dakota Century Code is amended and reenacted as follows:

5 **36-07-07. Unloading chutes and vehicles used by rendering plant - Regulations**
6 **governing.** All unloading places or chutes used by a rendering plant or establishment must be
7 on cement floors ~~which~~ that can be cleaned and disinfected. Every vehicle used for
8 transporting carcasses of dead animals to a rendering plant or establishment must:

- 9 1. Be provided with a bed or tank not less than fifty inches [127 centimeters] in width
10 which is all metal, metal lined, or watertight for at least six inches [15.24
11 centimeters] above the floor of the box or bed.
- 12 2. Have a metal lined endgate ~~which~~ that is hinged at the bottom of the bed or box
13 and is fastened firmly to the top of the bed or box when closed.
- 14 3. Be so constructed that the sides, top, and endgate thereof will prevent flies and
15 other insects from entering the vehicle.
- 16 4. Carry a tank filled with a ~~four percent~~ solution of ~~creosol~~ approved by the state
17 veterinarian for use as a disinfectant, ~~or other disinfectant as prescribed by the~~
18 ~~rules adopted by the state board of animal health.~~
- 19 5. Be disinfected with the solution described in subsection 4 after it has been used for
20 collecting a dead animal at a farm and before it enters upon any public highway of
21 this state, and special attention must be given to all those parts of the vehicle
22 which came in contact with the ground while upon the premises.
- 23 6. Be thoroughly washed and disinfected with the solution described in subsection 4
24 or with live steam, or both, after it has been unloaded at the rendering plant.

25 The operator of any such vehicle shall ~~disinfect himself~~ wash with disinfectant, paying special
26 attention to ~~his~~ disinfecting the operator's hands and footwear, with the solution described in
27 subsection 4 immediately after leaving any farm at which ~~he~~ the operator has collected the
28 carcass of a dead animal.

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

1 **Animals imported into state to have certificate of veterinary inspection -**

2 **Exception.**

- 3 1. Except as otherwise provided by this chapter or by rule, all domestic animals and
4 nontraditional livestock brought into this state must be accompanied by a
5 certificate of veterinary inspection certifying that the animals are free from
6 symptoms of all contagious and infectious diseases, and that the animals meet
7 disease testing and vaccination requirements prescribed by rule. Animals
8 originating in other countries must be tested for diseases, as determined by the
9 board, until a risk assessment is completed for the disease. If the board
10 determines that an unacceptable risk exists, the board may deny entry, require
11 additional testing, or require a vaccination.
- 12 2. The requirement for a certificate of veterinary inspection is waived for cattle,
13 sheep, or swine originating directly from a producer's premises and not diverted en
14 route, if the waiver is approved by the state veterinarian and the cattle, sheep, or
15 swine are delivered for sale directly to a licensed auction market or other premises
16 approved by the state veterinarian.
- 17 3. The board may require certification indicating that animals entering this state from
18 a foreign country and intended for human consumption have not been treated with
19 drugs that are disallowed under federal law for use in animals intended for human
20 consumption.
- 21 4. The board may adopt rules to implement this section.

22 **SECTION 15. AMENDMENT.** Section 36-14-10 of the 1997 Supplement to the North
23 Dakota Century Code is amended and reenacted as follows:

24 **36-14-10. Shipments of ~~cattle, swine, and sheep~~ animals for immediate slaughter.**

25 Shipments into this state of ~~cattle, swine, and sheep~~ animals for immediate slaughter may be
26 permitted without a certificate of veterinary inspection only if the ~~livestock~~ animals are not
27 diverted en route and are delivered directly to a slaughtering establishment approved by the
28 commissioner of agriculture.

29 **SECTION 16. AMENDMENT.** Section 36-14-20 of the 1997 Supplement to the North
30 Dakota Century Code is amended and reenacted as follows:

1 **36-14-20. Duty of overseer of highways ~~or coroner~~ when carcass of dead animal**
2 **is found - Fees - Recovery of expense.** If the owner or person in charge of a dead animal
3 fails to comply with the provisions of section 36-14-19, the overseer of highways, ~~or the county~~
4 ~~coroner in a district which has no overseer~~, shall comply with the provisions of section 36-14-19
5 for the owner or person. If burial of the animal is permitted, the burial may be made upon the
6 premises of the owner or person in charge of the animal at any place more than one thousand
7 feet [304.8 meters] from any dwelling house or barn. The board of county commissioners shall
8 allow in payment a sum for disposal services as it deems to be reasonable, and the sum must
9 be paid as other moneys are paid for services rendered to the county. The owner of the animal
10 is liable to the county for any amount paid out for disposal services. If the owner does not pay
11 that amount within thirty days after written demand for payment is made upon ~~him~~ the owner by
12 the county auditor, the sum may be recovered in a civil action, and the judgment must include
13 the costs of the suit and a reasonable attorney's fee to be fixed by the court. No property
14 except absolute exemptions is exempt from sale for the payment of any such judgment. Any
15 attorney's fee allowed by the court must be paid to the county if the action is brought by the
16 state's attorney.

17 **SECTION 17. AMENDMENT.** Section 36-14-21 of the 1997 Supplement to the North
18 Dakota Century Code is amended and reenacted as follows:

19 **36-14-21. Enforcement orders - Administrative hearing - Penalty.**

- 20 1. The board may order any domestic animal or nontraditional livestock brought into
21 this state which is not in compliance with the provisions of this chapter to be
22 returned to the state of origin, or in the alternative, the board may order the animal
23 slaughtered or destroyed.
- 24 2. If, after a hearing, the board finds that a person has brought, kept, or received any
25 domestic animal or nontraditional livestock in this state and the animals or
26 livestock are not in compliance with the provisions of this chapter or rules adopted
27 under this chapter, a civil penalty not to exceed five thousand dollars per violation
28 may be assessed against that person.
- 29 3. Any person who knowingly violates any rule of the ~~state board of animal health~~, or
30 who violates any provision of this chapter for which another penalty is not
31 provided, is guilty of a ~~class A misdemeanor~~ an infraction.

1 **SECTION 18. AMENDMENT.** Section 36-15-01 of the 1997 Supplement to the North
2 Dakota Century Code is amended and reenacted as follows:

3 **36-15-01. Definitions.** In this chapter, unless the context or subject matter otherwise
4 requires:

- 5 1. "Animals" means ~~neat-cattle~~ bovine animals or bison.
- 6 2. "Board" means the state board of animal health.
- 7 3. "Diseased", when used to describe any animals, means animals infected with
8 either bovine tuberculosis or ~~paratuberculosis (Johne's disease)~~ brucellosis.
- 9 4. The singular of any term imports the plural and the plural of any term includes the
10 singular.

11 **SECTION 19. AMENDMENT.** Section 36-15-02 of the 1997 Supplement to the North
12 Dakota Century Code is amended and reenacted as follows:

13 **36-15-02. Notice of condemnation of diseased animal - Animal to be destroyed**
14 **within fifteen days - Extension of time.** Whenever any animal has been adjudged by the
15 board to be infected with bovine tuberculosis or brucellosis, the board or its authorized agent
16 shall serve a written notice of its decision upon the owner or keeper of the animal before the
17 condemned animal is killed. The animal must be destroyed within fifteen days after notice of
18 condemnation, in either a federal or state inspected slaughtering plant, or under the supervision
19 of an agent of the board. The fifteen-day period may be extended by the state veterinarian if
20 that person deems it advisable due to the circumstances involved in each case, and the
21 extension must be in writing. The notice must advise the owner or keeper of that person's right
22 to protest against the diagnosis and determination of the board within twenty-four hours after
23 the service of the notice upon that person. If no protest is made within such time by the owner
24 or keeper of the condemned animal, it must be appraised in the manner provided in this
25 chapter.

26 **SECTION 20. AMENDMENT.** Section 36-15-08.1 of the 1997 Supplement to the North
27 Dakota Century Code is amended and reenacted as follows:

28 **36-15-08.1. Owner entitled to compensation for ~~eattle~~ animals infected with ~~or~~**
29 **~~exposed to~~ brucellosis or bovine tuberculosis - ~~Board of animal health~~ **may make rules**
30 **governing payments.** When, in the discretion and judgment of the board ~~of animal health~~, a
31 ~~herd of cattle~~ an animal is so seriously infected with ~~bovine~~ brucellosis, or bovine tuberculosis**

1 as to warrant disposal of the ~~entire herd~~ animal and all other exposed animals, the board is
2 hereby authorized to approve indemnity payments, as funds are appropriated, on ~~all cattle in~~
3 ~~such herds~~ the animals in accordance with the limits set forth in section 36-15-09. The board
4 may make reasonable rules governing the payment of such compensation within the limits
5 prescribed in this chapter.

6 **SECTION 21. AMENDMENT.** Section 36-15-09 of the 1997 Supplement to the North
7 Dakota Century Code is amended and reenacted as follows:

8 **36-15-09. Return of appraisal - Payment of claims for diseased animals.** The
9 return of an appraisal made under this chapter must be in writing and signed by the board
10 or by the agent thereof which made the appraisal, or by the members of the board of
11 appraisers if a reappraisal is made after a protest, and by the owner of the condemned
12 animal. The return must be certified by the commissioner of agriculture to the state auditor,
13 who shall draw a warrant upon the state treasurer in favor of the owner of the animal. The
14 amount of indemnity paid by this state, however, must be, in the case of an animal condemned
15 because it is infected with bovine tuberculosis or ~~paratuberculosis~~ brucellosis, one-third of the
16 difference between the appraised value of the animal and the net value of the salvage received
17 by the owner, however, the indemnity payments may not exceed twenty-five dollars for each
18 grade animal or fifty dollars for each registered purebred animal, except, that if the federal
19 government fails to provide an amount of indemnity equal to that provided by the state, the
20 owner must be paid one-half of the difference between the appraised value of the animal and
21 the net value of the salvage thereof. Before any indemnity payment is made for such
22 registered purebred animals, a certificate of registration in a recognized herdbook must be
23 submitted to the state veterinarian prior to the date set for slaughter of said animal. This state
24 is not liable for indemnity under this chapter in excess of the amount appropriated for the
25 payment of such indemnity by the legislative assembly and the state is not liable for indemnity
26 for any animal killed during a biennium after the appropriation for such biennium has been
27 exhausted.

28 **SECTION 22. AMENDMENT.** Section 36-15-14 of the 1997 Supplement to the North
29 Dakota Century Code is amended and reenacted as follows:

30 **36-15-14. ~~Cattle~~ Animals not to be permitted to enter state or area circumscribed**
31 **by board for testing purposes.** The ~~commissioner~~ state veterinarian shall enforce the

1 tuberculin testing or the brucellosis testing of all ~~cattle~~ animals entering the state as prescribed
2 by rule or in a circumscribed area as established by the board in accordance with the
3 provisions of this chapter providing for the eradication of bovine tuberculosis or brucellosis, as
4 the case may be, and the rules of the board relating to eradication. Whenever a circumscribed
5 area is established by the board as an area in which all ~~cattle~~ animals are to be tuberculin
6 tested or brucellosis tested, as the case may be, and the test is undertaken under the direction
7 of the board, no other ~~cattle~~ animals may be permitted to enter the area except under a special
8 permit and restrictions provided by the board unless:

- 9 1. If the animals in the area ~~is~~ are to be tuberculin tested, the ~~cattle~~ animals entering
10 the area have been tuberculin tested under the direction of an agent of the board
11 or are accompanied by a proper tuberculin test certificate ~~of veterinary inspection~~.
- 12 2. If the animals in the area ~~is~~ are to be brucellosis tested, the ~~cattle~~ animals entering
13 the area have been brucellosis tested under the direction of an agent of the board
14 or are accompanied by a proper brucellosis test certificate ~~of veterinary inspection~~.

15 **SECTION 23. AMENDMENT.** Section 36-15-19 of the 1997 Supplement to the North
16 Dakota Century Code is amended and reenacted as follows:

17 **36-15-19. Penalty for violation of provisions relating to testing of livestock**
18 **animals.** Any person who ~~refuses to assist in or~~ attempts to prevent the board or the
19 commissioner from carrying out this chapter, or who violates any of the provisions of this
20 chapter relating to the testing of ~~cattle~~ animals, is guilty of ~~a class B misdemeanor~~ an infraction.

21 **SECTION 24. AMENDMENT.** Section 36-15-21 of the 1997 Supplement to the North
22 Dakota Century Code is amended and reenacted as follows:

23 **36-15-21. Calfhood vaccination against brucellosis required - Penalty.** No person
24 may bring into this state any female cattle over the maximum vaccination age as prescribed in
25 the brucellosis eradication uniform methods and rules approved and published by the United
26 States department of agriculture, animal and plant health inspection service, ~~for dairy or~~
27 ~~breeding purposes within this state~~, that have not been officially calfhood vaccinated against
28 brucellosis. Female cattle originating from free states that do not require North Dakota-origin
29 female cattle to be calfhood brucellosis vaccinated are exempt from the requirements of this
30 section. A person who brings cattle into this state from other free states that reciprocate shall
31 prove that the cattle were located in that state for a period of at least sixty days. "Officially

1 calfhood vaccinated" means a bovine female animal vaccinated against brucellosis under the
2 supervision of a federal or state veterinary official or an accredited veterinarian within age limits
3 prescribed by the board in compliance with United States department of agriculture uniform
4 methods and rules, with a vaccine approved by the North Dakota state veterinarian, and
5 permanently identified as such a vaccinate and reported at the time of vaccination to the
6 appropriate state or federal agency cooperating in the eradication of brucellosis. However, the
7 board may grant an exception to the provisions of this section. An appeal may be taken from
8 the decision of the board under the provisions of chapter 28-32. Any person who brings into
9 this state or acquires within this state any cattle contrary to the provisions of this section, is
10 guilty of a class A misdemeanor.

11 **SECTION 25. AMENDMENT.** Section 36-15-22 of the 1997 Supplement to the North
12 Dakota Century Code is amended and reenacted as follows:

13 **36-15-22. Enforcement orders - Administrative hearing - Penalty.**

- 14 1. The board may order ~~cattle~~ animals brought into the state which are not in
15 compliance with the provisions of this chapter to be returned to their state of origin,
16 or in the alternative, the board may order the ~~cattle~~ animals to be slaughtered or
17 destroyed.
- 18 2. If, after a hearing, the board finds that a person has brought, kept, or received
19 ~~cattle~~ animals in this state and the ~~cattle~~ animals are not in compliance with the
20 provisions of this chapter or rules adopted under this chapter, a civil penalty not to
21 exceed ~~two~~ five thousand ~~five hundred~~ dollars per violation may be assessed
22 against that person.

23 **SECTION 26. AMENDMENT.** Subsection 1 of section 36-21.1-06 of the 1997
24 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 25 1. Any sheriff, police officer, licensed veterinarian, or investigator may take custody
26 of, and care for any animal found abandoned, unjustifiably exposed to cold or
27 inclement weather, or not properly fed and watered. Any sheriff or police officer
28 may use reasonable means to enter a motor vehicle and remove an animal that
29 has been left in the vehicle in violation of section 36-21.1-03.1. ~~It is a responsibility~~
30 ~~of such~~ A sheriff, police officer, licensed veterinarian, or investigator ~~to~~ may care
31 for the ~~same~~ animal until it is redeemed by the owner and when necessary may

1 deliver the animal to another person or facility to be sheltered, cared for, and
2 furnished suitable food and drink. In all cases the owner, if known, must be
3 immediately notified, or if the owner is unknown, notice must be given by
4 publication in the manner prescribed by law. Such notice must inform the owner
5 that such animal may be sold, or otherwise disposed of, pursuant to court order if
6 the animal is not redeemed within five days after receiving the notice or after
7 publication.

8 **SECTION 27. REPEAL.** Section 36-15-12 of the North Dakota Century Code and
9 sections 36-14-04, 36-14-05, 36-14-06, 36-14-07, and 36-15-08 of the 1997 Supplement to the
10 North Dakota Century Code are repealed.

11 **SECTION 28. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider
12 studying the state board of animal health, including its membership, its representation, and the
13 nature and scope of its regulatory authority over nontraditional livestock. The legislative council
14 shall report any findings, and recommendations, together with any legislation required to
15 implement the recommendations, to the fifty-seventh legislative assembly.