

CHAPTER 88

HOUSE BILL NO. 1222
(Committee on Education)
(At the request of the Board of Higher Education)

DICKINSON EXPERIMENT STATION LAND SALE

AN ACT to amend and reenact section 6 of chapter 208 of the 1979 Session Laws of North Dakota, relating to the sale of the Dickinson experiment station property by the state board of higher education; and to declare an emergency.

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

SECTION 1. AMENDMENT. Section 6 of chapter 208 of the 1979 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

SECTION 6.) Upon full transfer of the Dickinson experimental livestock research program to the working ranch unit, the state board of higher education shall sell the following property used by the Dickinson experiment station and comprising approximately five hundred forty-four acres:

1. That portion of land owned by the board in the northeast quarter of section five, township one hundred thirty-nine north, range ninety-six west.
2. That portion of land owned by the board in the southwest quarter of section five, township one hundred thirty-nine north, range ninety-six west.
3. That portion of land owned by the board in the southwest quarter, the south half of the northwest quarter, and lots three and four, all of section five, township one hundred thirty-nine north, range ninety-six west.

The Notwithstanding the provisions of sections 54-01-05.2 or 54-01-05.5, the land shall be conveyed for the terms and under the conditions necessary to obtain the best possible return to the state of North Dakota in accordance with section 54-01-05.2 upon such terms as the state board of higher education shall prescribe. The state board of higher education may not convey any land described in this section for agricultural purposes. Notwithstanding other

provisions of state law and local ordinances, the board, after consultation with the Dickinson planning and zoning commission and Stark County planning and zoning commission, may subdivide the land, and dedicate streets, alleys, and other lands for public use, install water, sewer, curb, gutter, other utilities, and streets for the purpose of achieving the best possible return to the state of North Dakota.

SECTION 2. EMERGENCY. This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

Approved March 14, 1983

CHAPTER 89

SENATE BILL NO. 2282
(Wright)

COUNTY AGENT WORK MILL LEVIES

AN ACT to amend and reenact sections 4-08-02, 4-08-04, 4-08-15, and 4-08-15.1 of the North Dakota Century Code, or in the alternative to amend and reenact subsections 4 and 5 of section 55 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, relating to county mill levys for county agent work.

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

SECTION 1. AMENDMENT. Section 4-08-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-08-02. Form of petition. The petition provided for in section 4-08-01 shall be in substantially the following form:

PETITION PROVIDING FOR LEVY FOR COUNTY AGENT WORK

We, the undersigned, electors of ----- County, North Dakota, do hereby respectfully petition the honorable board of county commissioners that it levy a tax sufficient but not to exceed ~~one mill~~ two mills to employ a county agent for the purpose of carrying on county agent work in cooperation with the agricultural college.

SECTION 2. AMENDMENT. Section 4-08-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-08-04. Election held - Candidates presented to county commissioners - Funds available for county agent work. When a majority of the votes are cast for county agent work, the extension division of the agricultural college on the first day of July following the election shall present a candidate or candidates for county agent to the board of county commissioners for its selection and final approval. A sum of not less than two thousand dollars shall be made available for this purpose from county funds, but in no case shall such levy exceed ~~one mill~~ two mills.

SECTION 3. AMENDMENT. If Senate Bill No. 2065 does not become effective, section 4-08-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-08-15. ~~One-mill~~ Two-mill levy - Appropriation from county general fund - Both authorized. The board of county commissioners of any county of this state in which a levy for county agent work has been voted on and approved by the people as provided for in sections 4-08-01 and 4-08-03 of this code, may levy not to exceed an amount necessary for such purpose, as provided in section 4-08-09 of this code, which amount shall not exceed ~~one mill~~ two mills upon the taxable valuation of property in the county, and which levy shall not be restricted by the county tax levy limitation prescribed by law. If it shall determine that the amount derived from the authorized ~~one-mill~~ levy will not be sufficient for such purpose the board may appropriate in addition thereto funds out of the county general fund to cover such deficiency.

SECTION 4. AMENDMENT. If Senate Bill No. 2065 does not become effective, section 4-08-15.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-08-15.1. 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~~ two mills 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.

SECTION 5. AMENDMENT. Subsections 4 and 5 of section 55 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, are hereby amended and reenacted to read as follows:

4. Counties levying a tax for county agent work as provided in section 4-08-15 may levy a tax not exceeding ~~one mill~~ two mills.
5. Counties levying a tax for county agent work as provided for in section 4-08-15.1 may levy a tax not exceeding ~~one mill~~ two mills.

Approved March 23, 1983

CHAPTER 90

HOUSE BILL NO. 1672
(Representatives Erdman, Opedahl, Gunsch)
(Senators Reiten, Tallackson, Erickson)

ACHIEVEMENT DAYS' PREMIUMS

AN ACT to amend and reenact section 4-08-10.1 of the North Dakota Century Code, relating to the premiums received by county agents for achievement days programs.

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

SECTION 1. AMENDMENT. Section 4-08-10.1 of the North Dakota Century Code is hereby amended and reenacted 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 office of management and budget, shall receive out of moneys appropriated for boys' and girls' clubwork an amount not to exceed three five 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 office of management and budget 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.

Approved March 10, 1983

CHAPTER 91

SENATE BILL NO. 2351
(Senators Vosper, Thane, Barth)
(Representatives Olafson, Sinner, Nowatzki)

STATE BARLEY COUNCIL

AN ACT relating to the promotion, advertising, research, and development of barley, creating a state barley council and prescribing its powers, duties, and authority, prescribing a tax on barley production, providing for its collection; to provide a penalty; and to provide an appropriation.

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

SECTION 1. Definitions. Whenever used in this Act:

1. "Barley" means any and all varieties of barley harvested within the state.
2. "Commissioner" means the commissioner of agriculture or the commissioner's designated representative.
3. "Council" means the North Dakota barley council.
4. "First purchaser" means any person, public or private corporation, or partnership buying, accepting for shipment or otherwise acquiring barley from a grower, and includes a mortgagee, pledgee, lienor, or other person, public or private, having a claim against the grower, where the actual or constructive possession of such barley is taken as part payment or in satisfaction of the mortgage, pledge, lien, or claim.
5. "Grower" means any person who plants, raises, or harvests barley, and includes both the owner and tenant jointly, a person, partnership, association, corporation, cooperative, trust, sharecropper, and any other and all business units, devices, and arrangements.
6. "Participating grower" means a grower who has not claimed for himself any refunds for the payment of taxes on barley production under this Act for a particular year, or a

grower who is not exempt from the payment of taxes on barley production under this Act.

7. "Person" means any individual, partnership, corporation, association, grower, cooperative, or any other business unit.

SECTION 2. Policy of state. The public policy of North Dakota is to protect and foster the health, prosperity, and general welfare of the people by protecting and stabilizing the barley industry and the economy of the areas producing barley. The council is the agency of the state for these purposes. This Act may not be construed to abrogate or limit in any way the rights, powers, duties, and functions of the commissioner or any other agency of the state, nor may this Act be construed to authorize the council to engage in competitive business enterprises.

SECTION 3. Council - Membership - Election - Term. The council is composed of one participating grower elected from each of the districts established in section 4 of this Act. The chairman of the council shall be an elected member of the council elected by a majority vote of the council. The commissioner is an ex officio member of the council and does not have a vote. Every elected council member must 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 is three years and begins on April 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 one member shall be elected for a one-year term as designated by the commissioner. If at any time during a member's term a member ceases to possess any of the qualifications provided for in this Act, the member's office shall be 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, or a county agent designated by the commissioner, in cooperation with the cooperative extension service, shall conduct all elections under this section in each district in the manner the commissioner deems fair and reasonable. All such elections must be completed at least sixty days prior to expiration of the members' terms. No elected member of the council is eligible to serve more than two consecutive three-year terms.

SECTION 4. Barley districts - Establishment. The following barley districts are established for the purpose of dividing the state into districts containing as nearly equal barley acreages as practicable:

1. State barley council district number one consists of the counties of Cavalier, Pembina, Walsh, and Ramsey.
2. State barley council district number two consists of the counties of Grand Forks, Nelson, Traill, Steele, and Griggs.

3. State barley council district number three consists of the counties of Cass, Barnes, Richland, Ransom, and Sargent.
4. State barley council district number four consists of the counties of Bottineau, Rolette, Towner, McHenry, Pierce, Benson, Sheridan, Wells, Eddy, and Foster.
5. State barley council district number five consists of the counties of Renville, Burke, Divide, Williams, Mountrail, Ward, McLean, McKenzie, Dunn, Mercer, Oliver, Burleigh, Kidder, Stutsman, LaMoure, Dickey, McIntosh, Logan, Emmons, Sioux, Grant, Morton, Stark, Billings, Golden Valley, Slope, Hettinger, Adams, and Bowman.

SECTION 5. Meetings - Quorum - Compensation and expenses of council.

A quorum is necessary for the transaction of all business in carrying out the duties of the council. The chairman shall call all meetings of the council except special meetings which the chairman shall call on the petition of two council members within seven days of receiving such a petition. Each voting member of the council is entitled to receive the same compensation per day as provided in section 54-35-10 for members of the legislative council and their necessary mileage and travel expenses as provided in sections 44-08-04 and 54-06-09 while attending council meetings or in the performance of such special duties as the council may direct. The compensation provided in this section shall not be paid to any member of the council who receives salary or other compensation as a regular employee of the state.

SECTION 6. Expenditure of funds. The council or its designated agent shall authorize all expenditures of funds made pursuant to this Act which must be submitted upon itemized vouchers to the office of the budget for approval to be paid by warrant-check issued by the office of management and budget.

SECTION 7. Council powers and duties. In the administration of this Act, the council may:

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 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 taxes authorized by this Act, and to sue and be sued in the name of the council.
6. Formulate the general policies and programs of the state respecting the discovery, promotion, and development of markets and industries for the utilization of barley grown within the state.

SECTION 8. Tax levied.

1. Effective July 1, 1983, a tax at the rate of five mills per bushel shall be levied and imposed upon all barley grown in the state and sold to a first purchaser. This tax is due upon any identifiable lot or quantity of barley.
2. Every first purchaser of barley shall collect the tax imposed by this section by charging and collecting from the seller the tax at the rate of five mills per bushel by deducting the tax from the purchase price of all barley subject to the tax and purchased by the first purchaser.
3. Every first purchaser shall keep as a part of its permanent records a record of all purchases, sales, and shipments of barley, which may be examined by the council at all reasonable times. Every first purchaser shall report to the council by the twentieth day of each calendar quarter stating the quantity of barley received, sold, or shipped by it, except that if less than twenty-five thousand bushels have been purchased, in any calendar quarter, the tax may be reported and remitted with the following quarter's return, provided that all taxes collected must be remitted at least annually. The remittance of the tax as provided in this section must accompany the report. All moneys levied and collected under this Act must be paid to the council for deposit in the state treasury to the credit of an account or accounts designated "barley 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.
4. The tax provided for by this section shall be deducted as provided by this Act whether the barley is stored or sold in this or any other state, but if agreements have not been made with dealers and first purchasers outside of the state for collecting the tax, the grower shall remit the tax to the council on all barley sold by him outside the state.

SECTION 9. Nonparticipating growers - Refunds.

1. Any person subject to the tax provided in this Act who objects to the collection of the tax, may within sixty days following the collection, make application by personal letter to the council for a refund application blank. Upon return of this blank, properly executed by the applicant and accompanied by a true copy of the invoice or invoices delivered by the purchaser to the grower, the council shall, within sixty days after receiving the application, refund to the grower the net amount of the tax collected. If no request for refund is made within sixty days after the collection of the tax, the grower is conclusively presumed to have agreed to the deduction. However, a grower, for any reason, having paid the tax more than once on the same barley, upon furnishing proof of this to the council, is entitled to a refund of the overpayment.
2. The council shall develop and disseminate information and instructions relating to the purpose of the barley tax and the manner in which refunds may be claimed, and shall cooperate with state and federal governmental agencies and private businesses engaged in the purchase of barley.

SECTION 10. 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 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 8 of this Act. The referendum shall be conducted only among participating growers who have paid all taxes assessed pursuant to this Act for the preceding year and the council shall prepare the ballot and mail it to each participating grower at least thirty days prior to the last date for filing ballots. In addition, each ballot must 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 signatories.
2. Of the date and place where the council will open and tabulate the ballots which dates shall be not less than five days after the last date for filing the ballots.
3. Of the last date upon which ballots may 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.

SECTION 11. Collection of unpaid taxes. If a first purchaser fails to pay the tax provided in this Act, the council may enforce collection in any appropriate court.

SECTION 12. Penalty for nonpayment of tax. Any first purchaser who fails to pay any tax levied by this Act on the date the tax becomes due is delinquent and the council shall levy a penalty on the delinquent payments of ten percent of the tax due, plus interest at the rate of six percent per annum from the due date. The council shall collect the penalty and interest in the manner prescribed by section 12 of this Act.

SECTION 13. 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 are public information and are available for the inspection of any person for any lawful purpose. However, the council may make rules concerning the inspection of the information or data, and the time or place of inspection or the manner in which the information is available for inspection. The council shall keep all records at least three years.

SECTION 14. Penalty. Any person who willfully violates this Act is guilty of a class B misdemeanor.

SECTION 15. APPROPRIATION. All funds received by the council pursuant to the provisions of this Act are hereby appropriated.

Approved March 29, 1983

CHAPTER 92

SENATE BILL NO. 2042
(Legislative Council)
(Interim Agriculture Committee)

BEEKEEPING

AN ACT to create and enact chapter 4-12.2 of the North Dakota Century Code, relating to the keeping of bees; to amend and reenact section 4-12.1-02 of the North Dakota Century Code, relating to honey assessment fees; and to repeal chapter 4-12 of the North Dakota Century Code, relating to the keeping of bees; and to provide a penalty.

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

SECTION 1. AMENDMENT. Section 4-12.1-02 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-12.1-02. Assessment. There is hereby levied on beekeepers an assessment of five cents per colony of honeybees licensed by the beekeeper. The minimum assessment ~~shall be~~ is one dollar ~~for the first twenty colonies.~~ The assessment shall be remitted to the commissioner at the same time the annual license ~~fees are~~ application is due as specified in section ~~4-12-04~~ 4-12.2-04.

SECTION 2. Chapter 4-12.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

4-12.2-01. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. "Apiary" means any place where one or more colonies of bees are kept.
2. "Beekeeper" means any person who owns, leases, or manages one or more colonies of bees for pollination or the production of honey, beeswax, or byproducts, either for personal or commercial use.
3. "Bees" means any stage of the common honeybee, Apis Mellifera L.

4. "Colony" means the hive and its equipment including bees, comb and honey, and brood.
5. "Commercial apiary" means an apiary where twenty-four or more colonies of bees are kept and all vacant locations established pursuant to sections 4-12.2-04 and 4-12.2-13.
6. "Commercial operator" means any beekeeper who maintains two hundred fifty or more colonies of bees.
7. "Commissioner" means the commissioner of agriculture, or the commissioner's authorized representative.
8. "Department" means the department of agriculture.
9. "Disease" means American foulbrood or European foulbrood, sacbrood, bee paralysis, or any disease, parasite, or pest that affects bees or brood.
10. "Equipment" means hives, supers, frames, veils, gloves, or any apparatus, tools, machines, or other devices used in the handling and manipulation of bees, honey, wax, and hives, and also includes any containers of honey and wax which may be used in any apiary or in transporting bees and their products and apiary supplies, and those items used in the operation of a honey house.
11. "Hobby operator" means any beekeeper who maintains twenty-three or fewer colonies of bees.
12. "Honey house" means any place in which honey is extracted, processed, or handled.
13. "Noncommercial apiary" means an apiary where twenty-three or fewer colonies of bees are kept.
14. "Pollination location" means an apiary established pursuant to section 4-12.2-10.
15. "Property owner" means the person, including a lessee, who has actual use and exclusive possession of the land. However, any person leasing land for the primary purpose of establishing an apiary thereon is not a property owner within the meaning of this definition.
16. "Property owner location" means an apiary established pursuant to section 4-12.2-11.
17. "Sideline operator" means any beekeeper who maintains more than twenty-three but fewer than two hundred fifty colonies.

4-12.2-02. Rulemaking authority. Pursuant to chapter 28-32, the commissioner may adopt rules and orders necessary to implement this chapter.

4-12.2-03. Emergency orders and rules. Where an emergency exists requiring immediate action, the commissioner may, without notice or hearing:

1. Issue an order reciting the existence of the emergency and requiring that necessary action be taken to meet the emergency; or
2. Adopt emergency rules which recite the existence of an emergency and provide a solution to the emergency.

An emergency order or emergency rule is effective immediately, but may not be effective for more than ninety days.

4-12.2-04. Beekeeper's license required. A beekeeper may not maintain bees in this state unless the beekeeper has a valid beekeeper's license. Annually, on or before the first day of May in each year, each beekeeper shall apply to the commissioner, on a form to be furnished by the commissioner, for a beekeeper's license except that initial licensees shall within ten days after first acquiring bees in this state apply to the commissioner for a beekeeping license.

Each application, for an initial license or annual renewal, must set forth the total number of colonies to be maintained within this state, the name of the owner, the name of lessees, and the name of all managers. The application must designate the number of colonies to be maintained at noncommercial apiaries. The application must also specify which apiaries, if any, will remain vacant during the current license period. The license required by this section is not transferable. No person may bring bees or equipment into this state without obtaining an entrance permit pursuant to section 4-12.2-20.

4-12.2-05. License fees. A license fee of five dollars must accompany each license application made pursuant to section 4-12.2-04.

4-12.2-06. Prevention of disease - Assessment of fees. In addition to the license fee required by section 4-12.2-05, an applicant for a license must submit the following fees with the application:

1. A hobby operator applying for a license shall pay a fee of ten cents per colony for each colony maintained in this state.
2. A sideline operator applying for a license shall pay a fee of twenty cents per colony for each colony maintained in this state.

3. A commercial operator applying for a license shall pay a fee of twenty-five cents per colony for each colony maintained in this state.

The commissioner may not issue a beekeeper's license until all fees required by this section and section 4-12.2-05 are paid.

4-12.2-07. Registration of an apiary.

1. Each beekeeper shall register all apiaries which are under the beekeeper's control within the state. The forms for registration shall be furnished by the department. The applicant shall provide the following information on the form provided:
 - a. The applicant's name, place of residence, and post-office address.
 - b. The location of each apiary, setting forth specifically the type of apiary, the location to the nearest section, quarter section, township, and range, and, if within the corporate limits of a city, the number or name of the lot, block, and addition in the city.
 - c. The name of the property owner on whose property the apiary is located; where the registrant is not the property owner, a copy of the lease or other document from the property owner granting the applicant permission to maintain an apiary at that location. The lease or other document is adequate for subsequent registrations if the parties to the agreement remain the same.
 - d. Any other information the department may require under rules adopted by it for the protection, safety, and welfare of the public and the beekeeping industry.
2. New commercial apiaries may be submitted for registration with the department at any time.
3. Priority in time of application gives the superior right to occupy a location.

4-12.2-08. Revocation of location by property owner. The property owner of the land on which an apiary is located may revoke the permission granted a beekeeper to place an apiary at that location by providing written notice to the department and the beekeeper. This section does not relieve the property owner from any liability to the beekeeper for the violation of rights granted by a lease or other legal agreement between the beekeeper and the property owner.

4-12.2-09. Establishment of commercial locations - Two-mile radius restriction - Sale of location.

1. Except as provided in sections 4-12.2-10 and 4-12.2-11, no beekeeper may establish a commercial apiary within two miles [3.22 kilometers] of a commercial apiary operated by another beekeeper.
2. A hobbyist or sideline beekeeper has territorial rights to one location. For purposes of this subsection, "territorial rights" means the right to exclusively occupy a location and the area within two miles [3.22 kilometers] of that location except that apiaries registered prior to a new yard with territorial rights may not be canceled. Apiaries established pursuant to sections 4-12.2-10, 4-12.2-11, and 4-12.2-12 are not subject to this subsection.
3. If a beekeeper has written permission from the property owner of the land on which an apiary is located, the beekeeper may sell or transfer a commercial apiary to another licensed beekeeper. Notification of the sale or transfer must be given to the department immediately.

4-12.2-10. Establishment of pollination locations. When a person requests the commissioner to allow additional locations for the purpose of pollinating that person's crop, the commissioner may waive the two-mile [3.22-kilometers] radius restriction if all the following conditions are met:

1. The applicant owns, leases, or rents the land on which the pollination location is to be located and uses the land for the purpose of growing a commercial seed, fruit, or other crop which depends on bees for pollination. The commissioner shall adopt rules defining those crops for which a location may be allowed for pollination and where necessary shall prescribe time limits for the placement of bees at pollination locations.
2. The applicant shall provide the department with all pertinent data and information necessary for the department to determine that each pollination location is needed to adequately pollinate the applicant's crop.
3. The department may refuse to register a pollination location if the application does not demonstrate justification for the pollination location or specify the number and location of pollination locations needed for the purpose of adequately pollinating the applicant's crop.
4. A pollination location may not be sold, leased, transferred, or rented to another person.

Property owners who produce a commercial seed, fruit, or other crop and own and personally manage bees maintained on their property are not subject to this section.

4-12.2-11. Establishment of property owner locations. The two-mile [3.22-kilometers] radius restriction does not apply to a property owner's apiary if:

1. The property owner owns the bees and the equipment; and
2. The property owner personally manages the bees and equipment.

A property owner location may not be sold, leased, transferred, or rented to another person.

4-12.2-12. Establishment of noncommercial locations. The two-mile [3.22-kilometers] radius restriction does not apply to a noncommercial apiary established by either a hobby or sideline operator. A commercial operator may not maintain a noncommercial apiary.

4-12.2-13. Occupation of locations - Vacancy allowance. Each commercial operator may maintain as vacant locations ten percent of the operator's registered apiary locations. Any registered apiary site which is not listed as a vacant location site pursuant to this section and which is not occupied by July first of each year is forfeited and the registration for the location and all rights for the location must be canceled.

4-12.2-14. Identification of hives. All hives must be identified as prescribed by the commissioner by rule.

4-12.2-15. State bee inspector - Appointment - Qualifications. The commissioner shall appoint a person qualified by scientific training or practical experience as state bee inspector. The bee inspector shall be furnished with all supplies, equipment, and support necessary to carry out this chapter. The commissioner shall, on the recommendation of the inspector, appoint and dismiss deputy inspectors to assist the inspector in performing the inspector's duties.

4-12.2-16. Bee inspector - Duties - Powers.

1. The bee inspector shall inspect apiaries, bees, and equipment within this state as required by this chapter.
2. Any apiary, bees, and equipment may be inspected for the purpose of ascertaining the existence of any disease, for the treatment or destruction of such disease of bees or brood, or for the purpose of enforcing this chapter.
3. The inspector or any deputy inspector may enter upon private property during reasonable hours for the purpose

of inspection. Access may not be denied or hindered by any person while the inspector or the inspector's deputy is acting in an official capacity.

4. The beekeeper shall follow the instruction and supervision of the inspector or deputy inspector for the treatment, control, and eradication of any disease found in or on an apiary, equipment, or bees.
5. If the beekeeper does not comply with the instructions given by the inspector or the deputy inspector, the inspector may cause the specified treatment to be applied or, if necessary, may cause the infected colonies to be destroyed. A beekeeper may not recover damages or compensation for the loss of any diseased colonies or equipment destroyed or damaged pursuant to this chapter or any rules adopted pursuant to this chapter.
6. After the inspection or handling of any diseased apiary, bees, equipment, or building, the inspector or deputy inspector shall take those measures which are necessary to prevent the spread of any bee disease.

4-12.2-17. Bees maintained in hives with movable frames. All bees within this state must be maintained in movable frames.

4-12.2-18. Certificate of health - Issuance. At the request of the beekeeper, the commissioner, after an official inspection has been made, the bees and equipment have been found to be disease free, and all fees have been paid, shall issue a certificate of health signed by the bee inspector. The certificate of health must state that the bees and equipment have been inspected, the date of the inspection, and that they are apparently free of disease.

4-12.2-19. Infected bees and equipment - Sale or exposure. No person may sell, barter, offer for sale or barter, move, transport, deliver, ship, or offer for shipment within this state, any bees or equipment which has not received a certificate of health from the inspector. No person may expose any bees or equipment in any place in such a manner that disease could be transmitted or disseminated therefrom.

4-12.2-20. Shipment into state - Permit - Fees. Before any person transports any bees or used equipment into this state, that person must obtain an entrance permit from the bee inspector. The applicant for an entrance permit shall submit:

1. A copy of the certificate of health issued by the official bee inspector, or equivalent official in another state or country, certifying the bees and equipment have been inspected within ninety days prior to the date of shipment and have been found to be free from any contagious or infectious disease.

2. A complete description of the shipment.
3. Such other information as may be required by rule.

Immediately upon the arrival in this state of any bees or equipment, the beekeeper shall comply with this chapter.

4-12.2-21. Abandoned apiary and abandoned equipment - Seizure, destruction, or sale. Any apiary, equipment, or bees not regularly maintained and attended in accordance with this chapter or any rules adopted pursuant to this chapter or which comprises a hazard or threat to disease control in the beekeeping industry may be considered abandoned and will be subject to seizure by the state bee inspector. Any bees not properly hived, or hives or equipment not properly stored, so as to prevent possible spread of disease may be considered abandoned bees or equipment. Any diseased bees and equipment which have been seized may, when necessary, be immediately burned or otherwise destroyed and any bees or equipment not destroyed may be sold at public auction. The proceeds, after the cost of sale are deducted, shall be returned to the former owner or the former owner's estate; provided, however, that before causing the bees or equipment to be sold, the bee inspector must give the beekeeper or agent a written notice at least five days prior to the date on which the property will be sold. This notice is to be given by registered mail or by personal service upon the owner, or person in charge, of such property.

4-12.2-22. Penalties - Criminal - Civil - License revocation or nonrenewal.

1. A person who violates this chapter or any rules adopted under this chapter is guilty of a class A misdemeanor.
2. In addition to criminal sanctions which may be imposed pursuant to subsection 1, a person found guilty of violating this chapter or rules adopted under this chapter is subject to a civil penalty not to exceed five thousand dollars for each violation. The civil penalty may be adjudicated by the courts or by the commissioner through an administrative hearing pursuant to chapter 28-32.
3. The department may, in accordance with the laws of this state, maintain an appropriate civil action in the name of the state against any person violating this chapter or rules adopted under this chapter.
4. The commissioner may refuse to grant a license to any person found guilty of repeated violations of this chapter or rules adopted under this chapter.

4-12.2-23. Confiscation and disposal of transported or maintained material. Any bees or equipment found to be transported or maintained in violation of this chapter may be confiscated by the state bee inspector or the sheriff of any county where the offense

may have occurred and shall be disposed of pursuant to court order. This section is in addition to section 4-12.2-21.

4-12.2-24. Service of process on beekeeper.

1. Each beekeeper shall have and continuously maintain in this state an agent, who shall be authorized to accept service of any process, notice, or demand arising from the beekeeper's activities under this chapter and for which the law requires or permits service upon the beekeeper.
2. The name and address of the beekeeper's authorized agent shall be submitted with the application for license required under section 4-12.2-04. Failure to submit the name and address of the beekeeper's agent is a ground for the denial of a license.
3. Whenever a beekeeper fails to appoint an agent in this state, or whenever the beekeeper's agent cannot be found with reasonable diligence, the commissioner shall be an agent of such beekeeper and service of any process, notice, or demand may be made upon the commissioner. If any process, notice, or demand is served on the commissioner, the commissioner shall forward it by registered mail to the beekeeper at the address submitted to the department under section 4-12.2-07.
4. The commissioner shall keep a record of all processes, notices, and demands served upon the commissioner under this section, and shall record the time of such service and the action taken.
5. This section does not limit or affect the right to serve any process, notice, or demand required or permitted by law to be served upon a beekeeper in any other manner permitted by law.

4-12.2-25. Beekeeping considered agricultural enterprise. Beekeeping is an agricultural enterprise for all purposes under the laws of this state.

SECTION 3. REPEAL. Chapter 4-12 of the North Dakota Century Code is hereby repealed.

Approved March 10, 1983

CHAPTER 93

HOUSE BILL NO. 1637
(Dotzenrod)

TURKEY PROMOTION ASSESSMENT FEE

AN ACT to amend and reenact section 4-13.1-03 of the North Dakota Century Code, relating to the turkey promotion assessment fee.

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

SECTION 1. AMENDMENT Section 4-13.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-13.1-03. Assessment. There is hereby levied on producers an assessment upon each turkey delivered for processing. The assessment rate shall be ~~one-half~~ one cent for each turkey weighing less than ten pounds live weight, and ~~one cent~~ up to two cents for each turkey weighing ten or more pounds live weight.

Approved March 21, 1983

CHAPTER 94

SENATE BILL NO. 2095
 (Committee on Agriculture)
 (At the request of the Agricultural Products Utilization
 Commission)

AGRICULTURALLY DERIVED FUEL TAX FUND

AN ACT to amend and reenact sections 4-14.1-01, 4-14.1-02, and 4-14.1-03 of the North Dakota Century Code; and to amend and reenact sections 57-43.1-03, 57-43.1-06, and 57-43.1-08 of the North Dakota Century Code as created by House Bill No. 1073, as approved by the forty-eighth legislative assembly, relating to agriculturally derived motor fuel and motor fuel taxes.

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

SECTION 1. AMENDMENT. Section 4-14.1-01 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-01. Legislative policy and purpose. It is hereby declared to be the public policy of the state of North Dakota to protect and foster the prosperity and general welfare of its people by providing a new domestic source of energy and chemicals and other value-added products, and by stimulating the agricultural economy of the state. In furtherance of this policy, it is the purpose of this chapter to provide necessary assistance in the construction, operation, and maintenance of an agriculturally derived alcohol plant agricultural processing plants in North Dakota for the manufacture and marketing of agriculturally derived ~~alcohol~~ and ~~methanol~~ derived from biomass residue fuel, chemicals, and other agricultural products.

SECTION 2. AMENDMENT. Section 4-14.1-02 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-02. Agriculturally derived ~~alcohol~~ motor vehicle fuel tax fund - Purposes. There is hereby created in the state treasury, a fund, to be known as the agriculturally derived ~~alcohol~~ motor vehicle fuel tax fund, which shall be used to provide a program for the implementation of a state agriculturally derived alcohol agricultural processing industry for motor vehicle fuels. The fund shall be used for the following purposes:

1. Establishment, with cooperation from private industry, of procedures and processes necessary to the manufacture and marketing of agriculturally derived alcohol-blended fuels and motor vehicle fuels blended with methane derived from biomass residue, chemicals, and other agricultural products.
2. Establishment of a procedure for entering the agriculturally derived alcohol-blended fuel and fuel blended with methane derived from biomass residue, chemicals, and other agricultural products into the marketplace by private enterprise.
3. Analysis of the marketing process and testing of marketing procedures to assure acceptance of agriculturally derived alcohol-blended fuels, motor vehicle fuels blended with methane derived from biomass residue chemicals, and byproducts other agricultural products resulting from their manufacture, in the private marketplace.
4. Cooperation with private industry to establish privately owned agriculturally derived alcohol manufacturing agricultural processing plants in this state to supply demand for agriculturally derived alcohol and methane derived from biomass residue fuel, chemicals, and other agricultural products.
5. Employment of needed personnel, hiring of consultants, and contracting with public entities or private parties for services as may be necessary to implement the policy and purposes of this chapter.

SECTION 3. AMENDMENT. Section 4-14.1-03 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-03. Agricultural products utilization commission - Composition - Appointment. The agriculturally derived alcohol motor vehicle fuel tax fund shall be administered by the agricultural products utilization commission which is hereby established. The commission shall consist of seven members to be appointed by the governor for terms of two years each, arranged so that at least three terms expire every year. Four members shall be actively engaged in farming in this state, one member shall be actively engaged in the petroleum industry, and two members shall be actively engaged in business in this state. Commission members may be reappointed to the commission. Terms of commissioners shall run from the first day of July of odd-numbered years.

SECTION 4. AMENDMENT. Section 57-43.1-03 of the North Dakota Century Code as created by House Bill No. 1073, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

57-43.1-03. Refund of tax provided for - Reduction for agriculturally derived ~~aleehel motor vehiele~~ motor vehicle fuel tax fund. Any person who buys or uses any motor vehicle fuel as defined in subsection 4 of section 57-43.1-01 for agricultural or industrial purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of this state on which the motor vehicle fuel tax has been paid, shall be reimbursed or repaid within the time provided in this section, the amount of the tax paid by him upon the presentation to and the approval of the commissioner of a claim for refund. The amount of the tax refund provided for in this section shall be reduced by one-eighth one-half cent per gallon [3.79 liters] retroactive to January 1, 1983, except those fuels used in aircraft or with respect to refunds claimed by aircraft fuel users, and the one-eighth one-half cent per gallon [3.79 liters] withheld from the refund shall be deposited in the agriculturally derived ~~aleehel motor vehiele~~ motor vehicle fuel tax fund. Those persons who have a valid tax assignment permit issued by the commissioner under the provisions of section 57-43.1-11 shall be charged one-eighth one-half cent per gallon [3.79 liters] by the dealer and the one-eighth one-half cent charge shall be remitted to the commissioner by the dealer when the dealer submits the tax assigned invoices for credit.

The refunds provided under this section from July 1, 1981, through June 30, 1983, for all fuels taxed under this chapter and chapter 57-43.2 except those fuels used in aircraft or with respect to refunds claimed under section 57-43.1-08, shall be reduced by one cent per gallon {3.79 liters}. This one cent per gallon {3.79 liters} not refunded during the period July 1, 1981, through June 30, 1983, shall be transferred to township road and bridge funds or to the appropriate county fund in the case of unorganized townships. Each township, or county in the case of unorganized townships, shall receive a sum based upon the proportionate number of miles {kilometers} of township roads within the organized or unorganized township as compared with the total number of miles {kilometers} of township roads in the state. These funds are to be used for the construction or maintenance of township roads and may not be used to purchase roadbuilding or road maintenance equipment. The state treasurer may adopt rules, pursuant to chapter 28-32, necessary to the administration of this allocation to townships during the 1981-1983 biennium.

SECTION 5. AMENDMENT. Section 57-43.1-06 of the North Dakota Century Code as created by House Bill No. 1073, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

57-43.1-06. Refund to prevent double taxation - Reduction for agriculturally derived ~~aleehel motor vehiele~~ motor vehicle fuel tax fund. Any person to whom special fuel or motor vehicle fuel is sold on which the tax imposed by this chapter or chapter 57-43.2 has been paid who thereafter removes the fuel from this state to a state which requires payment of a tax upon the use of the fuel in that state shall be granted a refund of the tax that was paid pursuant to this

chapter or chapter 57-43.2. The refund of tax paid pursuant to this chapter shall be reduced by the amount provided in section 57-43.1-03, and the reduction shall be deposited in the agriculturally derived ~~aleehel meter vehiele~~ fuel tax fund. The refund shall be granted only upon application to the commissioner on forms prescribed by the commissioner, including proof of payment of the tax imposed by the other state, and is subject to the limitations provided in section 57-43.1-05. The tax provided for in section 57-43.2-03 shall not be levied on sales of any such fuel for which a refund of tax is made pursuant to this section.

SECTION 6. AMENDMENT. Section 57-43.1-08 of the North Dakota Century Code as created by House Bill No. 1073, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

57-43.1-08. Refund to state or political subdivision. When any construction, reconstruction, or maintenance of a public road, highway, street, or airport is undertaken by the state or any political subdivision in the state and where public funds of the United States, state, or any political subdivision are directly used for the purchasing of motor vehicle fuel to be used in publicly owned vehicles for such construction, reconstruction, or maintenance, such motor vehicle fuel is subject to a refund of the tax paid on the fuel as provided for in this chapter and under the same terms and conditions. The refund provided for in this section shall not be reduced for deposit to the agriculturally derived ~~aleehel meter vehiele~~ fuel tax fund.

Approved April 28, 1983

CHAPTER 95

HOUSE BILL NO. 1456
(Representative Sinner)
(Senator Nelson)

NORTHERN CROPS COUNCIL MEMBERSHIP

AN ACT to amend and reenact section 4-14.2-02 of the North Dakota Century Code, relating to the membership in the northern crops council.

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

SECTION 1. AMENDMENT. Section 4-14.2-02 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.2-02. Northern crops council - Establishment - Chairman - Meetings - Compensation.

1. The northern crops council is hereby established. The council shall establish policies for the operation of the northern crops institute. The council shall consist of:
 - a. ~~The vice president for agricultural affairs~~ president of North Dakota state university of agriculture and applied science, or the president's designee.
 - b. A member of the North Dakota wheat commission selected by that commission.
 - c. A member of the North Dakota sunflower council selected by that council.
 - d. The commissioner of agriculture or the commissioner's designee.
 - e. ~~Three to five~~ Five to seven producers of northern crops selected by the members designated in subdivisions a through d.
 - f. Up to two representatives of industries which process northern crops selected by the members designated in subdivisions a through d.

2. The chairman of the council shall be a member of the council elected annually by a majority vote of the council. Provided, the members designated in subsections a and d of subsection 1 are not eligible to serve as chairman.
3. The council shall meet at least three times annually at such times and places as shall be determined by the council and may meet in special meeting upon such call and notice as may be prescribed by rules adopted by the council. A council member unable to attend a meeting of the council may be represented by a person who has a written proxy from the member.

Approved March 4, 1983

CHAPTER 96

SENATE BILL NO. 2113
 (Committee on Agriculture)
 (At the request of the Secretary of State)

SOIL CONSERVATION DISTRICT SUPERVISOR'S ELECTION AND TERM

AN ACT to amend and reenact sections 4-22-17 and 4-22-22 of the North Dakota Century Code, relating to nominating petitions for supervisors of soil conservation districts and terms of office of soil conservation district supervisors.

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

SECTION 1. AMENDMENT. Section 4-22-17 of 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, post-office 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~~ fifty-five days before the day of the election and not later than four ~~e-even~~ 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.

SECTION 2. AMENDMENT. Section 4-22-22 of 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 fifteen 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 January 28, 1983

CHAPTER 97

HOUSE BILL NO. 1333
(Nicholas, Nowatzki)

SOIL CONSERVATION DISTRICT TAX LEVY

AN ACT to create and enact a new subsection to section 4-22-26 of the North Dakota Century Code, relating to taxes levied by soil conservation districts; to amend and reenact subsections 8 and 11 of section 4-22-02 and section 4-22-21 of the North Dakota Century Code, relating to the eligibility to run for the office of soil conservation district supervisor and to vote in soil conservation district elections; and to provide an effective date.

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

SECTION 1. AMENDMENT. Subsections 8 and 11 of section 4-22-02 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

8. "Land occupier" or "occupier of land" includes any person, firm, or corporation who ~~shall hold~~ holds title to or ~~shall be~~ is in possession of any ~~agricultural, grazing, or forest~~ lands lying within a district organized under the provisions of this chapter, whether as owner, lessee, renter, tenant, or otherwise, and whether or not the person, firm, or corporation is living or located in a rural or urban area within the district;
11. "Qualified elector" means every person of the age of eighteen or upwards who is a citizen of the United States and who ~~shall~~ has resided in the state and in the precinct thirty days next preceding any election, whether or not the person is living in a rural or urban area.

SECTION 2. AMENDMENT. Section 4-22-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-22-21. Regular election of district - When held - Regulations governing. The regular election of soil conservation districts shall be held at the same time, and at the same place, as the general election is held. All qualified electors in the district may vote in any regular election of the district. Any land occupier living

in the district desiring to be a candidate for the office of supervisor at a district election and who has failed to file a nominating petition may furnish stickers to be attached to the ballot; and the ballot shall have blank spaces below the names of candidates nominated by petition for writing in other names.

SECTION 3. A new subsection to section 4-22-26 of the North Dakota Century Code is hereby created and enacted to read as follows:

To levy taxes as follows:

- a. The supervisors may make a tax levy, not exceeding one mill, for the payment of the expenses of the district, including mileage and other expenses of the supervisors, and technical, administrative, clerical, and other operating expenses.
- b. Immediately after the completion of the district budget and the adoption of the annual tax levy by the district supervisors, but not later than July first, the supervisors shall send one certified copy of the levy as adopted to the county auditor of each county in the districts.
- c. The county auditor of each county in the district shall extend the levy upon the tax list of the county for the current year against each description of real property lying both within the county and the district in the same manner and with the same effect as other taxes are extended.
- d. The treasurer of each county in the district shall collect all district taxes together with interest and penalty thereon in the same manner as the general taxes are collected, and shall pay over to the soil conservation district by the tenth working day of each month, all taxes so collected during the preceding month, with interest and penalties collected thereon and shall immediately send notification of such payment to the treasurer of the soil conservation district.
- e. Whenever the supervisors of a soil conservation district deem it advisable to raise funds by taxation in excess of the levy provided by this section, for any purpose for which the supervisors of a district are authorized to expend moneys raised by taxes, the supervisors of the district shall submit to the qualified electors of the district at the next general election the question of increasing the levy by a certain number of mills. Notice of the question shall be filed with the county auditor fifty-five days before the election. When authorized by a majority of

qualified electors of the soil conservation district voting on the question at an election in which the question has been submitted, the supervisors may increase the levy in the amount so authorized.

SECTION 4. EFFECTIVE DATE. This Act becomes effective on January 1, 1983.

Approved April 8, 1983

CHAPTER 98

SENATE BILL NO. 2290
(Senator Grotberg)
(Representative Horgan)

NORTH DAKOTA WINTER SHOW

AN ACT to designate the city of Valley City as the official site for the North Dakota winter show, and to prevent any other exhibition in the state from calling itself the North Dakota winter show or any similar name.

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

SECTION 1. North Dakota winter show - Official site. The official site of the North Dakota winter show, an annual exhibition, is designated to be the city of Valley City. No other event shall be designated as, nor call itself, the North Dakota winter show, or any similar name designed to confuse the public with the exhibition sponsored every year in the city of Valley City by the North Dakota winter show, a nonprofit corporation organized under the laws of this state.

Approved March 3, 1983

CHAPTER 99

HOUSE BILL NO. 1288
(Representatives Conmy, Haugland)
(Senators Naaden, Tallackson)

DAIRY PRODUCTS PROMOTION ASSESSMENT

AN ACT to provide a referendum on the dairy products promotion assessment; and to amend and reenact section 4-27-01, subsection 4 of section 4-27-02, subsection 1 of section 4-27-03, section 4-27-04, subsections 3 and 7 of section 4-27-05, sections 4-27-06, 4-27-07, 4-27-08, 4-27-09, and 4-27-11 of the North Dakota Century Code, relating to the promotion and sale of state dairy products, the state dairy promotion commission, the commission's purposes, the collection and disbursement of commission funds, the assessments on milk and a referendum regarding that assessment, and administration.

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

SECTION 1. Referendum. A referendum among dairy farmers must be held no later than January 1, 1984. The question must be submitted by secret ballot upon which the words "For approval of the mandatory assessment" and "Against approval of the mandatory assessment" are printed, with a square before each proposition and directions to insert an "X" mark in the square before the proposition which the voter favors. Notice of a referendum must be given by the commission in a manner determined by it. The ballots must be prepared by the commission and forwarded to the producer members who must return them within twenty days after mailing by the commission. Only one vote per licensed and certified dairy farm may be cast, and passage of the referendum will be determined by a simple majority vote of all ballots cast. The commission shall supervise and pay the costs of the referendum. If the referendum results indicate disapproval of the mandatory assessment provided in this Act, then the assessment refund provisions as provided in subsection 3 of section 4-27-06 as it existed on June 30, 1983, are reinstated. The results of the referendum must be determined, declared, and recorded in the office of the secretary of state.

SECTION 2. AMENDMENT. Section 4-27-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-27-01. Title. This chapter shall be known as the North Dakota Dairy ~~Commission Products~~ Promotion Commission Act.

SECTION 3. AMENDMENT. Subsection 4 of section 4-27-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. To provide that each producer make his own decision as to whether he wishes to support this program for a referendum vote among dairy farmers to determine whether they favor the assessment provided for in section 4-27-06.

SECTION 4. AMENDMENT. Subsection 1 of section 4-27-03 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The term "~~commission~~" shall mean "Commission" means the North Dakota dairy ~~products~~ promotion commission.

SECTION 5. AMENDMENT. Section 4-27-04 of the 1981 Supplement to 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 must 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 is two years, except that the initial appointments of one producer and one processor shall be are 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 must be five two ex officio members of such the commission who shall must be the president of the American dairy association of North Dakota, the president of the national dairy council of North Dakota, the dairy commissioner, and 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. In addition to the appointive and ex officio members there must be three elected members of the commission who must be the president of the American dairy association of North Dakota, the president of the national dairy council of North Dakota, and a state executive committee member of the American dairy association of North Dakota to be designated by that association. The elected and 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 6. AMENDMENT. Subsections 3 and 7 of section 4-27-05 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

3. The appointive and elected members of the commission shall receive a salary of fifteen dollars a day equal to seventy-five percent of the compensation per day as provided in section 54-35-10 for members of the legislative council while actually engaged in the official duties of the commission, plus their actual expenses at the same rates as other state officials.
7. ~~In order to~~ To effectuate the declared purposes of this chapter, the commission is hereby authorized to shall collect ~~an the~~ assessment of one-half cent upon each pound of butterfat on all milk produced and sold in the this state of North Dakota and to make disbursement disbursements from such funds as provided herein.

SECTION 7. AMENDMENT. Section 4-27-06 of the 1981 Supplement to 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 this state of North Dakota.
2. All assessments levied under this chapter shall must 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 the producer. All moneys received by the dealers, processors, and producers from such the assessment shall must 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 must be disbursed by the commission in accordance with the provisions of this chapter. The remittance of such assessments shall must 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 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-

SECTION 8. AMENDMENT. Section 4-27-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-27-07. Dealers', processors', and producers' records. All dealers, processors, and producers ~~charged hereunder with the obligation of collecting and remitting~~ responsible for the collection and remittance of the assessment imposed by this chapter, shall keep a complete and accurate record of all ~~butterfat, milk receipts~~ subject to assessment by this chapter. ~~Such~~ These records shall must contain such information as the North Dakota dairy products promotion commission may ~~prescribe~~ prescribes, shall must be preserved for a period of two years, and shall be are subject to inspection by authorized agents or employees of the commission.

SECTION 9. AMENDMENT. Section 4-27-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-27-08. Reports. All persons ~~charged~~ required by this chapter to keep records, shall file with the commission, as the commission by its regulations may require by rule, a return on or before the fifteenth day of each month, on forms to be prescribed and furnished by the commission, stating the amount of ~~butterfat milk~~ subject to assessment during the preceding month, and such other information as the commission may reasonably require. A copy of ~~such~~ the return shall be retained by all dealers and processors for inspection by the producers selling to them.

SECTION 10. AMENDMENT. Section 4-27-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-27-09. Expenses. No part of the expense incurred by the commission shall be paid from any other source than the North Dakota dairy products promotion commission fund, and the expenses incurred by the commission shall at no time exceed the amount available in the fund.

SECTION 11. AMENDMENT. Section 4-27-11 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-27-11. Biennial report and audit of commission. The commission shall submit a biennial report to the governor and the ~~department of accounts and purchases~~ office of management and budget as prescribed by section 54-06-04. The books, records, and accounts shall be audited biennially by the state auditor, the cost of such audit to be paid from the funds of the North Dakota dairy products promotion commission.

Approved March 4, 1983

CHAPTER 100

SENATE BILL NO. 2243
(Committee on Agriculture)
(At the request of the Wheat Commission)

WHEAT TAX LEVY

AN ACT to amend and reenact section 4-28-07 of the 1981 Supplement to the North Dakota Century Code, relating to the wheat tax levy.

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

SECTION 1. AMENDMENT. Section 4-28-07 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-28-07. Wheat tax levy. There is hereby levied and imposed, effective July 1, 1979 1983, a tax of ~~three~~ five mills per bushel [35.24 liters] by weight upon all wheat grown in this state and sold through commercial channels by a producer to a first purchaser, such tax to be levied and assessed at the time of sale and deducted by the purchaser from the price paid, or in the case of a lien, pledge, or mortgage, deducted from the proceeds of the loan or claim secured, subject to adjustment at the time of settlement in the event the number of bushels [liters] are not accurately determined at the time of the lien, pledge, or mortgage. At the time of sale, the purchaser shall issue and deliver to the producer a record of the transaction in such manner as the commission may prescribe.

Any producer subject to the deduction provided in this chapter may, within sixty days following such deduction or final settlement, make application by personal letter to the wheat commission for a refund application blank. Upon the return of said blank, properly executed by the producer, accompanied by a record of the deduction by the purchaser, the producer shall be refunded the net amount of the deduction collected. If no request for refund shall have been made within the period prescribed above, then the producer shall be presumed to have agreed to such deduction. However, a producer, for any reason, having paid the tax more than once on the same wheat, upon furnishing proof of this to the commission, shall be entitled to a refund of the overpayment.

The commission, to inform the producer, shall develop and disseminate information and instructions relating to the purpose of the wheat 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 wheat.

Approved March 17, 1983

CHAPTER 101

SENATE BILL NO. 2085
(Committee on Agriculture)
(At the request of the Agriculture Department)

DAIRY PRODUCT LAWS OR RULES VIOLATION

AN ACT to amend and reenact sections 4-30-02, 4-30-12, 4-30-52, and 4-30-53 of the North Dakota Century Code, relating to violations of dairy products regulations.

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

SECTION 1. AMENDMENT. Section 4-30-02 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-30-02. Licenses required - Fees - Term. Every producer-processor, peddler, distributor, every person purchasing milk or milk products for processing or manufacturing, or owning, operating, or leasing a creamery, cheese factory, condensery, drying plant, ice cream plant, ice milk plant, cream station, milk plant, every other business engaged in the processing or manufacturing of milk or milk products and every organization acquiring milk or milk products as an agent for sale on behalf of others and doing business within this state shall obtain the license required by this section for each such place of business. Application for license shall be made to the dairy commissioner upon forms as the commissioner may require. Upon making application for license, it is implied that consent is given by the applicant for inspection by the state dairy department. If the commissioner finds that the applicant conforms to the North Dakota laws and the rules and regulations of the department, he shall issue a license for conducting those operations listed on the application form. If a licensee wishes to conduct operations other than those listed, he may request that the commissioner approve them, and if the commissioner finds that the proposals are in conformance with North Dakota laws and the rules of the department, he shall approve them. The license, ~~together with a summary of the North Dakota dairy laws and the rules of the department~~ shall be posted conspicuously in each licensed business. All licenses issued under this section shall expire on the thirtieth day of June of each year and shall not be transferable. The fee for licenses shall be twenty-five dollars. Every organization acquiring milk or milk products as an agent for sale on behalf of others shall, for the

purposes of this chapter, be deemed to be a purchaser of milk or cream from a dairy producer.

SECTION 2. AMENDMENT. Section 4-30-12 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-30-12. License needed to sample, grade, or test - Training - Examination - Term - Fee. No person shall sample, grade, or test milk, or milk products for the purpose of determining the value or grade without obtaining a license from the dairy department. In case of illness or necessary absence, a licensee may appoint a substitute for a period not to exceed six days in one calendar year, unless specific approval for a longer period is obtained from the commissioner. The licensee shall be responsible for the acts of his substitute. An applicant for license shall file an application with the department stating the type of sampling, grading, or testing he wishes to be licensed for. Before a license is issued, the applicant shall receive training in the sampling or grading of milk or milk products as may be required by the department, and shall pass a written examination prepared and given by the department. He shall show that he is conversant with the requirements of this chapter which pertain to sampling, grading, or testing, and must prove by actual demonstration that he is competent and qualified to perform each type of sampling, grading, and testing listed on his application. The commissioner shall then issue a license which shall state the types of sampling, grading, or testing which the applicant has proven to be able to perform. Additions may be added to the application form and license, without charge, after the license has been issued, upon the request of the licensee and after he has taken any additional training and has satisfactorily passed the required examinations for each addition. Examinations shall be given by the department ~~four times per year at a time and place or at times and places~~ as the department shall determine. A licensee need not take any examinations when renewing his license unless his ability at performing sampling, grading, or testing is questioned by the commissioner or his assistants. Retraining or retesting or both may be required by the commissioner at any time when the commissioner reasonably determines it to be necessary. Licenses issued under this section shall expire on December thirtieth of each year, shall be posted conspicuously in the licensee's place of operation, and shall not be transferable. The fee for the annual license shall be five dollars, and a one dollar penalty fee shall be applied after the thirty-first day of January if renewals are not paid prior to that date.

SECTION 3. AMENDMENT. Section 4-30-52 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-30-52. Disposal of illegal milk or milk products - Seizure. Any milk or cream offered for sale and which is in violation of any provisions of this chapter or the rules and regulations of the dairy department shall be colored with a harmless food coloring and

returned to the owner. ~~Any other~~ In addition, any milk or milk product which is in violation of this chapter or the rules and regulations of the dairy department and has been may be seized or ordered held by the dairy commissioner and shall be disposed of as any other illegal food or drug as outlined in chapter 19-02.1.

SECTION 4. AMENDMENT. Section 4-30-53 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-30-53. Penalty for violation of chapter - Additional civil penalty. Any person violating any of the provisions of this chapter or the rules and regulations of the dairy department for which another criminal penalty is not specifically provided is guilty of a class B misdemeanor. In addition, the dairy commissioner may assess a civil penalty not to exceed five hundred dollars per day for each violation or continuing violation, and may collect such civil penalty by a civil proceeding in any appropriate court.

Approved January 28, 1983

CHAPTER 102

HOUSE BILL NO. 1377
(Vig)

GRADE A MILK STANDARDS

AN ACT to amend and reenact section 4-30-36 of the North Dakota Century Code, relating to the minimum standards for grade A milk.

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

SECTION 1. AMENDMENT. Section 4-30-36 of the 1981 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. Only grade A milk may be sold as fluid beverage for human consumption. 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, 1978 Recommendations of the United States Public Health Service" and all supplements added thereto except that the minimum requirements for total solids in all grade A milk is eight and one-half percent and the butterfat content of grade A whole milk is three and one-fourth percent. The dairy commissioner may adopt as dairy department regulations any amendments, supplements to, 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 March 4, 1983

CHAPTER 103

HOUSE BILL NO. 1485
(Brokaw, A. Williams, Riehl, Shockman, Vander Vorst)

MILK AND DAIRY PRODUCT RATING AND SAMPLING

AN ACT to create and enact sections 4-30-36.2 and 4-30-36.3 of the North Dakota Century Code, relating to the rating and sampling milk and dairy products and certification of laboratories; to amend and reenact sections 4-29-02 and 4-30-18 of the North Dakota Century Code, relating to the appointment of assistants and officers to the state dairy commissioner and the procedures, equipment, and supplies used to sample and test milk or dairy products.

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

SECTION 1. AMENDMENT. Section 4-29-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-29-02. Dairy commissioner - Officers and assistants. The commissioner of agriculture shall appoint a deputy in his department to be known as the dairy commissioner, who shall be the official head of the dairy department. The commissioner of agriculture, with the advice of the dairy commissioner, shall appoint as many assistant dairy commissioners as the needs of the department demand and funds available permit. The dairy commissioner shall appoint a state milk sanitation rating and sampling surveillance officer and a milk laboratory evaluations officer. The dairy commissioner, with the consent of the commissioner of agriculture, may appoint special assistant dairy commissioners if a circumstance arises when a special assistant would facilitate or improve the effectiveness and efficiency of the dairy department. The assistant dairy commissioners, milk sanitation rating and sampling surveillance officer, milk laboratory evaluations officer, and the special assistant dairy commissioners shall perform such duties as directed by the dairy commissioner and the commissioner of agriculture, and when performing such duties, the assistant dairy commissioners, milk sanitation rating and sampling surveillance officer, milk laboratory evaluations officer, and the special assistant dairy commissioners shall have the same authority as is conferred upon the dairy commissioner by this chapter.

SECTION 2. AMENDMENT. Section 4-30-18 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-30-18. Sampling and testing procedures - Equipment - Supplies. The procedures, equipment, chemicals, and other apparatus or substances used in the sampling, grading, or testing of milk or milk products shall conform to that described in the latest edition of "Standard Methods for the Examination of Dairy Products" published by the American public health association, incorporated, a copy of which shall be on file in the department. No equipment, chemicals, or other apparatus or substance used in the sampling, grading, or testing of milk or milk products which is not in conformance with the requirements of this chapter may be sold or offered for sale. The commissioner through the adoption of rules may alter, amend, or prohibit any specific requirement of this section and may approve other sampling, grading, or testing procedures or equipment by issuing rules pertaining thereto but only after consulting with the director of the state laboratories department, the state health officer, and the chairman of the department of animal science at the North Dakota state university. The commissioner, where he deems it appropriate, shall may check calibration of farm bulk milk tanks and equipment.

SECTION 3. Section 4-30-36.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

4-30-36.2. State milk sanitation rating and sampling surveillance officer - Duties - Guidelines. The state milk sanitation rating and sampling surveillance officer is responsible for the rating and certification of milk and dairy products. The rating and certification of milk and dairy products must be in accordance with the procedures outlined in the public health service/food and drug administration publication entitled "Methods of Making Sanitation Ratings of Milk Supplies - 1978 Edition" and the sampling of milk and dairy products must be in accordance with the guidelines recommended in the latest edition of "Standard Methods for the Examination of Dairy Products" published by the American public health association.

SECTION 4. Section 4-30-36.3 of the North Dakota Century Code is hereby created and enacted to read as follows:

4-30-36.3. Milk laboratory evaluations officer - Duties - Guidelines. The milk laboratory evaluations officer is responsible for the certification and evaluation of milk and dairy products laboratories within the state. Evaluations and certification of milk laboratories must be made in accordance with the latest edition of "Standard Methods for the Examination of Dairy Products" published by the American public health association and the procedures outlined in the public health service/food and drug administration publication entitled "Evaluation of Milk Laboratories - 1978 Edition".

Approved March 11, 1983

CHAPTER 104

SENATE BILL NO. 2241
(Committee on Agriculture)
(At the request of the Department of Agriculture)

PLANT AND PRODUCT INSPECTION

AN ACT to create and enact section 4-33-12 of the North Dakota Century Code, relating to plant and product inspection; and to amend and reenact subsection 1 of section 4-33-01 and sections 4-33-02, 4-33-08, 4-33-10, and 4-33-11 of the North Dakota Century Code, relating to plant pests; and to provide a penalty.

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

SECTION 1. AMENDMENT. Subsection 1 of section 4-33-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "Commissioner" means the commissioner of the department of agriculture of this state North Dakota or any officer or employee of said department any designated representative to whom authority to act in his stead has been or hereafter may be delegated.

SECTION 2. AMENDMENT. Section 4-33-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-33-02. Administration, rules and regulations. The commissioner shall have the responsibility for administration of the provisions of this chapter. The commissioner ~~after consultation and advice with the state entomologist~~ is authorized to assign functions provided for in this chapter to any unit of his department and to delegate any authority provided for in this chapter to any ~~officer or employee thereof designated representative~~, to be exercised under his general supervision. The commissioner shall promulgate such rules and regulations as are necessary for the efficient execution of the provisions of this chapter.

SECTION 3. AMENDMENT. Section 4-33-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-33-08. Penalties. Any person who shall violate any of the provisions of this chapter or who shall use without authority any certificate or permit or other document provided for in this chapter or in the regulations of the commissioner provided for in this chapter, shall be deemed guilty of a class A misdemeanor. Any person who has knowingly moved any regulated article into this state from any quarantined area of any other state, which article has not been treated or handled under provisions of the quarantine and regulations, in effect at the point of origin, shall be guilty of a class A misdemeanor. In addition to criminal sanctions, a person found guilty of violating this chapter or regulations is subject to a civil penalty not to exceed five thousand dollars for each violation. The civil penalty may be adjudicated by the courts or by the commissioner through an administrative hearing pursuant to chapter 28-32. The commissioner may, in accordance with the laws of North Dakota, maintain an appropriate civil action in the name of the state against any person violating this chapter.

SECTION 4. AMENDMENT. Section 4-33-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-33-10. Authority for local pest control and regulations. ~~When approved to do so by the commissioner, the~~ The governing body of any political subdivision of this state North Dakota, by ordinance or resolution, may adopt and enforce regulations to control and prevent the spread of pests. ~~The control work shall be carried on under the general direction of the commissioner.~~ If state regulations are in effect, any similar local regulations must be approved by the commissioner. State regulations shall be in effect if the commissioner finds that adequate measures are not being taken by the political subdivision. The commissioner shall notify the appropriate officials of the political subdivision before any action is taken by the commissioner. Such regulations may authorize appropriate officers and employees to enter and inspect any public or private place which might harbor pests.

* SECTION 5. AMENDMENT. Section 4-33-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-33-11. Authority for financing local control programs. The governing body of any political subdivision of this state is authorized to appropriate money for the control of pests. ~~Such~~ If state funds are involved, such money shall be expended according to control plans approved by the commissioner. The governing body of a political subdivision shall determine the portion, if any, of control program costs that should be paid by the political subdivision. Costs of the control program may be paid by moneys in the emergency fund. In the event the emergency fund is not sufficient to carry out the program, the governing body may expend money from the general fund and in such event the governing body may, upon approval of sixty percent of those voting in any special election or the next regularly scheduled primary or general election, levy a tax during the following year upon all taxable property in the political subdivision to fully reimburse the general fund for the amount

* NOTE: Section 4-33-11 was also amended by section 11 of Senate Bill No. 2065, chapter 606.

expended except that such levy shall not exceed one mill on all taxable property. The levy herein authorized shall be in addition to any mill levy limitation provided by law.

SECTION 6. Section 4-33-12 of the North Dakota Century Code is hereby created and enacted to read as follows:

4-33-12. Authority for domestic and export certification. The commissioner may inspect domestic fruits, vegetables, seeds, nursery stock, and other plants and plant products, when offered for export or shipment from within the state and to certify to shippers and interested parties as to the freedom of such products from injurious diseases and pests according to the sanitary requirements of other states and foreign countries, and to make such reasonable charges and to use such means as may be necessary to accomplish this objective. Certificates may be withheld if the product does not meet sanitary requirements and if all state licensing and bonding requirements have not been met.

Approved March 17, 1983

CHAPTER 105

SENATE BILL NO. 2333
(Senator D. Meyer)
(Representative O. Hanson)

BEEF CATTLE ASSESSMENT

AN ACT to amend and reenact section 4-34-08 of the North Dakota Century Code, relating to the assessment of cattle for the beef commission.

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

SECTION 1. AMENDMENT. Section 4-34-08 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-34-08. Assessment for sale of cattle. There is hereby levied on each resident selling cattle within the state or from the state, an assessment of ~~twenty-five~~ fifty cents per head for each animal sold. The moneys collected pursuant to this chapter shall be paid to the commission pursuant to this chapter and shall be expended by the commission only as authorized by this chapter.

Approved March 15, 1983