

the regulations so made by said board in connection therewith shall provide for the use of said lands for grazing purposes without interference by the lessee of the oil drilling privileges.

§ 5. ASSIGNMENTS.] No lease made under the provisions of this act shall be assignable or transferable except upon the written consent of the board issuing the same, and the board in each case shall require the execution of a good and sufficient bond on the part of the lessee conditioned upon the payment of all moneys, rentals, and royalties provided for by the terms of said lease, and for the full compliance and observance of all rules and regulations established by said board and all other terms which may be set forth in said lease not inconsistent with the terms of this act.

§ 6. REPORTS UPON.] The state geologist, when requested by the Board of University and School lands of this state, shall visit and make a report upon any lands held under any lease issued under and by virtue of this act. Such report shall be made without any fee to the officer making the same, but said state geologist shall be paid his necessary expenses therefor.

§ 7. PROVIDED, that the lessee who first establishes and has in operation a well which actually produces oil in commercial quantities shall have the first right to lease any or all lands under the control of the Board of University and School Lands within a radius of seven (7) miles of such producing well.

§ 8. EMERGENCY.] An emergency is hereby declared to exist and this act shall become effective immediately upon its passage and approval.

Approved, March 3, 1927.

Note: The foregoing measure carried the following vote on final passage:

Senate—46—3—0.

House—62—41—10.

SEEDS

CHAPTER 250

(S. B. No. 114—Brunsdale)

DEPARTMENT OF STATE SEED CERTIFICATION

An Act to Regulate, Concerning, Relating to the Production, Inspection, Testing, Analysis and Certification of Seeds, Offered or Exposed for Sale, or Sold as North Dakota Registered Certified Seed, Providing for Rules and Regulations With Reference Thereto, Prescribing Penalties for Violations of the Act, Providing for a Schedule of Equitable Fees, and Making an Appropriation.

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

§ 1. CREATION OF A DEPARTMENT OF STATE SEED CERTIFICATION.] There is hereby created and established a Department of State Seed Certification. Its main office and laboratories shall be located at the North Dakota Agricultural College and Experiment Station at Fargo, North Dakota.

§ 2. PURPOSE.] The main purpose of the Department of Seed Certification created in this act shall be to foster, promote, develop, and aid in the production, registration and certification of North Dakota Registered Certified Seed.

§ 3. STATE SEED COMMISSIONER. HOW APPOINTED.] The Department of State Seed Certification shall be operated and managed by the State Seed Commissioner, who shall be appointed by the Board of Administration, and his term of office, and salary, shall be fixed by said board.

§ 4. POWERS AND AUTHORITY OF THE STATE SEED COMMISSIONER.] It shall be the duty of the State Seed Commissioner and he shall have powers and authority as follows: (1) To make and promulgate all rules and regulations for field crop inspections, field registrations, seed crop handling, bin inspections, analyzing, testing, or certifying of all seed or seeds to be grown, produced, processed or treated, exposed or offered for sale or sold, which seeds are designated or intended to be or to become registered or certified under the state brand, label or tag as North Dakota Registered Certified Seed, by and through the North Dakota Department of State Seed Certification; (2) To establish and designate kinds, varieties, strains, the names thereof and the grades and standards of quality, degree of disease infection, and also the amount of any admixtures, foreign seeds, prohibited or noxious weed seeds that may be allowed in any lot or stock of seed or of potatoes, which may be or become eligible to Field Registration or to Seed Certification, provided that no lot of the *highest grade* of North Dakota Registered Certified Seed shall contain a total of more than 2% of such admixtures, foreign seeds, diseased products, noxious weed seeds and inert matter, and further, if any such disqualifications are present, the approximate per cent of the same shall be stated in the certificate and upon the official tag and label; (3) To prescribe all brands, labels, tags and containers that may be used for the various grades and qualities of North Dakota Registered Certified Seed and what written or printed words such brands, labels, tags or containers shall bear; (4) To regulate, prescribe and direct, the manner and methods of seed treatment, crop culture, harvesting, threshing, handling, storage and warehousing, under which the identity and quality of the seeds so produced shall be preserved and the grower or producer of such seeds become licensed, registered or

listed as a grower or producer of North Dakota Registered Certified Seeds; (5) To appoint all official field crop and bin inspectors, analysts and aids and to select as other aids and assistants any properly qualified persons connected with other experiment stations in the state and to designate laboratories at other state institutions in the state where analyses and testing of seeds may be had, subject to the approval of the Board of Administration, and such laboratories, aids and assistants, when so confirmed, shall be subject to the supervision and regulation of the State Seed Commissioner; (6) To co-operate with the managers of any seed cleaning, seed treating or processing plants, and with the managers of any wholesale seed houses of the state which have proper facilities and equipment to properly store, clean, grade, process and handle field inspected, or field registered seeds or potatoes preparatory to certification, and in like manner to co-operate with and utilize the facilities and equipment of any co-operative growers associations formed or incorporated in the state for the purposes of handling and marketing of North Dakota Registered Certified Seed. The State Seed Commissioner shall also have power and authority to co-operate with the United States Department of Agriculture and the proper authorities of other states in all matters relating to the betterment of methods and means of seed inspection, analysis, testing and certification; further, he shall have the power and authority to select, test, and grow, and in co-operation with farmers or growers, within the state, arrange for proper increase and distribution of foundation stocks suitable for the production of registered certified seed and to co-operate with any organized county, district, or state fairs to put on proper exhibits, contests and distribution sales of registered certified seed products. (7) To establish an equitable schedule of charges and fees to cover the costs of any special, subsidiary or necessary inspections, analyses or tests, other than as now provided by law, and all such charges and fees so collected shall be turned into the fund of the Department of State Seed Certification.

§ 5. PENALTIES.] Any person, firm, or corporation or agent thereof who shall expose or offer for sale, sell, or have in possession any seed which is represented in any manner to be North Dakota Registered Certified Seed or which bears in any manner any label or statement that it is or purports to be North Dakota Registered Certified Seed unless the same has been registered or certified pursuant to the provisions of this act, or who removes any official brand, label or tag from any bin, bag, package or other container or who transfers, modifies, mixes, or changes the content of any officially labeled or tagged container of North Dakota Registered Certified Seed while in transit or in storage except as officially authorized by the State Seed Commissioner, or who otherwise, in any manner, violates the provisions and purposes of this act, shall be

guilty of a misdemeanor and on conviction thereof shall be fined not less than one hundred dollars (\$100.00) and the costs, nor more than one thousand dollars (\$1,000.00) and costs of prosecution. Provided, however, that all fields of seeds now registered by the State Seed Commissioner and seeds now certified by such State Seed Commissioner shall be considered Registered or Certified, respectively, under this act.

§ 6. The State Seed Commissioner, in addition to the powers, duties and authority herein provided, shall also possess and continue to possess all of the powers, duties, and authority as now provided in existing seed enactments, namely: Chapter 209, Laws of 1909, as amended by Chapter 229, Laws of 1913, and as amended by Chapter 192, Laws of 1925, and all of the provisions of said laws shall apply to the application and enforcement of this act so far as the same are not inconsistent therewith.

§ 7. APPROPRIATION.] For purposes of carrying out and administering the provisions of this act and to pay the salaries of the necessary employees, analysts and expert field and bin inspectors and to establish definitely for the producers of the state, a trade mark and a label, under the state governmental authority, for North Dakota Registered Certified Seed, there is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of fifteen thousand dollars (\$15,000.00) or as much thereof as may be necessary for the biennium period beginning July 1, 1927. Such appropriation shall be paid to the Secretary of the North Dakota Agricultural College and be credited to the fund of the Department of State Seed Certification and be accounted for as are other institutional funds and shall be disbursed under the direction and supervision of the Board of Administration only for the purposes of this act and upon requisition of the State Seed Commissioner.

§ 8. DISPOSITION OF FEES AND OTHER FUNDS COLLECTED.] All funds arising from the collection of charges and fees or from any other source under this act shall be paid to the Secretary of the North Dakota Agricultural College and be credited to the fund of the Department of State Seed Certification and be accounted for as are other institutional funds and shall be disbursed under direction and supervision of the Board of Administration only for the purposes of this act and upon requisition of the State Seed Commissioner.

Approved March 5, 1927.

CHAPTER 251

(S. B. No. 47—Van Arnam)

PURE SEEDS—LABELING AND BRANDING

An Act to Amend and Re-enact Section 2898, Compiled Laws of North Dakota for 1913, Relating to the Manner of Labeling and Branding Seeds Offered for Sale Within the State of North Dakota.

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

§ 1. That Section 2898 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted as follows:

§ 2898. Each and every package or lot of seeds, excepting only garden seeds in a packet or a package of one pound or less, whether in package or in bulk, which is sold, offered or exposed for sale by any person, firm or corporation in the State of North Dakota, shall be plainly, legibly and indelibly labeled in English upon the exterior of the container with a written or printed label. Such label shall show:

First: The commonly accepted name of the kind and variety of seed.

Second: The full name and address of the person or persons, firm or corporation selling, offering or exposing the seeds for sale.

Third: The percentage of germination and the date of last testing of all seed corn, sweet clover, red clover and alfalfa.

Fourth: The name of the county and state where grown, in the case of seed corn, or the name of the state where grown in the case of alfalfa seed.

§ 2. This act is hereby declared to be an emergency measure and shall be in full force and effect from its passage and approval.

Approved, February 19, 1927.

SHEEP HUSBANDRY

CHAPTER 252

(H. B. No. 334—Brown, by Request)

LIABILITY OWNERS OF DOGS KILLING SHEEP, ETC.

An Act to Amend and Re-enact Section 2642 of the Compiled Laws of North Dakota of 1913, Relating to the Liability of Owners of Dogs Killing Sheep or Other Domestic Animals.

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

§ 1. AMENDMENT.] Section 2642 of the Compiled Laws of North Dakota of 1913 is hereby amended and re-enacted to read as follows: