

Introduced by

Agriculture Committee

(At the request of the Agriculture Commissioner)

1 A BILL for an Act to amend and reenact sections 4.1-19-03 and 4.1-19-05 of the North Dakota  
2 Century Code, relating to the management of eggs and poultry in the state; and to repeal  
3 section 4.1-19-04 of the North Dakota Century Code, relating to licensing requirements for  
4 buyers, sellers, and producers of eggs and poultry.

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

6 **SECTION 1. AMENDMENT.** Section 4.1-19-03 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **4.1-19-03. Purposes - Duties.**

9 The agriculture commissioner shall:

- 10 1. Promote improved poultry breeding practices and cooperate with the board of animal  
11 health in controlling and eradicating contagious or infectious diseases of poultry.
- 12 2. Act as the official state agency for North Dakota in cooperation with the veterinary  
13 services, animal plant health inspection service, and United States department of  
14 agriculture, for the purpose of furthering the objectives and supervising the state's  
15 participation in the national poultry improvement plan.
- 16 ~~3. Act as the state agency to cooperate with the United States department of agriculture~~  
17 ~~to provide federal state grading service for poultry and poultry products offered for sale~~  
18 ~~at the retail level, to supervise the federal state poultry grading service, and to enforce~~  
19 ~~regulations at the retail level as to identification by grade of all poultry sold.~~
- 20 ~~4.3.~~ Promote the welfare and improvement of the poultry industry and the marketing of  
21 poultry and poultry products within the state.
- 22 ~~5.4.~~ Adopt rules under chapter 28-32 as necessary to effectuate the purposes of this  
23 chapter.

1       **SECTION 2. AMENDMENT.** Section 4.1-19-05 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **4.1-19-05. Penalty.**

- 4       1. ~~Any person who violates any provision of this chapter or rule adopted under this~~  
5       ~~chapter is guilty of a class A misdemeanor.~~
- 6       2. ~~Any~~A person who violates any provision in violation of this chapter or rule adopted  
7       under this chapter may be subject to a civil penalty not to exceed one thousand dollars  
8       for each violation. ~~This~~The civil penalty may be adjudicated by the courts or by the  
9       agriculture commissioner through an administrative hearing conducted by an  
10      independent hearing officer pursuant to chapter 28-32.
- 11     ~~3-2.~~ The agriculture commissioner may maintain an appropriate civil action in the name of  
12      the state against any person violating this chapter or rule adopted under this chapter.
- 13     4. ~~Any person who knowingly makes a false statement, representation, or certification in~~  
14      ~~any application, record, report, or other document is guilty of a class A misdemeanor.~~
- 15     ~~5-3.~~ For purposes of this section, "person" means an individual, partnership, corporation,  
16      limited liability company, association, cooperative, or any business entity.

17      **SECTION 3. REPEAL.** Section 4.1-19-04 of the North Dakota Century Code is repealed.