

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven**

HOUSE BILL NO. 1059  
(Legislative Council)  
(Government Organization Committee)

AN ACT to amend and reenact sections 4-13.2-03 and 19-07-02 of the North Dakota Century Code, relating to the poultry advisory board; and to repeal section 4-13.2-04 of the North Dakota Century Code, relating to the poultry advisory board.

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

**SECTION 1. AMENDMENT.** Section 4-13.2-03 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-13.2-03. Purposes - Duties.** The commissioner of agriculture may ~~promulgate~~ adopt rules ~~and regulations~~ pursuant to chapter 28-32 to effectuate the purposes of this chapter, and the commissioner of agriculture, or the commissioner's designee, shall enforce ~~the provisions of this chapter. It is the duty of the~~ The commissioner of agriculture to shall:

1. Work toward improving poultry breeding and ~~to~~ 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 ~~the "Turkey Promotion Act", as provided in~~ chapter 4-13.1, at the advice of the North Dakota turkey federation.
7. ~~Consult with the advisory board as to the selection of the individual who would represent the poultry division in the department of agriculture if a change in personnel should be needed.~~

**SECTION 2. AMENDMENT.** Section 19-07-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**19-07-02. Rulemaking power.** The commissioner of agriculture, ~~after consultation with the poultry advisory board,~~ may adopt appropriate rules pursuant to chapter 28-32 to establish registration of egg dealers and to establish standards for candling, grading, and inspecting eggs as to size, quality, purity, strength, holding requirements, transportation, labeling, and sanitation. The commissioner of agriculture must be guided in establishing ~~such~~ the standards by United States department of agriculture regulations governing the grading and inspecting of eggs ~~after consultation with the poultry~~

~~advisory board.~~ The state department of health may adopt appropriate rules pursuant to chapter 28-32 to establish standards for proper labeling and temperature during the retail storage and sale of shell eggs.

**SECTION 3. REPEAL.** Section 4-13.2-04 of the 1995 Supplement to the North Dakota Century Code is repealed.

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1059.

House Vote:      Yeas    91      Nays    0      Absent    7

Senate Vote:    Yeas    44      Nays    0      Absent    5

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1997,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State