
AGRICULTURE

CHAPTER 95

House Bill No. 241
(Erickson, Lindberg, Haugen of McLean, Maher)

BY-LAWS COOPERATIVE MARKETING ASSOCIATION**AN ACT**

Relating to the amendment of by-laws of cooperative marketing associations.

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

SECTION 1.) The stockholders of a cooperative marketing association shall have the power at their annual meeting, or at any special meeting called for that purpose, to amend, modify, or change existing by-laws or to make new by-laws for the management and conduct of the association, notwithstanding any provisions in the by-laws to the contrary. In an association consisting of fifty or more stockholders, a quorum at such stockholders' meeting shall consist of at least twenty-five stockholders. In an association consisting of less than fifty stockholders, a quorum at such stockholders' meeting shall consist of a majority of the stockholders present in person with at least twenty per cent of its stockholders present. The certification and recording of by-laws and amendments thereto, and the effective date of amendments and repeals of by-laws shall be governed by section 10-0506.

Approved March 19, 1949.

CHAPTER 96

Senate Bill No. 134

(Krenz)

TAX LEVY FOR COUNTY AGENT WORK

AN ACT

Authorizing a county levy of not to exceed one mill for county agent work; amending and reenacting sections 4-0802 and 4-0804 of the North Dakota Revised Code of 1943.

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

SECTION 1. AMENDMENT.) Section 4-0802 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-0802. FORM OF PETITION.) The petition provided for in section 4-0801 shall be in the following form:

PETITION PROVIDING FOR LEVY FOR COUNTY AGENT WORK

We, the undersigned, electors ofcounty, North Dakota, do hereby respectfully petition the honorable board of county commissioners that it levy a tax sufficient but not to exceed one mill to employ a county agent for the purpose of carrying on county agent work in cooperation with the agricultural college.

SECTION 2. AMENDMENT.) Section 4-0804 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-0804. ELECTION HELD; CANDIDATES PRESENTED TO COUNTY COMMISSIONERS; FUNDS AVAILABLE FOR COUNTY AGENT WORK.) When a majority of the votes are cast for county agent work, the extension division of the agricultural college on the first day of July following the election shall present a candidate or candidates for county agent to the board of county commissioners for its selection and final approval. A sum of not less than two thousand dollars shall be made available for this purpose from county funds, but in no case shall such levy exceed one mill.

SECTION 3.) The board of county commissioners of any county of this state in which a levy for county agent work is authorized may levy not to exceed one mill for such purpose, which levy shall be within the county tax levy limitation prescribed by law.

Approved March 7, 1949.

CHAPTER 97

House Bill No. 43
(Legislative Research Committee)
at the request of the
(State Seed Department)

POTATO GRADE INSPECTION FEES

AN ACT

To amend and reenact section 4-1013 of the 1947 Supplement to the North Dakota Revised Code of 1943, providing for grade inspection of potatoes; prescribing fees and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 4-1013 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-1013. GRADE INSPECTION; FEES AND CHARGES.) The commissioner, by regulation, shall fix the fees for making grade inspections, and said fees shall be uniform throughout the state for such periods of time as shall be specified. The maximum fee per carload or truckload or any other lot unit not in excess of a standard freight carload quantity, and not containing more than two lots, shall not exceed six dollars and fifty cents for potatoes and seven dollars for other produce. A minimum of twenty-five cents of each inspection fee for potatoes shall be covered into an advertising fund to be used by the commissioner in consultation with the the growers for the purpose of advertising North Dakota seed and table stock potatoes in the wholesale and retail markets of the United States. Any person soliciting an inspection or inspections at points other than those at which inspectors are located, or at which itinerant inspectors may be at the time inspection is requested, may obtain inspection service on payment of the necessary traveling expenses, in addition to the regular inspection fee. The owner and the consignor or shipper of the potatoes shall be held responsible for the payment of the inspection fees when they are not paid otherwise. The commissioner shall collect all fees and charges and shall make detailed annual reports of all receipts and expenditures to the board of administration, which shall publish the same for distribution to interested parties. Provided, however, that there shall be no increase in fees except with the approval of a majority of the directors and officers of the North Dakota Certified Seed Potato Growers association and the North Dakota

members of the board of directors and officers of the Red River Valley Potato Growers association present at a meeting called by the state seed commissioner, preferably at Grand Forks.

SECTION 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 February 26, 1949.

CHAPTER 98

Senate Bill No. 30

(Legislative Research Committee)

(at the request of the Department of Agriculture and Labor)

MILK, CREAM AND LIQUID MILK PRODUCTS

AN ACT

Governing the production, processing, labeling and sale of milk, cream and liquid milk products; defining milk, cream, liquid milk products, skim milk, pasteurization and pasteurized; regulating the pasteurization, sale, possession, advertising, labeling, and dealing in milk, cream, liquid milk products and skim milk; establishing grades of milk and providing a penalty for the violation of this act.

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

SECTION 1. DEFINITIONS.) In this act, unless the context or subject matter otherwise requires:

1. "Milk" shall mean the whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within fifteen days before and five days after calving, or such longer period as may be necessary to render the milk practically colostrum free, and which contains not less than three and twenty-five hundredths percent of milk fat, and eleven and fifty hundredths percent of total milk solids. The term "milk" unqualified shall mean cow's milk;
2. "Cream" shall mean that portion of the milk which contains not less than twenty percent butterfat;
3. "Liquid milk products" shall mean milk either whole or skimmed to which has been added a pure, wholesome flavoring compound;
4. "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 percent of milk solids not fat;

5. "Reduction time" shall mean that period of time as determined by the standard methylene blue test or the improved resazurin tests;
6. "Pasteurization" and "pasteurized" and similar terms shall be taken to refer to:
 - a. The process of heating every particle of milk or milk products to a temperature of at least one hundred forty-five degrees Fahrenheit and holding such temperature for at least thirty minutes and then immediately cooling to a temperature of at least fifty degrees Fahrenheit in properly operated equipment approved by the commissioner; or
 - b. The process of heating every particle of milk or milk products to a temperature of at least one hundred and sixty-two degrees Fahrenheit and holding such temperature for at least fifteen seconds and then immediately cooling to a temperature of at least fifty degrees Fahrenheit in properly operated equipment approved by the commissioner. Nothing contained in this subsection shall be construed as excluding any other process which has been demonstrated to be equally efficient and which has been approved by the commissioner.
7. "Grade A pasteurized milk" shall mean milk which has been pasteurized, cooled and bottled in a plant approved by the commissioner, the bacterial count of which at no time after pasteurization and until delivery exceeds thirty thousand bacteria per cubic centimeter, standard plate count, as determined by the logarithmic averages, or milk the average reduction time of which is in excess of eight hours, of four consecutive tests of milk samples taken on separate days;
8. "Grade A raw milk" shall mean milk the bacterial count of which does not exceed thirty thousand bacteria per cubic centimeter, standard plate count, as determined by the logarithmic averages, or milk the average reduction time of which is in excess of eight hours, of four consecutive tests of milk samples taken on separate days;
9. "Pasteurized milk, other than grade A," shall mean milk which has been pasteurized, cooled and bottled in a plant approved by the commissioner, the bacterial count of which at no time after pasteurization and until delivery, shall exceed fifty thousand bacteria per cubic centimeter, standard plate count, as determined by the logarithmic averages, or milk the average reduction time of which

- is not less than seven hours, of four consecutive tests of milk samples taken on separate days;
10. "Grade A raw milk for pasteurization purposes" shall mean raw milk the bacterial count of which does not exceed two hundred thousand bacteria per cubic centimeter, standard plate count or direct microscopic count, as determined by the logarithmic averages, or milk the average reduction time of which is not less than five hours, of four consecutive tests of milk samples taken on separate days;
 11. "Raw milk other than grade A milk" shall mean milk which has been produced under sanitary conditions and is properly cooled and bottled in a plant approved by the commissioner, the bacterial count of which at no time before delivery shall exceed one hundred fifty thousand bacteria per cubic centimeter, standard plate count, as determined by the logarithmic averages, or milk the average reduction time of which is not less than six hours, of four consecutive tests of milk samples taken on separate days;
 12. "Raw milk for pasteurization purposes, other than grade A," shall mean raw milk, the bacterial count of which does not exceed five hundred thousand bacteria per cubic centimeter, standard plate count or direct microscopic count, as determined by the logarithmic averages, or milk the average reduction time of which is not less than three and one-half hours, of four consecutive tests of milk samples taken on separate days: and
 13. "Commissioner" shall mean the dairy commissioner of the state of North Dakota.

SECTION 2. COMMISSIONER TO APPROVE EQUIPMENT AND PLANT FOR PASTEURIZATION; PERMIT REQUIRED.) No pasteurized milk, cream or liquid milk products may be sold, advertised, offered or exposed for sale or held in possession for sale in this state unless the plant, equipment, water supply and plumbing system connected with such plant shall have been approved by the commissioner, and a permit issued to operate such plant. All construction or alteration of such plants shall be made only with the approval of said commissioner and duplicate plans for such construction or alteration shall be submitted to him for approval.

SECTION 3 . REGULATIONS GOVERNING SALE OF PASTEURIZED AND NON-PASTEURIZED PRODUCTS.) No milk, cream or liquid milk products labeled or otherwise designated as pasteurized or as having been treated by any heating process shall be sold, advertised, offered or exposed for sale or held in possession for sale in this state unless the same has been pasteurized as defined in this act. All milk, cream or liquid milk products not pasteurized as defined herein shall be labeled or otherwise designated as raw milk,

raw cream or other raw liquid milk products. No milk, cream or liquid milk products sold or offered for sale for human consumption shall bear caps with misleading or deceptive information thereon.

SECTION 4. COMMISSIONER TO PROMULGATE PRODUCTION STANDARDS FOR MILK.) The commissioner, by regulation, shall promulgate production standards for grade A pasteurized milk, grade A raw milk and all other milk which is sold or offered for sale to be used for human consumption as such.

SECTION 5. TO ESTABLISH ADDITIONAL MILK PASTEURIZING PLANTS.) To promote the public welfare and for the general good of the dairy industry the commission may make a survey of the volume of milk and cream sold and all sources of supply in any given community, and if the volume of sales are sufficiently large and plant facilities can be made available, the commissioner shall lend all assistance possible in the installation of a milk pasteurizing plant. To secure an adequate supply of high quality raw milk for such a plant, the commissioner shall assist the local milk producers in every way possible.

SECTION 6. COMMISSIONER TO ENFORCE PROVISIONS OF ACT; POWER AND AUTHORITY.) The commissioner shall enforce the provisions of this act and in so doing shall have the power and authority granted him under chapter 4-17 and 4-18 of the North Dakota Revised Code of 1943.

SECTION 7. STANDARDS CONSIDERED MINIMUM; MUNICIPALITY MAY PROVIDE MORE STRINGENT STANDARDS.) The standards set forth in this act shall be considered as minimum standards only. Nothing in this act shall be construed to prevent any municipality from providing by ordinance more stringent or comprehensive standards than are contained herein.

SECTION 8. PENALTY.) Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor.

Approved March 12, 1949.

CHAPTER 99

Senate Bill No. 143
(Sandness, Blume, Feton and Welander)

GRADES OF CREAM AND BUTTERFAT;
COLORING "UNLAWFUL CREAM"

AN ACT

Amending and reenacting Section 4-1815 of the North Dakota Revised Code of 1943, relating to grades of cream and butterfat and providing for the addition of a harmless vegetable color to all "unlawful cream" offered for sale to persons, firms or corporations authorized to purchase cream or butterfat.

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

SECTION 1. AMENDMENT.) Section 4-1815 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-1815. GRADES OF CREAM AND BUTTERFAT.) All cream and butterfat sold and purchased shall be graded and paid for on the basis of the following established grades:

1. "Sweet cream grade" shall consist of fresh, clean, fine flavored cream, the acidity of which, calculated as lactic acid, shall never have exceeded two-tenths of one percent in cream;
2. "Grade one" shall consist of cream that is clean, free from undesirable odors and flavors, and of such quality that it will make a butter scoring ninety or above;
3. "Grade two" shall consist of cream that is too acid to grade as one and that contains undesirable odors and flavors in a moderate degree;
4. "Unlawful cream" shall consist of cream which contains dirt, filth, or other foreign matter which makes it unfit for human consumption, and cream that is putrid or decomposed; and
5. All persons, firms or corporations authorized to purchase cream or butterfat shall add a harmless vegetable color to all "unlawful cream" offered for sale. Cream so colored shall then be returned to party offering it for sale.

Approved March 8, 1949.