

LIQUORS

CHAPTER 152

H. B. No. 260—(Kapaun and Frosaker and Schauss)

ADVERTISING INTOXICATING LIQUORS AUTHORIZED

An Act to repeal Sections 10133 and 10134 of the Compiled Laws of North Dakota of 1913 being the Act making it unlawful to advertise intoxicating liquors within the State and prescribing penalty therefor.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. LAWS REPEALED.] That Sections 10133 and 10134 of the Compiled Laws of North Dakota of 1913, be and the same are hereby repealed.

Approved March 17, 1937.

CHAPTER 153

H. B. No. 234—(Schauss)

LICENSED LIQUOR DEALERS REPORTS

An Act requiring all licensed liquor dealers to make available reports, records, vouchers, books, and other documents to the State Treasurer; providing for examination; providing penalties for delinquencies and for violations:

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That the State Treasurer of the State of North Dakota as custodian of the Liquor Fund, and collector of revenue developing from the sale of liquor stamps required to be placed on all containers of beverages containing more than four per centum (4%) alcohol by weight, is hereby authorized and empowered to demand, require and receive from any licensed wholesale liquor dealer in North Dakota, and from any licensed retail liquor dealer in North Dakota, any monthly, weekly or daily report or reports in such form as the State Treasurer shall determine upon; also any book, record, document, invoice and voucher kept, maintained, received or issued by such licensed dealer in connection with the business of such licensee, which in the judgment of the State Treasurer as custodian of the Liquor Fund may be necessary to properly administer and discharge the duties of said State Treasurer as custodian of the Liquor Fund, and secure the maximum of revenue to be properly paid into said Liquor Fund, and to properly carry out the provisions of law.

§ 2. If default be made, or if any of such licensees shall fail or

refuse to furnish any of the reports or information referred to in Section 1 of this Act upon request being made therefor, the State Treasurer as custodian of such liquor fund or any of his duly appointed representatives are hereby empowered to enter upon delinquent licensees' premises where said records are kept and make such examination as is necessary to compile the required report, and that cost of such examination shall be paid by the dealer whose reports are in default, and in addition to such cost of examination said defaulting dealer shall be subject to a fine of \$50.00 for each such default.

§ 3. In the event of a default, failure or refusal to furnish the information referred to in Section 1 of this Act, the Treasurer, in his discretion, may refuse to sell or deliver to such defaulting licensee any liquor stamps until such default is made good.

Approved March 10, 1937.

CHAPTER 154

S. B. No. 151—(Fredrickson)

LIQUOR CONTROL AND LICENSE BY COMMON CARRIERS

An Act to authorize, regulate and control the transportation, importation, handling, possession, purchase, sale and dispensing of intoxicating liquors, as defined by the 1936 Liquor Control Act, in this State by common carriers, providing for the method of taxing and licensing such intoxicating liquors when handled and sold by common carriers, and of expending and distributing the revenues from such taxes and licenses, and providing penalties for the violation of this Act; and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Any railroad company, dining car company or sleeping car company, operating in this State is hereby authorized to transport, import, handle, possess, purchase and sell and dispense intoxicating liquors as now defined by the 1936 Liquor Control Act, upon any dining car, buffet or observation or cafe car, where meals or lunches are served. Sales shall be made only to bona fide passengers.

§ 2. Any common carrier coming within the provisions of this Act, carrying on business in the State of North Dakota, either interstate or intrastate, may engage in the retail sale of intoxicating liquors in the manner and pursuant to the regulations and restrictions contained in this Act.

§ 3. Any common carrier referred to in this Act engaging in the retail sale of intoxicating liquors as defined by the 1936 Liquor Control Act must first procure from the State Treasurer a license, the fee for which license shall be the sum of One Hundred Dollars

from and after the passage of this Act to July 1st, and the sum of Two Hundred Dollars per annum from July 1st to June 30th of each succeeding year, and which license shall not be transferable. Such license shall not permit the sale at any one time to any person of an amount greater than five wine gallons.

That all purchases of liquor under this Act must be made from duly licensed wholesalers in the State of North Dakota.

§ 4. It is further provided that the wholesaler shall report his sales, as in the case of other sales, and that the revenue realized from the sale of stamps on intoxicating liquors, sold under the provisions of this Act, shall be converted into the General Fund of the State as a part thereof.

§ 5 Any person violating any of the provisions of this Act shall upon conviction, be fined not more than Five Hundred Dollars for the first offense, or imprisoned in the County jail for not more than ninety days, or by both such fine and imprisonment. For any subsequent violation of this Act the offender shall be fined not more than One Thousand Dollars, or imprisoned in the County jail for not more than six months, or by both such fine and imprisonment.

§ 6. This Act is hereby declared to be an emergency measure, and shall be in full force and effect from and after the date of its passage and approval.

Approved March 17, 1937.

(NOTE: House Emergency Certificate shows Ayes, 66; Nays, 38.)

MINING

CHAPTER 155

H. B. No. 239—(Krank, Sticka and Bjornson)

COAL MINING REGULATIONS

An Act to amend and re-enact Section 77 of Chapter 168, Session Laws of 1919 which also appears as Section 3084a77 of the 1925 Supplement governing underground coal mining near boundary lines and including therein coal mining near State, County and Township highways.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Section 77 of Chapter 168 of the Session Laws of 1919 which also appears as Section 3084a77 of the 1925 Supplement, is hereby amended and re-enacted to read as follows:

§ 77. WORKING NEAR BOUNDARY LINES AND STATE, COUNTY