

AGRICULTURE

CHAPTER 2

H. B. No. 93—(Callahan and Stair)

CONTINUATION AGRICULTURAL FAIR TAX TO BE SUBMITTED TO VOTE

AN ACT

To amend and reenact Section 4-0230 of the North Dakota Revised Code of 1943; providing for submitting to electors the question of continuing and discontinuing annual tax levy in aid of agricultural fairs, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 4-0230 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-0230. TAX PROVIDED FOR TO BE SUBMITTED TO VOTE.] Whenever the board of county Commissioners shall have voted and ordered a tax levied in aid of an agricultural fair, at the next general election the question of continuing the annual levy and collection of the tax shall be submitted to a vote of the people of the county. The county auditor shall certify and give notice of the submission of the question as in such cases provided by law. The ballots to be used at the election shall be in the following form:

For tax in aid of county fair	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>

If a majority of the ballots heretofore or hereafter cast on the question at any such election is in favor of continuing such tax, the board of county commissioners shall continue the annual levy hereof as long as the provisions of Section 4-0229 are complied with and until otherwise directed as herein provided.

Whenever a petition addressed to such board, asking the discontinuance of such tax and containing the signatures of the qualified electors of the county in a number equal to

twenty percent of the total vote cast in the county at the last preceding general election, is filed in the office of the county auditor, the board shall submit to the electors of the county at the next succeeding general election the question of whether or not the levying of such tax shall be continued. The ballot shall be in the following form:

Yes ☐
Shall the board of county commissioners
continue the annual levy of a tax in aid
of county fair?
No ☐

If a majority of all the ballots cast at such election is in favor of discontinuing the tax, the board of county commissioners shall not thereafter levy any tax under this chapter.

Before every such election, the county auditor shall certify and give notice of the submission of the question as in such cases provided by law.

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

Approved March 3, 1947.

CHAPTER 3

(Brant for Legislative Research Committee at
the request of Office of State Examiner)

S. B. No. 8

COUNTY AGENT SUBMIT MONTHLY EXPENDITURE ACCOUNT AN ACT

To amend and reenact Section 4-0810 of the North Dakota Revised Code of 1943 providing for county agent to submit monthly account of expenditures.

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

§ 1. AMENDMENT.] That Section 4-0810 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-0810. COUNTY AGENT TO SUBMIT MONTHLY ACCOUNT OF EXPENDITURES.] An accurate itemized account of all ex-

penditures incurred by the county agent in the regular conduct of his duties shall be submitted monthly by him to the extension division of the agricultural college for examination and audit. Where charges are made by a county agent for money expended in the performance of official duties, all items of one dollar or more so expended and charged for shall be covered by a sub-voucher or receipt which shall be signed by the person to whom the money was paid. The sub-voucher or receipt shall show at what place, on what date, and for what, the money expended was paid. The sub-vouchers or receipts shall be forwarded with the bill, claim, account, or demand against the county. Where charges are made for transportation expenses they shall not exceed the amounts provided by Section 54-0609 of the North Dakota Revised Code of 1943, and shall be in itemized form showing the mileage traveled, the days when and how traveled, and the purpose thereof, verified by his affidavit. Such account shall be transmitted and recommended for payment by the extension division of the agricultural college which shall audit the same and which may approve or disallow any expense item therein. The extension division of the agricultural college shall be under the control, and subject to the supervision, of the state board of higher education.

Approved February 27, 1947.

CHAPTER 4

S. B. No. 32

(Brant for Legislative Research Committee at the request of Department of Agriculture and Labor)

CREAM AND SKIM MILK—DEFINITION

AN ACT

To amend and reenact Subsections 10 and 11 of Section 4-1801 of the North Dakota Revised Code of 1943, defining cream and skim milk.

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

§ 1. AMENDMENT.] Subsections 10 and 11 of Section 4-1801 of the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

4-1801. TERMS DEFINED.]

10. "Cream" is that portion of milk which contains not less than twenty per cent butterfat.

11. "Skim milk" shall mean milk from which the milk fat has been wholly or partially removed and shall contain not less than eight and one-half per cent of milk solids not fat;

Approved March 6, 1947.

CHAPTER 5

S. B. No. 31

(Brant for Legislative Research Committee at the request of Department of Agriculture and Labor.)

CREAM PURCHASES—POSTING PRICES OF GRADES AND PRICE DIFFERENTIALS

AN ACT

Amending and reenacting Section 4-1816 of the North Dakota Revised Code of 1943, relating to purchases of cream, the posting of prices of grades and the maintenance of reasonable price differentials for the grades of cream.

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

§ 1. AMENDMENT.] That Section 4-1816 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

4-1816. PURCHASES OF CREAM; PRICES OF GRADES TO BE KEPT POSTED.] All purchase of cream shall be on the basis of the grades defined in Section 4-1815. Every person, firm, or corporation owning, purchasing or managing a creamery, cream station, or other butterfat purchasing establishment in this state where butterfat is purchased, shall post the prices being offered for butterfat at such station. If any different price is being offered at any other butterfat purchasing establishment owned, operated or controlled by the same person, firm or corporation within one hundred miles, there also shall be posted at the same place the amount of each different price being offered on the same day at such other places. If a different price is being paid at any one butterfat purchasing establishment within a radius of one hundred miles owned, operated, or controlled by the same person, firm, or corporation for butterfat shipped directly, than is being offered for butterfat delivered at such point, both a direct shipment and delivered price must be so posted. All such prices shall be

posted in a place where they can be clearly seen from the street. A price different from that so posted for any given town or cream buying establishment shall not be paid for such products. All purchases of cream and butterfat shall maintain a reasonable price differential for such grades and at no time shall this differential be less than one cent per butterfat pound between grades.

Approved March 6, 1947.

CHAPTER 6

S. B. No. 107

(Nordhousen and Flatt)

SALARIES DAIRY COMMISSIONER AND ASSISTANTS

AN ACT

To amend and re-enact Section 4-1707 of the North Dakota Revised Code of 1943 as amended by Chapter 264 of the 1945 Session Laws, fixing the annual salaries of the Dairy Commissioner and Assistant Dairy Commissioners.

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

§ 1. AMENDMENT.] That Section 4-1707 of the North Dakota Revised Code of 1943 as amended by Section 1 Chapter 264 of the 1945 Session Laws is hereby amended and re-enacted to read as follows:

4-1707. Salaries of Dairy Commissioner and Assistants.] The Dairy Commissioner shall receive a salary not in excess of Three Thousand Three Hundred dollars per annum and the assistant dairy commissioners shall receive a salary not in excess of Three Thousand Dollars per annum. The salaries to be fixed by the commissioner of agriculture and labor within the limits of the legislative appropriation therefor.

Approved March 6, 1947.

CHAPTER 7**S. B. No. 197****(Bridston, Nelson of McKenzie and O'Brien)****POTATOES—LABELING, BRANDING OR TAGGING FOR SALE****AN ACT**

Amending and reenacting Section 4-1005 of the North Dakota Revised Code of 1943, as amended by Chapter 47 of the Session Laws of 1945, relating to labeling of potatoes in shipment; branding or tagging potatoes being transported or offered for sale or consignment, and providing a savings clause.

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

§ 1. AMENDMENT.] That Section 4-1005 of the North Dakota Revised Code of 1943, as amended by Chapter 47 of the Session Laws of 1945, be and the same is hereby amended and reenacted to read as follows:

4-1005. LABELING, BRANDING, TAGGING POTATOES IN CLOSED CONTAINERS.] Every closed container packed with potatoes grown in North Dakota, being transported, or offered for sale or consignment shall bear upon the outside thereof, either by brand, tag or label, in plain letters and figures, the net weight when packed and correct grade designation, or, in lieu thereof, each container shall be labeled to show the net weight when packed and official North Dakota inspection shall be obtained and the lot must not be mislabeled.

When an individual shipment is made from such towns or stations at which regular inspection service is not maintained, and when such shipments cannot be so routed as to be stopped in transit for inspection at a town or station at which inspection service can be provided, or when due to unforeseen circumstances which make it physically impossible for an inspector to perform such inspection, or when definite or sufficient evidence followed by proof if demanded is presented to establish the fact that the shipment will be reprocessed and when inspection service is available officially inspected in transit, then the commissioner, or his agent, may waive, by a special written permit, the inspection and labeling requirements provided in this section for such individual shipment.

The commissioner shall, by regulation, prescribe the general location of the labeling on the container and the minimum and maximum size of the letters and figures used in the labeling of the potatoes as herein provided.

Provided, however, the commissioner may after receiving a request from at least fifty potato growers call a public hearing of potato growers at which, hearing at least 150 potato growers must be present and if two-thirds of the growers present at such meeting approve he may promulgate and establish rules and regulations governing the grades of potatoes which may be offered for sale, shipment, or consignment, or which may be transported by railway, truck, or otherwise within or from the state, and governing the use of labels, marks and brands that may be used upon closed containers packed with potatoes grown in North Dakota, being transported or offered for sale or consignment, and governing the establishment and use of State Brands.

For the purpose of this act a potato grower shall be defined as any person who produces more than three acres of potatoes.

If any grower registers as such at the State Seed Department office, he shall be entitled, during that calendar year, to written notice of any public hearing for potato growers, called by the Commission.

Any rules and regulations, promulgated and established as a result of such hearing may be rescinded by regulation if such regulation is approved by a majority of potato growers present at a subsequent public hearing called by the Commission for that purpose.

§ 2. If any part or provision of this act shall be declared unconstitutional by a court of competent jurisdiction, the remaining portion shall continue in full force and effect.

Approved March 20, 1947.