Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019

SENATE BILL NO. 2239
(Senators Erbele, Myrdal, Osland)
(Representatives Fisher, C. Johnson, Trottier)

AN ACT to create and enact section 36-01-36 of the North Dakota Century Code, relating to animal identification program records; to amend and reenact section 36-01-32 of the North Dakota Century Code, relating to the development and maintenance of animal tracking databases; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 36-01-32 of the North Dakota Century Code is amended and reenacted as follows:

36-01-32. Duties - Animal tracking.

The board shall develop and maintain ~~an~~ animal tracking ~~database~~databases to assist with tracking animal movements for animal health purposes only. The information obtained and maintained in the ~~database~~databases is subject to open records laws as provided for in section ~~36-09-28~~36-01-36.

SECTION 2. Section 36-01-36 of the North Dakota Century Code is created and enacted as follows:

36-01-36. Premises identification, animal identification, and animal tracking - Open records - Exception.

1. The board shall maintain the confidentiality of information created, collected, or maintained by the state veterinarian for purposes of premises identification, animal identification, or animal tracking, including the name and address of the owner or lessee of the property where an animal found, is located.

2. The information described in subsection 1 is not subject to section 44-04-18 and may not be disclosed unless:

   a. Every individual who is the subject of the information provides written consent to the release of information;

   b. The disclosure is authorized pursuant to federal law;

   c. The disclosure is necessary to provide a state or federal agency with information to assist in animal disease control or tracing an animal disease;

   d. The disclosure is to the attorney general or to law enforcement to assist in a criminal investigation;

   e. A court of competent jurisdiction orders the disclosure; or

   f. The disclosure is to provide the North Dakota stockmen's association with information pursuant to section 4.1-72-05.

3. A person violating this section is subject to the remedies set forth in 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 a premises identification, animal identification, or animal tracking database program.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2239 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 87 Nays 0 Absent 7

Speaker of the House

Chief Clerk of the House

Received by the Governor at 3:06 PM. on April 5, 2019.

Approved at 3:53 PM. on April 8, 2019.

Governor

Filed in this office this 9th day of April, 2019,

at 9:48 o'clock A. M.

Secretary of State