17.0022.01000

Sixty-fifth
Legislative Assembly
of North Dakota

FIRST DRAFT:
Prepared by the Legislative Council staff for the
Agriculture and Natural Resources Committee
December 2015

Introduced by

A BILL for an Act

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4-13.2-01 of the North Dakota Century Code is amended and reenacted as follows:

~~4-13.2-01~~4.1-19-01. ~~Definitions~~Definition.

As used in this chapter, "poultry" means chickens, turkeys, ~~domestic~~domesticated geese, and ~~domestic~~domesticated ducks.

NOTE: The definition of poultry in Section 36-24-01, regarding meat inspection, uses "domesticated" chickens, ducks, geese, pheasants, quail, ratites, and turkeys.

SECTION 2. AMENDMENT. Section 4-13.2-02 of the North Dakota Century Code is amended and reenacted as follows:

~~4-13.2-02~~4.1-19-02. Administration - Enforcement.

~~Within the department of agriculture there must be a poultry division~~The agriculture commissioner shall administer and enforce this chapter.

NOTE: It appears there is currently no "poultry division" within the department but the functions are still performed. Removing the "division" requirement gives the commissioner greater administrative flexibility.

SECTION 3. AMENDMENT. Section 4-13.2-03 of the North Dakota Century Code is amended and reenacted as follows:

~~4-13.2-03~~4.1-19-03. Purposes - Duties.

The agriculture commissioner ~~may adopt rules pursuant to chapter 28-32 to effectuate the purposes of this chapter, and the agriculture commissioner, or the commissioner's designee, shall enforce this chapter. The agriculture commissioner~~ shall:

1. ~~Work toward improving~~Promote improved poultry breeding practices and cooperate with the board of animal health in controlling and eradicating communicable diseases of poultry.
2. Act as the official state agency for North Dakota in cooperation with the bureau of animal industry, United States department of agriculture, for the purpose of furthering the objectives and supervising the state's participation in the national poultry improvement plan.
3. Act as the state agency to cooperate with the United States department of agriculture, to provide federal-state grading service for poultry and poultry products offered for sale at the retail level, to supervise the federal-state poultry grading service, and to enforce regulations at the retail level as to identification by grade of all poultry sold.
4. Promote ~~generally~~ the welfare and improvement of the poultry industry and the marketing of poultry and poultry products within the state ~~through such means and in such manner as may be deemed by the commissioner conducive to such improvement~~.
5. ~~Enforce the licensing and bonding requirements provided by this chapter.~~
6. ~~Administer chapter 4.1-12, at the advice of the North Dakota turkey federation~~Adopt rules under chapter 28-32 as necessary to effectuate the purposes of this chapter.

NOTE: Enforcement is now required by Section 4.1-19-02 as part of administering the chapter. Chapter 4.1-12, referred to in subsection 6, is administered by the Agriculture Commissioner. The commissioner may expend funds under Chapter 4.1-12 after consultation with a committee appointed by the North Dakota Turkey Federation.

SECTION 4. AMENDMENT. Section 4-13.2-05 of the North Dakota Century Code is amended and reenacted as follows:

~~4-13.2-05~~4.1-19-04. Licensing - Fees - Bonding.

~~No~~A person ~~may~~ must be licensed by the agriculture commissioner to engage in the business of poultry buyer, processor, packer, hatchery operator, baby chick jobber, or salesman~~, without first securing from the North Dakota department of agriculture a license to engage therein~~. All ~~such~~ licenses issued under this chapter expire on ~~the first day of~~ July ~~of each year,~~first and must be issued or renewed only upon payment to the ~~department~~commissioner of the license ~~fees set forth herein together with~~fee of five dollars for each business activity subject to licensing and the furnishing of ~~such~~the bond ~~as may be~~ required by rules ~~and regulations promulgated~~adopted by the agriculture commissioner. ~~The annual license fee for each foregoing~~

~~operation is five dollars. Failure~~Engaging in a business activity subject to licensing under this chapter without a valid license or failure to pay any license fee or to furnish the required bond within ten days after ~~the same~~it becomes due or required ~~constitutes~~is a violation of this chapter.

SECTION 5. AMENDMENT. Section 4-13.2-06 of the North Dakota Century Code is amended and reenacted as follows:

~~4-13.2-06~~4.1-19-05. Penalty.

1. Any person who violates any provision of this chapter or rule adopted under this chapter is guilty of a class A misdemeanor.
2. Any person who violates any provision of this chapter or rule adopted under this chapter may be subject to a civil penalty not to exceed one thousand dollars for each violation. This penalty may be adjudicated by the courts or by the agriculture commissioner through an administrative hearing conducted by an independent hearing officer pursuant to chapter 28-32.
3. The agriculture commissioner may maintain an appropriate civil action in the name of the state against any person violating this chapter or rule adopted under this chapter.
4. Any person who knowingly makes a false statement, representation, or certification in any application, record, report, or other document is ~~subject to the penalties provided in this chapter~~guilty of a class A misdemeanor.
5. For purposes of this section, "person" means an individual, partnership, corporation, limited liability company, association, cooperative, or any business entity.