

**FIRST ENGROSSMENT  
with House Amendments**

**ENGROSSED SENATE BILL NO. 2315**

Introduced by

Senators Andrist, Lindaas

Representatives D. Johnson, Schmidt

1 A BILL for an Act to create and enact two new sections to chapter 58-13 of the North Dakota  
2 Century Code, relating to immunity from liability and to estrays; and to amend and reenact  
3 sections 58-13-01, 58-13-03, 58-13-04, and 58-13-05 of the North Dakota Century Code,  
4 relating to pounds and poundmasters.

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

6 **SECTION 1. AMENDMENT.** Section 58-13-01 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **58-13-01. Poundmaster to have direction of pound.** Any pound established by the  
9 township electors must be under the care and direction of ~~such a~~ poundmaster as is chosen or  
10 appointed for that purpose by the board of township supervisors. If a poundmaster is not  
11 appointed, the chairman of the board of township supervisors may contract with the county  
12 sheriff to perform the duties. The poundmaster shall enforce the ordinances, bylaws, or  
13 resolutions enacted by the board of township supervisors.

14 **SECTION 2. AMENDMENT.** Section 58-13-03 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **58-13-03. Poundmaster ~~has lien~~ - Lien for all legal charges and expenses.** The  
17 poundmaster has a lien on every ~~horse, ass, mule, sheep, lamb, goat, hog, and neat~~ animal  
18 taken into the pound for the full amount of the poundmaster's ~~legal~~ actual charges and  
19 expenses and is entitled to the possession of any ~~such~~ animal until the ~~same~~ charges and  
20 expenses are paid.

21 **SECTION 3. AMENDMENT.** Section 58-13-04 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **58-13-04. Notice of ~~impounding~~ impoundment - Foreclosure of lien.** If the ~~legal~~  
24 actual charges and expenses of the poundmaster are not paid and the animals are not

1 removed within ~~ten~~ five days after they are impounded, the poundmaster shall give notice by  
2 ~~posting in the three most public places in~~ publication in the official newspaper of the township  
3 ~~notices that~~ if one has been designated or, if one has not been designated, in the official  
4 newspaper of the county in which the animals, ~~describing them,~~ are impounded and. The  
5 notice must provide that unless they the animals are ~~taken away~~ removed and the fees  
6 charges and expenses paid within ~~thirty~~ ten days after the date of the notice, the poundmaster  
7 ~~will shall sell them~~ the animals at a public auction at the place where the township meetings  
8 ~~usually are held~~ sale, as provided in the notice. On the day designated in the notice, the  
9 poundmaster shall expose the animals for sale and sell them to the highest bidder.

10 **SECTION 4. AMENDMENT.** Section 58-13-05 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **58-13-05. Humane treatment of animals - Poundmaster may destroy worthless**  
13 **animals.** The poundmaster shall provide humane treatment and care for any animal in the  
14 pound. If any animal taken up by the poundmaster is deemed by the poundmaster to be  
15 worthless and cannot be sold, the poundmaster may offer the animal for adoption. If after five  
16 days the animal has not been adopted, the poundmaster shall destroy the animal and dispose  
17 of it, ~~and the.~~ The board of township supervisors shall pay the poundmaster out of the general  
18 fund of the township.

19 **SECTION 5.** A new section to chapter 58-13 of the North Dakota Century Code is  
20 created and enacted as follows:

21 **Immunity from liability.** A poundmaster or an agent of the poundmaster who has  
22 custody of an animal under this chapter, is acting in an official capacity, and making a  
23 good-faith effort to comply with this chapter is immune from any civil or criminal liability for acts  
24 taken or omitted while attempting to comply with this chapter.

25 **SECTION 6.** A new section to chapter 58-13 of the North Dakota Century Code is  
26 created and enacted as follows:

27 **Estray - Notification of North Dakota stockmen's association.** If the poundmaster  
28 comes into possession of any animal that the poundmaster believes is an estray, the  
29 poundmaster shall contact the brand inspector and deliver or arrange for the delivery of the  
30 animal to a licensed livestock auction market. The brand inspector shall provide for the

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- 1 disposition of the animal under chapter 36-22. The poundmaster may recover charges and
- 2 expenses for the delivery of the estray.