

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1129

Introduced by

Agriculture Committee

(At the request of the Agriculture Commissioner)

1 A BILL for an Act to amend and reenact sections 4-27-06, 4-30-36, 4-30-36.2, and 4-30-36.4 of
2 the North Dakota Century Code, relating to milk assessments and dairy regulations.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 4-27-06 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **4-27-06. Assessment - Appropriation.**

- 7 1. There is hereby levied on each producer an assessment of ten cents per
8 hundredweight [45.36 kilograms] on all milk or some product therefrom produced
9 and sold by that producer.
- 10 2. All assessments levied under this chapter must be collected by the first dealer or
11 processor through deduction of the same from the gross receipts, with the
12 exception that where the producer sells directly to the consumer, the assessment
13 must be collected from the producer. All moneys received by the dealers,
14 processors, and producers from the assessment must be remitted to the state
15 treasurer and deposited by him in the North Dakota dairy promotion commission
16 fund and are hereby appropriated to the commission and must be disbursed by the
17 commission in accordance with the provisions of this chapter. The remittance of
18 such assessments must be made monthly ~~within fifteen days after the period for~~
19 ~~which remittance is made~~ not later than the last day of the month following the
20 month in which the milk was marketed. Assessments unpaid on the date on which
21 they are due and payable ~~must~~ may be increased by ~~ten~~ one and one-half percent
22 of the amount of the assessment.
- 23 3. Any producer desiring a refund of such assessment shall himself make written
24 application to the secretary-treasurer of the commission therefor. Such application

1 must be made to the secretary-treasurer upon forms provided by the commission
2 no later than thirty days from the time of any payment made to a producer. Upon
3 request, refunds must be made by the secretary-treasurer on a monthly basis.

4 **SECTION 2. AMENDMENT.** Section 4-30-36 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **4-30-36. Standards for grade A milk and milk products - Adoption of**
7 **amendments.** Only grade A milk may be sold as fluid beverage for human consumption. The
8 minimum standards for milk and milk products designated as grade A are the same as the
9 minimum requirements of the "Grade A Pasteurized Milk Ordinance, ~~1999 Recommendations~~
10 ~~of the United States Public Health Service~~ 2001 Revision, Public Health Service, Food and
11 Drug Administration, Publication No. 229" including "Grade "A" Condensed and Dry Milk
12 Ordinance 1995 Revision, Grade A Condensed and Dry Milk Products and Condensed and Dry
13 Whey Supplement 1" and all supplements added thereto except that the minimum requirements
14 for solids-not-fat in all grade A milk is eight and one-half percent and the butterfat content of
15 grade A whole milk is three and one-fourth percent. The commissioner may adopt as
16 department regulations other standards in addition to any amendments, supplements to, or new
17 editions of the milk ordinance which are in the interest of public safety, wholesomeness of
18 product, consumer interest, sanitation, good supply, salability, and promotion of grade A milk
19 and milk products.

20 **SECTION 3. AMENDMENT.** Section 4-30-36.2 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **4-30-36.2. State milk sanitation rating and sampling surveillance officer - Duties -**
23 **Guidelines.** The state milk sanitation rating and sampling surveillance officer is responsible for
24 the rating and certification of milk and dairy products. The rating and certification of milk and
25 dairy products must be in accordance with the procedures outlined in the public health
26 service/food and drug administration publication entitled "Methods of Making Sanitation Ratings
27 of Milk ~~Supplies—1999 revision corrected~~ Shippers - 2001 Revision, Edition" and the sampling
28 of milk and dairy products must be in accordance with the guidelines recommended in the
29 sixteenth edition of "Standard Methods for the Examination of Dairy Products" published by the
30 American public health association.

1 **SECTION 4. AMENDMENT.** Section 4-30-36.4 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **4-30-36.4. Grade A pasteurized milk ordinance.** Dairy producers, processors, and
4 manufacturers shall comply with the "Grade A Pasteurized Milk Ordinance ~~of 1999~~, 2001
5 Revision, Public Health Service, Food and Drug Administration, Publication No. 229" and its
6 supplements and follow the ~~procedures~~ standards set by the "Procedures Governing the
7 Cooperative State-Public Health Service Food and Drug Administration Program of the National
8 Conference on Interstate Milk Shipments ~~1999 revisions~~, 2001 Revision".