

OIL INSPECTOR

CHAPTER 213.

[H. B. No. 413—Gardiner.]

COAL INSPECTION.

AN ACT Providing for the Inspection of Coal Imported into This State and Charging the State Oil Inspector and His Deputies with the Performance of the Duties Imposed by This Act.

PARTIAL VETO.

BISMARCK, N. D., March 21, 1913.

To the Honorable, the Secretary of State:

I file herewith house bill No. 413, An Act providing for the inspection of coal imported into this state and charging the state oil inspector and his deputies with the performance of the duties imposed by this Act, with my approval, except as to the item in Section 5, appropriating the sum of \$2,000.00 annually for carrying out the provisions of this Act. This item is vetoed for the reason that the revenues of the state have been largely exceeded by the appropriations.

I have the honor to be,

Very respectfully,
L. B. HANNA,
Governor.

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

§ 1. In order to protect the interests of the consumers of coal shipped into the state of North Dakota, the provisions herein enacted are made incumbent upon the state oil inspector, who shall be ex-officio inspector of coal imported into the state.

§ 2. STANDARDS AND TESTS.] For the purpose of this Act, coal marketed as anthracite shall meet as a standard the following requirements:

(All determinations shall be made on a moisture-free basis.) In such standard the ash should be under fifteen per cent (15%) the British thermal units should be over

12,000. Any coal marketed below this standard shall be sold at a price based upon the following scale of reduction, the price corrections authorized for anthracite due to variations in the British thermal unit value in "dry coal" *below* the standard herein specified and in ash content *above* said standard shall be determined in the following manner:

The prices to be paid shall be computed by dividing the market price at the point of sale by the British thermal unit value herein before specified and multiplying by the actual determined British thermal unit value from which shall be subtracted ten cents (10c) per ton for each increase of one per cent (1%) in ash content above fifteen per cent (15%), as herein before specified. For the provisions of this Act, coal other than anthracite and marketed as bituminous coal shall meet as a standard the following requirements:

(All determinations shall be made on a moisture-free basis.) In such standard the ash should be under ten per cent (10%) and the British thermal units should be above thirteen thousand (13,000).

Any bituminous coal marketed below the standard shall be sold at a price based upon the following scale of reduction, the price corrections authorized for bituminous coal due to variations in British thermal unit value in the "dry coal" *below* the standard herein specified, and any ash content *above* said standard shall be determined in the following manner:

The price to be paid shall be computed by dividing the market price at the point of sale by the British thermal unit value herein before specified and multiplying by the actual determined British thermal unit value, from which shall be subtracted seven cents (7c) per ton for each increase of one per cent (1%) in ash content above ten per cent (10%), as hereinbefore specified.

§ 3. DUTIES AND POWERS.] It shall be the duty of the state oil inspector and his deputies to collect samples of anthracite and bituminous coals imported into this state when in the judgment of the state oil inspector there seems to be a need of so doing for the protection of the consumers; and in case of serious grievance upon the written request accompanied by a proper affidavit stating the party from whom the coal was purchased, the place and date of purchase and accompanied by such other information as may be required by the oil inspector, and provided that upon careful investigation there seems to be sufficient cause to warrant action, the state oil inspector or his deputies are

hereby authorized to enter into or upon the premises of any dealer or vender of coal at any time for the inspection or taking of samples of anthracite or bituminous coal as herein specified.

§ 4. SAMPLES, HOW SECURED.] Samples of coal shall be taken from at least three ports of entry at intervals of not longer than ninety days (90) and all samples of coal taken for or subjected to tests under this Act shall be promptly transmitted to the school of mines of the state university, and it shall then be the duty of the said school of mines to make the tests herein specified and report the results of said tests to the oil inspector. In securing samples, proper care shall be exercised to obtain an average sample of the lot to be tested and such sample shall not be less than fifty pounds or over one hundred pounds, which when tested at said school of mines shall be properly reduced and sampled for the necessary tests herein provided.

§ 5. FUNDS, HOW PROVIDED.] For the purpose of making the tests herein provided, there shall be set aside from the general fund the sum of two thousand (\$2,000.00) dollars, annually, or so much thereof as may be necessary for carrying out the provisions of this Act in making the tests specified at the school of mines and as herein provided.

§ 6. REPORT.] It shall be the duty of the state oil inspector to make a biennial report to the governor of the state of the inspection of coal imported into the state as herein provided.

§ 7. EMERGENCY.] Whereas, an emergency exists in that there is no provision for carrying out this bill therefore, this Act shall take effect and be in force on and after its passage and approval.

Approved March 21, 1913.