

March 17, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1364

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "42-03-01" insert ", 42-03-02, 42-03-03, and 42-03-04"

Page 1, line 2, replace "dogs" with "animals"

Page 1, line 6, overstrike "**dogs**" and insert immediately thereafter "**animals**"

Page 1, after line 6 insert:

"1."

Page 1, line 7, overstrike "dog" and insert immediately thereafter "animal"

Page 1, line 7, remove the overstrike over "~~molests~~"

Page 1, line 7, remove "harasses"

Page 1, line 7, after "individual" insert "or a person's property"

Page 1, line 8, replace "dog" with "animal"

Page 1, line 9, replace "dog's" with "animal's"

Page 1, line 10, replace "harasses" with "habitually molests a person's property or one or more"

Page 1, line 11, replace "a dog" with "an animal"

Page 1, line 11, replace "dog's" with "animal's"

Page 1, line 12, after the underscored period insert:

"2."

Page 1, line 13, overstrike the first "dog" and insert immediately thereafter "animal"

Page 1, line 13, overstrike the second "dog" and insert immediately thereafter "animal"

Page 1, line 14, overstrike "dog's" and insert immediately thereafter "animal's"

Page 1, line 14, overstrike "dog" and insert immediately thereafter "animal"

Page 1, line 15, overstrike "dog's" and insert immediately thereafter "animal's"

Page 1, line 16, overstrike "dog" and insert immediately thereafter "animal"

Page 1, line 16, remove the overstrike over "~~molesting~~"

Page 1, line 16, remove "harassing"

Page 1, line 16, overstrike "persons" and insert immediately thereafter "individuals or a person's property"

Page 1, line 17, overstrike "dog" and insert immediately thereafter "animal"

Page 1, line 18, overstrike "dog" and insert immediately thereafter "animal"

Page 1, after line 21, insert:

- "3. A county, township, or city, including home rule counties and cities, may enact ordinances governing animals as public nuisances which are not less restrictive than this chapter.
4. For purposes of this section:
 - a. "Animal" does not include livestock as defined under section 36-11-01.1.
 - b. "Molest" means to annoy, disturb, or harass, especially with injurious effect.

SECTION 2. AMENDMENT. Section 42-03-02 of the North Dakota Century Code is amended and reenacted as follows:

42-03-02. Owner of ~~dog~~animal not known.

If it appears from the complaint that the owner is not known, ten days' notice ~~shall~~must be given by publication in one issue of a newspaper having wide circulation in the area. ~~Such~~The notice ~~shall~~must contain a description of the ~~dog~~animal as given in the complaint, a statement that ~~such~~the complaint has been made, and the time and place of ~~the~~the hearing ~~thereon~~on the complaint.

SECTION 3. AMENDMENT. Section 42-03-03 of the North Dakota Century Code is amended and reenacted as follows:

42-03-03. Hearing - Judgment - Execution.

On the day of the hearing the district or municipal judge shall hear the evidence in the case. If the judge finds that the ~~dog~~animal is a public nuisance, judgment must be entered accordingly, and the judge ~~shall~~may order any peace officer to ~~kill and bury the dog, which order the peace officer shall forthwith execute~~capture the animal and cause the animal to be removed or relocated or require the animal to be euthanized and disposed of humanely.

SECTION 4. AMENDMENT. Section 42-03-04 of the North Dakota Century Code is amended and reenacted as follows:

42-03-04. Costs.

Costs ~~shall~~must be paid by the complainant, but if the ~~dog~~animal is adjudged a nuisance, and the owner is known, judgment ~~shall~~must be entered against the owner for ~~such~~the costs."

Renumber accordingly