

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1337

Page 1, line 2, remove the first "and"

Page 1, line 3, remove "subsection 2 of section 36-04-01,"

Page 1, line 6, after "livestock" insert "; and to provide a penalty"

Page 2, line 3, replace "A" with "If House Bill No. 1276 does not become effective, a"

Page 2, line 8, after "elaphus)" insert ", except red deer,"

Page 2, line 13, remove "**Promotion** -", after "**Rules**" insert "- **Data base**", and remove "The commissioner shall promote the raising of"

Page 2, line 14, remove "farmed elk." and replace "shall" with "may"

Page 2, line 15, after the underscored period insert "Any rules relating to nontraditional livestock and adopted by the board before August 1, 1999, are, if applicable to farmed elk, deemed to apply to farmed elk until otherwise modified by the board." and remove "also"

Page 3, line 8, remove "brand, marking, tag, collar, electronic implant, tattoo, or other"

Page 3, line 10, remove "- **Written results**"

Page 3, line 11, replace "At the time of the inspection, the" with:

Enforcement orders - Administrative hearing - Penalty. The board may order any elk brought into this state in violation of rules adopted by the board to be returned to the state of origin or to be slaughtered. If the board finds that a person has brought elk into this state, kept elk, or received elk in violation of rules adopted by the board, the board may assess that person a civil penalty in an amount up to two thousand five hundred dollars. Any person who knowingly violates this chapter or any rule of the board is guilty of a class A misdemeanor.

Tuberculosis - Brucellosis - Compensation of owner. If the board determines an elk to be infected with tuberculosis or brucellosis, its owner is entitled to payment as specified in this section. If an elk herd is adjudged by the board to be so seriously infected with tuberculosis or brucellosis as to warrant disposal of the entire herd, its owner is entitled to indemnity payments for the herd whether reactors, suspects, or exposed, in accordance with the limits set forth in this section. The board may adopt rules governing the payment of compensation under this section of not to exceed twenty-five dollars for each grade elk nor fifty dollars for each registered purebred elk.

SECTION 3. If House Bill No. 1276 becomes effective, a new chapter to title 36 of the North Dakota Century Code is created and enacted as follows:

Definitions. In this chapter, unless the context otherwise requires:

1. "Board" means the state board of animal health.
2. "Commissioner" means the commissioner of agriculture.
3. "Farmed elk" means mammals of the elk family (cervus elaphus), except red deer, confined in a manmade enclosure designed to prevent escape and:
 - a. Raised for fiber, meat, or animal byproducts; or
 - b. Raised for breeding, exhibition, or harvest.
4. "Owner" means a person who owns or is responsible for the raising of farmed elk.

Farmed elk - Rules - Data base. The board may adopt rules relating to the raising of farmed elk, including matters concerning the health, safety, confinement, and identification of farmed elk. Any rules relating to nontraditional livestock and adopted by the board before August 1, 1999, are, if applicable to farmed elk, deemed to apply to farmed elk until otherwise modified by the board. The board shall maintain a data base regarding farmed elk.

Farmed elk advisory committee. The commissioner may appoint a farmed elk advisory committee to provide advice to the commissioner regarding farmed elk.

Farmed elk development program. The commissioner may establish a farmed elk development program to support applied research and provide demonstrations, financing, marketing, promotion, breed development and registration, and other services related to the raising of farmed elk. The commissioner shall include information regarding farmed elk in reports on agriculture in this state.

Farmed elk - Confinement - Rules. Farmed elk must be confined in a manner designed to prevent escape. Unless otherwise required by rule, fencing for farmed elk must be at least eighty-four inches [213.36 centimeters] in height. If any farmed elk escape, their owner shall report the escape to the board within one business day of the discovery and shall notify the board upon recapture. The owner is liable for the expenses incurred by another person in capturing, caring for, and returning farmed elk that have escaped, provided the other person notifies the owner as soon as practicable after discovering the escape.

Farmed elk - Agricultural pursuit. Farmed elk are livestock, and the products of farmed elk are farm products for purposes of financial transactions and collateral. The raising of farmed elk is agricultural production and an agricultural pursuit.

Farmed elk - Sales of meat products. Unless otherwise provided, a person selling or buying farmed elk as livestock, for human consumption or for slaughter, must comply with this title and all applicable rules.

Farmed elk - Identification. The owner of farmed elk shall identify each animal by a means of identification approved by the board.

Farmed elk - Inspection. The commissioner and the board may inspect farmed elk and all records related to the farmed elk.

Enforcement orders - Administrative hearing - Penalty. The board may order any elk brought into this state in violation of rules adopted by the board to be returned to the state of origin or to be slaughtered. If the board finds that a person has brought elk into this state, kept elk, or received elk in violation of rules adopted by the board, the board may assess that person a civil penalty in an amount up to five

thousand dollars. Any person who knowingly violates this chapter or any rule of the board is guilty of a class A misdemeanor."

Page 3, remove lines 12 through 15

Page 3, remove lines 20 through 26

Renumber accordingly