

HOUSE BILL NO.

Introduced by

Representative Froelich

1 A BILL for an Act to create and enact a new section to chapter 4-34 of the North Dakota
2 Century Code, relating to funds of the ranchers-cattlemen's legal action fund, united
3 stockgrowers of America; to amend and reenact section 4-34-01, subsection 1 of section
4 4-34-08, and section 4-34-11 of the North Dakota Century Code, relating to assessments on the
5 sale of cattle; and to provide an effective date.

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

7 **SECTION 1. AMENDMENT.** Section 4-34-01 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **4-34-01. Purposes.** The purposes of this chapter are:

- 10 1. To provide and participate in programs to increase the consumption of domestic
11 beef through such means as advertising, research, consumer information, industry
12 information, sales promotion, and education, but at no time may false or
13 unwarranted claims be made on behalf of the beef industry.
- 14 2. To support beef promotion, research, and education activities ~~of the national beef~~
15 ~~promotion and marketing organizations.~~
- 16 3. To initiate, encourage, and sponsor research designed to solve problems in the
17 beef industry.
- 18 4. To enhance the sale and production of North Dakota beef cattle.

19 **SECTION 2. AMENDMENT.** Subsection 1 of section 4-34-08 of the North Dakota
20 Century Code is amended and reenacted as follows:

- 21 1. There is levied on each resident of this state selling cattle within the state or from
22 the state; an assessment of ~~fifty cents~~ one dollar per head for each animal sold, ~~or~~
23 ~~the amount assessed pursuant to the federal Beef Promotion and Research Act of~~
24 ~~1985 [7 U.S.C. 2901 et seq.] and applicable regulations, whichever is greater. The~~

1 moneys collected pursuant to this chapter must be paid to the commission
2 pursuant to this chapter and must be expended ~~by the commission~~ only as
3 authorized by this chapter.

4 **SECTION 3. AMENDMENT.** Section 4-34-11 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **4-34-11. Refund of assessments.** Any person who has made payment of
7 assessments under this chapter or who has had payment of assessments made on that
8 person's behalf may request and receive a refund, ~~unless prohibited by federal law, and~~
9 provided that a written request and application for the refund is made within sixty days from the
10 date the assessments were due. Applications for refunds must be made by the seller
11 ~~personally~~ in such form as is reasonably required by the commission; and ~~shall~~ must provide
12 the commission with sufficient information to identify assessments.

13 **SECTION 4.** A new section to chapter 4-34 of the North Dakota Century Code is
14 created and enacted as follows:

15 **Ranchers-cattlemen's legal action fund, united stockgrowers of America -**
16 **Assessments.** The commission shall forward twenty-five percent of any assessments
17 remaining after payment of refunds under section 4-34-11 to the ranchers-cattlemen's legal
18 action fund, united stockgrowers of America. The ranchers-cattlemen's legal action fund, united
19 stockgrowers of America, may not use the assessments received under this section for
20 purposes other than providing market maintenance and development services and supporting
21 trade issues.

22 **SECTION 5. EFFECTIVE DATE.** This Act becomes effective on the date the North
23 Dakota beef commission certifies to the legislative council that the United States supreme court
24 has declared the federal Beef Promotion and Research Act of 1985 [7 U.S.C. 2901 et seq.] to
25 be unconstitutional.