

AGRICULTURE

CHAPTER 50

SENATE BILL NO. 2322

(Morgan, Jacobson)

CONTROL OF CORN BORERS AND FIRES TO CONTROL GRASSHOPPERS

AN ACT to repeal sections 4-01-17, 18-08-05, and 18-08-06 of the North Dakota Century Code, relating to regulations governing control of the European corn borer, and setting fires for the destruction of grasshoppers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. REPEAL.) Sections 4-01-17, 18-08-05, and 18-08-06 of the North Dakota Century Code are hereby repealed.

Approved March 8, 1973

CHAPTER 51

HOUSE BILL NO. 1291

(Dick, Hentges, Metzger, Weber, Haugland)

BOYS' AND GIRLS' CLUBWORK

AN ACT to create and enact section 4-08-10.1 of the North Dakota Century Code, relating to premiums for boys' and girls' clubwork at county achievement days, and providing an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) Section 4-08-10.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

4-08-10.1. ACHIEVEMENT DAYS - PREMIUMS - REPORT OF COUNTY AGENT.) The county agent of each organized county of the state conducting boys' and girls' achievement days, upon a voucher duly executed by the county agent and filed with the department of accounts and purchases, shall receive out of moneys appropriated for boys' and girls' clubwork an amount not to exceed three hundred dollars each year to be used exclusively for the payment of premiums at the boys' and girls' achievement days. Within thirty days following the boys' and girls' achievement days the county agent shall file with the department of accounts and purchases a full and complete itemized statement showing the disposition of the premium payments, and any balance not expended shall be remitted to the state treasurer and placed to the credit of the general fund.

SECTION 2. APPROPRIATION.) There is hereby appropriated for boys' and girls' clubwork from the general fund of the state treasury, not otherwise appropriated, the sum of \$32,400.00, or so much thereof as may be necessary, for the biennium beginning July 1, 1973, and ending June 30, 1975.

Approved March 27, 1973

CHAPTER 52

SENATE BILL NO. 2052

(Barth, C. Schultz)

(From Legislative Audit and Fiscal Review Committee Study)

TAX LEVY FOR COUNTY AGENT WORK

AN ACT to provide for an additional one-mill levy for county agent work.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. COUNTY AGENT WORK - ADDITIONAL MILL LEVY.)

The board of county commissioners of any county, upon passage of a resolution, may submit, at the next regularly scheduled or special election in the county, the question of providing for an additional annual levy of not in excess of one mill for county agent work. If the question submitted is approved by a majority of the electors voting thereon, the county commissioners shall proceed to make such levy, which levy shall be over and above any mill levy limitations provided by law. Upon approval of the levy for the county agent work, the board of county commissioners shall expend such funds in such manner as it may deem best adapted to accomplish the purposes set forth by law. Such levy may be discontinued upon the passage of a resolution by the board of county commissioners.

Approved February 6, 1973

CHAPTER 53

HOUSE BILL NO. 1174
(Poyzer)

SEED LABELING

AN ACT to create and enact subsection 24 of section 4-09-01, and sections 4-09-11.1 and 4-09-11.2 of the North Dakota Century Code, relating to definitions and labeling requirements for flower, tree, and shrub seeds; and to amend and reenact subsection 15 of section 4-09-01, section 4-09-12, subsection 1 of section 4-09-14, and section 4-09-15 of the North Dakota Century Code, relating to definitions, invoices and records, prohibitions, and exemptions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 15 of section 4-09-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15. "Hybrid" means the first generation seed of a cross produced by controlling the pollination and by combining:
- a. Two or more inbred lines;
 - b. One inbred or a single cross with an open pollinated variety; or
 - c. Two varieties or species, except open pollinated varieties of corn (*Zea Mays*).

The second generation or subsequent generations from such crosses shall not be regarded as hybrids.
Hybrid designations shall be treated as variety names;

SECTION 2.) Subsection 24 of section 4-09-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

24. "Official seed certifying agency" means:

- a. An agency authorized under the laws of a state, territory, or possession to officially certify seed which has standards and procedures approved by the United States secretary of agriculture to assure the genetic purity and identity of the

seed certified; or

- b. An agency of a foreign country determined by the United States secretary of agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under subdivision a.

SECTION 3.) Section 4-09-11.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

4-09-11.1. LABELING REQUIREMENTS FOR FLOWER SEEDS.) Each container of flower seeds which is sold, offered for sale, exposed for sale, or transported within this state for sowing purposes, shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information, which statement shall not be modified or denied in the labeling or on another label attached to the container:

1. For all flower seeds:
 - a. A word or statement indicating whether the seed has been treated.
 - b. The commonly accepted coined, chemical, or abbreviated chemical (generic) name of the applied substance or description of the process used.
 - c. If the substance in the amount present with the seed is harmful to human or other vertebrate animals, a caution statement such as "Do not use for food, feed, or oil purposes". The caution for mercurials and similarly toxic substances shall be a poison statement and symbol.
 - d. If the seed is treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration).
2. For flower seeds in packets prepared for use in home gardens or household plantings or flower seeds in preplanted containers, mats, tapes, or other planting devices:
 - a. For all kinds of flower seeds:
 - (1) The name of the kind and variety or a statement of type and performance characteristics as prescribed in the rules and regulations promulgated under the provisions of this chapter;
 - (2) The calendar month and year the seed was tested or the year for which the seed was packaged; and
 - (3) The name and address of the person who labeled

- said seed, or who sells, offers, or exposes said seed for sale within this state.
- b. For seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard last established under the provisions of this chapter:
 - (1) Percentage of germination exclusive of hard seeds; and
 - (2) The words "Below Standard" in not less than eight-point type.
 - c. For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds from the medium, mat, tape, or device, a statement to indicate the minimum number of seeds in the container.
3. For flower seeds in containers other than packets prepared for use in home flower gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices:
- a. The name of the kind and variety or a statement of type and performance characteristics as prescribed in rules and regulations promulgated under the provisions of this chapter;
 - b. The lot number of other lot identification;
 - c. The calendar month and year that the seed was tested or the year for which the seed was packaged;
 - d. The name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within this state; and
 - e. For those kinds of seed for which standard testing procedures are prescribed:
 - (1) Percentage germination exclusive of hard seed; and
 - (2) Percentage of hard seed, if present.

SECTION 4.) Section 4-09-11.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

4-09-11.2. LABELING REQUIREMENTS FOR TREE AND SHRUB SEEDS.) Each container of tree and shrub seed which is sold, offered for sale, or exposed for sale, or transported within this state for sowing purposes, shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information,

which statement shall not be modified or denied in the labeling or on another label attached to the container, except that labeling of seed supplied under a contractual agreement may be by invoice accompanying the shipment or by an analysis tag attached to said invoice if each bag or other container is clearly identified by a lot number stenciled on the container or if the seed is in bulk. Each bag or container that is not so identified must carry complete labeling:

1. For all tree and shrub seeds:
 - a. A word or statement indicating whether the seed has been treated;
 - b. The commonly accepted coined, chemical, or abbreviated chemical (generic) name of the applied substance or description of the process used;
 - c. If the substance in the amount present with the seed is harmful to human or other vertebrate animals, a caution statement such as "Do not use for food or feed or oil purposes". The caution for mercurials and similarly toxic substances shall be a poison statement and symbol; and
 - d. If the seed has been treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration).
2. For all tree and shrub seeds subject to this chapter:
 - a. Common name of the species of seed (and subspecies, if appropriate);
 - b. The scientific name of the genus and species (and subspecies, if appropriate);
 - c. Lot number or other lot identification;
 - d. Origin:
 - (1) For seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude, or geographic description, or political subdivision such as state or county; and
 - (2) For seed collected from other than a predominantly indigenous stand, identify the area of collection and the origin of the stand or state "Origin not Indigenous".
 - e. The elevation or the upper and lower limits of elevations within which said seed was collected;
 - f. Purity as a percentage of pure seed by weight;
 - g. For those species for which standard germination

testing procedures are prescribed, the following:

- (1) Percentage germination exclusive of hard seed;
 - (2) Percentage of hard seed, if present; and
 - (3) The calendar month and year test was completed to determine such percentages.
- h. In lieu of g (1), g (2), and g (3) above, the seed may be labeled "Test is in process, results will be supplied upon request";
- i. For those species for which standard germination testing procedures have not been prescribed, the calendar year in which the seed was collected; and
- j. The name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within this state.

SECTION 5. AMENDMENT.) Section 4-09-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-09-12. INVOICE AND RECORDS.) Each person whose name appears on the label handling agricultural, vegetable, flower, or tree and shrub seeds subject to this chapter, shall keep for a period of two years complete records of each lot of seed handled, and shall keep for a period of one year a file sample of each lot of seed after final disposition of said lot. All records pertaining to the lot or lots involved shall be accessible for inspection by the commissioner or his agents at any time during customary business hours.

SECTION 6. AMENDMENT.) Subsection 1 of section 4-09-14 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. It shall be unlawful for any person to sell, offer for sale, expose for sale, transport for sale, or hold or store with the intent to sell, any agricultural, vegetable, flower, or tree and shrub seed within this state if:
 - a. The test to determine the percentage of germination required under sections 4-09-10, 4-09-11, 4-09-11.1, and 4-09-11.2 shall not have been completed within a nine-month period, exclusive of the calendar month in which the test was completed, immediately prior to the sale, offering for sale, or transportation, provided that seeds contained in a hermetically sealed container, as defined by regulation issued by the seed commissioner, may be sold, transported for sale, or held for sale unless the test provided in this subdivision shall not have been completed within a thirty-six-month period, exclusive of the calendar month in which the test was completed,

immediately prior to the sale, offering for sale, or transportation for sale;

- b. Such seed is not labeled in accordance with the provisions of this chapter or bears false or misleading labeling;
- c. There has been false or misleading advertising in connection with such seed;
- d. Such seed contains prohibited noxious weed seeds;
- e. With regard to agricultural or vegetable seed, such seed is not labeled to show the rate of occurrence of restricted noxious weed seeds, as required under sections 4-09-10 and 4-09-11; or
- f. Such seed is designated, offered, represented, or advertised under any name or identification other than that by which it was known originally.

Any person, under rules and regulations to be made therefor by the commissioner, may submit to the commissioner a sample of any seed which he claims to be a new variety, distinct from any commonly known variety of such seed, together with a proposed, distinctive name therefor. The commissioner, within one year, shall make such tests as he shall consider necessary, and if he finds as a result of such tests that such seed or plant is of a new variety, distinct from any variety of such seed known theretofore and that the name proposed therefor will properly distinguish said seed from any and all other varieties thereof, he shall issue to the person applying therefor a permit to designate such seed by said name. The purchaser, vendor, or any person receiving any seed shipped into this state from without the state, shall have the same labeled in accordance with and in conformity to the requirements of this chapter. Certain standardized grades and labeling of seed in use elsewhere may be permitted by the commissioner in connection with shipments of seed into this state from points outside thereof in lieu of the labeling provided for in this chapter.

SECTION 7. AMENDMENT.) Section 4-09-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-09-15. EXEMPTIONS.) The provisions of sections 4-09-10, 4-09-11, 4-09-11.1, and 4-09-11.2 shall not apply to:

1. Potatoes, whether sold or intended for food, manufacturing, or planting purposes;
2. Seed or grain which is not intended for sowing purposes;
3. Seed stored by or consigned to a seed cleaning or processing plant for the purpose of cleaning or processing;

provided, that any labeling or other representation which may be made with respect to uncleaned or unprocessed seed shall be subject to the requirements of this chapter;

4. A common carrier with respect to any seed transported or delivered for transportation in the ordinary course of business; and
5. Seeds which are sold or exchanged by farmers within any community who are not engaged in commercial seed business.

No person shall be subject to the penalties of this chapter for having sold, exposed for sale, or transported for sale in this state any agricultural, vegetable, flower, or tree and shrub seeds which were incorrectly labeled or incorrectly represented as to kind, variety, or origin and which could not be identified by examination thereof, unless such person has to obtain an invoice or grower's declaration stating the kind, or kind and variety, and origin, if required, or has failed to take such other precautions as may have been necessary to insure that the seed was properly identified.

Approved February 25, 1973

CHAPTER 54

HOUSE BILL NO. 1018

(Reimers, H. Johnson, Kingsbury, Mertens, Miedema)
(From Legislative Council Study)

SEED DEPARTMENT VOUCHERS

AN ACT to amend and reenact section 4-09-20 of the North Dakota Century Code, relating to the processing of vouchers by the seed department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 4-09-20 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-09-20. FEES AND COLLECTIONS - DISPOSITION.) All moneys arising from the collection of fees and other charges under the provisions of this chapter shall be deposited by the state seed commissioner with the state treasurer and credited to the seed department revolving fund, and shall be disbursed, within the limits of legislative appropriations therefrom, upon vouchers signed by the state seed commissioner and warrant-checks prepared by the department of accounts and purchases, after approval of such expenditures by the state auditing board.

Approved February 6, 1973

CHAPTER 55

HOUSE BILL NO. 1128

(Committee on Agriculture)

(At the request of the Poultry Improvement Board)

POULTRY LICENSE FEES

AN ACT to amend and reenact section 4-13-10 of the North Dakota Century Code, relating to license fees for engaging in the poultry business and raising the amount of such fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 4-13-10 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-13-10. LICENSES AND FEES.) No person shall engage in the business of poultry or turkey buyer, processor, packer, hatchery operator, baby chick jobber, or salesman, without first securing from the North Dakota poultry improvement board a license to engage therein. All such licenses shall expire on the first day of July of each year, and shall be issued or renewed only upon payment to the board of the license fees for each of said occupations in the amounts hereinafter set forth:

1. For poultry and turkey buyers, processors, and packers, the annual license fee shall be five dollars.
2. For hatcheries, the annual license fee shall be five dollars
3. For baby chick and turkey poult jobbers and salesmen, the annual license fee shall be five dollars.

The annual license fees for the ensuing year must be paid before any license is issued. Failure to pay any license charge within ten days after the same shall become due shall constitute a violation of this chapter.

Approved February 1, 1973

CHAPTER 56

HOUSE BILL NO. 1127
(Committee on Agriculture)
(At the request of the Poultry Improvement Board)

BONDING OF POULTRY DEALERS

AN ACT to create and enact section 4-13-10.1 of the North Dakota Century Code, relating to the bonding of poultry dealers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) Section 4-13-10.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

4-13-10.1. POULTRY DEALER TO FILE BOND WITH POULTRY IMPROVEMENT BOARD.) Each poultry dealer covered by this chapter shall file a bond, issued by an approved surety company, with the poultry improvement board. The board shall be named as obligee in each such bond, but the bond shall be held for the purpose of protecting and for the benefit of any person selling poultry to the licensed dealer or his agent, in order to ensure:

1. The faithful performance by the dealer of his duties;
2. The compliance by the dealer with all statutes relating to poultry;
3. The full and complete payment to the seller for all poultry purchased by the dealer.

The bond shall cover the license period of the dealer and be approved as to amount, form, and sufficiency by the poultry improvement board. The poultry improvement board may demand additional bond for either the principal or agent whenever, in its judgment, the volume of business of the principal or of any agent named by the principal warrants such demand.

Bonds from out-of-state applicants may be in favor of a trustee who shall be a financially responsible, disinterested person approved by the executive secretary. The amount of bond as determined by the poultry improvement board shall bear a reasonable relationship to the gross volume of business carried on by the dealer. A designation of the agents of the dealer to be covered by such bond shall be filed with the bond.

Approved March 8, 1973

CHAPTER 57

HOUSE BILL NO. 1469
(Dotzenrod)

TURKEY PROMOTION ACT

AN ACT creating the North Dakota Turkey Promotion Act, designating the state poultry improvement board to carry out the Act, levying an assessment upon each turkey producer to fund the activities necessary under the Act, designating the North Dakota turkey federation to advise the poultry improvement board in its administration of this Act, providing a penalty, and providing an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. TITLE.) This chapter shall be known as the North Dakota Turkey Promotion Act.

SECTION 2. DEFINITIONS.) The following definitions are given for purposes of this chapter:

1. "Board" means the North Dakota poultry improvement board.
2. "Secretary" means the executive secretary of the North Dakota poultry improvement board.
3. "Federation" means the North Dakota turkey federation.
4. "Producer" means any person doing business within this state who raises turkeys for slaughter each year.
5. "Processor" means any person who purchases more than one thousand turkeys each year for slaughter.
6. "Integrator" means a person who both produces and processes turkeys. Where applicable, an integrator may be included in the definitions of both a producer and a processor.
7. "Turkeys" means turkeys raised for slaughter.
8. "Market development" means research and education programs directed toward better and more efficient production, marketing, and utilization of turkeys and turkey products produced for resale. The term also means the use of other methods, including

but not limited to, public relations and other promotion techniques, for the maintenance of present turkey markets, for the development of new or larger domestic or foreign markets, for the sale of turkeys, and for prevention, modification, or elimination of trade barriers which obstruct the free flow of agricultural commodities to market. The term includes providing promotion and research funds for North Dakota's participation in activities such as the national turkey federation research fund and such other activities as may be authorized by the North Dakota poultry improvement board.

SECTION 3. ASSESSMENT.) There is hereby levied on producers an assessment upon each turkey delivered for processing. The assessment rate shall be one-half cent for each turkey weighing less than ten pounds live weight, and one cent for each turkey weighing ten or more pounds live weight.

SECTION 4. ASSESSMENT COLLECTED AND REMITTED BY PROCESSOR.) The assessment shall be collected by the processor at the time the turkey is delivered to a processing plant. It shall be deducted by the processor from the price he pays to the producer. The processor shall quarterly remit the assessments he collects under this Act to the poultry improvement board for deposit in a special fund in the state treasury.

SECTION 5. SPECIAL FUND.) The state treasurer shall deposit all moneys received under this chapter in a special fund to be known as the turkey fund. All moneys deposited in the turkey fund shall, subject to legislative appropriation, be expended by the board for use pursuant to this Act.

SECTION 6. PROCESSOR TO GIVE INVOICE TO PRODUCER.) The processor shall, at the time of delivery, sign and give to the producer separate invoices for each purchase. The invoice shall show the name and address of the producer and the seller, if the seller is not the producer; the name and address of the processor; the number of turkeys sold; the amount of assessment collected; and the date of delivery. The board shall have the authority to require such other records as may be necessary to expedite the collection and remittance of the assessment.

SECTION 7. REFUNDS.) Any producer who makes a written application therefor to the board within sixty days of the delivery of his turkeys to a processor shall receive a refund of the assessment deducted from him.

SECTION 8. BOARD TO EFFECTUATE PURPOSES OF THIS ACT - ADVICE OF FEDERATION SOUGHT.) The board is hereby authorized to expend moneys and take the actions it deems necessary and proper to effectuate the purposes and policies of this Act. The board shall request the advice, review, and comment of a committee appointed by the federation regarding the projects, programs, and policies undertaken to carry out the provisions of this Act.

SECTION 9. OUT-OF-STATE PROCESSORS.) The board is hereby authorized to enter into negotiations and agreements with out-of-state processors for the collection and remittance of the assessment.

SECTION 10. TURKEY INFORMATION IN REPORT.) The board shall include information concerning its activities under the provisions of this Act, including a complete listing of the assessments collected and the moneys spent under this Act, in its report to the governor.

SECTION 11. COLLECTION OF UNPAID ASSESSMENTS.) If a processor fails to collect or remit the proper assessments, the board may enforce the collection or remittance, as the case may be, in any court of competent jurisdiction in the state.

SECTION 12. DELINQUENT ASSESSMENT REMITTANCES.) Any processor who fails to remit the assessments he has collected on the date they become due shall be delinquent and shall levy a penalty assessment of five percent of the assessment due, plus interest at the rate of six percent per annum, from the due date. The penalty and interest shall be collected in the manner described in section 11.

SECTION 13. PENALTY.) A willful violation of this Act shall be a misdemeanor and shall be punishable by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

SECTION 14. APPROPRIATION.) There is hereby appropriated out of any moneys in the special fund known as the turkey fund in the state treasury, the sum of \$20,000.00 or so much thereof as may be necessary, to the poultry improvement board to carry out the provisions of this Act for the biennium beginning July 1, 1973, and ending June 30, 1975.

Approved March 27, 1973

CHAPTER 58

SENATE BILL NO. 2232
(Holand)

NOMINATING PETITIONS -
SOIL CONSERVATION SUPERVISORS

AN ACT to amend and reenact section 4-22-17 of the North Dakota Century Code, relating to the filing of the nominating petition of a candidate for the office of soil conservation district supervisor.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 4-22-17 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-22-17. NOMINATING PETITIONS - PETITIONS REQUIRED - FINAL FILING DATE.) Any person running for the office of supervisor shall present to the county auditor of the county in which his district lies a petition giving his name, postoffice address, title of the office, and containing the signatures of not less than twenty-five nor more than three hundred qualified electors of the district. When a district lies in more than one county, the petition shall be filed with the county auditor of the county where the candidate resides, and such county auditor shall certify to the county auditors of the other counties in which such district lies the name of the candidate filing such petition. No person shall participate directly or indirectly in the nomination for more than one person for each office to be filled. The final filing date for nominating petitions shall be no later than thirty-five days before the day of the election and not later than four o'clock p.m. of such day.

Upon receipt of the petition or the certification as provided in this section, the county auditor shall without fee place the name of the candidate so nominated on the no-party ballot at the ensuing general election.

Approved March 8, 1973

CHAPTER 59

HOUSE BILL NO. 1162

(Committee on Agriculture)

(At the request of the Secretary of State)

SOIL CONSERVATION DISTRICT SUPERVISORS

AN ACT to amend and reenact section 4-22-22 of the North Dakota Century Code, relating to the election of soil conservation district supervisors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 4-22-22 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-22-22. SUPERVISORS - TERMS OF OFFICE - VACANCIES - REMOVAL - EXPENSES.) At the general election to be held in 1972, three district supervisors shall be elected. The candidate receiving the largest number of votes shall be elected for a six-year term; the candidate receiving the second highest number of votes shall be elected for a four-year term; and the candidate receiving the third highest number of votes shall be elected for a two-year term. At each succeeding general election, one supervisor shall be elected for a term of six years, or until his successor is duly elected and qualified, to each expiring or vacant term. In newly formed districts, three supervisors shall be elected at the first general election following the district's organization. The candidate receiving the largest number of votes shall be elected for a six-year term; the candidate receiving the second highest number of votes shall be elected for a four-year term; and the candidate receiving the third highest number of votes shall be elected for a two-year term. At each succeeding general election, one supervisor shall be elected for a term of six years, or until his successor is duly elected and qualified, to each expiring or vacant term. The county auditor of the county or counties in which the district lies shall return to the secretary of state within eight days following any general election a certified abstract of the votes cast in his county at such election for each candidate for district supervisor. At the time that the county auditor transmits the certified abstract of the votes cast for each candidate, he shall file with the secretary of state a certificate showing the name and address of each candidate.

In order to be eligible for election to the office of supervisor, candidates must be land occupiers and physically living in the district. Candidates shall be elected on a nonpartisan ballot.

In case the office of any supervisor shall, for any reason, become vacant, the remaining members of the board of supervisors shall, with the advice and consent of the state committee, fill the vacancy by appointment. In the event that vacancies shall occur in the office of two supervisors, the remaining supervisor and the state committee shall fill the vacancy; and in case the offices of all supervisors of a district shall become vacant, the state committee shall fill the vacancies by appointment. A supervisor appointed to fill a vacancy shall hold office until the next general election. A supervisor elected to fill a vacancy shall serve the balance of the unexpired term in which the vacancy occurred.

Any soil conservation district, upon resolution of the three elected supervisors, may appoint two additional supervisors who shall serve for a term of one year from and after the date of their appointment. Such supervisors shall be appointed by a majority of the three elected supervisors and shall have all the powers, voting privileges, duties, and responsibilities of elected supervisors, except that the expense allowances of the appointed supervisors shall be paid by the local soil conservation district concerned. As far as possible, the appointed supervisors shall represent interests within the district which are not represented by the elected supervisors.

Any supervisor of a soil conservation district may after notice given and hearing held in accordance with the Administrative Practices Act of this state, be removed from office by the state committee.

The supervisors of soil conservation districts shall receive no compensation for their services other than travel and subsistence expenses necessarily incurred in attending district, state, or other meetings approved by the state soil conservation committee, which expenses shall be paid from appropriations available to the state committee. All other expenses including travel incurred by district supervisors while transacting district business and not specifically authorized by the state soil conservation committee shall be paid from district funds.

Approved March 11, 1973

CHAPTER 60

SENATE BILL NO. 2053

(Barth, C. Schultz)

(From Legislative Audit and Fiscal Review Committee Study)

MILK INSPECTION

AN ACT providing for dairy commissioner, city health department, and district health unit cooperation in the inspection of milk producers and processors, and to amend and reenact section 4-30-36 of the North Dakota Century Code, relating to the adoption of standards and regulations for grade "A" milk and milk products and authorizing the adoption of amendments and new editions thereof.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. DAIRY COMMISSIONER - CITY HEALTH DEPARTMENT - DISTRICT HEALTH UNITS - COOPERATION IN INSPECTION.) When a health district or city health department is conducting inspections of grade "A" milk producers and processors within their jurisdiction, the dairy commissioner shall not conduct inspections of said milk producers and processors, except that he shall carry out such inspections when requested information pertaining to inspections made, findings, and related information is not furnished by said district or department. Health districts and city health departments may provide such information and assistance to the dairy commissioner as he might reasonably request pursuant to this Act.

SECTION 2. AMENDMENT.) Section 4-30-36 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-30-36. STANDARDS FOR GRADE A MILK AND MILK PRODUCTS - ADOPTION OF AMENDMENTS.) The minimum standards for milk and milk products designated as Grade A shall be the same as the minimum requirements of the "Grade A Pasteurized Milk Ordinance, 1965 Recommendations of the United States Public Health Service" and all supplements added thereto. The dairy commissioner may adopt as dairy department regulations any amendments, supplements to, and/or new editions of said Milk Ordinance which are in the interest of public safety, wholesomeness of product, consumer interest, sanitation, good supply, salability and promotion of grade "A" milk and milk products.

Approved February 25, 1973

CHAPTER 61

HOUSE BILL NO. 1327

(K. Johnson, Stoltenow, Erickson, Langley)

BEEF PROMOTION ACT

AN ACT to promote the sale of North Dakota beef products; to create a North Dakota beef commission; to prescribe its purposes, powers, and duties; to provide for the assessment of cattle sold in or from the state of North Dakota; to provide refunds of such assessments; and to provide penalties.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. PURPOSES.) The purposes of this Act are:

1. To provide programs to increase the consumption of domestic beef through such means as advertising and local and national sales promotion and education, but at no time shall false or unwarranted claims be made on behalf of the beef industry.
2. To support research and educational activities of the national livestock and meat board and its beef industry council with not less than fifty percent of the assessments collected.
3. To support research efforts toward solving problems, primarily health, involved in the production of North Dakota beef cattle with no less than twenty-five percent of assessments collected.
4. To enhance the sale of North Dakota cattle.

SECTION 2. DEFINITIONS.) Unless the context otherwise requires:

1. "Beef producer" shall mean any person or firm engaged in the production of cattle.
2. "Cattle" shall be defined to include both beef and dairy cattle.
3. "Cattle feeder" shall mean any person or firm engaged in the growing of cattle or finishing of cattle for slaughter.

4. "Commission" shall mean the North Dakota beef commission.
5. "Dairy producer" shall mean any person or firm engaged in the production and sale of milk from cows.
6. "Livestock auction markets" shall have the same definition as contained in subsection 2 of section 36-05-01.
7. "Local brand inspector" shall mean a person appointed and authorized by the North Dakota stockmen's association acting as agent for the North Dakota livestock sanitary board.
8. "Livestock dealer" shall have the same definition as contained in section 36-04-01.
9. "Livestock terminal markets" shall mean the public livestock market located at West Fargo and known as the West Fargo stockyards.
10. "Person" shall include individuals, corporations, partnerships, trusts, associations, cooperatives, and any and all other business units.
11. "Selling agency" shall mean any person engaged in the business of buying or selling in commerce livestock on a commission basis.

SECTION 3. NORTH DAKOTA BEEF COMMISSION - APPOINTMENTS - VACANCIES - QUALIFICATIONS.) There is hereby created a North Dakota beef commission consisting of nine members who shall be appointed by the governor. The commission shall be composed of three beef producers, one cattle feeder, one dairy producer, one public livestock market representative, and three representatives at large.

Three initial members shall be appointed for one year; three members shall be appointed for two years; and three members shall be appointed for three years. All subsequent members shall be appointed for three years unless the appointment is to fill a vacancy in which case such appointment shall be for the unexpired term. No member shall serve more than two successive three-year terms. In the event a position on the commission becomes vacant for any reason, the unexpired term of such position shall be filled in the same mode and manner as the original appointments.

Each member shall be a citizen and a resident of this state, shall be or have been actually engaged in that phase of the cattle industry he represents for a period of five years, and shall have during that period derived a substantial portion of his income therefrom.

SECTION 4. NOMINATION OF MEMBERS.) With the exception of the representatives at large, who shall be of the governor's own choosing, the members of the commission shall be appointed by the governor from nominations made to him by the following organizations: to represent beef producers, by the North Dakota stockmen's association; to represent cattle feeders, by the North Dakota cattle feeders association; to represent dairy producers, by the North Dakota state milk producers association; to represent public livestock markets, by the North Dakota livestock auction markets association and the board of governors at the West Fargo stockyards.

Not less than two nominations shall be submitted for each office to be filled. Provided, however, that nominations for the representative of the public livestock markets shall be made, one each, by the board of governors of the West Fargo stockyards and by the North Dakota livestock auction markets association. Upon the expiration of the initial appointments, only those organizations which have the authorization to nominate candidates representing the specific classification for which an opening or openings exist shall be eligible to submit nominations. The initial appointments shall be made immediately after the effective date of this Act.

SECTION 5. POWERS AND DUTIES OF COMMISSION.)

1. The commission shall administer and enforce the provisions of this Act and do all things reasonably necessary to effectuate the purposes of this Act.
2. The commission shall elect a chairman and such other officers as it deems advisable.
3. The commission shall employ and discharge at its discretion such personnel as the commission determines are necessary to carry out the purposes of this Act, and to prescribe their duties and powers and to fix their compensation.
4. The commission is empowered to adopt, rescind, and amend reasonable rules, regulations, and orders for the exercise of its powers hereunder. The provisions of chapter 28-32, the Administrative Agencies Practices Act, shall apply to this Act.
5. The commission is authorized to establish by resolution, a headquarters centrally located within the state of North Dakota which shall continue until so changed by the commission.
6. The commission may require that the person or persons who receive and disburse the moneys of the commission shall be bonded, by and in the amount to be determined by the commission. The premium for such bond or bonds shall be paid by the commission from assessments collected.

7. The commission shall deposit its funds in a special account in the state treasury.
8. The commission may incur expenses and enter into contracts and create such liabilities as may be reasonably necessary for the enforcement of this Act.
9. The commission may borrow money, not in excess of its estimate of revenue from the current year's assessments.
10. The commission shall keep or cause to be kept accurate records of all assessments, expenditures, moneys, and other financial transactions performed pursuant to this Act. Such records, books, and accounts shall be audited annually, or oftener, by the state auditor, in accordance with established auditing and accounting procedures.
11. The commission may sue and be sued as a commission without individual liability for acts of the commission within the scope and powers conferred upon it by this Act.
12. The commission is empowered to cooperate with any local, state, or national commission, organization, or agency, whether voluntary or established by state or federal law, including recognized livestock groups, engaged in activities similar to the work of the commission and to make contracts and agreements for carrying out programs consistent with the purpose and intent of this Act.

SECTION 6. MEETINGS.) The commission shall hold an annual meeting at which time an annual report and proposed budget shall be presented. The commission shall hold at least two other regular meetings each year at the call of the chair. The chairman shall establish the time, manner, and place of all meetings and shall give reasonable notice to the members. A majority of voting members shall constitute a quorum for the transaction of any business.

SECTION 7. COMPENSATION - EXPENSES.) Commission members shall receive the sum of twenty dollars per meeting attended and shall receive necessary expenses for meals, lodging, and travel in the same amount and in the same manner as permitted by law for state officials and employees. The members of the commission shall receive no other salary or compensation for their service on the commission.

SECTION 8. ASSESSMENT FOR SALE OF CATTLE.) There is hereby levied on each person who is a resident of North Dakota selling cattle within the state or from the state, an assessment of ten cents per head for each animal sold. The moneys collected pursuant to the provisions of this Act shall be paid to the North

Dakota beef commission as provided by this Act and shall be expended by such commission only as authorized by the provisions of this Act.

SECTION 9. MANNER OF DEDUCTIONS - PAYMENTS OF ASSESSMENTS TO BEEF COMMISSION - COLLECTIONS BY BRAND INSPECTORS.) The assessments provided in this Act shall be collected by selling agencies at livestock terminal markets, livestock auction markets, and by all livestock dealers licensed by the state of North Dakota by deducting such assessments from any credit given or payment made to the person selling the cattle at the time such credit is given or payment is made. Persons who sell cattle from the state of North Dakota outside of the state or to an out-of-state buyer shall remit the assessments directly to the commission within thirty days of such sale, unless such assessment has been paid to a brand inspector.

In order to facilitate the collection of assessments on cattle sold to buyers other than at terminal markets and auction markets, local brand inspectors may serve as collectors for the commission at the time of inspection of the cattle, provided that a satisfactory receipt evidencing such payment is given. The brand inspectors shall immediately notify the commission if any person refuses to pay any assessment required of him.

SECTION 10. REMITTANCE OF ASSESSMENTS COLLECTED - PENALTIES.) All assessments collected by licensed dealers, selling agencies at terminal markets, auction markets, or local brand inspectors shall be remitted to the North Dakota beef commission within thirty days following the month during which the assessments were received. The assessments shall be accompanied by remittance forms as prescribed and furnished by the commission. All moneys shall be remitted by the commission to the state treasurer and deposited by him in the North Dakota beef commission fund and are hereby appropriated to the commission and shall be disbursed by the commission in accordance with the provisions of this chapter. Any licensed dealer, selling agency at terminal markets, auction markets, or any local brand inspector who collects assessments but who fails to remit the same within sixty days after the time provided in this section shall be guilty of a misdemeanor and punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment. Any licensed dealer, or any owner or operator of a livestock selling agency at a terminal market, or any livestock auction market operator failing to collect assessments as provided in this Act shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment. Any person who sells cattle from the state of North Dakota outside the state or to an out-of-state buyer who willfully fails to remit the assessments within sixty days as required by this Act

shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment. Assessments unpaid on the date on which they are due and payable shall be increased by a ten percent nonrefundable penalty on the amount of the assessments and the commission is authorized to sue for and collect the same.

SECTION 11. REFUND OF ASSESSMENTS.) Any person who has made payment of assessments under the provisions of this Act or who has had payment made on his behalf of such assessments may request and receive a refund, provided that a request for such refund is made within six months after the remittance of such assessments. Applications for refunds shall be made by the seller himself in such form as shall be reasonably required by the commission, and shall provide the commission with sufficient information to identify such assessments.

SECTION 12. TITLE.) This Act shall be known as the North Dakota Beef Promotion Act.

Approved March 28, 1973

CHAPTER 62

SENATE BILL NO. 2206

(Barth, C. Schultz)

(From Legislative Audit and Fiscal Review Committee Study)

GRASSHOPPER CONTROL

AN ACT to repeal chapter 80 of the 1957 Session Laws, providing
an appropriation for grasshopper control.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. REPEAL.) Chapter 80 of the 1957 Session
Laws is hereby repealed.

Approved February 25, 1973