

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

SENATE BILL NO. 2315
(Senators Andrist, Lindaas)
(Representatives D. Johnson, Schmidt)

AN ACT to create and enact two new sections to chapter 58-13 of the North Dakota Century Code, relating to immunity from liability and to estrays; and to amend and reenact sections 58-13-01, 58-13-03, 58-13-04, and 58-13-05 of the North Dakota Century Code, relating to pounds and poundmasters.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

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

58-13-04. Notice of ~~impounding~~ impoundment - Foreclosure of lien. If the ~~legal~~ actual charges and expenses of the poundmaster are not paid and the animals are not removed within ten ~~five~~ days after they are impounded, the poundmaster shall give notice by ~~posting in the three most public places in~~ publication in the official newspaper of the township ~~notices that if one has been designated or, if one has not been designated, in the official newspaper of the county in which the animals, describing them, are impounded and.~~ The notice must provide that unless ~~they~~ the animals are ~~taken away~~ removed and the ~~fees~~ charges and expenses paid within ~~thirty~~ ten days after the date of the notice, the poundmaster ~~will~~ shall sell ~~them~~ the animals at a public ~~auction at the place where the township meetings usually are held~~ sale, as provided in the notice. On the day designated in the notice, the poundmaster shall expose the animals for sale and sell them to the highest bidder.

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

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

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

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

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

Estray - Notification of North Dakota stockmen's association. If the poundmaster comes into possession of any animal that the poundmaster believes is an estray, the poundmaster shall contact the brand inspector and deliver or arrange for the delivery of the animal to a licensed livestock auction market. The brand inspector shall provide for the disposition of the animal under chapter 36-22. The poundmaster may recover charges and expenses for the delivery of the estray.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2315.

Senate Vote: Yeas 48 Nays 0 Absent 1

House Vote: Yeas 87 Nays 7 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,

at _____ o'clock _____ M.

Secretary of State