

# LIVESTOCK

## CHAPTER 304

SENATE BILL NO. 2056

(Fritzell, L. Christensen, Morgan, Lee, Walsh)

(From Legislative Council Study)

## RENDERING PLANTS LAW REPEAL

AN ACT to repeal sections 36-07-04, 36-07-05, and 36-07-06 of the North Dakota Century Code, relating to the construction and operation of rendering plants.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. REPEAL.) Sections 36-07-04, 36-07-05, and 36-07-06 of the North Dakota Century Code are hereby repealed.

Approved March 7, 1975

## CHAPTER 305

HOUSE BILL NO. 1432  
(Murphy, Hickle)

## SALE OF UNCLAIMED ESTRAYS

AN ACT to amend and reenact section 36-13-03 of the North Dakota Century Code, relating to the sale of unclaimed estrays.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 36-13-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-13-03. SALE OF UNCLAIMED ESTRAY - RECORDS.) If an estray has not been claimed or the owner discovered within thirty days after notice of its description and possession has been published by the sheriff, he shall proceed to sell it at public sale through any licensed auction market, or public market. After an estray notice has been published for one week, and if the sheriff determines that the fair market value of an estray is twenty-five dollars or less, and he files his appraisal to that effect, the estray may be sold before expiration of the thirty-day period.

Out of the proceeds of the public sale, the sheriff shall pay, in the following order of priority:

1. The reasonable charges incurred in preparation for and conducting the sale; and
2. The lawful charges of the person who took up the estray.

Any balance remaining from a sale shall be paid to the county treasurer who shall retain the amount subject to claim for one year, separate from other funds, after which time the money shall go to the county general fund.

Until the money goes to the county general fund, the sheriff shall keep a record and file of each estray brought to his official attention, showing the dates of any action thereon, the published notice, the details of any sale or other disposition, and disbursement of any proceeds.

Approved March 12, 1975

## CHAPTER 306

HOUSE BILL NO. 1206  
(Eagles, K. Johnson)

## HUMANE TREATMENT OF ANIMALS

AN ACT to create and enact a new section to chapter 36-21.1 of the North Dakota Century Code, relating to administration of the chapter by the state livestock sanitary board; to amend and reenact sections 36-21.1-01, 36-21.1-06, and 36-21.1-11 of the North Dakota Century Code, relating to definitions and the authority to dispose of exposed animals; providing a penalty; and providing an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1.) A new section to chapter 36-21.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

DUTIES OF STATE LIVESTOCK SANITARY BOARD.) The board shall administer this chapter and shall promulgate such rules and regulations, pursuant to the provisions of chapter 28-32, as are necessary to effectuate the purposes of this chapter. The board may by regulation restrict the importation into the state, and restrict the sale or other distribution within the state, of all domestic animals or animals wild by nature which the board may have reason to believe may be a threat to the health and well-being of the human or animal population of the state, or both, unless the importation or sale is for bona fide scientific or educational purposes. The executive officer of the board shall establish reasonable qualifications for approved investigators and shall maintain a current listing of all approved investigators. Employees of the board may be assigned as investigators. The board may by injunctive procedure without bond or other undertaking proceed against any person or persons for a continuous violation of any provision of this chapter. No liability shall accrue to the board or its authorized representative in proceeding against any person or persons pursuant to this section.

SECTION 2. AMENDMENT.) Section 36-21.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-21.1-01. DEFINITIONS.) In this chapter, unless the context or subject matter otherwise requires:

1. "Animal" includes every living animal except the human race.
2. "Board" means the state livestock sanitary board.
3. "Cruelty" or "torture" includes every act, omission, or neglect whereby unnecessary or unjustifiable pain, suffering, or death shall be caused or permitted.
4. "Investigator" means any person employed or approved by the board to determine whether there has been a violation of this chapter.

SECTION 3. AMENDMENT.) Section 36-21.1-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-21.1-06. EXPOSURE OF ANIMALS - AUTHORITY OF OFFICERS.)

1. Any sheriff, police officer, licensed veterinarian, or investigator may take custody of, and care for any animal found abandoned, unjustifiably exposed to cold or inclement weather, or not properly fed and watered. It shall be a responsibility of such sheriff, police officer, licensed veterinarian, or investigator to care for the same until it is redeemed by the owner, and when necessary may deliver the animal to another person to be sheltered, cared for, and furnished suitable food and drink. In all cases the owner, if known, shall be immediately notified, or if the owner is unknown, notice shall be given by publication in the manner prescribed by law. Such notice shall inform the owner that such animal may be sold pursuant to court order if the animal is not redeemed within five days after receiving the notice or after publication.
2. The sheriff, police officer, licensed veterinarian, investigator, or whoever has custody of the animal shall have a lien thereon, superior to any other claim or lien, for its care and keeping, the reasonable value of the food and drink furnished, and the expenses of notifying the owner. If such lien is not discharged and satisfied by the owner within five days after notice, the person holding such claim may apply to the district court for an order to sell such animal to discharge such lien. Upon order of the court, the animal shall be sold at a public market to pay the charges for keeping the same, and the title to the animal shall pass by the sale. The court may award costs and reasonable attorney's fees to the person bringing the action to enforce the lien, and the remainder, if any, shall be paid over to the owner, if known,



or if the owner is not known, the remainder shall be deposited in the county general fund. If no purchaser is found, the animal, at the discretion of the board, may be offered for adoption or disposed of consistent with this chapter or with any other provision of law.

SECTION 4. AMENDMENT.) Section 36-21.1-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-21.1-11. PENALTIES.) Any person knowingly and willfully violating any regulation promulgated by the board pursuant to the provisions of chapter 28-32 or violating any provision of this chapter for which a specific penalty is not provided shall be guilty of a class A misdemeanor.

SECTION 5. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,995.00, or so much thereof as may be necessary, to the state livestock sanitary board for the purpose of administering chapter 36-21.1 for the biennium beginning July 1, 1975, and ending June 30, 1977.

Approved March 27, 1975