

DAIRIES

CHAPTER 103.

[S. B. No. 233—Hamilton.]

DAIRY COMMISSION.

An Act Providing for the Issuance of Licenses from the State Dairy Department Covering Dairy Products and Providing for Revocation of Licenses issued by the Dairy Commissioner and Providing for the Fees and Licenses, Renewals Thereof and the Payment of Fees Collected Therefor into the State Treasury.

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

§ 1. It shall be unlawful for any person to sample or test milk, cream, or any other dairy product excepting merchants dealing in manufactured butter for the purpose of determining the commercial value of such product when bought or sold, without first having secured a license from the state dairy department and such license shall be conspicuously displayed in his place of business. Provided that in case of sickness or necessary absence, said person may appoint a substitute for six days and for a longer period subject to approval of the dairy commissioner, but said person shall be responsible for the acts of said substitute. This license shall be granted to those who shall have completed a course in milk and cream testing in any recognized college or dairy school, or, to those who shall pass an examination under the direction of the state dairy department and satisfactorily demonstrate that they are properly qualified and competent to use such test.

The dairy commissioner shall have the authority to revoke any license issued under the provisions of this act if the holder is convicted of a failure to comply with the state dairy laws. Said license shall be granted for a period of one year by the dairy department upon payment of a fee of two dollars (\$2.00), payable prior to examinations, one dollar (\$1.00) of which shall be returned in case of failure to pass said examination. In the case of a renewal of a license, a fee of one dollar (\$1.00) shall be paid.

The fees collected under the provisions of this act shall be paid into the state treasury, monthly, by the dairy commissioner to be credited to the dairy department and to be used for conducting said examinations.

Approved March 9, 1917.

CHAPTER 104.

[S. B. No. 234—Hamilton.]

DAIRY PRODUCTS.

An Act to Amend and Re-enact Section 2846 of the Compiled Laws of 1913,
Relating to License Covering Dairy Products.

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

§ 1.] Section 2846 of the Compiled Laws of 1913 is hereby amended and re-enacted so as to read as follows:

§ 2846. AMENDMENT. ANNUAL REPORT OF CREAM STATION. PRICE DISCRIMINATION FORBIDDEN.] The agent or person in charge of any cream station at which cream is purchased for shipment out of the state, shall on July first of each year or within thirty days thereafter report to the dairy commissioner the name, location and business of his employer, amount of capital stock invested in business, property or assets, liabilities and such other information pertaining to the business and conduct of the cream station of which such agent has charge, as shall be requested in writing by the dairy commissioner. Any person, partnership, firm, corporation or association engaged in the business of buying milk, cream or butterfat, for the purpose of manufacture who shall, with the intention of creating a monopoly or destroying the business of a competitor, discriminate between different sections, localities, communities or cities of this state, by purchasing such commodity at a higher price or rate in one locality than is paid for same commodity by said person, partnership, firm, corporation or association in another locality after making due allowance for the difference, if any, in the actual cost of transportation from the locality of purchase to the locality of manufacture, shall be deemed guilty of unfair discrimination and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) or thirty (30) days' imprisonment in the county jail, or both, for conviction of first offense and not less than two hundred dollars (\$200.00), or ninety (90) days' imprisonment in the county jail, or both, for each additional offense.

§ 2. EMERGENCY.] Whereas it is necessary for the preservation of the public peace, health and safety, that this act take effect and be in force immediately after its passage by reason of the necessity of properly and duly enforcing the laws on the statute books concerning dairy products and for the due administration of the duties of the dairy commissioner, therefore, this Act shall take effect and be in force immediately after its passage and approval by the governor.

Approved March 9, 1917.

CHAPTER 105.

[S. B. No. 235—Hamilton.]

LICENSE—DAIRY PRODUCTS.

An Act to Amend and Re-enact Section 2844 of the Compiled Laws of 1913, Relating to License Covering Dairy Products.

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

§ 1. Section 2844 of the Compiled Laws of 1913 is hereby amended and re-enacted so as to read as follows:

§ 2844. LICENSE.] Every person, firm or corporation owning or operating a creamery, cheese factory, renovating or process butter factory, or cream station in this state, shall be required before beginning business, or within thirty days thereafter, to obtain from the dairy commissioner a license for each and every creamery, cheese factory, renovating or process butter factory or cream station owned or operated by said person, firm or corporation, which shall be good for one year. The fee for such license shall be ten dollars, and no license shall be transferrable. Each license shall record the name of the person, firm or corporation owning or operating the creamery, cheese factory, renovating or process butter factory, or cream station license, its place of business, the location thereof, the name of the manager thereof and the number of the same. Each license so issued shall constitute a license to the manager or agent of the place of business named therein.

It shall be the duty of every person, partnership, firm or corporation, or association holding a license to operate in any plant which dairy products are handled commercially, to post in a conspicuous place such license under which they are operating, together with a summary of the dairy laws which shall be prepared and sent out from the office of the dairy commissioner.

The dairy commissioner may withhold a license from any applicant who has previously violated or refused to comply with any of the existing dairy laws or lawful requests issued by said dairy commissioner, or his authorized assistants. The dairy commissioner, may, at any time, revoke a license on evidence that licensee has violated any of the existing dairy statutes, or has refused to comply with all lawful requests of the dairy commissioner or his authorized agents.

§ 3. EMERGENCY.] Whereas, it is necessary for the perservation of the public peace, health and safety, that this act take effect and be in force immediately after its passage by reason of the necessity of properly and duly enforcing the laws now on the statute books concerning dairy products and for the due administration of the duties of the dairy commissioner; therefore, this act shall take effect and be in force immediately after its passage and approval by the governor.

Approved March 10, 1917.