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Sixty-fifth
Legislative Assembly
of North Dakota

FIRST DRAFT:
Prepared by the Legislative Council staff for the
Agriculture and Natural Resources Committee
May 2016

Introduced by

A BILL for an Act

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 36-07-01 of the North Dakota Century Code is amended and reenacted as follows:

~~36-07-01~~4.1-32-01. License required to operate rendering plant.

~~No~~A person may not operate a rendering plant or other establishment using the carcasses of domestic or wild animals, ~~which are~~ not intended for human consumption, for processing without first obtaining a license ~~to do so~~ from the agriculture commissioner. ~~The~~A license to operate a rendering plant may be issued only upon a written application filed with the commissioner in accordance with this chapter and rules adopted by the board.

NOTE: Although there is no rendering plant operating in North Dakota, the State Veterinarian suggested retaining this chapter so there is authority for licensing and regulation if a plant is proposed.

SECTION 2. AMENDMENT. Section 36-07-02 of the North Dakota Century Code is amended and reenacted as follows:

~~36-07-02~~4.1-32-02. Inspection of ~~establishment~~rendering plant of applicant by state veterinarian.

~~Upon~~The state veterinarian shall inspect an establishment for which a license is requested to operate a rendering plant, including its equipment and vehicles and the manner in which its business is conducted, with reference and due regard to the danger of animal disease transmission and dissemination, upon the receipt of an application for a license to operate a rendering plant or other establishment ~~using~~for processing the carcasses of domestic or wild animals, ~~which are~~ not intended for human consumption~~, for processing, the state veterinarian shall cause an inspection to be made of the establishment for which a license is requested,~~

~~including its equipment and vehicles and the manner in which its business is conducted, with reference and due regard to the danger of animal disease transmission and dissemination~~.

SECTION 3. AMENDMENT. Section 36-07-03 of the North Dakota Century Code is amended and reenacted as follows:

~~36-07-03~~4.1-32-03. Granting of license - Fee - Term.

~~If~~The agriculture commissioner shall issue a license to operate a rendering plant, if the inspection ~~fails to~~does not reveal any danger of animal disease transmission, ~~the agriculture commissioner shall issue the license applied for~~ upon payment of a fee of fifty dollars. The license is valid for a period of one year from the date of issuance unless it is revoked for cause by the commissioner before expiration.

NOTE: A $50 fee appears inadequate to cover current inspection costs.

SECTION 4. AMENDMENT. Section 36-07-07 of the North Dakota Century Code is amended and reenacted as follows:

~~36-07-07~~4.1-32-04. Unloading chutes and vehicles used by rendering plant - Regulations governing.

~~All~~Any unloading places or chutes used by a rendering plant or establishment must be on cement floors that can be cleaned and disinfected. Every vehicle used for transporting carcasses of dead animals to a rendering plant or establishment must:

1. ~~Be provided with~~Have a bed or tank not less than fifty inches [127 centimeters] in width which is all metal, metal lined, or watertight for at least six inches [15.24 centimeters] above the floor of the box or bed of the vehicle.
2. Have a metal-lined endgate that is hinged at the bottom of the bed or box of the vehicle and is fastened firmly to the top of the bed or box of the vehicle when closed.
3. ~~Be so constructed that the~~Have sides, a top, and an endgate ~~thereof~~that will prevent flies and other insects from entering the vehicle.
4. Carry a tank filled with a solution approved by the state veterinarian for use as a disinfectant.
5. Be disinfected with the solution described in subsection 4 after it has been used for collecting a dead animal ~~at a farm~~ and before it enters upon any public highway of this state~~, and special~~. Special attention must be given to all those parts of the vehicle which came in contact with the ground while upon the premises.

6. Be thoroughly washed and disinfected with the solution described in subsection 4 or with live steam, or both, after ~~it~~the dead animal has been unloaded at the rendering plant.

The operator of any ~~such~~ vehicle used for transporting the carcasses of dead animals to a rendering plant shall wash with disinfectant, paying special attention to disinfecting the operator's hands and footwear, with the solution described in subsection 4 immediately after leaving any farm at which the operator has collected the carcass of a dead animal.

SECTION 5. AMENDMENT. Section 36-07-08 of the North Dakota Century Code is amended and reenacted as follows:

~~36-07-08~~4.1-32-05. Removal of carcasses from vehicle - Prohibition.

~~No~~A carcass collected at any farm in this state may not be removed from the vehicle except at a rendering plant or other establishment using the carcasses of domestic or wild animals, ~~which are~~ not intended for human consumption, for processing~~, for~~ and final disposal.

SECTION 6. AMENDMENT. Section 36-07-09 of the North Dakota Century Code is amended and reenacted as follows:

~~36-07-09~~4.1-32-06. Operator of vehicle for rendering plant to have certificate.

Any person operating a vehicle for an establishment licensed under this chapter must have an authorized certificate from the establishment which has been approved by the agriculture commissioner.

SECTION 7. AMENDMENT. Section 36-07-10 of the North Dakota Century Code is amended and reenacted as follows:

~~36-07-10~~4.1-32-07. Inspection of plant authorized.

The operator of any establishment licensed under this chapter shall permit an official authorized by the state veterinarian or any health officer to inspect the licensed establishment at any time.

SECTION 8. AMENDMENT. Section 36-07-11 of the North Dakota Century Code is amended and reenacted as follows:

~~36-07-11~~4.1-32-08. Rendering done by packing plants operating under federal inspection - Exception.

All rendering done by a packing plant operating under federal inspection in a building adjacent to or on the same premises as the packing plant is exempt from the provisions of this

chapter, except that the transportation by the packing plant or any establishment licensed under this chapter of carcasses and other animal substances on any public highway or street is subject to the sanitary requirements of this chapter and the rules adopted by the state board of animal health.

SECTION 9. AMENDMENT. Section 36-07-12 of the North Dakota Century Code is amended and reenacted as follows:

~~36-07-12~~4.1-32-09. Money collected - Where credited.

Money collected under this chapter must be deposited ~~with~~ in the general fund by the state treasurer ~~to the credit of the general fund~~.

SECTION 10. AMENDMENT. Section 36-07-13 of the North Dakota Century Code is amended and reenacted as follows:

~~36-07-13~~4.1-32-10. Restrictions on ~~rebuilding and~~ locating rendering plants.

~~No~~An establishment licensed under this chapter may not be constructed within three miles [4.83 kilometers] of the limits of any municipality nor within one mile [1.61 kilometers] of any farmstead unless the owner of the farmstead gives written consent. ~~No such establishment which was in existence and in operation on or after March 17, 1941, may be rebuilt if it is located within three miles [4.83 kilometers] of the limits of any municipality.~~

NOTE: The final sentence appears unnecessary.

SECTION 11. AMENDMENT. Section 36-07-14 of the North Dakota Century Code is amended and reenacted as follows:

~~36-07-14~~4.1-32-11. Penalty ~~for violation of chapter~~.

Any person violating any ~~of the provisions~~provision of this chapter is guilty of a class B misdemeanor.