

LIVESTOCK

CHAPTER 306

HOUSE BILL NO. 1326

(Representatives Sitte, Aarsvold, L. Meier)
(Senators Dever, Kilzer, Kringstad)

VENEMOUS REPTILE POSSESSION

AN ACT to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to the possession of live venomous reptiles; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 36-01 of the North Dakota Century Code is created and enacted as follows:

Venomous reptiles - Possession - Permit - Penalty.

1. Except in accordance with the terms of a permit issued under subsection 2, a person may not possess a live venomous reptile, as defined by the state veterinarian.
2. The state veterinarian may issue a permit for the possession of a live venomous reptile only if, in the determination of the state veterinarian, the applicant seeking the permit demonstrates an educational purpose for and the ability to appropriately house, feed, care for, handle, and if necessary dispose of the reptile. For purposes of this subsection, an educational purpose includes research, and displays at schools, institutions of higher education, wildlife preserves, and zoos. The state veterinarian may establish the length of time for which each permit is valid.
3. A person may not release in this state any reptile whose possession is prohibited by this section.
4. A person who violates this section is guilty of a class B misdemeanor.

Approved April 11, 2005
Filed April 12, 2005

CHAPTER 307

HOUSE BILL NO. 1392

(Representatives Nicholas, Kempenich, S. Meyer)
(Senators Erbele, Flakoll)

BRAND REINSPECTION AND RECORDING

AN ACT to create and enact a new section to chapter 36-09 of the North Dakota Century Code, relating to the costs of brand reinspection; to amend and reenact sections 36-09-09 and 36-09-24 of the North Dakota Century Code, relating to brand recording and fieldmen; to repeal section 36-09-09 of the North Dakota Century Code, relating to the cancellation and rerecording of brands; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 36-09-09 of the North Dakota Century Code is amended and reenacted as follows:

36-09-09. (~~Effective through June 30, 2006~~) Cancellation of brands - Rerecording - Limitation on brands. On the first day of January 1966, each livestock brand or mark must be canceled and no person may use or have any right, title, or interest in or to any livestock brand or mark previously recorded in this state. If a person should desire to continue ownership of a brand or mark, the brand or mark must be rerecorded on or before January first, and each ten years thereafter. Rerecording is not required from an owner who has registered for a new brand within six months prior to the date provided for the rerecording of brands.

(~~Effective after June 30, 2006~~) Cancellation of brands - Rerecording - Limitation on brands. On the first day of January 1966, each and every livestock brand or mark must be canceled and no person, copartnership, company, firm, or corporation may use or have any right, title, or interest in or to any livestock brand or mark previously recorded in this state. If a person, copartnership, company, firm, or corporation should desire to continue ownership thereof, the brand or mark must be rerecorded on or before January first, and each ten years thereafter. Rerecording is not required from an owner who has registered for a new brand within six months prior to the date provided for the rerecording of brands thereafter.

SECTION 2. AMENDMENT. Section 36-09-24 of the North Dakota Century Code is amended and reenacted as follows:

36-09-24. Police powers of chief brand inspector and ~~two~~ fieldmen. The chief brand inspector and ~~two fieldmen~~ all fieldmen employed by the North Dakota stockmen's association have the power:

1. Of a police officer for the purpose of enforcing brand laws and any other state laws or rules relating to livestock.
2. To make arrests upon view and without warrant for any violation of this chapter or any other state laws or rules relating to livestock committed in the inspector's presence.

3. To respond to requests from other law enforcement agencies or officers for aid and assistance. For the purposes of this subsection, a request from a law enforcement agency or officer means only a request for assistance to a particular and single violation or suspicion of violation of law, and does not constitute a continuous request for assistance.

SECTION 3. A new section to chapter 36-09 of the North Dakota Century Code is created and enacted as follows:

Reinspection request - Responsibility for costs. A person that contends a brand inspection error occurred and that, as a result of the error, cattle were shipped erroneously, may request a reinspection. If during the reinspection it is determined that a brand inspection error was made, the North Dakota stockmen's association shall bear the costs of the reinspection. If it is determined that a brand inspection error was not made, the person that requested the reinspection shall reimburse the stockmen's association for the costs of the reinspection.

SECTION 4. REPEAL. Section 36-09-09 of the North Dakota Century Code is repealed.

SECTION 5. EFFECTIVE DATE. Section 4 of this Act becomes effective on July 1, 2006.

Approved March 9, 2005

Filed March 9, 2005

CHAPTER 308

HOUSE BILL NO. 1448

(Representatives Kempenich, Froelich, Nicholas)
(Senators Bowman, Flakoll, Taylor)

ANIMAL IDENTIFICATION PROGRAM RECORDS

AN ACT to create and enact a new section to chapter 36-09 of the North Dakota Century Code, relating to animal identification program records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 36-09 of the North Dakota Century Code is created and enacted as follows:

Premises and animal identification program - Open records - Exception.

1. Except as provided in subsection 2, the following information is confidential and not subject to the open records requirements of section 44-04-18:
 - a. Any information created, collected, or maintained by the state veterinarian or the North Dakota stockmen's association regarding premises or animal identification;
 - b. The name and address of the owner of the premises or of any animals identified under this section; and
 - c. The name and address of the lessee of any premises or of any animals identified under this section.
2. The state veterinarian may not release any information designated as confidential under subsection 1 except:
 - a. Upon the written consent of every person identified or identifiable by the information;
 - b. In accordance with federal law for the purpose of a national animal identification program;
 - c. To any state or federal agency for the purposes of animal disease control and animal disease traceback;
 - d. To the attorney general and any other law enforcement agency pursuing a criminal investigation; or
 - e. Pursuant to an order issued by a court upon a showing of good cause.
3. This section does not preclude the exchange of information between the state veterinarian and the North Dakota stockmen's association.

4. A violation of this section is subject to section 44-04-21.2. For purposes of applying section 44-04-21.2, "public entity" includes any person that has contracted with the state for the provision of services related to the premises or animal identification program.

Approved March 22, 2005

Filed March 22, 2005

CHAPTER 309

HOUSE BILL NO. 1180

(Representatives Metcalf, DeKrey, Headland, Mueller)
(Senators Flakoll, Robinson)

LIVESTOCK RAFFLES

AN ACT to amend and reenact section 36-21.1-09 of the North Dakota Century Code, relating to the raffling of livestock.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 36-21.1-09 of the North Dakota Century Code is amended and reenacted as follows:

36-21.1-09. Use of certain birds as advertising devices - Use of live beef or dairy cattle as raffle prizes - Gifts of animals.

1. No person may sell, offer for sale, raffle, offer, or give as a prize, premium, or use as an advertising device, chicks, ducklings, or goslings younger than four weeks of age in quantities of less than twelve birds to an individual person. Persons engaging in the business of selling chicks, ducklings, or goslings for agricultural or wildlife purposes are exempt from the provisions of this section, but only when selling for such purposes.
2. An eligible organization authorized to conduct games of chance under chapter 53-06.1 may raffle live beef or dairy cattle, bison, sheep, horses, and pigs, provided each raffle ticket contains a statement that the person who wins the animal may convert that prize to a cash prize. The animal to be raffled may be donated to or purchased by the organization. The donor or seller of the animal shall determine the market value of the animal. If the person who wins the animal desires a cash prize instead of the animal, the organization shall pay the player a cash prize that must equal the lesser of the market value of the animal or the maximum single cash prize amount allowed under section 53-06.1-10.1.
3. A person may not give away any live animal, other than those authorized under subsections 1 and 2, as:
 - a. A prize for, or as an inducement to enter any contest, game, or other competition;
 - b. An inducement to enter a place of amusement; or
 - c. An incentive to enter into any business agreement where the offer was for the purpose of attracting trade.
4. The provisions of subsection 3 do not apply to a person or organization that gives away an animal:

- a. As a project for the promotion of the equine and livestock industry of North Dakota;
- b. As a project for the promotion of conservation of animals and wildlife in North Dakota; or
- c. Which is intended for slaughter.

Approved March 7, 2005

Filed March 8, 2005