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from current crop year assessments are inadequate, funds in the operating re-
serve may be used for the authorized activities of the crop year. Funds so
used, and not exceeding the six-month limitation, shall be replaced to the ex-
tent practicable from assessments sub-
sequently collected for the crop year.

(d) Disposition of funds upon termi-
nation. Any money collected from as-
sessments hereunder and remaining un-
expended in possession of the Board
upon the termination of this part shall be distributed in such manner as the
Secretary may direct.

(e) Any assessment not paid by a
handler within a period of time pre-
scribed by the Board may be subject to
an interest or late payment charge or
both. The period of time, rate of inter-
est and late payment charge shall be as
recommended by the Board and ap-
proved by the Secretary. Subsequent to
such approval, all assessments not paid
within the prescribed period of time
shall be subject to an interest or late
payment charge or both.

[35 FR 11372, July 16, 1970, as amended at 37
FR 3984, Feb. 25, 1972; 41 FR 26854, June 30,
1976; 61 FR 32921, June 26, 1996]

MISCELLANEOUS PROVISIONS

§ 981.85 Personal liability.

No member or alternate member of
the Board, or any employee or agent
terminal, shall be held personally re-
sponsible, either individually or jointly
with others, in any way whatsoever, to
any handler or any other person for er-
rors in judgment, mistakes, or other
acts either of commission or omission,
as such member, alternate member,
agent, or employee, except for acts of
dishonesty.

§ 981.86 Separability.

If any provision of this subpart is de-
clared invalid, or the applicability
thereof to any person, circumstance, or
thing is held invalid, the validity of the
remainder hereof or the applicability
thereof to any other person, cir-
cumstance, or thing shall not be af-
tected thereby.

§ 981.87 Derogation.

Nothing contained in this subpart is,
or shall be construed to be, in deroga-
tion or in modification of the rights of
the Secretary or of the United States
to exercise any powers granted by the
act or otherwise, or, in accordance
with such powers, to act in the prem-
ises whenever such action is deemed
advisable.

§ 981.88 Duration of immunities.

The benefits, privileges, and immuni-
ties conferred upon any person by vir-
tue of this subpart shall cease upon its
termination except with respect to acts
done under and during its existence.

§ 981.89 Agents.

The Secretary may, by a designation
in writing, name any person, including
any officer or employee of the United
States Government, or name any bu-
reau or division of the United States
Department of Agriculture, to act as
his agent or representative in connec-
tion with any of the provisions of this
subpart.

§ 981.90 Effective time, suspension, or
termination.

(a) Effective time. The provisions of
this subpart, as well as any amend-
ments to this subpart, shall become ef-
fective at such time as the Secretary
can declare, and shall continue in
force until terminated or suspended in
one of the ways hereinafter specified in
this section.

(b) Suspension or termination—(1) Fail-
ure to effectuate policy of act. The Sec-
retary shall terminate or suspend the
operation of any or all of the provi-
sions of this subpart, whenever he finds
that such provisions do not tend to ef-
fectuate the declared policy of the act.

(2) The Secretary shall conduct a re-
ferendum as soon as practical after the
end of the fiscal year ending two years
after implementation of this amend-
ment, and at such time every fifth year
thereafter, to ascertain whether con-
tinuation of the order is favored by
growers who have been engaged in the
production of almonds for market
within the State of California during
the current crop year.

(3) When favored by growers. The Sec-
retary shall terminate the provisions of
this subpart at the end of any crop
year whenever he finds that such ter-
mination is favored by a majority of