

AGRICULTURE

CHAPTER 48

SENATE BILL NO. 2498
(Naaden)

COUNTY FAIR ASSOCIATION AUTHORIZATION

AN ACT to create and enact a new section to chapter 4-02 of the North Dakota Century Code, to provide that a county fair association which fails to hold a fair for ten years will lose its official authorization.

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

SECTION 1.) A new section to chapter 4-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

COUNTY FAIR AUTHORIZATION - FORFEITURE.) Any county fair association which fails to hold a county fair for ten years shall forfeit its official authorization. After such time, other fair associations may organize within a county and apply to the board of county commissioners for official county fair authorization and aid as provided by this chapter.

Approved March 31, 1977

CHAPTER 49

HOUSE BILL NO. 1528
(Meyer, Wagner, Russell, Gackle, Schindler)

CENTRAL NORTH DAKOTA BEEF CATTLE EXPERIMENT STATION

AN ACT to establish a central North Dakota beef cattle experiment station; to provide for determining its location; and to provide an appropriation.

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

SECTION 1. PURPOSE, LOCATION, AND SCOPE.) In order to fulfill those research needs which cannot be accomplished at any presently existing experimental facility, because of peculiar types of grasses, soils, precipitation, and climate, there is hereby established a centrally located North Dakota beef cattle experiment station within an area bounded by the Missouri River on the west and the James River on the east.

Research objectives at this location shall be:

1. To increase the range-carrying capacity of native range, yet conserve and preserve it for generations to follow. This program would include fertilization, weed control, and management of native and tame grasses in concert to allow full season use and maximum utilization of the land resource for the production of calves.
2. To stabilize grass production from year to year or to discover how best to compensate for the vagaries of the weather and precipitation as it influences forage production in a dryland agriculture.
3. To identify impact of different management systems upon the incidence of calf scours and other disease problems.
4. To explore increased use of crop residues and by-products for the maintenance of the cow herd.
5. To demonstrate management techniques and advise operators of results obtained.

This station shall be of sufficient size to accommodate a herd of not less than three hundred brood cows on an annual basis.

SECTION 2. IMPLEMENTATION.)

1. To accomplish the intent and purposes of this Act, a committee is hereby created composed of the vice president for agriculture at North Dakota state university; the director of the North Dakota main agriculture experiment station; the director of the cooperative agricultural extension service at North Dakota state university; the chairman of the department of animal science at North Dakota state university; three members of the legislative assembly selected by the chairman of the legislative council; and five other persons affiliated with beef cattle production who shall be selected by the four committee members specified above. Committee members shall serve without compensation.
2. The vice president for agriculture at North Dakota state university shall act as chairman of this committee and shall call for an organizational meeting of the committee as soon as practical following the effective date of this Act. The chairman shall be responsible for directing the committee in accomplishing the purposes of this Act.
3. The committee is hereby empowered and directed to perform such acts as are reasonable and necessary in determining and selecting the site for the experiment station established in section 1 of this Act. Following selection of the site, the director of the North Dakota main experiment station, subject to approval by the state board of higher education, shall be responsible for purchase of the site recommended by the committee. Prior to purchasing any land under this section, the director of the North Dakota main experiment station shall obtain the approval of the budget section of the legislative council.

SECTION 3. APPROPRIATION.) There is hereby appropriated out of moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000.00, or so much thereof as may be necessary, for the purpose of obtaining appropriate options to purchase the site recommended by the committee or purchasing a portion of the site and obtaining appropriate options to purchase the remainder of the site, and the sum of \$15,000.00, or so much thereof as may be necessary, for the payment of expenses of the committee, to the North Dakota main agriculture experiment station for the purpose of carrying out this Act for the biennium beginning July 1, 1977, and ending June 30, 1979. Any balance necessary to complete the purchase of the site, livestock, equipment, and physical facilities, and for operation and maintenance of the station shall be the responsibility of the Forty-sixth Legislative Assembly.

SECTION 4. LEGISLATIVE INTENT.) All moneys received in the future as a result of the condemnation or sale of any land currently used for livestock at the North Dakota state university main experiment station, Fargo, North Dakota, shall be deposited in the general fund in the state treasury as partial recovery of moneys expended under the provisions of this Act.

SECTION 5. LEGISLATIVE INTENT.) It is the intent of the legislative assembly that this station shall be operated as an integral part of the North Dakota experiment station system and that it shall be administered in a manner to be determined by the director of the North Dakota experiment stations.

It is the further intent of the legislative assembly that the experiment station established by this Act shall be operated in cooperation and conjunction with the research work at all presently existing stations and shall not reduce the necessity of maintaining present beef cattle research at the Carrington experiment station nor reduce the need for expanding beef cattle research at the Dickinson experiment station, or the main experiment station at Fargo.

Approved April 21, 1977

CHAPTER 50

SENATE BILL NO. 2208
(Morgan, Albers, Barth)

SEED TAGS AND STAMPS

AN ACT to create and enact sections 4-09-14.1, 4-09-14.2, 4-09-14.3, and 4-09-14.4 of the North Dakota Century Code, requiring fee tags or stamps to be attached to all containers of seed sold in this state for sowing purposes; and to amend and reenact section 4-09-15 of the North Dakota Century Code, relating to exemptions from certain requirements of the chapter.

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

SECTION 1.) Section 4-09-14.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

4-09-14.1. SEED SALES - FEE TAGS OR STAMPS REQUIRED - EXCEPTION.) No person shall sell agricultural, vegetable, flower, or tree or shrub seed within, or for delivery within, this state unless a fee tag or stamp obtained from the seed department has been affixed to the seed container or a selling permit has been issued to the seller pursuant to section 4-09-14.4.

SECTION 2.) Section 4-09-14.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

4-09-14.2. FEE TAGS OR STAMPS - COST ADDED TO SELLING PRICE.) The fee tag or stamp required by section 4-09-14.1 shall be attached to the seed container in the prescribed denomination for the quantity of seed in the container. Fee tags or stamps shall be in the form prescribed by the commissioner and sold by the seed department at face value to seed vendors. The cost of fee tags or stamps attached to seed containers shall be added to the selling price of the seed by all wholesalers and processors. Seed sold by one wholesaler to another wholesaler need not be tagged or stamped.

SECTION 3.) Section 4-09-14.3 of the North Dakota Century Code is hereby created and enacted to read as follows:

4-09-14.3. FEES.) The denomination of a fee tag or stamp required by section 4-09-14.1 shall be attached to a seed container pursuant to the following fee schedule:

1. A container containing:

- 100 to 160 lbs. of seed eight cents
- 60 to 99 lbs. of seed seven cents
- 30 to 59 lbs. of seed six cents
- 15 to 29 lbs. of seed five cents
- 1/2 to 14 lbs. of seed four cents

2. Cereal grains, per 100 pounds, two cents
Flax, soybeans, edible beans, per 100 pounds, four cents

3. Whenever seed is sold at wholesale or on consignment or commission in packets of eight ounces or less, the lot container shall bear packet seed fee stamps. Each stamp shall cost fifty cents per twenty-five dollars of wholesale value, or fraction thereof, of the packets in the lot container. Each stamp shall be attached in such a manner that it will not be destroyed upon the opening of the lot container. Packet seed stamps shall be purchased by the packet seed packer from the seed department.

SECTION 4.) Section 4-09-14.4 of the North Dakota Century Code is hereby created and enacted to read as follows:

4-09-14.4. PERMIT - ISSUANCE IN LIEU OF FEE TAGS OR STAMPS.) The commissioner is authorized at his discretion, under such rules as may be promulgated, to issue a permit to any person to sell agricultural, vegetable, flower, and tree and shrub seeds in North Dakota without the use or attachment of fee tags or stamps purchased from the seed department. The person shall apply to the commissioner for a permit and shall furnish the seed department with quarterly statements of all seeds sold in North Dakota. Each quarter statement shall be itemized to show the number of each class of containers referred to in section 4-09-14.3. Statements shall be furnished for each calendar quarterly period, shall be delivered to the commissioner not later than thirty days after the end of each quarterly period, and shall be accompanied by the appropriate fee. Any person to whom a permit is granted shall show such information in connection therewith as the commissioner shall require as part of the analysis tag on all seed sold. The commissioner or his authorized agent shall have the right at all reasonable times to examine the records of any permit holder to verify the correctness of its statements.

SECTION 5. AMENDMENT.) Section 4-09-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-09-15. EXEMPTIONS.) Sections 4-09-10, 4-09-11, 4-09-11.1, 4-09-11.2, 4-09-14.1, 4-09-14.2, 4-09-14.3, and 4-09-14.4 shall not apply to:

1. Potatoes, whether sold or intended for food, manufactur-

- ing, 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 failed 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 ensure that the seed was properly identified.

Approved March 31, 1977

CHAPTER 51

HOUSE BILL NO. 1217

(Tweten, Fleming, Nicholas, Olson)

POTATO INDUSTRY PROMOTION ASSESSMENT

AN ACT to amend and reenact section 4-10.1-09 of the North Dakota Century Code, relating to potato promotion assessment.

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

SECTION 1. AMENDMENT.) Section 4-10.1-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-10.1-09. TAX LEVIED.) Commencing July 1, 1977, an assessment at the rate of two cents per hundredweight shall be levied and imposed upon all potatoes grown in the state or sold to a designated handler. This assessment shall not be imposed upon any potatoes retained by growers to be used for seed purposes or for consumption by the grower. This assessment shall be due upon any identifiable lot or quantity of potatoes.

A designated handler of potatoes shall file an application with the council on forms prescribed and furnished by the council which shall contain the name under which the handler is transacting business within the state, place or places of business, and location of loading and shipping places of agents of the first handler, the names and addresses of the several persons constituting the firm partnership, and, if a corporation, the corporate name and the names and addresses of its principal officers and agents within the state. The council shall issue a certificate to the designated handler. A designated handler shall not sell, process, or ship any potatoes until it has furnished a certificate as required by this section.

Every designated handler of potatoes shall collect the assessment imposed by this section by charging and collecting from the seller the assessment at the rate of two cents per hundredweight by deducting the assessment from the purchase price of all potatoes subject to the assessment and purchased by the designated handler.

Every designated handler shall keep as a part of its permanent records a record of all purchases, sales, and shipments of raw potatoes, which may be examined by the commissioner, or

his designee, at all reasonable times. Every designated handler shall report to the council stating the quantity of potatoes received, sold, or shipped by it. The report shall be made at the times and in the manner prescribed by the council. The remittance of the assessment as provided in this section shall accompany the report. All moneys levied and collected under this chapter shall be paid to the council for deposit in the state treasury to the credit of a fund designated "spud fund" to be used exclusively to carry out the intent and the purposes of this chapter.

Approved March 12, 1977

CHAPTER 52

HOUSE BILL NO. 1423
(Weber, Gunderson)

SUNFLOWER INDUSTRY PROMOTION ACT

AN ACT relating to the promotion, advertising, research, and development of sunflowers, creating a state sunflower council and prescribing its powers, duties, and authority, prescribing a tax on sunflower production, providing for its collection, and providing penalties for the violation of the Act; providing an appropriation; and declaring an emergency.

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

SECTION 1. TITLE OF ACT.) This Act shall be known as the "Sunflower Industry Promotion Act of North Dakota".

SECTION 2. LEGISLATIVE POLICY.) It is hereby declared that the production, development, marketing, and promotion of sunflowers in North Dakota is important to the general welfare of the people of North Dakota; that it is in the public interest that better methods of production, processing, and marketing of sunflowers and that advertising and promoting of sunflowers grown in North Dakota be fostered, encouraged, developed, and improved so the sunflower industry within the state, the people directly or indirectly employed by said industry and the people of North Dakota should be benefited thereby, the accomplishment of which requires and demands the establishment of a North Dakota sunflower council for the purposes and with the objectives of contributing to the stabilization and improvement of the agricultural economy of this state. This chapter shall not be construed to abrogate or limit in any way the rights, powers, duties, and functions of the office of the commissioner of agriculture or any other agency of the state, but shall be supplementary thereto and in aid and cooperation therewith; nor shall this chapter be construed to authorize the North Dakota sunflower council to engage in competitive business enterprises, it being the intended purpose of this Act that the council, through research and advertising, shall promote North Dakota-grown sunflowers.

SECTION 3. DEFINITIONS.) Whenever used in this Act:

1. "Commissioner" means commissioner of agriculture or the commissioner's designated representative.

2. "Council" means the North Dakota sunflower council.
3. "Designated handler" means any person who initially places sunflowers, whether as an owner, agent, or otherwise, into the channels of trade and commerce, or who is engaged in the processing of sunflowers into any form. A grower selling his unharvested sunflowers, or delivering his sunflowers from the farm on which they are produced to storage facilities, packing shed, or processing plant, within the state, shall not be considered to be a designated handler.
4. "Sunflowers" means any and all varieties of sunflowers harvested within the state.
5. "Grower" means any person who plants, raises, and harvests sunflowers from more than ten acres.
6. "Hundredweight" means a one hundred pound unit or a combination of packages making a one hundred pound unit or any shipment of sunflowers based on invoices or bills of lading records.
7. "Participating grower" means a grower who has not exempted himself from the payment of taxes on sunflower production under this Act for a particular year, or a grower who is not exempt from the payment of taxes on sunflower production under this Act.
8. "Person" means an individual, partnership, corporation, association, grower, cooperative, or any other business unit.

SECTION 4. NORTH DAKOTA STATE SUNFLOWER COUNCIL - MEMBERSHIP - ELECTION - TERM.) There is hereby established a North Dakota sunflower council. The council shall be composed of one participating grower elected from each of the districts established in section 5 of this Act. The chairman of the council shall be a member of the council elected by a majority vote of the council. The commissioner of agriculture shall be an ex officio member of the council. Every elected council member shall be a citizen of the state and a bona fide resident of and participating grower in the district the member represents. The term of each elected member shall be three years and shall begin on July first of the year of election, except that initially two members shall be elected for a three-year term; two members shall be elected for a two-year term; and two members shall be elected for a one-year term as designated by the commissioner. If at any time during a member's term the member shall cease to possess any of the qualifications provided for in this Act, the member's office shall be deemed vacant and the remaining members of the council shall appoint another qualified participating grower for the remainder of the term of the office vacated. The commissioner shall conduct all elections under this section in each district in the manner the commissioner deems fair and reasonable. The first election shall be held within forty-five days after

the effective date of this Act and all elections thereafter shall be conducted in June. No elected member of the council shall be eligible to serve more than two consecutive three-year terms.

SECTION 5. SUNFLOWER DISTRICTS - ESTABLISHMENT.) The following sunflower districts are established for the purpose of dividing the state into districts containing as nearly equal sunflower acreages as practicable:

1. District one shall consist of the counties of Cavalier, Pembina, Ramsey, Walsh, Nelson, and Grand Forks.
2. District two shall consist of the counties of Griggs, Steele, Traill, Barnes, and Cass.
3. District three shall consist of the counties of LaMoure, Ransom, Richland, Dickey, and Sargent.
4. District four shall consist of the counties of Burleigh, Kidder, Stutsman, Emmons, Logan, and McIntosh.
5. District five shall consist of the counties of Bottineau, Rolette, Towner, McHenry, Pierce, Benson, Sheridan, Wells, Eddy, and Foster.
6. District six shall consist of the counties of Divide, Burke, Renville, Williams, Mountrail, Ward, McKenzie, Dunn, McLean, Golden Valley, Billings, Stark, Mercer, Oliver, Morton, Slope, Hettinger, Grant, Bowman, Adams, and Sioux.

SECTION 6. MEETINGS - QUORUM - COMPENSATION AND EXPENSES OF COUNCIL.) A majority of the voting members of the council shall constitute a quorum for the transaction of all business in carrying out the duties of the council. All meetings of the council shall be called by the chairman except special meetings which shall be called by the chairman on the petition of two council members within seven days of receiving such a petition. Each member of the council, except the commissioner of agriculture, shall receive the sum of twenty-five dollars per day for each day spent in performance of the business of the council and shall be reimbursed for expenses incurred in the performance of official duties in the amounts provided by law for state officials.

SECTION 7. EXPENDITURE OF FUNDS.) Every expenditure of funds made pursuant to this Act shall be approved by the council or its designated agent, submitted upon itemized voucher to the office of the budget for approval, and paid by warrant-check issued by the department of accounts and purchases.

SECTION 8. COUNCIL POWERS AND DUTIES.) In the administration of this Act, the council shall have the power and duty to:

1. Contract and cooperate with any person or with any governmental department or agency for research, education, publicity, promotion, and transportation for the purposes of this Act.

2. Expend the funds collected pursuant to this Act and appropriated for its administration.
3. Appoint, employ, bond, discharge, fix compensation for, and prescribe the duties of such administrative, clerical, technical, and other personnel as it may deem necessary.
4. Accept donations of funds, property, services, or other assistance from public or private sources for the purpose of furthering the objectives of the council.
5. Investigate and prosecute in the name of the state any action or suit to enforce the collection or ensure payment of the taxes authorized by this Act, and to sue and be sued in the name of the council.

SECTION 9. TAX LEVIED.) Effective July 1, 1977, an assessment at the rate of ten mills per hundredweight shall be levied and imposed upon all sunflowers grown in the state or sold to a designated handler. This assessment shall be due upon any identifiable lot or quantity of sunflowers.

A designated handler of sunflowers shall file an application with the council on forms prescribed and furnished by the council which shall contain the name under which the handler is transacting business within the state, the place or places of business, the location of loading and shipping places of agents of the designated handler, the names and addresses of the several persons constituting the firm partnership, and if a corporation, the corporate name and the names and addresses of its principal officers and agents within the state. The council shall issue a certificate to the designated handler. A designated handler shall not sell, process, or ship any sunflowers until it has secured a certificate as required by this section.

Every designated handler of sunflowers shall collect the assessment imposed by this section by charging and collecting from the seller the assessment at the rate of ten mills per hundredweight by deducting the assessment from the purchase price of all sunflowers subject to the assessment and purchased by the designated handler.

Every designated handler shall keep as a part of its permanent records a record of all purchases, sales, and shipments of raw sunflowers, which may be examined by the council at all reasonable times. Every designated handler shall report to the council stating the quantity of sunflowers received, sold, or shipped by it. The report shall be made at the times and in the manner prescribed by the council. The remittance of the assessment as provided in this section shall accompany the report. All moneys levied and collected under this Act shall be paid to the council for deposit in the state treasury to the credit of an account or accounts designated "sunflower fund" to be used exclusively to carry out the intent and purposes of this Act. Regular audits of the council's accounts shall

be conducted in accordance with chapter 54-10 and submitted to the commissioner of agriculture.

SECTION 10. NONPARTICIPATING GROWERS - REFUNDS.) Any grower subject to the assessment provided in this chapter may, within sixty days following such assessment or final settlement, make application by personal letter to the sunflower council for a refund application blank. Upon the return of said blank, properly executed by the grower, accompanied by a record of the assessment by the designated handler, the grower shall be refunded the net amount of the assessment collected. If no request for refund shall have been made within the period prescribed above, then the grower shall be presumed to have agreed to such assessment. However, a grower, for any reason, having paid the tax more than once on the same sunflowers, upon furnishing proof of this to the council, shall be entitled to a refund of the overpayment.

The council, to inform the grower, shall develop and disseminate information and instructions relating to the purpose of the sunflower tax and manner in which refunds may be claimed, and to this extent shall cooperate with governmental agencies, state and federal, and private businesses engaged in the purchase of sunflowers.

SECTION 11. REFERENDUM BY GROWERS.) Whenever fifteen percent of the participating growers, with not more than fifty percent of the signatory parties from any one district, as disclosed by the records of the council for the preceding year, shall petition the council, the council shall conduct a referendum among the participating growers of the state to determine whether they wish the legislative assembly to raise or lower the tax imposed by section 9. Such referendum shall be conducted only among participating growers who have paid all taxes assessed pursuant to this enactment for the preceding year, and the ballots shall be prepared by the council and mailed to each participating grower at least thirty days prior to the last date for filing ballots. In addition, each ballot shall be accompanied by a notice to each participating grower:

1. Of the date of the filing of the petition by the growers for the referendum and the number of signatures contained thereon.
2. Of the date and place where the council will open and tabulate the ballots, which date shall be not less than five days after the last date for filing the ballots.
3. Of the last date upon which ballots shall be filed with the council, or postmarked if delivered to the council by mail.
4. That any participating grower may attend the meeting of the council at the time the ballots are opened and the votes tabulated.

If a majority of the participating growers voting upon the question

are in favor of the proposed change, the council shall certify the result to the commissioner with the request that the commissioner prepare a bill to submit to the next legislative session to modify this Act in conformity therewith. The results of the referendum shall be advisory only and the legislative assembly shall not be obligated to adopt legislation enacting the proposals contained in any referendum.

SECTION 12. COLLECTION OF UNPAID ASSESSMENT.) If a designated handler fails to pay the assessment provided in this Act, the council may enforce collection in any appropriate court within this state.

SECTION 13. MISDEMEANOR TO VIOLATE ACT.) Any person who willfully violates this Act is guilty of a class B misdemeanor.

SECTION 14. PENALTY FOR NONPAYMENT OF ASSESSMENT.) Any designated handler who shall fail to pay any assessment levied by this Act on the date that the assessment becomes due shall be delinquent and the council shall levy a penalty on such delinquent payments of ten 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 as prescribed by section 12.

SECTION 15. RECORDS OF COUNCIL - INSPECTION.) All of the records of the council, including acreage reports, tax returns, claims of exemption, and any other data, records, or information retained by the council shall be public information and shall be available for the inspection of any person for any lawful purpose. However, the council shall be empowered to make rules and regulations concerning the inspection of such information or data, and the time or place of such inspection or the manner in which the information shall be made available.

SECTION 16. APPROPRIATION OF FUNDS.) There is hereby appropriated out of any moneys in the sunflower fund in the state treasury, the sums hereinafter named, or so much thereof as may be necessary, to the sunflower council for the purpose of carrying out this Act for the period beginning with the effective date of this Act and ending June 30, 1979:

Salaries and wages	\$ 50,000
Fees and services	40,000
Supplies and materials	20,000
Equipment	10,000
Total	<u>\$120,000</u>

SECTION 17. FUND EXPENDITURES.) The provisions of sections 54-27-10 and 54-44.1-11 shall not apply to the appropriation for the sunflower council.

SECTION 18. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

CHAPTER 53

HOUSE BILL NO. 1308
(Olson, Weber, Gunderson, Fleming, Nicholas)

EDIBLE BEAN INDUSTRY PROMOTION ACT

AN ACT relating to the promotion, advertising, research and development of edible beans, creating a state edible bean council and prescribing its powers, duties, and authority, prescribing a tax on edible bean production, providing for its collection, and providing penalties for the violation of the Act; providing an appropriation; and declaring an emergency.

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

SECTION 1. TITLE OF ACT.) This Act shall be known as the
"Edible Bean Industry Promotion Act of North Dakota".

SECTION 2. LEGISLATIVE POLICY.) It is hereby declared that the production, development, marketing, and promotion of edible beans in North Dakota is important to the general welfare of the people of North Dakota; that it is in the public interest that better methods of production, processing, and marketing of edible beans and that advertising and promoting of edible beans grown in North Dakota be fostered, encouraged, developed, and improved so the edible bean industry within the state, the people directly or indirectly employed by said industry and the people of North Dakota should be benefited thereby, the accomplishment of which requires and demands the establishment of a North Dakota edible bean council for the purposes and with the objectives of contributing to the stabilization and improvement of the agricultural economy of this state. This chapter shall not be construed to abrogate or limit in any way the rights, powers, duties, and functions of the office of the commissioner of agriculture or any other agency of the state, but shall be supplementary thereto and in aid and cooperation therewith; nor shall this chapter be construed to authorize the North Dakota edible bean council to engage in competitive business enterprises, it being the intended purpose of this Act that the council, through research and advertising, shall promote North Dakota-grown edible beans.

SECTION 3. DEFINITIONS.) Whenever used in this Act:

1. "Commissioner" means commissioner of agriculture or the

commissioner's designated representative.

2. "Council" means the North Dakota edible bean council.
3. "Designated handler" means any person who initially places edible beans, whether as an owner, agent, or otherwise, into the channels of trade and commerce, or who is engaged in the processing of beans into food for human consumption in any form. A grower selling his unharvested edible beans, or delivering his edible beans from the farm on which they are produced to storage facilities, packing shed, or processing plant, within the state, shall not be considered to be a designated handler.
4. "Edible beans" means any and all varieties of edible beans, excluding soybeans, harvested within the state.
5. "Grower" means any person who plants, raises, and harvests edible beans from more than ten acres.
6. "Hundredweight" means a one hundred pound unit or a combination of packages making a one hundred pound unit or any shipment of edible beans based on invoices or bills of lading records.
7. "Participating grower" means a grower who has not exempted himself from the payment of taxes on edible bean production under this Act for a particular year, or a grower who is not exempt from the payment of taxes on edible bean production under this Act.
8. "Person" means an individual, partnership, corporation, association, grower, cooperative, or any other business unit.
9. "Processor" means a person who is actively engaged in the processing of edible beans for human consumption.

SECTION 4. NORTH DAKOTA STATE EDIBLE BEAN COUNCIL - MEMBERSHIP - ELECTION - TERM.) There is hereby established a North Dakota edible bean council. The council shall be composed of one participating grower elected from each of the districts established in section 5 of this Act. The chairman of the council shall be a member of the council elected by a majority vote of the council. The commissioner of agriculture shall be an ex officio member of the council. Every elected council member shall be a citizen of the state and a bona fide resident of and participating grower in the district the member represents. The term of each elected member shall be three years and shall begin on July first of the year of election, except that initially one member shall be elected for a three-year term; two members shall be elected for two-year terms; and two members shall be elected for one-year terms as designated by the commissioner. If at any time during a member's term the

member shall cease to possess any of the qualifications provided for in this Act, the member's office shall be deemed vacant and the council shall, by majority vote, appoint another qualified participating grower for the remainder of the term of the office vacated. The commissioner shall conduct all elections under this section in each district in the manner the commissioner deems fair and reasonable. The first election shall be held within forty-five days after the effective date of this Act and all elections thereafter shall be conducted in June. No elected member of the council shall be eligible to serve more than two consecutive three-year terms.

SECTION 5. EDIBLE BEAN DISTRICTS - ESTABLISHMENT.) The following edible bean districts are established for the purpose of dividing the state into districts containing as nearly equal edible bean acreages as practicable:

1. District one shall consist of the counties of Benson, Bottineau, Burke, Cavalier, Divide, McHenry, Mountrail, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, Walsh, Ward, and Williams.
2. District two shall consist of Grand Forks County.
3. District three shall consist of the counties of Barnes, Billings, Burleigh, Dunn, Eddy, Foster, Golden Valley, Griggs, Kidder, McKenzie, McLean, Mercer, Nelson, Oliver, Sheridan, Steele, Stutsman, and Wells.
4. District four shall consist of Traill County.
5. District five shall consist of the counties of Adams, Bowman, Cass, Dickey, Emmons, Grant, Hettinger, LaMoure, Logan, McIntosh, Morton, Ransom, Richland, Sargent, Sioux, Slope, and Stark.

SECTION 6. MEETINGS - QUORUM - COMPENSATION AND EXPENSES OF COUNCIL.) A majority of the voting members of the council shall constitute a quorum for the transaction of all business in carrying out the duties of the council. All meetings of the council shall be called by the chairman except special meetings which shall be called by the chairman on the petition of three council members within seven days of receiving such a petition. Each member of the council, except the commissioner of agriculture, shall receive the sum of twenty-five dollars per day for each day spent in performance of the business of the council and shall be reimbursed for expenses incurred in the performance of official duties in the amounts provided by law for state officials.

SECTION 7. EXPENDITURE OF FUNDS.) Every expenditure of funds made pursuant to this Act shall be approved by the council or its designated agent, submitted upon itemized voucher to the office of the budget for approval, and paid by warrant-check issued by the department of accounts and purchases.

SECTION 8. COUNCIL POWERS AND DUTIES.) In the administration of this Act, the council shall have the power and duty to:

1. Contract and cooperate with any person or with any governmental department or agency for research, education, publicity, promotion, and transportation for the purposes of this Act.
2. Expend the funds collected pursuant to this Act and appropriated for its administration.
3. Appoint, employ, bond, discharge, fix compensation for, and prescribe the duties of such administrative, clerical, technical, and other personnel as it may deem necessary.
4. Accept donations of funds, property, services, or other assistance from public or private sources for the purpose of furthering the objectives of the council.
5. Investigate and prosecute in the name of the state any action or suit to enforce the collection or ensure payment of the taxes authorized by this Act, and to sue and be sued in the name of the council.

SECTION 9. TAX LEVIED.) Effective July 1, 1977, an assessment at the rate of five cents per hundredweight shall be levied and imposed upon all edible beans grown in the state or sold to a designated handler. This assessment shall be due upon any identifiable lot or quantity of edible beans.

A designated handler of edible beans shall file an application with the council on forms prescribed and furnished by the council which shall contain the name under which the handler is transacting business within the state, the place or places of business, the location of loading and shipping places of agents of the first handler, the names and addresses of the several persons constituting the firm partnership, and if a corporation, the corporate name and the names and addresses of its principal officers and agents within the state. The council shall issue a certificate to the designated handler. A designated handler shall not sell, process, or ship any edible beans until it has furnished a certificate as required by this section.

Every designated handler of edible beans shall collect the assessment imposed by this section by charging and collecting from the seller the assessment at the rate of five cents per hundredweight by deducting the assessment from the purchase price of all edible beans subject to the assessment and purchased by the designated handler.

Every designated handler shall keep as a part of its permanent records a record of all purchases, sales, and shipments of raw edible beans, which may be examined by the council at all reasonable

times. Every designated handler shall report to the council stating the quantity of edible beans received, sold, or shipped by it. The report shall be made at the times and in the manner prescribed by the council. The remittance of the assessment as provided in this section shall accompany the report. All moneys levied and collected under this Act shall be paid to the council for deposit in the state treasury to the credit of an account or accounts designated "edible bean fund" to be used exclusively to carry out the intent and purposes of this Act. Regular audits of the council's accounts shall be conducted in accordance with chapter 54-10 and submitted to the commissioner of agriculture.

SECTION 10. NONPARTICIPATING GROWERS - REFUNDS.) Any grower subject to the assessment provided in this chapter may, within sixty days following such assessment or final settlement, make application by personal letter to the edible bean council for a refund application blank. Upon the return of said blank, properly executed by the grower, accompanied by a record of the assessment by the designated handler, the grower shall be refunded the net amount of the assessment collected. If no request for refund shall have been made within the period prescribed above then the grower shall be presumed to have agreed to such assessment. However, a grower, for any reason, having paid the tax more than once on the same edible beans, upon furnishing proof of this to the council, shall be entitled to a refund of the overpayment.

The council, to inform the grower, shall develop and disseminate information and instructions relating to the purpose of the edible bean tax and manner in which refunds may be claimed, and to this extent shall cooperate with governmental agencies, state and federal, and private businesses engaged in the purchase of edible beans.

SECTION 11. REFERENDUM BY GROWERS.) Whenever fifteen percent of the participating growers, with not more than fifty percent of the signatory parties from any one district, as disclosed by the records of the council for the preceding year, shall petition the council, the council shall conduct a referendum among the participating growers of the state to determine whether they wish the legislative assembly to raise or lower the tax imposed by section 9. Such referendum shall be conducted only among participating growers who have paid all taxes assessed pursuant to this enactment for the preceding year, and the ballots shall be prepared by the council and mailed to each participating grower at least thirty days prior to the last date for filing ballots. In addition, each ballot shall be accompanied by a notice to each participating grower:

1. Of the date of the filing of the petition by the growers for the referendum and the number of signatures contained thereon.
2. Of the date and place where the council will open and tabulate the ballots, which date shall be not less than five days after the last date for filing the ballots.

3. Of the last date upon which ballots shall be filed with the council, or postmarked if delivered to the council by mail.
4. That any participating grower may attend the meeting of the council at the time the ballots are opened and the votes tabulated.

If a majority of the participating growers voting upon the question are in favor of the proposed change, the council shall certify the result to the commissioner with the request that the commissioner prepare a bill to submit to the next legislative session to modify this Act in conformity therewith. The results of the referendum shall be advisory only and the legislative assembly shall not be obligated to adopt legislation enacting the proposals contained in any referendum.

SECTION 12. COLLECTION OF UNPAID ASSESSMENT.) If a designated handler fails to pay the assessment provided in this Act, the council may enforce collection in any appropriate court within this state.

SECTION 13. MISDEMEANOR TO VIOLATE ACT.) Any person who willfully violates this Act is guilty of a class B misdemeanor.

SECTION 14. PENALTY FOR NONPAYMENT OF ASSESSMENT.) Any designated handler who shall fail to pay any assessment levied by this Act on the date that the assessment becomes due shall be delinquent and the council shall levy a penalty on such delinquent payments of ten 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 as prescribed by section 12.

SECTION 15. RECORDS OF COUNCIL - INSPECTION.) All of the records of the council, including acreage reports, tax returns, claims of exemption, and any other data, records, or information retained by the council shall be public information and shall be available for the inspection of any person for any lawful purpose during regular business hours at the office of the council.

SECTION 16. APPROPRIATION OF FUNDS.) There is hereby appropriated out of any moneys in the edible bean fund in the state treasury, the sums hereinafter named, or so much thereof as may be necessary, to the edible bean council for the purpose of carrying out this Act for the period beginning with the effective date of this Act and ending June 30, 1979:

Salaries and wages	\$ 65,000
Fees and services	162,000
Supplies and materials	8,000
Equipment	15,000
Total	\$250,000

SECTION 17. FUND EXPENDITURES.) The provisions of sections 54-27-10 and 54-44.1-11 shall not apply to the appropriation for the edible bean council.

SECTION 18. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved April 20, 1977

CHAPTER 54

SENATE BILL NO. 2389
(Tallackson, Vosper)

WHOLESALE POTATO DEALER'S SURETY AND LICENSE FEE

AN ACT to amend and reenact sections 4-11-04 and 4-11-06 of the North Dakota Century Code, relating to the bond and fee for a wholesale potato dealer's license.

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

SECTION 1. AMENDMENT.) Section 4-11-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-11-04. BOND TO ACCOMPANY APPLICATION FOR LICENSE - TERMS - LIABILITY UNDER.) The applicant shall execute and file a bond issued in favor of the commissioner, with the sureties, amount, and form of the bond to be fixed by the commissioner, or the applicant may give a letter of credit from a bank in lieu of a bond if approved by the state seed commissioner, conditioned:

1. For the faithful performance of his duties as a wholesale potato dealer;
2. For the observance of all laws relating to the carrying on of the business of a wholesale potato dealer;
3. For the payment when due of the purchase price of potatoes purchased by him;
4. For the prompt settlement and payment of all claims and charges due to this state for services rendered or otherwise;
5. For the prompt reporting of sales to all persons consigning potatoes to the licensee for sale on commission; and
6. For the prompt payment to the persons entitled thereto of the proceeds of all sales, less lawful charges, disbursements, and commissions.

The bond shall cover all wholesale potato business transacted in whole or in part within the state, and the liability for acts thereunder shall be only for the period the license is in force. The surety may terminate its liability under such bond at any time by

giving the commissioner notice of termination. Such notice shall specify that the surety desires to terminate its liability under the bond, and such liability shall be terminated thirty days after the receipt of such notice by the commissioner. The commissioner immediately shall notify the licensee to furnish a new bond, and if the licensee fails to furnish a bond satisfactory to the commissioner, he shall suspend or cancel the license of such licensee. No surety shall be liable for any acts performed by the licensee after the expiration of the aforesaid thirty-day period, but the surety shall be liable, as provided by the terms of the said bond, for any acts performed by the licensee prior to the effective date of such cancellation.

SECTION 2. AMENDMENT.) Section 4-11-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-11-06. LICENSE - FEE - EXPIRATION.) The fee for each license shall be set by the state seed commissioner. All licenses shall expire on June thirtieth of each year.

Approved March 17, 1977

CHAPTER 55

HOUSE BILL NO. 1123
(Committee on Agriculture)
(At the request of the Agriculture Department)

COMMERCIAL APIARY LOCATIONS

AN ACT to amend and reenact section 4-12-03.1 of the North Dakota Century Code, relating to establishment of bee locations.

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

SECTION 1. AMENDMENT.) Section 4-12-03.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-12-03.1 ESTABLISHMENT OF LOCATIONS - EXCEPTION - LOCATION RIGHTS.) No new commercial location may be established within two miles of another commercial location. No commercial operator may establish an apiary within two miles of another commercial operator. The noncommercial beekeeper with one to twenty-four colonies will have territorial rights on one location. If any seed grower requests the commissioner of agriculture to include additional locations for the purpose of pollinating his crop, the restriction prohibiting the maintaining of locations within two miles of one another shall not apply. The name and address of each apiary shall be displayed at each location. The property owner will be exempt from this section.

Approved March 5, 1977

CHAPTER 56

HOUSE BILL NO. 1393
(Vander Vorst, Johnson)

SOIL CONSERVATION COMMITTEE MEETINGS AND COMPENSATION

AN ACT to amend and reenact section 4-22-04 of the North Dakota Century Code, relating to state soil conservation committee meetings and compensation, and providing for additional meetings as called by the chairman, for special meetings upon written request, and increasing daily compensation from twenty-five to forty-five dollars.

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

SECTION 1. AMENDMENT.) Section 4-22-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-22-04. COMMITTEE - CHAIRMAN - QUORUM - COMPENSATION - PROVISION FOR SURETY BONDS AND ANNUAL AUDIT.) The committee shall meet annually and select its chairman, who shall serve for one year from the date of his selection. Additional meetings may be held by the committee as considered necessary by the chairman, at a time and place to be fixed by the chairman. Special meetings shall be called by the chairman upon written request of any four members. A majority of the committee shall constitute a quorum, and the concurrence of a majority in any matter within its duties shall be required for its determination. The members of the committee shall receive forty-five dollars per day as compensation for their services on the committee, and shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties on the committee, in the same manner and at the same rate as prescribed by law for state employees and officials. The committee shall provide for the execution of surety bonds, which may be issued by the state bonding fund, for all employees who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of the accounts of receipts and disbursements.

Approved April 6, 1977

CHAPTER 57

SENATE BILL NO. 2259
(Barth, Wright, Naaden, Albers, Freed)

DAIRY PRODUCTS PROMOTION

AN ACT to create and enact a new subsection to section 4-27-03 of the North Dakota Century Code, providing a definition for gross receipts; and to amend and reenact sections 4-27-04 and 4-27-06 of the North Dakota Century Code, relating to the composition of the dairy products promotion commission, and the assessments to be levied for the commission fund.

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

SECTION 1.) A new subsection to section 4-27-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

The term "gross receipts" shall mean that amount paid to a producer for milk or some product therefrom sold by such producer.

SECTION 2. AMENDMENT.) Section 4-27-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-27-04. NORTH DAKOTA DAIRY PRODUCTS PROMOTION COMMISSION.) There is hereby created a North Dakota dairy products promotion commission consisting of nine members of which the governor shall appoint four members, two appointive members shall be producers and two appointive members shall be processors. The governor shall appoint the producer members from a list of nominees supplied by the American dairy association of North Dakota and the processor members from a list of nominees supplied by the North Dakota dairy industries association. Each list of nominees shall contain at least twice as many names as the number of appointments to be made therefrom. The term of office of each appointive member of the commission shall be two years, except that the initial appointments of one producer and one processor shall be for only one year, so that thereafter the terms of one producer and one processor will expire each year. Terms of office shall commence on the first day of July. In addition to the four appointive members there shall be five ex officio members of such commission who shall be the president of the American dairy association of North Dakota, the president of the national dairy council of North Dakota, the dairy commissioner, the

head of the animal science department at North Dakota state university, and a state executive committee member of the American dairy association of North Dakota to be designated by that association. The ex officio members shall meet with the commission and shall have the same rights and duties as the appointive members including the right to vote.

SECTION 3. AMENDMENT.) Section 4-27-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-27-06. ASSESSMENT.)

1. There is hereby levied an assessment of one-half of one percent of the gross receipts of all milk or some product therefrom produced and sold in the state of North Dakota.
2. All assessments levied under this chapter shall be collected by the first dealer or processor through deduction of the same from the gross receipts, with the exception that where the producer sells directly to the consumer, the assessment shall be collected from such producer. All moneys received by the dealers, processors, and producers from such assessment shall be remitted to the state treasurer and deposited by him in the North Dakota dairy products promotion commission fund and are hereby appropriated to the commission and shall be disbursed by the commission in accordance with the provisions of this chapter. The remittance of such assessments shall be made monthly within fifteen days after the period for which remittance is made. Assessments unpaid on the date on which they are due and payable shall be increased by ten percent of the amount of the assessment.
3. Any producer desiring a refund of such assessment must himself make written application to the secretary-treasurer of the North Dakota dairy products promotion commission therefor. Such application shall be made to the secretary-treasurer upon forms provided by the commission no later than thirty days from the time of any payment made to a producer. Upon request, refunds shall be made by the secretary-treasurer on a monthly basis.

Approved March 12, 1977

CHAPTER 58

HOUSE BILL NO. 1548
(Riehl, Vander Vorst, Dotzenrod, Anderson, Peterson)

DAIRY FARM INSPECTION

AN ACT to provide that cities and health units shall not assess for dairy inspection or issue licenses or permits; to amend and reenact section 4-29-04 of the North Dakota Century Code, relating to the powers and duties of the dairy commissioner and authorizing the dairy commissioner to contract for dairy farm inspection; and to provide an appropriation.

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

SECTION 1. CITIES AND HEALTH UNITS NOT TO ASSESS DAIRY INSPECTION FEES OR ISSUE PERMITS.) Cities and health units shall not license, issue permits, or assess a fee of dairy farmers, creameries, cheese factories, condenseries, drying plants, ice cream plants, ice milk plants, milk plants, or cream stations for dairy inspections or the bacteriological analysis of any dairy products required by law for compliance purposes if such inspection or bacteriological analysis is funded by the department of agriculture. Where successful dairy inspection programs are being carried out by a local health department or district, the dairy commissioner may contract with the local health department or district; and through such contract provide the funding for the inspections. Local health departments or districts may assess fees for services not provided by this chapter.

SECTION 2. AMENDMENT.) Section 4-29-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-29-04. ADDITIONAL POWERS AND DUTIES OF DAIRY COMMISSIONER AND AUTHORIZED PERSONS.) The dairy commissioner and those persons authorized by him:

1. Shall have free access to all places of business, buildings, vehicles, and equipment used in the production, storage, handling, processing, manufacture, transporting, and marketing of milk and milk products, their imitations, and substitutes.
2. May open and inspect any package, can, or other container which is suspected of containing any article or substance which is produced, stored, handled, processed,

manufactured, transported, sold or offered for sale under the provisions of chapter 4-30, or the rules and regulations of the dairy department, and he may take samples or specimens therefrom and have them analyzed or tested. A product so suspected may be seized or ordered held by the commissioner until samples are taken and tested in an approved laboratory.

3. May prevent the purchase, sale, processing, manufacturing, or transportation of milk or milk products intended as food for human consumption which is in violation of any North Dakota laws or the rules and regulations of the dairy department. All persons engaged in the dairy business and officials and employees of common carriers which transport milk or milk products shall give every assistance in their power in tracing and discovering the presence of any article named in violation of this North Dakota law when so requested by the commissioner or his duly authorized representatives.
4. May contract with federal, state, district, county, and municipal organizations to provide uniform and efficient inspection of dairy farms.

SECTION 3. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$350,000.00, or so much thereof as may be necessary, to the commissioner of agriculture for the purpose of dairy farm inspection for the biennium beginning July 1, 1977, and ending June 30, 1979.

Approved April 21, 1977

CHAPTER 59

SENATE BILL NO. 2354
(Barth, Morgan)

BEEF COMMISSION POWERS AND DUTIES

AN ACT to create and enact a new subsection to section 4-34-05 of the North Dakota Century Code, designating the beef commission as the agency to receive moneys from the national beef board; to amend and reenact subsections 2 and 3 of section 4-34-01, section 4-34-02, and subsections 6, 9, 10, and 12 of section 4-34-05 of the North Dakota Century Code, relating to the purpose and use of assessments by the beef commission and definitions applicable to the Beef Promotion Act; to repeal sections 4-34-08, 4-34-09, 4-34-10, and 4-34-11 of the North Dakota Century Code, relating to the assessment of cattle by the beef commission; and to provide an effective date.

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

SECTION 1. AMENDMENT.) Subsections 2 and 3 of section 4-34-01 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. To encourage research and educational activities of the national livestock and meat board and its beef industry council.
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 available annual funds.

SECTION 2. AMENDMENT.) Section 4-34-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-34-02. DEFINITIONS.) Unless the context otherwise requires:

1. "Beef producer" means any person or firm engaged in the production of cattle.
2. "Cattle" includes beef and dairy cattle.

3. "Cattle feeder" means any person or firm engaged in the growing of cattle or finishing of cattle for slaughter.
4. "Commission" means the North Dakota beef commission.
5. "Dairy producer" means any person or firm engaged in the production and sale of milk from cows.
6. "Person" includes individuals, corporations, partnerships, trusts, associations, cooperatives, and any and all other business units.

SECTION 3. AMENDMENT.) Subsections 6, 9, 10, and 12 of section 4-34-05 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

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.
9. The commission may borrow money, not in excess of its estimate of revenue for the current year.
10. The commission shall keep or cause to be kept accurate records of all expenditures, moneys, and other financial transactions performed pursuant to this chapter. Such records, books, and accounts shall be audited at least annually by the state auditor, in accordance with established auditing and accounting procedures.
12. The commission is empowered to cooperate with and to accept funds and other support from 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 chapter.

SECTION 4.) A new subsection to section 4-34-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

The commission shall be the official North Dakota agency designated to receive moneys from the national beef board established under the Beef Research and Information Act.

SECTION 5. REPEAL.) Sections 4-34-08, 4-34-09, 4-34-10, and 4-34-11 of the North Dakota Century Code are hereby repealed.

SECTION 6. EFFECTIVE DATE.) The provisions of this Act shall become effective only upon the passage of a referendum provided by the Beef Research and Information Act (94 Pub. L. 294; 90 Stat. 529; 7 U.S.C. 2901 et seq.) and upon the date assessments for sales of beef under the Beef Research and Information Act are imposed by or on behalf of the beef board.

Approved March 12, 1977