

CHAPTER 117

(H. B. No. 202—Horner, by Request.)

SLANDER OVER RADIO

An Act to prohibit slander over, through or by means of what is commonly known as the radio.

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

§ 1. Any person who shall falsely use, utter or publish words over, through or by means of what is commonly known as the radio, which in their common acceptance shall tend to blacken the memory of one who is dead, or impeach the honesty, integrity, virtue or reputation, or publish the natural defects of one who is alive, and thereby to expose him or her to public hatred, contempt, ridicule, or financial injury, shall be guilty of slander.

§ 2. In all prosecutions for slander, the truth shall be a sufficient defense.

§ 3. Every person convicted of a violation of Section 1 hereof shall be fined in a sum not exceeding one hundred dollars (\$100.00).

Approved March 8th, 1929.

DAIRY PRODUCTS

CHAPTER 118

(H. B. No. 188—Iverson.)

POSTING PRICES OF BUTTERFAT AT CREAMERIES, CREAM STATIONS, ETC.

An Act to provide for posting the price of butterfat at creameries and cream stations and other places of business purchasing such products from the public.

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

§ 1. PRICES TO BE POSTED.] Every person who owns, operates or manages a creamery or cream station in the State of North Dakota, where butterfat is purchased from the public shall post the price being offered for butterfat; such posting to be made in a place where it can be clearly seen from the street; and it shall be unlawful for any such person to pay for such product, a price different from

that so posted. Provided, that the above requirement shall only be held to apply to cream stations or creameries purchasing such butter-fat outright and for a cash price agreed upon at the time of purchase thereof.

§ 2. Every person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed thirty (30) days or by a fine not to exceed the sum of one hundred dollars (\$100.00) or by both such fine and imprisonment.

Approved March 11, 1929.

CHAPTER 119

(H. B. No. 141—Hamilton.)

LICENSES CREAMERIES, CHEESE FACTORIES, PROCESS BUTTER
AND ICE CREAM FACTORIES AND CREAM STATIONS

An Act to amend and re-enact Section 2844 of the Supplement to the 1913 Compiled Laws of North Dakota relating to licenses for creameries, cheese factories, process butter factories, ice cream factories and cream stations.

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

§ 1. AMENDMENT.] That Section 2844 of the Supplement to the 1913 Compiled Laws of North Dakota, be and the same is hereby amended and re-enacted to read as follows:

§ 2844. LICENSES REQUIRED: FEES AND REVOCATION.] Every person, firm or corporation owning or operating a creamery, cheese factory, renovating or process butter factory, ice-cream factory or cream station in this state, shall be required before beginning business to obtain from the dairy commissioner a license for each and every creamery, cheese factory, renovating or process butter factory, ice-cream 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 transferable. Each license shall record the name of the person, firm or corporation owning or operating the creamery, cheese factory, renovating or process butter factory, ice-cream factory, or cream station licensed, 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 any plant in 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.

For the purposes of this act, a creamery is hereby defined, as a place where milk or cream furnished by three or more persons, selling the same independently of each other, is used for manufacture into butter for commercial purposes.

A cheese factory is hereby defined, as a place where milk furnished by three or more persons, each selling the same independently of each other, is made into cheese for commercial purposes.

An ice cream factory is hereby defined as a place where ice cream is made for sale, where the minimum output is (200) two hundred gallons per annum, or where it is made for (30) thirty days or more during any year.

A cream station is hereby defined, as any place where an individual, firm or corporation receives milk or cream from more than one herd, and the same is weighed, tested or purchased to be manufactured into butter, cheese or ice cream, by some other individual, firm or corporation, or in some separate building or locality than that in which such milk or cream is so weighed, tested or purchased; provided, however, that it is not intended hereby to include the weighing on public scales by producers, before shipment by themselves.

A dairy is hereby defined, as any place where any individual, firm or corporation receives milk or cream from more than three herds and which is weighed, measured or tested or purchased; when such milk or cream is bottled or sold to the general public by measure or weight.

A renovating or process butter factory is hereby defined, as any place where an individual, firm or corporation receives butter of an inferior quality in flavor, salt, body or color, and melts the same, draws off the fat therefrom and mixes it with skimmed milk, whole milk, cream or other milk products, and re churns such mixture into butter, or who manufactures by any other process the product

that is known as renovated or processed butter; and where the minimum output is (200) two hundred pounds per annum, or where it is made for (30) thirty days in any year.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1929.

CHAPTER 120

(H. B. No. 207—Olson and Thompson of Burleigh, by Request.)

CREAMERY, ETC., REPORTS TO STATE DAIRY COMMISSIONER

An Act to amend and re-enact Section 2850 of the Compiled Laws of North Dakota of 1913, relating to the furnishing of reports to the state dairy commissioner.

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

§ 1. AMENDMENT.] That Section 2850 of the Compiled Laws of the State of North Dakota for 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 2850. BLANKS FOR REPORT.] The said dairy commissioner shall provide blanks which shall be furnished to all proprietors or managers of creameries, cheese factories and renovating or "process butter" factories and cream stations, which shall be licensed under the provisions of this article, for the purpose of making a report of the amount of milk and dairy goods handled, and all owners or managers of such creameries, cheese factories and renovating or "process butter" factories, and cream stations shall, on the last day of June and December of each year, or within thirty days thereafter, report to the dairy commissioner the name and location of such creamery, cheese factory, renovating or "process butter" factory or ice cream factory, the name and addresses of the owner and the manager thereof, and in the case of creameries and renovating or "process butter" factories, the name and address of the butter maker, the number of pounds of butter fat purchased during the period covered by the report, the aggregate amount paid for the same and the average price per pound, and the number of pounds of butter and cheese and the number of gallons of ice cream manufactured during such period. The agent or person in charge of any cream station or dairy shall send to the dairy commissioner, not later than the last day of each month, a full and accurate report of the amount of business done during the preceding month as

designated under the different headings of such printed blanks. Any person who shall refuse to furnish any of such reports upon the request of the state dairy commissioner shall, upon conviction thereof, be guilty of a misdemeanor.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1929.

CHAPTER 121

(H. B. No. 208—Olson and Thompson of Burleigh.)

MILK AND CREAM SAMPLES

An Act to amend and re-enact Section 2863b1 of the Supplement to the Compiled Laws of North Dakota for the year 1913, relating to the sampling of milk and cream and the care of such samples.

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

§ 1. AMENDMENT.] That Section 2863b1 of the Supplement to the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 2863b1. SAMPLING AND CARE OF SAMPLES.] All persons, partnerships, firms or corporations operating creameries, cream stations, cheese factories, ice-cream factories, renovating or process butter factories, or condensories in this state buying or receiving milk or cream on the basis of the amount of butter fat contained therein, shall, before emptying each container or a number of containers, delivered by same person, partnership, association, firm or corporation, of any part of the milk or cream received therein and before adding any other substance thereto, thoroughly mixing the entire contents thereof and procure therefrom, by the use of a thoroughly cleaned and dried sampling device, a representative sample of which not less than two (2) ounces shall be immediately transferred to a thoroughly cleaned and dried sample jar or bottle properly and securely fitted with such a cover as will prevent the escape of any of the contents thereof. Every such container of every sample of milk or cream so taken shall be indelibly labeled, marked or numbered to correspond with a record kept of the net weight of milk or cream, the percentage and amount of butter fat credited as being present in each container received, and the amount of money paid for same. Except that in case more than one container is used by the owner or owners in the delivery of a quantity of milk or cream, the entire contents, but only the original contents,

of such containers may be emptied into a tank or vat free from other substance where it shall be thoroughly mixed and a representative sample of not less than two (2) ounces procured, transferred to a sample jar or bottle, and labeled to correspond with a record kept as herein provided shall be protected from extremes of temperature and shall be retained for a period of not less than 24 hours, except that all samples taken on Saturday shall be retained until five o'clock of the afternoon of the following Monday during which time the receptacles containing such samples shall not be opened except by the state dairy commissioner, his deputy, or legal agent who may officially inspect the same for the purpose of determining the percentage of butter fat contained therein according to Section 2853 of the Compiled Laws of 1913. All cream held over from one shipment to another shall be weighed, and a record of such weight shall be kept on hand and a true and correct sample thereof shall be taken and held, the same as other samples are taken and held, and shall be dated, and be labeled "holdover Sample". Any person who shall violate the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed thirty (30) days or by a fine not to exceed the sum of fifty dollars (\$50.00) or by both such fine and imprisonment.

Approved March 11, 1929.

DEPOSITORS GUARANTY FUND

CHAPTER 122

(S. B. No. 104—Bond, Fredrickson, Lynch and Sathre.)

DISCONTINUANCE ASSESSMENTS AND DISSOLUTION DEPOSITORS GUARANTY FUND

An Act providing for the discontinuance of further assessments by the Depositors' Guaranty Fund Commission for the collection and distribution of its assets, the dissolution of such commission, the disposition of its books, records and assets, and repealing all acts or parts of acts in conflict herewith.

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

§ 1. DISCONTINUANCE OF ASSESSMENTS.] From and after July 1st, 1929, the depositors' guaranty fund commission shall levy no further assessments under the provisions of Chapter 31-B of the Supplement to the Compiled Laws of the State of North Dakota for the year 1913, known as the Depositors' Guaranty Fund Act,