

Introduced by

1 A BILL for an Act to create and enact one new section to chapter 4-12.1 of the North Dakota
2 Century Code, relating to required consultations with the North Dakota beekeepers' association;
3 to amend and reenact sections 4-12.1-01, 4-12.1-02, 4-12.1-03, 4-12.1-04, 4-12.1-05,
4 4-12.1-07, and 4-12.1-08 of the North Dakota Century Code, relating to honey assessments; to
5 repeal section 4-12.1-06 of the North Dakota Century Code, relating to the collection of unpaid
6 assessments; to provide a 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 association.~~

NOTE: Because the North Dakota Beekeepers' Association is referred to in only one section, the term was removed from the definitions section.

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 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. 2.~~ 2. "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~~

1 ~~resale. The term also means the use of other methods including public relations~~
2 ~~and other promotion techniques for the maintenance of present honey markets, for~~
3 ~~the development of new or larger domestic or foreign markets, for the sale of~~
4 ~~honey and for prevention, modification, or elimination of trade barriers which~~
5 ~~obstruct the free flow of agricultural commodities to market. The term includes~~
6 ~~providing promotion funds for a North Dakota honey queen program.~~

NOTE: Because the phrase "market development" is not used elsewhere in this chapter, it is not necessary to include its definition.

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

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

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

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

Current law does not indicate the purposes for which money raised under this chapter should be used.

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

1 **4-12.1-04. Refunds.** ~~Any~~ To receive a refund of any assessment paid in accordance
2 with this chapter, a beekeeper who makes a written application under separate cover therefor
3 ~~to the commissioner within~~ shall obtain an application form from the commissioner. The
4 beekeeper shall return the completed form to the commissioner no later than thirty days ~~of the~~
5 ~~remission of the beekeeper's fees to~~ after the date the commissioner ~~shall receive a refund of~~
6 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 timeframes be made consistent?

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

9 **4-12.1-05. Delinquent assessment remittance - Penalty.** ~~Any~~ If a beekeeper who
10 fails to remit ~~submit~~ the assessment, ~~as specified~~ required by section 4-12.1-02, the payment is
11 delinquent and the commissioner shall levy a penalty assessment of equal to five percent of the
12 assessment amount due, plus interest at the rate of six percent per annum from the due date.
13 ~~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 but do not require it.

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

16 **4-12.1-07. Commissioner to effectuate purposes of this chapter—Advice of the**
17 **association sought - Powers.** ~~The commissioner is hereby authorized to expend~~ may:

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

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

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

3 **Commissioner - Consultation with association.** The commissioner shall consult with
4 a committee appointed by the North Dakota beekeepers' association regarding the activities
5 and requirements of this chapter.

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

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

8 **4-12.1-08. Honey information in report.** ~~The~~ When compiling the report required by
9 section 54-06-04, the commissioner shall include provide information concerning the
10 ~~commissioner's regarding activities under the provisions of this chapter, including a complete~~
11 ~~listing of the amount of assessments collected and the manner in which the moneys were spent~~
12 ~~under this chapter, in the commissioner's report to the governor.~~

13 **SECTION 9. REPEAL.** Section 4-12.1-06 of the North Dakota Century Code is
14 repealed.

NOTE: NDCC Section 4-12.1-06 provides that if a beekeeper fails to remit the proper assessment, the commissioner may enforce the remittance in any court of competent jurisdiction in the state. A repeal is being proposed because the authority to enforce this chapter is given to the commissioner in Section 4-12.1-07.

NOTE: NDCC Section 4-12.1-09 provides that one who willfully violates this chapter is guilty of a Class B misdemeanor. Because that section is not being amended, it is not included in this draft.