

Sixty-first
Legislative Assembly
of North Dakota

Introduced by

Legislative Council

Agriculture Committee

1 A BILL for an Act to create an enact one new section to chapter 4-12.1 of the North Dakota
2 Century Code, relating to required consultations; to amend and reenact sections 4-12.1-04,
3 4-12.1-02, 4-12.1-03, 4-12.1-04, 4-12.1-05, 4-12.1-07, 4-12.1-08, and 4-12.1-09 of the North
4 Dakota Century Code, relating to the honey promotion act; to repeal section 4-12.1-06 of the
5 North Dakota Century Code, relating to the collection of unpaid assessments; to provide a
6 penalty, and to provide a continuing appropriation.

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

8 **SECTION 1. AMENDMENT.** Section 4-12.1-01 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **4-12.1-01. Definitions.** ~~Whenever~~ As used in this chapter:

- 11 1. "Association" means the North Dakota ~~beekeeper's~~ beekeepers' association.
12 2. "Beekeeper" means any person, ~~firm, association, corporation, or limited liability~~
13 ~~company~~ owning or controlling one or more colonies a colony of bees for the
14 production of honey, beeswax, or byproducts ~~either for personal or commercial~~
15 ~~use.~~

NOTE: NDCC Section 1-01-49 already defines a person as a human being, foreign or domestic association, business trust, corporation, enterprise, estate, joint venture, limited liability company, limited liability partnership, limited partnership, partnership, trust, any legal or commercial entity, government, political subdivision, or government agency or instrumentality. For this reason, it is not necessary to include the definition in this chapter.

- 16 3. "Commissioner" means the agriculture commissioner.
17 4. ~~"Market development" means research, promotion, and education programs~~
18 ~~toward better and more efficient production, marketing, and utilization of honey for~~
19 ~~resale. The term also means the use of other methods including public relations~~
20 ~~and other promotion techniques for the maintenance of present honey markets, for~~

1 ~~the development of new or larger domestic or foreign markets, for the sale of~~
2 ~~honey and for prevention, modification, or elimination of trade barriers which~~
3 ~~obstruct the free flow of agricultural commodities to market. The term includes~~
4 ~~providing promotion funds for a North Dakota honey queen program.~~

NOTE: Because the term is not used elsewhere in this chapter, it is not necessary to include its definition.

5 **SECTION 2. AMENDMENT.** Section 4-12.1-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **4-12.1-02. Assessment.** ~~There is hereby levied on beekeepers an~~ An annual
8 assessment in the amount of five cents ~~per~~ is imposed on each colony of honeybees licensed
9 by the beekeeper. The annual assessment is one dollar. ~~The~~ Each beekeeper shall forward
10 the assessment must be remitted to the commissioner at the same time the annual beekeeper
11 submits the license application is due as specified in, as require by section 4-12.2-04.

12 **SECTION 3. AMENDMENT.** Section 4-12.1-03 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **4-12.1-03. Fees - Special fund - Continuing appropriation.** ~~The association may~~
15 ~~charge fees for items sold to promote honey all moneys received under this chapter to the.~~ The
16 commissioner shall forward all moneys received under this chapter to the state treasurer shall
17 for deposit all moneys received under this chapter in a special revolving fund to be known as
18 the honey fund. All moneys deposited in the honey fund are appropriated to the commissioner
19 on a continuing basis, to the commissioner for use pursuant to carry out this chapter.

NOTE: Unless the intent of this section is different than the words would lead one to believe, the beekeepers' association is a private entity with voluntary membership. It can charge fees in any amount for any purpose. This provision does not need to be in this chapter.

20 **SECTION 4. AMENDMENT.** Section 4-12.1-04 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **4-12.1-04. Refunds.** ~~Any~~ To receive a refund of any assessment paid in accordance
23 with this chapter, a beekeeper who makes a written application under separate cover therefor
24 to the commissioner within shall obtain an application form from the commissioner. The
25 beekeeper shall return the completed for to the commissioner no later than thirty days of the
26 remission of the beekeeper's fees to from the date the commissioner ~~shall receive a refund of~~
27 received the assessment submitted by the beekeeper under section 4-12.1-02.

NOTE: At the direction of the committee, other commodity groups have been given 60 days from the date of the assessment within which to request an application form and 90 days from the date of assessment within which to return the completed form. Should the time frames be made consistent?

SECTION 5. AMENDMENT. Section 4-12.1-05 of the North Dakota Century Code is amended and reenacted as follows:

4-12.1-05. Delinquent assessment remittance - Penalty. ~~Any~~ If a beekeeper who fails to ~~remit~~ submit the assessment, as ~~specified~~ required by section 4-12.1-02, the payment is delinquent and the commissioner shall levy a penalty ~~assessment of equal to~~ assessment of equal to five percent of the ~~assessment amount~~ amount due, plus interest at the rate of six percent per annum from the due date. ~~The penalty and interest must be collected in the manner described in section 4-12.1-06.~~

NOTE: Other commodity group chapters authorize the imposition of a penalty by do not require it.

SECTION 6. AMENDMENT. Section 4-12.1-07 of the North Dakota Century Code is amended and reenacted as follows:

4-12.1-07. Commissioner to effectuate purposes of this chapter — Advice of the association sought - Powers. ~~The commissioner is hereby authorized to expend may:~~

1. Expend moneys appropriated under this chapter; and take the actions the commissioner deems
2. Do all things necessary and proper to effectuate the purposes and policies of enforce and administer this chapter. The commissioner shall request the advice, review, and comment of a committee appointed by the association regarding the projects, programs, and policies undertaken to carry out the provisions of the chapter.

NOTE: Because the requirement that the commissioner request certain advice, review, and comment is a mandate, it was placed in a separate section.

SECTION 7. A new section to chapter 4-12.1 of the North Dakota Century Code is created and enacted as follows:

Commissioner - Consultation with association The commissioner shall consult with a committee appointed by the association regarding the activities and requirements of this chapter.

NOTE: Source - NDCC section 4-12.1-07.

1 **SECTION 8. AMENDMENT.** Section 4-12.1-08 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **4-12.1-08. Honey information in report.** ~~The~~ When compiling the report required by
4 section 54-06-04, the commissioner shall include provide information ~~concerning the~~
5 ~~commissioner's regarding~~ activities under ~~the provisions of~~ this chapter, including ~~a complete~~
6 ~~listing of the~~ amount of assessments collected and the manner in which the moneys were spent
7 ~~under this chapter, in the commissioner's report to the governor.~~

8 **SECTION 9. AMENDMENT.** Section 4-12.1-09 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **4-12.1-09. Penalty.** Any person who willfully violates this chapter is guilty of a class B
11 misdemeanor.

12 **SECTION 10. REPEAL.** Section 4-12.1-06 of the North Dakota Century Code is
13 repealed.

NOTE: 4-12.1-06. Collection of unpaid assessments. If a beekeeper fails to remit the proper assessment, the commissioner may enforce the remittance in any court of competent jurisdiction in the state.

NOTE: The authority to enforce the chapter is given to the commissioner in section 4-12.1-07.