

**Fifty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 7, 2003**

HOUSE BILL NO. 1129  
(Agriculture Committee)  
(At the request of the Agriculture Commissioner)

AN ACT to amend and reenact sections 4-27-06, 4-30-36, 4-30-36.2, and 4-30-36.4 of the North Dakota Century Code, relating to milk assessments and dairy regulations.

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

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

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

1. There is hereby levied on each producer an assessment of ten cents per hundredweight [45.36 kilograms] on all milk or some product therefrom produced and sold by that producer.
2. All assessments levied under this chapter must be collected by the first dealer or processor through deduction of the same from the gross receipts, with the exception that where the producer sells directly to the consumer, the assessment must be collected from the producer. All moneys received by the dealers, processors, and producers from the assessment must be remitted to the state treasurer and deposited by him in the North Dakota dairy promotion commission fund and are hereby appropriated to the commission and must be disbursed by the commission in accordance with the provisions of this chapter. The remittance of such assessments must be made monthly ~~within fifteen days after the period for which remittance is made~~ not later than the last day of the month following the month in which the milk was marketed. Assessments unpaid on the date on which they are due and payable ~~must~~ may be increased by ~~ten~~ one and one-half percent of the amount of the assessment.
3. Any producer desiring a refund of such assessment shall himself make written application to the secretary-treasurer of the commission therefor. Such application must be made to the secretary-treasurer upon forms provided by the commission no later than thirty days from the time of any payment made to a producer. Upon request, refunds must be made by the secretary-treasurer on a monthly basis.

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

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

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

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

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

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

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Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1129.

House Vote:      Yeas    93      Nays    0      Absent    1

Senate Vote:    Yeas    46      Nays    0      Absent    1

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Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2003.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2003.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2003,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State