

## BEVERAGES

### CHAPTER 103

H. B. No. 328—(Gus Schauss)

#### BEER LAW AMENDMENT

An act to amend and re-enact Section 6 of that certain initiated measure adopted by the electors of the State of North Dakota on September 22nd, 1933, relating to the manufacture, sale and distribution of beer, as amended by Chapter 98 of the Session Laws of North Dakota for the year 1935, and Chapter 98 of the Session laws of North Dakota for the year 1937; repealing all acts and parts of acts in conflict herewith, and declaring an emergency.

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

§ 1. AMENDMENT.] Section 6 of that certain initiated measure adopted by the electors of the State of North Dakota on September 22nd, 1933, relating to the manufacture, sale and distribution of beer, as amended by Chapter 98 of the Session Laws of North Dakota for the year 1935, and Chapter 98 of the Session Laws of North Dakota for the year 1937, be and the same is hereby amended and re-enacted to read as follows:

§ 6. ADDITIONAL STATE REVENUE. THE AMOUNT THEREOF AND HOW COLLECTED.] From and after the taking effect of this act there is hereby levied and assessed and there shall be collected and paid to the State Treasurer upon all beer sold in North Dakota to consumers, the following taxes, to be paid prior to the sale and delivery thereof to the consumer and at the time said beer is delivered to the retailer; on all beer sold a tax of \$2.48 per barrel of 31 gallons, or pro rata proportion thereof in accordance with the size of the bulk container. All beer sold in this State under the provisions of the initiated beer measure of 1933, being an act approved September 22, 1933, and acts amendatory thereof, shall be put up in bottles, kegs or other containers, so that the stamps can be affixed thereto in the manner hereinafter provided. The stamps representing the payment of said tax shall be provided by the commissioner and purchased from him. The proceeds of the sale of such stamps to be turned over to the Treasurer of the State of North Dakota and such stamps shall be affixed to the kegs, cartons or other bulk containers containing said beer in such manner that the opening of the container breaks the stamps, thereby preventing the use of the stamps a second time.

§ 2. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

§ 3. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after the first day of April, 1939.

Approved March 7, 1939.

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## CHAPTER 104

H. B. No. 263—(Committee on State Affairs)

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### BEVERAGE INSPECTION ACT AMENDMENT

An act to amend and re-enact Sections 10169a4 and 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, of the North Dakota Beverage Inspection Act, to include alcoholic beverages, defining the beverages coming within the provisions of that act, and fixing the license fee required to be paid, and declaring an emergency.

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

§ 1. AMENDMENT.] Section 10169a4 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, is hereby amended and re-enacted to read as follows:

§ 10169a4. WHAT IS INCLUDED.] There shall be included as coming under the provisions of this act, all beverages, as intoxicating liquors, soda water, carbonated and non-carbonated, ginger ale, root beer, aromatic flavors, cereal or malt beverages, apple cider, grape juice, tomato juice, and other fruit juices, imitations or compounds of any of these, concentrated extracts and essences from which beverages are made, and mineral or spring water sold under private label.

§ 2. AMENDMENT.] Section 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, is amended and re-enacted to read as follows:

§ 10169a5. LICENSE REQUIRED.] Before any beverage, concentrate or essence from which any beverage is to be made can be sold, exposed for sale or held with intent to sell within this State, the manufacturer, importer, jobber or retailer shall furnish a suitable sample of each and every product to the State Food Commissioner and Chemist for inspection and chemical analysis. If, after examination, it shall be found to comply with all requirements of law it shall be licensed and may then be sold within this State. If it does not meet all requirements of law, the State Food Commissioner and Chemist shall refuse to license it and prevent its sale. Said sample shall be furnished annually to the State Food Commissioner and Chemist and the license fee paid annually during the

month of December of every year or prior to placing such beverage on the market, and said license shall expire December 31 next following its issuance. If the manufacturer or jobber secures a license for a product, subsequent sellers, including retailers and dispensers, need not again secure a license for the same product, and no dispenser shall be required to secure a license for a product prepared for his own use from a product already licensed.

At the time of submitting the sample for analysis, there shall be paid to the State Food Commissioner and Chemist a license fee according to the following schedule:

Soda water, ginger ale, root beer, pop—brand or class	\$ 10.00
Concentrated extracts, essences, nectars, cordials, syrups—	
Single product	10.00
Brand or class	50.00
Fruit juices, apple cider, grape juice, tomato juice, true—	
brand	20.00
Fruit juices, apple cider, grape juice, imitation or compound—	
brand	20.00
Mineral and spring water—brand	20.00
Cereal beverages and malts—brand	50.00
Wines—brand	25.00
Whiskey, rum, brandy, liquors, liqueurs and other distilled	
liquors—first brand	150.00
Each addition[al] brand	50.00

§ 3. EMERGENCY.] An emergency is hereby declared to exist and this act shall become operative from the date of its passage and approval.

Approved March 16, 1939.

## CHAPTER 105

H. B. No. 102—(Levin, Ritter & Schimke)

### FERMENTED MALT BEVERAGES

An act forbidding the sale of fermented malt beverages in the State of North Dakota which are manufactured with less than sixty-six and two-thirds per cent (66 $\frac{2}{3}$ %) of barley malt.

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

§ 1. DEFINITION.] Fermented malt beverages which for the purpose of this act will mean any liquor or liquors kept or being used for beverage purposes made by the alcoholic fermentation of an infusion of potable water of barley malt and hops with or with-

out all malt grains of decorticated and degerminated grain or sugar containing more than one-half of one percent of alcohol by volume.

§ 2. No fermented malt beverages as herein defined shall be sold in the State of North Dakota after the taking effect of this act unless sixty-six and two-thirds percent (~~66%~~<sup>66 2/3</sup>%) or more of the grain used in the manufacture consists of barley malt.

§ 3. VIOLATION. PENALTY.] Any person, firm or corporation violating the provisions of this act shall, upon conviction be subject to a fine not to exceed one hundred and no/100 dollars, (\$100.00) or by imprisonment in the county jail not to exceed thirty days (30) or both of such fine and imprisonment, and his or their license shall be cancelled.

§ 4. REPEAL.] All acts or parts of acts inconsistent or in conflict with the provisions hereof are hereby repealed.

Approved February 15, 1939.

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## BONDS

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### CHAPTER 106

S. B. No. 170—(Committee on Education)

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#### REDEMPTION OF STATE LAND DEPARTMENT BONDS

An act to amend Section 4037a of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, and declaring an emergency.

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

§ 1. AMENDMENT.] Section 4037a of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 4037a. The Board of University and School Lands and the State Treasurer are hereby authorized and directed to allow any county, city, village, park district, township, or school district to redeem at any time after two years from the date of issue at part with accrued interest, any bond or bonds issued by it, which the State may have purchased and holds as an investment of any of the permanent school funds of the State.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and the same shall be in full force and effect upon its passage and approval.

Approved March 15, 1939.