

October 2008

Introduced by

1 A BILL for an Act to create and enact chapter 4.1-08 of the North Dakota Century Code, relating
2 to the honey assessment; to repeal chapter 4-12.1 of the North Dakota Century Code, relating
3 to the honey assessment; to provide a penalty; and to provide a continuing appropriation.

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

5 **SECTION 1.** Chapter 4.1-08 of the North Dakota Century Code is created and enacted
6 as follows:

7 **4.1-08-01. Definitions.** As used in this chapter:

8 1. "Beekeeper" means any person owning or controlling a colony of bees for the
9 production of honey, beeswax, or byproducts.

10 2. "Commissioner" means the agriculture commissioner.

SOURCE: Section 4-12.1-01.

11 **4.1-08-02. Assessment.** An annual assessment in the amount of five cents is imposed
12 on each colony of honeybees licensed by the beekeeper. The minimum annual assessment is
13 one dollar.

SOURCE: Section 4-12.1-02.

14 **4.1-08-03. Submission of assessments - Civil penalty.**

15 1. Each beekeeper shall submit the assessment required by section 4.1-08-02 to the
16 commissioner at the same time the beekeeper submits the license application
17 required by section 4-12.2-04.

18 2. If a beekeeper fails to submit the assessment as required by this section, the
19 commissioner may impose a penalty equal to five percent of the amount due, plus
20 interest at the rate of six percent per annum from the due date.

SOURCE: Sections 4-12.1-02 and 4-12.1-05.

NOTE: Current law requires the commissioner to impose a penalty on a delinquent assessment. As directed by the Agriculture Committee, this section authorizes the commissioner to impose a penalty but does not require that the commissioner do so. This change parallels the provisions in other commodity group chapters.

1 **4.1-08-04. Refunds.** To receive a refund of any assessment paid in accordance with
2 this chapter, a beekeeper shall obtain an application form from the commissioner within sixty
3 days from the date the commissioner received the assessment required by section 4.1-08-02.
4 The beekeeper shall return the completed form to the commissioner within ninety days from the
5 date the commissioner received the assessment required by section 4.1-08-02.

SOURCE: Section 4-12.1-04.

NOTE: In accordance with a motion by the Agriculture Committee, the section now reflects the same number of days given to other commodity groups for requesting and submitting refund forms.

6 **4.1-08-05. Continuing appropriation.** The commissioner shall forward all moneys
7 received under this chapter to the state treasurer for deposit in a special fund known as the
8 "honey fund". All moneys in the honey fund are appropriated on a continuing basis to the
9 commissioner to carry out this chapter.

SOURCE: Section 4-12.1-03.

10 **4.1-08-06. Assessment - Authorized expenditures.** The assessment required by this
11 chapter may be used to fund research, education programs, and market development efforts,
12 as well as promotional efforts such as the North Dakota honey queen program.

SOURCE: Section 4-12.1-01(4).

13 **4.1-08-07. Commissioner - Powers.** The commissioner may:
14 1. Expend moneys appropriated under this chapter for the purposes set forth in
15 section 4.1-08-06, provided the commissioner first consults with a committee
16 appointed by the North Dakota beekeepers' association; and
17 2. Do all things necessary and proper to enforce and administer this chapter.

SOURCE: Section 4-12.1-07.

18 **4.1-08-08. Biennial report - Information regarding honey assessments.** When
19 compiling the biennial report required by section 54-06-04, the commissioner shall provide
20 information regarding activities under this chapter, including the amount of assessments
21 collected and the manner in which the moneys were expended.

SOURCE: Section 4-12.1-08.

1 **4.1-08-09. Penalty.** Any person who willfully violates this chapter is guilty of a class B
2 misdemeanor.

SOURCE: Section 4-12.1-09.

3 **SECTION 2. REPEAL.** Chapter 4-12.1 of the North Dakota Century Code is repealed.

CHAPTER NOTE: Section 4-12.1-06 was not included in the chapter rewrite. 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. The authority to enforce the chapter is given to the commissioner in Section 4.1-08-07.