

1913, and who still continues to practice such profession within the State of North Dakota, but has been debarred from application for a certificate as a Registered Pharmacist by reason of the requirement as to college work, shall upon application duly made to the board prior to July 1st, 1929, be given an examination for registration as a pharmacist, such examination for registration to be so given with due regard for such circumstance; and upon passing of an examination so to be given, in manner satisfactory to the majority of such board shall be given a certificate as a Registered Pharmacist.

Registration as a pharmacist by said board entitles the person so registered to membership in the North Dakota Pharmaceutical Association.

Approved February 16, 1929.

POTATOES

CHAPTER 186

(H. B. No. 215—Plath and Sax.)

POTATO INSPECTION

An Act providing for establishing potato grades, appointment of inspectors, fixing of salaries and providing operating expenses, authorizing the establishment of local shipping points at which inspection service may be established, authorizing the inspection of potatoes, and providing for the issuance of certificates of inspection, for establishment of a schedule of fees for inspection and certification, authorizing the making of rules and regulations concerning the inspection and certification of car lots of potatoes as to grades, and making an appropriation.

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

§ 1. THE STATE SEED COMMISSIONER TO APPOINT POTATO GRADES INSPECTOR AND MAKE RULES AND REGULATIONS.] In order to promote, protect and develop the potato growing and marketing industry in the State of North Dakota and to conserve and protect the welfare of the citizens of the state, the state seed commissioner, hereinafter referred to as the "commissioner" is hereby authorized and empowered to appoint a state potato grades inspector and such other assistants and clerical aids as may be necessary and to establish a potato grades inspection service, to provide for inspection of potatoes, to fix salaries and provide for operating expenses, issue

certificates of inspection for potato grades, promulgate all grades as provided, and make all rules, regulations and definition of terms necessary to carry out the provisions of this act.

§ 2. NORTH DAKOTA POTATO GRADES.] The potato grades which may have been heretofore or shall be hereafter fixed by the Department of Agriculture of the United States are hereby adopted and designated as the North Dakota potato grades.

§ 3. SHIPPING POINT INSPECTION.] Upon application of sufficient growers or shippers, the commissioner shall designate as potato inspection points such places in the state as provide proper facilities for inspecting, and he shall provide for the grade inspection of such potatoes as are offered for shipment at such point. Provided that any grower or shipper or group of shippers not at a designated inspection point may arrange with the railway company to stop the car or cars for inspection at a point where inspection is provided, or may obtain such grade inspection at loading point on payment of the necessary traveling expenses in addition to the regular inspection fee. Following such inspection the inspector shall issue to the grower or shipper a certificate showing the grade of the potatoes so inspected.

§ 4. INSPECTION OPTIONAL.] All inspection shall be optional with the owner or shipper. If, however, any uninspected potatoes are billed into interstate commerce without any grade designation in the bill of lading, the bill of lading shall be marked with the statement "Potatoes, uninspected as to grade."

§ 5. RECONDITION OF INSPECTED POTATOES.] If the inspector finds that any lot of potatoes as bagged and loaded for shipment does not meet the grade specified by the shipper he shall immediately notify the shipper who may if he so chooses recondition the potatoes and ask for another inspection.

§ 6. PENALTY FOR VIOLATION.] The shipping of a carload of potatoes upon the containers of which are printed matter or are attached any tags or labels indicating that the grade of the potatoes is otherwise than that shown by the inspector's certificate is a misdemeanor and the shipper is liable to prosecution in the courts having jurisdiction, provided, that on the authorization of the commissioner the shipper or an authorized inspector may place on the inside of any car, containing inspected potatoes, in a conspicuous place near the door, an official placard showing the grade of the potatoes as noted in the inspector's certificate; and it shall be unlawful for any person, firm or corporation or agent thereof to remove such officially authorized placard. The penalty for any violations of

this act shall be one hundred dollars (\$100.00) and costs for first offense and not exceeding five hundred dollars (\$500.00) and costs for any second offense.

§ 7. INSPECTOR'S CERTIFICATE.] Inspector's certificate shall be conclusive evidence that the potatoes were of the grade indicated on the certificate at the time the inspection was made.

§ 8. RAILWAY TO INDICATE GRADE ON BILL OF LADING.] It shall be the duty of the agent of the railway company to indicate on the bill of lading the grade of the carload of potatoes as shown by the inspector's certificate; and in case of car lots of uninspected potatoes he shall place in the bill of lading the statement, 'Potatoes uninspected as to grade.'

§ 9. FEE FOR CAR LOT INSPECTIONS.] The commissioner shall each year prior to July 1st fix the fee that shall be charged for inspecting a car load of potatoes as to grade, and said fee shall be uniform throughout the state, during the period of each fiscal year, and the maximum fee per car lot is hereby set at four dollars (\$4.00).

§ 10. COOPERATION WITH OTHER STATES AND WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE.] The commissioner is hereby authorized to cooperate with the United States Department of Agriculture or any bureau or division thereof and with similar state inspection service departments in the United States to the intent and purpose that the potato grade inspection service of the State of North Dakota may be officially recognized and accepted as a legal certificate of potato grades wherever offered for sale in the United States.

§ 11. EFFECT OF PARTIAL INVALIDITY.] If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remaining portions of the act and of the application of such provision to other persons or circumstances shall not be affected thereby.

§ 12. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of ten thousand dollars (\$10,000.00) to be retained in the state treasury as a revolving fund to be known as 'North Dakota Potato Grade Inspection Service Fund' which, together with the fees collected as provided in Section 9, shall constitute a fund to be used by the commissioner in establishing and operating the potato grades inspection service as authorized under this act.

Approved March 8, 1929.