

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2058 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2300

2001 SENATE AGRICULTURE

SB 2300

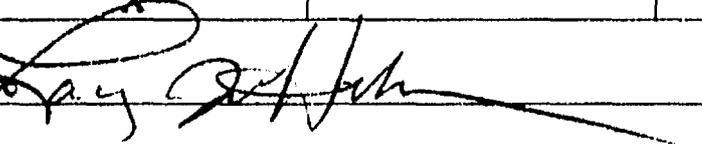
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2300

Senate Agriculture Committee

Conference Committee

Hearing Date February 1, 2001

Tape Number	Side A	Side B	Meter #
1	X		0.0 - 35.8
		X	36
2	X		28.6
Committee Clerk Signature 			

Minutes:

SENATOR LYSON; Sponsor, introduced the bill.

LARRY SCHULER; DVM, State Veterinarian and Executive Officer of the State Board of Animal Health, testified in support of this bill. See attached testimony.

SENATOR NICHOLS; At what point do you get involved when these reports come to you, do you have the sheriff go and check it out?

LARRY SCHULER; Usually our first is to contact the County Sheriff and investigate and if necessary they will they will contact veterinarian.

SENATOR KLEIN; In the court requirement is there a time line, regarding court date.

LARRY SCHULER; There is an allowance in the bill that gives the owner five days to redeem the animal and the court will hear it within ten days. There was a limit put on it so it won't be a long drawn out process.

SENATOR URLACHER; Are most of them large or small animals that report come in for.

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Senate Agriculture Committee  
Bill/Resolution Number SB 2300  
Hearing Date February 1, 2001

LARRY SCHULER; It is split about fifty - fifty.

SENATOR KROEPLIN; Is there a criminal penalty.

LARRY SCHULER; The criminal penalty is animal cruelty and animals are confiscated.

SENATOR KROEPLIN; Would those animals go back to the owner in five day?

LARRY SCHULER; Yes, the owner has the option to redeem the animals within five days.

JOHN OLSON; ND States Attorney Assoc. and ND Peace Officer Assoc. Testified in support of this bill.

SENATOR KROEPLIN; Do they have to take and hold the animal or can they slaughtered if it needs to be?

JOHN OLSON; That is vague under the current law, this law provides procedure for taking an abandoned animal into custody.

SENATOR KLEIN; If the owner is not found within five days who is responsible for the funds or cost?

JOHN OLSON; That is correct and there may be instances where there are no proceeds and then there will be different disposition of the animal.

PAT HEINERT; NDPOA / Sheriffs & Deputies, testified in support of this bill.

SENATOR URLACHER; Are shelters obligated to take care of the animal?

PAT HEINERT; I believe they are not obligated to take care of the animal.

SENATOR KROEPLIN; Are we making this more cumbersome?

PAT HEINERT; In one aspect I think we are, because we are creating a situation that we are going to have to follow. In another aspect we are making it easier because we don't have anything to follow right now.

SENATOR WANZEK; As for authority taking custody of a wild and stray animal, they can use an reasonable means possible to obtain the animal?

PAT HEINERT; Yes.

SENATOR ERBELE; Is five days long enough concerning large animals?

JEFF OLSON; They are probably getting more notice in rural areas because the notifications are printed in a weekly newspaper.

SENATOR KROEPLIN; There is nothing in here that will allow a police officer to dispose of animal immediately if they need to?

JEFF OLSON; That is probably true under the scenario that we have been discussing

SENATOR KLEIN; Doesn't that fall under a different section of code?

JEFF OLSON; I can't answer that question without the statute in front of me.

JULIE ELLINGSON; ND Stockman's Association, testified in support of this bill: If this bill is passed can easily be confused with statutes relating to the estrays. The only concern we have with this bill is potential for confusion between is the animal an stray or is it abandoned? Who makes that determination and what procedure is to follow?

SENATOR WANZEK; I think this bill is targeting those obvious situation where its evident that the owner is not caring for the animal.

NANCY KOPP; ND Veterinary Medical Association, testified in support of this bill.

DARYL HOWARD; Brand Inspector, ND Stockman's Association. Answered questions for the committee.

The hearing was closed.

Discussion was held.

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Senate Agriculture Committee  
Bill/Resolution Number SB 2300  
Hearing Date February 1, 2001

SENATOR KLEIN; There is no guidelines, I think their looking for something that law enforcement can work with. It seems humane to allow them a few days to put out notice.

SENATOR WANZEK; When they find an estray animal what is the procedure?

SENATOR ERBELE; If the attempt to find the owner doesn't work. The animals will be sold and the owner will receive a check minus the cost.

SENATOR KLEIN moved to DO PASS this bill.

SENATOR ERBELE seconded the motion.

Roll call vote: 6 Yeas, 0 No, 0 Absent and Not voting.

SENATOR KLEIN will carry the bill.

## FISCAL NOTE

Requested by Legislative Council  
01/23/2001

Bill/Resolution No.: SB 2300

Amendment to:

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$350	\$0	\$0	\$350	\$0	\$0

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill requires counties to publish notifications in the official newspapers. The cost of the publications would cost the counties an additional expense of \$350 per biennium.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

None

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

None

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

None

<b>Name:</b>	Jeff Welspenning	<b>Agency:</b>	Agriculture
<b>Phone Number:</b>	328-4768	<b>Date Prepared:</b>	01/25/2001



**REPORT OF STANDING COMMITTEE (410)**  
**February 1, 2001 4:39 p.m.**

**Module No: SR-18-2168**  
**Carrier: Klein**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2300: Agriculture Committee (Sen. Wanzek, Chairman) recommends DO PASS**  
**(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2300 was placed on the**  
**Eleventh order on the calendar.**

2001 HOUSE AGRICULTURE

SB 2300

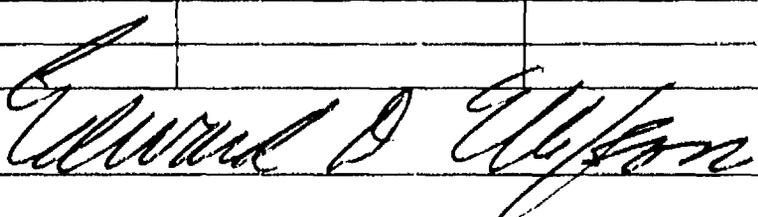
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2300

House Agriculture Committee

Conference Committee

Hearing Date 3--08--01

Tape Number	Side A	Side B	Meter #
ONE	A		1330 TO 2389
Committee Clerk Signature 			

Minutes:

CHAIRMAN NICHOLAS: Committee Members, we will open the hearing one SB 2300

**SENATOR LYSON:** DIST ONE. I am here to introduce SB 2300. This bill started as a dog bill. The state veterinarian had some other problems with another area of the state and he said picked up the bill which was pretty much a dog house bill. to amend in other animals. I think rather than me trying to explain the bill. I am going to say that I am still in favor of the bill as written. The State vet is here and law enforcement is here to explain their parts

**DR SUSAN KELLER:** I am the deputy state veterinarian. Printed testimony. Please see attachments. I am in favor for a DO PASS.

**VICE CHAIRMAN JOHNSON:** Any questions?

**Representative Mueller:** Law enforcement. This bill can you speak to the issue. One this is far enough down the road this is just called the revolver. This dose impose some restrictions

on them and creates some obligations that I am not so sure that we have the wherewithal to take care of it.

SUSAN: We did have law enforcement involved developing the language for this.

Unfortunately I don't see in here where Deputy Sheriff Jack Miller who was involved is not mentioned in here but he was involved in developing the language for this and the stockman's association was also involved so there were other groups and agencies that were involved..

We understand those concerns. Actually it was a law enforcement officer who encouraged us to do something. You go through all the work and the legal aspects and then the owner could take them back. I understand that this is not a perfect bill but it does address that problem not allowing the owner to take them back. Law enforcement is very supportive of this Bill

DEPUTY SHERIFF PAT HEINAN: I am a member of the legislative for ND peace officers association. I am here to ask for your support for this Bill. I would like to give you some background why we asked for this bill originally. Initially we brought this bill in through the ND peace officers association. We were dealing with strictly stray cats and dogs. Our reason for coming to that was for the counties who do not have ordinances and who have an area here such as we have where we have about 70 percent of our county populations living within about five miles of the city. It is kind of tough to create an ordinance that equally and fairly treat anybody and everybody in the county. We brought this in because we have people within the city who do not want their cats or dogs anymore. They drive out to a subdivision and county knowing that they will be taken care of by the people out there. We had no recourse under state law to take care of those animals, to help the people who helped save those animals from dying out there. That is why we brought this bill forth. We can pick up the animals and take them to a

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House Agriculture Committee

Bill/Resolution Number SB 2300

Hearing Date 3--8--01

shelter or vet. and hold them for five days and then go through a process of either giving them away, selling them, or destroying them. That was the intent of the bill to begin with. We then met with state vet. whose concern was that what would happen is under the cattle section they had a case going in Stusman County where they took about a hundred head of cattle that were not being fed and they were that under this bill the possibility that that rancher down there after five days could reclaim the cattle and they would have to give them back to him. They would have to start the process all over again. It would just be a revolving door. We contended the bills. The portion that I am most interested in is the abandonment. We don't see any problems with the bill. It dose create a little bit of a problem for the county. It is hard to address. If you look at treating an animal humanely. I would be open to any questions.

REPRESENTATIVE: How many of these animals actually get sold.

SHERIFF: We can't sell any if we can give them away. If they are registered and they have papers we might consider, etc.

VICE CHAIRMAN JOHNSON: Any others offering support for this Bill. Any opposition.

IF NOT WE WILL CLOSE THE HEARING ON 2300. Mr Chairman can we hold on this bill for a couple of days. We want to make sure. We will work with Wade Moser.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2300

House Agriculture Committee

Conference Committee

Hearing Date 3--16--01

Tape Number	Side A	Side B	Meter #
TWO	A		1961 to 2255
Committee Clerk Signature <i>Edward D. Elton</i>			

Minutes:

CHAIRMAN NICHOLAS: WE WILL OPEN ON SB 2300

REPRESENTATIVE FROELICH: I HAVE SOME AMENDMENTS TO THE BILL.

BASICALLY ALL THIS DOSE IS PAGE THREE LINE SIX IT SAYS THAT ANIMALS  
REMAINDER MUST BE DEPOSITED IN THE COUNTY GENERAL FUND. IF YOU  
READ THE AMENDMENT WE ALREADY HAVE A AN ESTATE FUND THAT TAKES  
CARE OF LIVESTOCK COW, HORSES. FROEHLICH MOVES FOR THE AMENDMENT  
AND IT WAS SECONDED BY REPRESENTATIVE LEMIEUX. ALL IN FAVOR OF  
AMENDMENTS. SAY YES. OPPOSITION NONE. THE CHAIR WILL ENTERTAIN A  
MOTION ON 2300 AS AMENDED. REPRESENTATIVE MOVE FOR A DO PASS AND  
REPRESENTATIVE PIETSH. ANY FURTHER DISCUSSION? THE CLERK WILL  
TAKE THE ROLL. THERE WERE''''''14 YES''''''0 NO''''''1 ABSENT.

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House Agriculture Committee

Bill/Resolution Number SB 2300

Hearing Date 3--16--01

REPRESENTATIVE KOPPANG WILL CARRY THE BILL. WE WILL CLOSE ON

SB2300. 1A:00 A304

PROPOSED AMENDMENTS TO SENATE 2300

Page 4, after line 16 insert:

**"SECTION 5.** A new section to chapter 36-21.1 of the North Dakota Century Code is created and enacted as follows:

**Applicability of act.** This act does not apply to estrays covered under chapter 36-22."

Renumber accordingly

10664.0101  
Title.0200

Adopted by the Agriculture Committee  
March 16, 2001

VR  
3/16/01

HOUSE AMENDMENTS TO SB 2300 HSE AGR 3-16-01  
Page 1, line 1, replace "two" with "three"

Page 4, after line 16, insert:

"SECTION 5. A new section to chapter 36-21.1 of the North Dakota Century Code is created and enacted as follows:

Applicability of chapter. This chapter does not apply to estrays covered under chapter 36-22."

Renumber accordingly

3-16-01

Date:  
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 582300

House AGRICULTURE Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken \_\_\_\_\_

Motion Made By Berg Seconded By Lemieux

Representatives	Yes	No	Representatives	Yes	No
Eugene Nicholas, Chairman	✓		Rod Froelich	✓	
Dennis E. Johnson - Vice Chairman	✓		Doug Lemieux	✓	
Rick Berg	✓		Philip Mueller	✓	
Michael Brandenburg			Kenton Onstad	✓	
Joyce Kingsbury	✓		Sally M. Slandvig	✓	
Myron Koppang	✓		Dennis J. Renner	✓	
Edward H. Lloyd	✓		Dwight Wrangham	✓	
Bill Pietsch	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Koppang

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

**REPORT OF STANDING COMMITTEE (410)**  
March 19, 2001 3:20 p.m.

Module No: HR-47-6077  
Carrier: Koppang  
Insert LC: 10664.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**SB 2300: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2300 was placed on the Sixth order on the calendar.

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

Page 4, after line 16, insert:

"**SECTION 5.** A new section to chapter 36-21.1 of the North Dakota Century Code is created and enacted as follows:

Applicability of chapter. This chapter does not apply to estrays covered under chapter 36-22."

Renumber accordingly

2001 TESTIMONY

SB 2300

**Testimony of Larry A. Schuler, DVM  
State Veterinarian and  
Executive Officer of the State Board of Animal Health  
Senate Bill 2300  
Senate Agriculture Committee  
Roosevelt Park Room  
February 1, 2001**

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Chairman Wanzek and Committee members, my name is Larry Schuler. I am the state veterinarian and executive officer of the State Board of Animal Health. I am here to testify in support of SB 2300, which deals with custody and care of abandoned animals and animals that are not being fed and watered properly.

The proper care of animals has become a very large issue for animal agriculture. Because of pressure from an animal rights group, McDonald's recently refused to purchase chicken and eggs from companies that could not certify that their birds were being kept in humane conditions. Animal welfare has become a large enough issue that the American Veterinary Medical Association (AVMA) convened a national symposium on bovine welfare. This all indicates that there is a heightened public awareness about the care of animals. We need to fulfill our stewardship responsibilities by caring for animals in a humane and kind manner.

The state veterinarian's office frequently receives reports about animals that are not being kept under humane conditions. We investigate about 40 such cases per year. Most of them turn out to be unfounded or can be corrected with minimal intervention. However, there are a few cases that require more drastic action. In these instances we take custody of the animals as directed by N.D.C.C. § 36-21.1. The current statute allows the owner the opportunity to redeem the animals within five days. As a result, the owner can take his animals back into the same situation without concern for the care of the animals upon their return. A revolving door effect is possible where the animals are confiscated and the owner redeems over and over again.

Subsection 8 of section 2 would require a court to determine if the owner can provide adequate care for the animals before they are returned.

This bill also separates abandoned animals from animals that are not properly fed and watered, making it much easier to apply the proper section of the code to the specific case.

Chairman Wanzek and committee members, I urge a do pass on SB 2300. I would be happy to answer any questions you may have.