

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

23/5

2001 SENATE POLITICAL SUBDIVISIONS

SB 2315

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2315

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date February 2, 2001

Tape Number	Side A	Side B	Meter #
1	x		37.0-55.0
		x	0.0-15.4
Committee Clerk Signature <i>Mary Jo Wocken</i>			

Minutes:

The hearing was opened on SB2315; relating to pounds and pound masters.

The sponsor of this bill introduced this bill on behalf of the Township Officers Association.

BRIAN HOIME: Gave an overview of this bill with the amendments proposed. See written testimony. Whole purpose of chapter is to help pounds and pound masters with guidelines and legality to help enforce the law. In the rural subdivisions, it is more convenient to have a sheriff or deputy take care of the problem. It is to look at the most humane treatment of these animals.

We hope that you adopt the amendment and put a Do Pass on the legislation..

SENATOR LYSON: Problem on Page 1 Line 10-11; 'pound masters shall enforce any ordinance bylaws or resolutions enacted by the Board of Township supervisors.' It almost has to change if we start enforcing a leash law, or anything else and charging people there is only place we can take this is to District Court. They are not going to hear these cases. The Supreme Court has given them a oral thing saying they don't have to. County ordinance wouldn't even let them the

county ordinance on dogs. I don't have a problem with having to contract with the sheriff to be able to pick up strays, impound them, give them away or whatever we have to do with them. But to start charging people criminally with township ordinance, I don't know what we are going to do with that and I think that is where the problem lies. BRIAN HOIME: One of the ways a township works is through by-laws and ordinances, ordinances are generally associated with zoning requirements and by-laws are adopted or passed by the township board that affect other matters that aren't particular to zoning. This way we have some problems because many of our township supervisors across the state, in one area in particular, didn't know they had the authority to pass leash laws as a township board. Through ordinances and by-laws it would tell the pet owner that they need to have their animals confined and if your out walking your dogs you must have them leashed. I haven't seen anything that the Supreme Court has said, and if that's an oral opinion that they made then at some point the Supreme Court needs to put that in writing, so it is black and white. SENATOR LYSON: I'm not even talking about the oral thing, all we hear from the Supreme Court is that they are over worked now, and a lot of the sheriffs have to take the duties over, and there are a lot of cases coming to court and dog cases are very time consuming cases when you get into court. Nobody cares about that animal until it gets impounded. I'm looking for some guidance from Brian Hoime as to how we can amend this thing so..BRIAN HOIME: I'm not sure how we can make an amendment to it. I guess as an individuals right as a pet owner to go ahead and seek justice for somebody who has taken their animal into custody because the animal is roaming loose. At the township level, unless we want to make the township supervisor, god over the whole series and make them the judgment, I'm not sure how we would do that. All these things are judgment calls anyway even if the sheriff does it. SENATOR WATNE: This mentions the charges and expenses. Is there anywhere in law

where those are set out what those charges and expenses may be? BRIAN HOIME: No, I am not aware where they actually set out. What in here, in page 1 line 16, it says the ' animal taken into the pound for the full amount of the poundmasters legal charges and expenses' so that would mean to me if the pound master puts his time into it, finding the animal, house that animal, what the daily rate might be for that, I'm sure a veterinary clinics would be more likely the place to deposit these animals cause a pound master wouldn't have the capability of doing that. But if they do they would have to sit down a rate for care of the animals. I don't believe there is anything set in law what it is, its actual cost being incurred by the pound master. SENATOR WATNE: That's my question, where it says, ' pound masters' legal charges' from your description and since its not set in law or anything like that, maybe a better word is 'actual', as having established legal.

BRIAN HOIME: You are correct in that fact. When they sent this up to Legislative Council they did have some heading changes besides the one that we put in, you'll notice on Line 14, they took out 'lein for all legal' was stricken over, but, it was not stricken over in the ensuing language underneath, on Line 16, and then again on Line 20. There legal charges would be those legal charges for the actual finding the animal and then taking care of them until they are known to be sold, and that's one of the things why that was struck out in the first portion and not in the others. That is something that the Legislative Council did. SENATOR POLOVITZ: What about wild animals? When you say animals, your leaving that wide open. BRIAN HOIME: I do believe there are other statutes of law that talk about deprivation. Pastures of hay of other animal are covered by other laws. SENATOR LEE: We need to correct to continue this bill, correct the spelling of newspaper. It is a typo. We are looking at, and I can appreciate wanting to make this move along, I think the 5 days on Line 22, doesn't seem to be a concern, but I wonder shortening

from 3-5 days, we're looking at a 10 day period and it would seem to me one notice in the newspaper probably. If someone is trying to find their animal and they haven't been informed as they probably should, the pound master right away, this process would have moved a little further than they might be aware, within in week actually, and I'm wondering if you have any feelings about the 5 days. BRIAN HOIME: In the old bill, if the pound master picks up a animal, he has the power originally to have the animal for 10 days and if it hasn't been picked up after that 10 day period, they could give notice in the old language posting in the three most public places in the township. Then, the notice; the animal describing them are impounded and unless they are taken away and the fees paid within 30 days, so the original language was quite old, and 30 days was then only after the tracery had posted it in three public places. But I think it was changed before they had newspapers. But you will notice that the 5 days is after the date of the notice, so you might have in most counties or townships there paper may only be weekly. So the sequence of events could actually be 10-15 days long. SENATOR FLAKOLL: How will this work, because I understandably a number of these, animals, domesticated animals will have some medical problems often times associated with them. They may had been hit by a car along the road, animal stray who is severely dehydrated and its going to take a lot of meds to basically get it back to normal. What's the general thinking with this bill, under the current laws? How that will be decided? What will be done? If its, tough enough for that person to own it, to decide how to handle it. The cost benefit ratio in some cases, whether they should keep the animal or perhaps sell it. What is the procedure because if you have an dog hit along the road and have significant medical bills and will that be the threshold of criteria in determining based upon case history if they want to fix the animal or putting the dog down? BRIAN HOIME: When I think that is where Section 4 of the bill will come into play, the humane treatment on the animals. I

would think that if a pound master finds a animal that is injured, and they don't have the expertise to care for them, they will take them to some facility where they can be cared for under this law. The practicality of it is and if you find some animal injured out there in the real world they are usually put out of their misery at that point. I think that is something that goes on, we know it does. The fact of the matter is many of these animals left in the pounds for this period of time, people won't come in to pick them up anyway because they have been left out in the countryside for a reason most often. SENATOR FLAKOLL: So then, I am to understand the extent of the medical bill, won't encourage anything from being put down? BRIAN HOIME: I can't answer that, that would be a judgment of each individual pound master. All of those costs would be added in to the cost, part of that legal cost that the pound master incurs in taking care of the animal. That might be some reason why, the animals will be left, and possible ultimately destroyed because they were dropped off and the costs that the pound master incurred in taking care of the animal in addition to the to medical costs is what the original owner doesn't want to pay. As far as this portion of our law, is weak in that area, the other bill that Senator Lyson supported in 2300 actually had a provision in there that if the owner could be determined that they would even apply those charges against that person, even if the animal was destroyed and we didn't claim them. Would that bill work? Yes. Sort of? Not sure? Ours doesn't quite go that far, if we can determine who the owner is, if the animal is destroyed because they didn't come in to pick them up, then the ultimate end. SENATOR WATNE: Is the dog catcher actually the pound master? BRIAN HOIME: Depends what section of the code your under. Dog catcher is traditionally the term used for those people doing that type of work in the cities. The pound master is the terminology used in township codes. SENATOR LYSON: Don't you think the bill, passed in the House committee covers townships? BRIAN HOIME: Yes it does. It takes care of

it probably, but it is in the county trying to update in the Century Code. Most used in county level rather than the township level. So we do have the two types of codes that they kind of mixed together. If we have a separate pound master then the county sheriff isn't even involved the whole thing. SENATOR LYSON: If we passed this, we're putting financial burden on the township. If the sheriff becomes the pound master then they occur the expense on the township.

BRIAN HOIME: Yes, if we had a pound master in place, those costs would be footed by the townships themselves anyway, so, if a county sheriff acted on this anyway the bills would be costs incurred by the township. Either way, ultimately, even if the animals destroyed we still have to pay the pound master for his time and effort that he put in to taking care of the animal.

SENATOR LEE: What is a needy animal, on Line 15? BRIAN HOIME: I'm not sure what it

means, I think it means some kind of domesticated type animal. SENATOR COOK: Brian, how many, roughly, how many townships have their own pound master? BRIAN HOIME: I'm not

exactly sure because we don't track pound masters because that is something that there people are usually appointed and they don't hold an official title as in township supervisor, assessor or clerk or treasurer. SENATOR COOK: Townships that don't have a pound master the whole

responsibly of addressing this problem is put on the county sheriff? BRIAN HOIME: The way the law currently reads, if they don't have a pound master, the animals aren't really addressed at all in the situation. The county sheriff could still say no, and would still be back to the same

situation we are currently have. SENATOR COOK: Senator Lyson, brought up the issue of District Court, have you talked to states attorneys about this, I assume its going to be county-

states attorneys that are going to be prosecuting these? BRIAN HOIME: County states attorneys are the only there at the call of the county and not at the call of the township. So, if there are cases that go into court, the township would have to find an attorney to cover their own costs.

SENATOR COOK: Oh, okay. SENATOR WATNE: Why can't you go into small claims court?

None of these would be over that? BRIAN HOIME: I would think that this would be a possibility

if it came to that point. SENATOR ANDRIST: Actually, the primary reason I am here is, this

was always my favorite committee, it was the only committee that I got to chair, before they

demoted me to appropriations and since I was off duty I just wanted to stop by and give you my

greetings, the second reason is the townships officers out our way are my favorite people because

they don't have committees, they don't have meetings, they don't have employees, they just go

out and do it. So I always like to say they are the most efficient unit of government that we have.

I introduced this bill, at their request. I thank you for treating them kindly, as I know this

committee has a reputation for treating everybody so kindly and helping these political

subdivisions work out their problems. CAROL TWO EAGLES: Spoke neutral on SB2215. I am

a former pound keeper. I would like to have you change it back to 10 days on those date time

things. The reason being, people who are on vacation or moving from location, the five days

came up real short and ten days is barely on the line. Those people can really put on the heat on a

pound master. The 10 days is borderline. In the case of free ranging animals, the State Game and

Fish took care of those animals. I posted the notices at the 2 bars, newspaper and the gas station.

It covered everything. Timelines, keep it to 10 days. SENATOR POLOVITZ: What are the sizes

of a pound? CAROL TWO EAGLES: I had to go and check state statute to find out what they

required for kennels. In Minnesota, they had nothing in state code to tell what the size of the

kennels were for domesticated animals.

Hearing Closed on SB2215.

Discussion: Senator Lee, on the amendments , if we could change the 5 days to 10 days, Line 22

Page 1, change back to 10 days after impoundment. Change both 5 days to 10 days.

Page 8

Senate Political Subdivisions Committee

Bill/Resolution Number SB2315

Hearing Date February 2, 2001

Senator Watne, legal changed to actual, Line 16 and Line 20; Senator Lyson: P.1 Line 10 "take any out".

February 15, 2001 (Tape 2, Side A, 11.2- 30.6)

Senator Cook opened discussion on SB2315. After lengthy discussion the committee made several decisions.

Senator Watne moved the Amendments #10695.0101 excluding line 22 on page 1.

Senator Mathern 2nd.

Roll call vote: 7 Yeas 1 No 0 Abs.

Senator Watne moved a Do Pass as Amended

Senator Mathern 2nd

Further Committee Discussion Followed

Roll Call vote: 4 Yeas, 4 No, 0 Abs.

Senator Lyson moved for a Do Pass as Amended

Senator Lee, 2nd

Roll call vote: 5 Yeas, 3 No 0 Ab.

Carrier: Senator Lee

10695.0100

Fifty-seventh Assembly
Of North Dakota

SENATE BILL NO. 2315

Introduced by

Senators Andrist, Lindaas

Representatives D. Johnson, Schmidt

Amendments to Senate Bill 2315

Page 1, line 1, after "to" insert "create and enact a new section to 58-13;"

Page 1, line 10, replace "any ordinance, bylaw, or" with "the ordinances, bylaws, or"

Page 1, line 11, replace "resolution" with "resolutions"

Page 1, line 16, replace "legal" with "actual"

Page 1, line 20, replace "legal" with "actual"

Page 1, line 22, remove the overstrike over "ten" and delete "five"

Page 1, line 23, replace "newspaper" with "newspaper"

Page 2, line 3, replace "thirty five" with "ten"

Page 2, after line 15 insert:

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

Immunity from liability. Any poundmaster or its agents who has custody of an animal under this chapter and who 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."

February 15, 2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2315

Page 1, line 1, after "to" Insert "create and enact a new section to ^{chapter} 58-13 of the North Dakota Century Code, relating to immunity from liability; and to"

Page 1, line 10, replace "any ordinance, bylaw, or" with "the ordinances, bylaws, or"

Page 1, line 11, replace "resolution" with "resolutions"

Page 1, line 16, ^{o/s} replace "legal" with "actual" ^{and insert immediately thereafter}

Page 1, line 20, ^{o/s} replace "legal" with "actual" ^{and insert immediately thereafter}

Page 1, line 23, replace "newspaper" with "newspaper"

Page 2, line 3, replace "five" with "ten"

Page 2, after line 15, Insert:

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

Immunity from liability. Any poundmaster or ^{an} agent ^{of the poundmaster} who has custody of an animal under this chapter, and who 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."

Renumber accordingly

Date: Feb. 15, 2001
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. *SB 2315*

Senate	Political Subdivisions	Committee
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☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Moved amendments 10695.0101 EXcluding line

Motion Made By Sen. Watne Seconded By Sen. Matheis

[illegible]

Total (Yes) 7 No 1

Absent 0

Floor Assignment

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

Date: Feb. 15, 2001
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. *SB.2315*

Senate	Political Subdivisions	Committee
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☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number

Action Taken No Pass as amended

Motion Made By Ser. Watne Seconded By Sen. Matheson

[illegible]

Total (Yes) 4 No 4

Absent _____

Floor Assignment

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

Date: Feb. 15, 2001
Roll Call Vote #: 3

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. *SB. 2315*

Senate	Political Subdivisions	Committee
--------	------------------------	-----------

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number

Action Taken No Pass as Amend

Motion Made By Sen. Lupon Seconded By Sen. Lee

[illegible]

Total (Yes) 5 No 2

Absent 0

Floor Assignment Sen. Lee

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

REPORT OF STANDING COMMITTEE

SB 2315: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2315 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 58-13 of the North Dakota Century Code, relating to immunity from liability; and to"

Page 1, line 10, replace "any ordinance, bylaw," with "the ordinances, bylaws,"

Page 1, line 11, replace "resolution" with "resolutions"

Page 1, line 16, overstrike "legal" and insert immediately thereafter "actual"

Page 1, line 20, overstrike "legal" and insert immediately thereafter "actual"

Page 1, line 23, replace "newspaper" with "newspaper"

Page 2, line 3, replace "five" with "ten"

Page 2, after line 15, insert:

"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."

Renumber accordingly

2001 HOUSE POLITICAL SUBDIVISIONS

SB 2315

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2315

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date 3-15-01

Tape Number	Side A	Side B	Meter #
2	xx		1-1322
Committee Clerk Signature <i>Ram Dever</i>			

Minutes: Chair Froseth opened the hearing on SB2315 relating to immunity from liability: relating to pound and pound master.

Bryan Hoime, ND Township Officers Assoc. : testified in support of SB2315. (SEE

ATTACHED TESTIMONY)

Chair Froseth : It looks like this legislation has not been updated for some time.

Bryan : 1950's I think. Been around a long time.

Rep. Delmore : (590) This is a good bill. How many animals are adopted or sold?

Bryan : I have no statistics from the townships on that.

Rep. N. Johnson : (740) On line 17, what is a **neat** animal?

Bryan : Don't know. Think it means dog or cat.

Rep. N. Johnson : Can you give me the time frame of procedure?

Bryan : (a) pound master picks up the animal, (b) puts it in his pound or takes it to an animal shelter, (c) calls the owner if tag is there, (d) if not, 5 days passes, the pound master will put a

notice in the official newspaper of the township, (e) after the paper is published it may be as long as 10 days to see if any one is interested, (we are up to 15 days now in time frame) (f) now the dog can be sold or offered for adoption, which is another 5 days, and (g) if no response, the dog is destroyed. It's around 20 days total time frame.

Chair Froseth : (900) On section 1, allowing townships to contract with counties, do all counties have a pound master?

Bryan : Not necessarily. Some share. Some county sheriffs do that duty. That duty falls under the sheriff's responsibility in some areas.

Rep. Eckre : In my county, there is only one place they can take animals. Is that unusual?

Bryan : No, that is quite common.

Rep. Eckre : (1030) If we pass this, and there is only one place in a county, will they follow this.

Bryan : Yes, they will have to, if this is all they have.

Rep. Disrud : I have several questions. Who determines what humane treatment is, in what way is the animal destroyed, and who oversees this?

Bryan : There are standards of what humane is and the state determines. There are a number of animal groups who have statistics. The state vet has done extensive investigations on the horse situation you mentioned concerning neglect. As far as destroying, I'm not sure. That would vary across the state. I'm guessing injection and the pound master follows state guidelines and standards. I'm sure for large animals, the shot gun approach is used.

Chair Froseth : Any further testimony for or against? Hearing none, SB2315 is closed. What does the committee wish?

Vice-Chair Severson : I move a DO PASS. Rep. Delmore I second.

VOTE: 14 YES and 0 NO with 1 absent. PASSED. Rep. Disrud will carry the bill.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2315 b

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date 3-23-01

Tape Number	Side A	Side B	Meter #
1	xx		1--900
Committee Clerk Signature <i>Pam. Quire</i>			

Minutes: Chair Froseth : We have to reconsider this bill. We need to consider stray cows, etc.

Vice-Chair Severson : I move to reconsider SB2315.

Rep. N. Johnson : I second.

VOICE VOTE: ALL YES. Motion passed.

Chair Froseth : I have an amendment that Mr. Hoime helped me with and should take care of the problem.

Rep. Delmore : I move the amendment.

Rep. Herbel : I second.

VOICE VOTE: ALL YES. Motion passed.

Vice-Chair Severson : I move a **DO PASS AS AMENDED.**

Rep. Delmore : I second.

VOICE: 14 YES and 0 NO with 1 absent. PASSED. Rep. Disrud will carry the bill.

Date: 3-15-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 0315

House POLITICAL SUBDIVISIONS Committee _____

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Vice Chair Severson Seconded By Rep. Nelson

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	/		Rep. Wayne W. Tieman	/	
Vice-Chair Dale C. Severson	/				
Rep. Lois Delmore	/				
Rep. Rachael Disrud	/				
Rep. Bruce Eckre	/				
Rep. Mary Ekstrom	/				
Rep. April Fairfield	AB				
Rep. Michael Grosz	/				
Rep. Jane Gunter	/				
Rep. Gil Herbel	/				
Rep. Nancy Johnson	/				
Rep. William E. Kretschmar	/				
Rep. Carol A. Niemeier	/				
Rep. Andrew G. Maragos	/				

Total (Yes) 14 No 0

Absent 1 ab-

Floor Assignment Rep. Disrud

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

REPORT OF STANDING COMMITTEE (410)
March 15, 2001 4:01 p.m.

Module No: HR-45-5766

Carrier: Disrud

Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2315, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman)
recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed SB 2315 was placed on the Fourteenth order on the calendar.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2315

Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 1, line 2, after "liability" insert "and to estrays"

Page 2, after line 24, insert:

"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 livestock auction market. The brand inspector shall provide for the disposition of the animal under chapter 36-22."

Renumber accordingly

↓ The Poundmaster may recover
& replace for the
licensee
passed out
for reconsideration
SB 2315

March 23, 2001

VK
3/23/01

HOUSE AMENDMENTS to ENG.SB2315 HOUSE POL. SUBS. 3-23-01
Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 1, line 2, after "liability" insert "and to estrays"

HOUSE AMENDMENTS to ENG.SB2315 HOUSE POL. SUBS 3-23-01
Page 2, after line 24, insert:

"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."

Renumber accordingly

Date: 3-23-01
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2315

House POLITICAL SUBDIVISIONS Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number 10695.0202 .0300

Action Taken Do Pass as Reconsidered + Amended

Motion Made By Vice Chair Severson Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	/		Rep. Wayne W. Tieman	/	
Vice-Chair Dale C. Severson	/				
Rep. Lois Delmore	/				
Rep. Rachael Disrud	.				
Rep. Bruce Eckre	.				
Rep. Mary Ekstrom	-				
Rep. April Fairfield	AD				
Rep. Michael Grosz	-				
Rep. Jane Gunter	-				
Rep. Gil Herbel	/				
Rep. Nancy Johnson	-				
Rep. William E. Kretschmar	/				
Rep. Carol A. Niemeier	/				
Rep. Andrew G. Maragos	/				

Total (Yes) 14 No 0

Absent 1 ab

Floor Assignment Rep. Disrud

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

*This was reconsidered
1st passed as Reconsidered
3-15-01*

REPORT OF STANDING COMMITTEE

SB 2315, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2315 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 1, line 2, after "liability" insert "and to estrays"

Page 2, after line 24, insert:

"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."

Renumber accordingly

2001 TESTIMONY

SB 2315

TESTIMONY FOR SENATE BILL NO. 2315
SENATE POLITICAL SUBDIVISION COMMITTEE

PREPARED BY
Bryan Hoime
North Dakota Township Officers Association

Good Morning Mr. Chairman, members of the committee. SB 2315 deals with the section of township code for pounds and poundmasters.

Section 1 allows for contracting with a county sheriff for poundmaster services as well as strengthening the statute by providing direction for the poundmaster through adopted ordinances, bylaws, or resolutions.

Section 2 cleans up some of the language, most notably what an animal is, as you see overstricken the several types of animals. Today in North Dakota we have everything from emu to bison, so the term animal is used by itself and is all encompassing to include anything but a human.

Section 3 addresses the notice requirements, overstruck you'll see that the poundmaster only had to post the notice, we're changing it to be published in the paper. There are a couple of timeline changes as well, on page 1, line 22 from ten to five days and on page 2, line 3 from 30 to 5 days.

Section 4 simply provides that the poundmaster shall provide humane treatment of the animals and if the poundmaster can't find the owner or sell the animal to offer it for adoption, then destroy the animal after another 5 day period.

Mr. Chairman I've also drafted an amendment for this bill which adds another section. This section provides for immunity for poundmasters performing a good faith effort to care for the animals.

The whole purpose of strengthening this chapter of township code is that some areas of the state are finding a greater number of at large animals. Unincorporated townsites, abandoned buildings, owners of animals who simply can't take care of them any more, strays, all find themselves roaming in township neighborhoods. Many townships don't have poundmasters in place and it would be more convenient to have a sheriff or deputy take care of the problem. I've often heard stories of packs of wild animals roaming the country side, I'm sure they've all been pets at one time but have had to revert back to their natural side to survive. Of course if these animals are threatening life of humans or domesticated livestock there are some immediate remedies which can be taken.

SB 2300 was introduced this session and deals with abandoned animals by county sheriff and others so the precedent already exists. I've been told that Richland county has a deputy who's a full time animal control person.

This bill is quite simple and strengthens existing township law, I hope the committee adopts the amendment and recommends a DO PASS on this legislation.

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NEXT FIGURE

3-15-01

TESTIMONY FOR ENGROSSED SENATE BILL NO. 2315
Don ~~SENATE~~ POLITICAL SUBDIVISION COMMITTEE

PREPARED BY
Bryan Hoime
North Dakota Township Officers Association

Good Morning Mr. Chairman, members of the committee. Engrossed SB 2315 deals with the section of township code for pounds and poundmasters. The Senate Political Subdivision committee made a couple of changes and I'll address those changes when they appear in the bill.

Section 1 allows for contracting with a county sheriff for poundmaster services as well as strengthening the statute by providing direction for the poundmaster through adopted ordinances, bylaws, or resolutions enacted by the board of township supervisors.

Section 2 cleans up some of the language, most notably what an animal is, as you see overstricken the several types of animals. Today in North Dakota we have everything from emu to bison, so the term animal is used by itself and is all encompassing to include anything but a human. For large animals such as horses and cattle the North Dakota Stockman's association has an estrayment program for reporting lost cattle and horses. The first change of the Senate Pol Subs committee is on page 1, line 16 with the removal of "all legal", the committee felt that term was not needed although I pointed out that the purpose of "all legal" was in reference to the lien which is imposed against each animal taken into the pound. The term "all legal" is removed throughout the remainder of this act which we don't have a problem with.

Section 3 addresses the notice requirements, overstruck you'll see that the poundmaster only had to post the notice, we're changing it to be published in the paper. There are a couple of timeline changes as well, on page 2, line 1 from ten to five days and on page 2, line 6 from 30 to 10 days. The second change by the Senate Pol Subs committee is on page 2 line 6 in reference to the 10 day period, it was originally amended to read 5 days. The committee felt that the time frame was too short for an owner of an animal to be notified of the animal's location with the fact that business or vacation could take the owner away from the area for longer than a five day period.

Section 4 simply provides that the poundmaster shall provide humane treatment of the animals and if the poundmaster can't find the owner or sell the animal to offer it for adoption, then destroy the animal after another 5 day period.

Section 5 which was the last amendment to this bill adopted by the Senate provides for immunity for poundmasters performing a good faith effort to care for the animals.

The whole purpose of strengthening this chapter of township code is that some areas of the state are finding a greater number of at large animals. This bill strengthens existing township law to address these problems, I hope the committee recommends a DO PASS on this legislation.