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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 1098

03/14/2011 Authored by Mullery, Beard, Hornstein, Smith, Fritz and others

The bill was read for the first time and referred to the Committee on Agriculture and Rural Development Policy and Finance

1.1 A bill for an act
1.2 relating to animals; changing certain requirements for disposition of certain
1.3 animals; imposing a penalty; amending Minnesota Statutes 2010, sections 35.71,
1.4 subdivisions 1, 3, 7, by adding subdivisions; 347.54, subdivisions 2, 3; repealing
1.5 Minnesota Statutes 2010, section 35.71, subdivisions 2, 4, 5, 6.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2010, section 35.71, subdivision 1, is amended to read:

1.8 Subdivision 1. **Definitions.** As used in this section, "establishment" means any
1.9 public or private agency, person, society, or corporation having custody of animals which
1.10 are seized under the authority of the state or any political subdivision of the state, ~~and~~
1.11 ~~"institution" means a school or college of agriculture, veterinary medicine, medicine,~~
1.12 ~~pharmacy, or dentistry, or an educational or scientific establishment properly concerned~~
1.13 ~~with investigation or instruction concerning the structure or functions of living organisms~~
1.14 ~~or the cause, prevention, control, or cure of diseases or abnormal conditions of human~~
1.15 ~~beings or animals.~~

1.16 Sec. 2. Minnesota Statutes 2010, section 35.71, subdivision 3, is amended to read:

1.17 Subd. 3. ~~Stray animals; seizure, disposition~~ **Seized animals; impoundment;**
1.18 **record keeping.** All animals seized by public authority must be held for redemption by
1.19 the owner for at least five regular business days of the impounding agency or for a longer
1.20 time specified by municipal ordinance. For the purpose of this subdivision, "regular
1.21 business day" means a day during which the establishment having custody of an animal is
1.22 open to the public not less than four consecutive hours between the hours of 8:00 a.m. and
1.23 7:00 p.m. Establishments must maintain the following records of the animals in custody,
1.24 and preserve the records for at least six months:

2.1 (a) the description of the animal by species, breed, sex, approximate age, and other
2.2 distinguishing traits;

2.3 (b) the location at which the animal was seized;

2.4 (c) the date of seizure;

2.5 (d) the name and address of the person from whom any animal three months of age
2.6 or over was received; and

2.7 (e) the name and address of the person to whom any animal three months of age
2.8 or over was transferred.

2.9 The records must be maintained in a form permitting easy perusal by the public.

2.10 A person may view the records and animals in custody at any time during which the
2.11 establishment is open to the public. ~~At the end of the five-day period, all animals~~

2.12 ~~which remain unredeemed must be made available to any licensed institution which has~~
2.13 ~~requested that number of animals. However, if a tag affixed to the animal or a statement~~

2.14 ~~by the animal's owner after the animal's seizure specifies that the animal may not be used~~
2.15 ~~for research, the animal must not be made available to any institution and may, in the~~

2.16 ~~discretion of the establishment, be destroyed after the expiration of the five-day period. If~~

2.17 ~~a request is made by a licensed institution to an establishment for more animals than are~~
2.18 ~~available at the time of the request, the establishment must withhold from destruction all~~

2.19 ~~unclaimed and unredeemed animals until the request has been filled. The actual expense~~
2.20 ~~of holding animals beyond the time of notice to the institution of their availability must be~~

2.21 ~~borne by the institution receiving them. An establishment which fails or refuses to comply~~
2.22 ~~with this section is ineligible for any further public funds from any county or municipality.~~

2.23 ~~Upon receipt of a sworn statement by an authorized officer or employee of a licensed~~
2.24 ~~institution of noncompliance by any establishment with this section, the treasurer of any~~

2.25 ~~municipality or other political subdivision of the state may not pay any public funds to the~~
2.26 ~~establishment until the complainant withdraws its statement of noncompliance or until the~~

2.27 ~~board either determines that the complaint of noncompliance was without foundation or~~
2.28 ~~that the establishment has given adequate assurance of future compliance and the treasurer~~

2.29 ~~of the municipality or other political subdivision has been notified of the determination~~
2.30 ~~in writing. If it appears upon a person's complaint that an officer, agent, or employee of~~

2.31 ~~an establishment is violating or failing to carry out the provisions of this section, the~~
2.32 ~~attorney general or county attorney of the county in which the establishment is located, in~~

2.33 ~~addition to any other remedies, may bring an action in the name of the state against the~~
2.34 ~~establishment, officer, agent, or employee to enjoin compliance with this section.~~

3.1 Sec. 3. Minnesota Statutes 2010, section 35.71, is amended by adding a subdivision to
3.2 read:

3.3 Subd. 4a. **Release of animals.** No person may release any animal from the
3.4 custody or control of an establishment for any purpose except adoption or to improve
3.5 the opportunity for adoption, redemption by the owner of the animal, or other suitable
3.6 placement in the best interest of the animal. "Improve the opportunity for adoption"
3.7 includes the temporary transfer of an animal to a veterinarian or college of veterinary
3.8 medicine for the purpose of sterilization or needed veterinary care.

3.9 Sec. 4. Minnesota Statutes 2010, section 35.71, subdivision 7, is amended to read:

3.10 Subd. 7. **Rules.** The board may adopt rules consistent with this section necessary to
3.11 carry out the provisions of this section, ~~and may, if the board considers it advisable or in~~
3.12 ~~the public interest, inspect or investigate any institution which has applied for a license or~~
3.13 ~~has been granted a license under this section.~~

3.14 Sec. 5. Minnesota Statutes 2010, section 35.71, is amended by adding a subdivision to
3.15 read:

3.16 Subd. 9. **Violation; penalty.** Violation of this section is a gross misdemeanor.

3.17 Sec. 6. Minnesota Statutes 2010, section 347.54, subdivision 2, is amended to read:

3.18 Subd. 2. **Reclaimed.** A dangerous dog seized under subdivision 1 may be reclaimed
3.19 by the owner of the dog upon payment of impounding and boarding fees, and presenting
3.20 proof to the appropriate animal control authority that the requirements of sections 347.51
3.21 and 347.52 will be met. A dog not reclaimed under this subdivision within seven days
3.22 may be disposed of ~~as provided under section 35.71, subdivision 3~~ in a manner permitted
3.23 by law, and the owner is liable to the animal control authority for costs incurred in
3.24 confining and disposing of the dog.

3.25 Sec. 7. Minnesota Statutes 2010, section 347.54, subdivision 3, is amended to read:

3.26 Subd. 3. **Subsequent offenses; seizure.** If a person has been convicted of a
3.27 misdemeanor for violating a provision of section 347.51, 347.515, or 347.52, and the
3.28 person is charged with a subsequent violation relating to the same dog, the dog must be
3.29 seized by the animal control authority having jurisdiction. If the owner is convicted of the
3.30 crime for which the dog was seized, the court shall order that the dog be destroyed in a
3.31 proper and humane manner and the owner pay the cost of confining and destroying the
3.32 animal. If the owner is not convicted and the dog is not reclaimed by the owner within

4.1 seven days after the owner has been notified that the dog may be reclaimed, the dog may be
4.2 disposed of ~~as provided under section 35.71, subdivision 3~~ in a manner permitted by law.

4.3 Sec. 8. **REPEALER.**

4.4 Minnesota Statutes 2010, section 35.71, subdivisions 2, 4, 5, and 6, are repealed.