

# THE LAWS

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## AGRICULTURE

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### CHAPTER 1

H. B. No. 177—(Smart)

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#### BEE INSPECTION

An Act to Amend and Re-enact Section 2790a7 of the 1925 Supplement to the Compiled Laws of the State of North Dakota as amended by Chapter 1, of the 1939 Session Laws, and Repealing Section 3 of Chapter 1 of the 1939 Session Laws; Repealing All Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

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

§ 1. AMENDMENT.] That Section 2790a7 of the 1925 Supplement to the Compiled Laws of North Dakota be amended and re-enacted to read as follows:

§ 2790a7. DUTY TO INSPECT.] The inspector shall inspect, in person or by deputy, such apairies, including all appliances, structures, buildings and bees thereof, as shall be deemed necessary by the Commissioner of Agriculture and Labor and the State Bee Inspector, during any month between May first and October first.

§ 2. REPEAL.] That Section 3 of Chapter 1 of the 1939 Session Laws is hereby repealed; and all acts or parts of acts in conflict herewith are hereby repealed.

§ 3. 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 March 13, 1941.

## CHAPTER 2

H. B. No. 272—(Smart)

## BEEKEEPERS LICENSE

An Act to amend and re-enact Sections 3 and 5 of Chapter 2 of the 1939 Session Laws; relating to beekeepers' licenses and license fees, and repealing all acts in conflict herewith and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 3 of Chapter 2 of the 1939 Session Laws be amended and re-enacted to read as follows:

§ 3. LICENSE.] Every beekeeper shall, on or before the first day of May in each year, or within twenty days thereafter, make application to the Commissioner of Agriculture and Labor, on a form to be furnished by him for a license certificate, and such certificate shall be granted to every beekeeper who makes a satisfactory application in the form prescribed by the Commissioner of Agriculture and Labor and pays the license fee required herein.

§ 2. AMENDMENT.] That Section 5 of Chapter 2 of the 1939 Session Laws be amended and re-enacted to read as follows:

§ 5. LICENSE FEES.] Any person owning bees or having bees in his possession shall, upon making application for license certificate pay a license fee of one dollar (\$1.00) plus three cents (3¢) per colony.

§ 3. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

§ 4. 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 March 14, 1941.

**CHAPTER 3**

H. B. No. 251—(McIntyre, Culver, Halvorson, Haugland, Sandness, Schwartz)

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**POSTING PRICES OF BUTTER FAT AT CREAMERIES, CREAM STATIONS, ETC.**

**An Act to Amend and Re-enact Section 1 of Chapter 118, Laws 1929 Relative to the Posting of Butter Fat Prices at Creamery 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:*

That Section 1 of Chapter 118, Laws 1929 be amended and re-enacted to read as follows:

§ 1. PRICES TO BE POSTED.] Every person, firm or corporation who owns, operates or manages a creamery or cream station or other butter fat purchasing establishment in the State of North Dakota, where butter fat is purchased from the public shall post the prices being offered for butter fat at such station. If any different price is being offered at any other creamery or cream station or other butter fat purchasing establishment owned, operated or controlled by the same person, firm or corporation within one hundred miles, there shall also be posted at the same place the amount of each different price being offered on the same day at such other places. If a different price is being paid at any one creamery, cream station or other butter fat purchasing establishment within a radius of one hundred miles owned, operated or controlled by the same person, firm or corporation for butter fat shipped directly, than is being offered for butter fat delivered at such point, both a direct shipment and delivered price must be so posted. All such prices shall be posted in a place where they can be clearly seen from the street. It shall be unlawful to pay for such products, a price different from that so posted for any given town or cream buying establishment.

Approved March 22, 1941.

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**CHAPTER 4****H. B. No. 212—(Starck by Request)**

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**REGISTRATION OF CONCENTRATED COMMERCIAL FEEDING STUFFS****An Act to Provide for Registration of Concentrated Commercial Feeding Stuffs in small Packages and Payment of Registration Fees. Repeal.***Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1.] Concentrated Commercial Feeding Stuffs in cans or small packages of ten pounds or less may be registered upon payment of an annual registration fee of Fifteen (\$15.00) Dollars for each brand of such feeding stuffs registered, in lieu of the tonnage tax provided in Chapter 141, Laws of North Dakota for 1927.

§. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 7, 1941.

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**CHAPTER 5****H. B. No. 33—(Hogoboom, Morland and Olson of Bowman)**

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**FILING OF A FARM LEASE****An Act to Require the Filing of a Farm Lease Containing a Reservation of Title to Crop in the Lessor and Providing for a Waiver of Rights by the Lessor Upon Failure to File Such Lease.***Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. FILING FARM LEASE CONTAINING RESERVATION OF TITLE TO CROP: WAIVER OF RIGHTS ON FAILURE TO FILE.] When a lease of a farm contains a provision reserving title to all or any part of the crops in the lessor until the conditions of the lease have been complied with by the lessee and a division made of the crop, such lease must be on file in the office of the register of deeds in the county in which the lands described in such lease are located prior to July first in the years in which the crops are raised to render such reservation of title to crops effective as to subsequent purchasers or encumbrancers of the lessee of the grain raised upon the lands described in such lease. The failure to file such lease or contract in accordance with the requirements of this section shall constitute a waiver by the lessor of all rights reserved by him in such crops as against any subsequent purchaser or encumbrancer of the lessee. This Act shall not be operative until January 1st, 1942.

Approved March 14, 1941.

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**CHAPTER 6****H. B. No. 54—(Kindem and Hofstrand)**

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**CLOSING GATES ON FARMS****An Act to Amend and Re-enact Section 10091, Compiled Laws 1913 and Requiring and Printing of Sections 10088 and 10091 or a Summary Thereof, on Hunting Licenses.***Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1.] Section 10091 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 10091. PENALTY.] Anyone violating the provisions of Section 10088, Supplement 1925, shall be punished by fine of not less than twenty five dollars (\$25.00) or more than one hundred dollars (\$100.00) or a jail sentence of not more than thirty days (30) or both such fine and sentence, and in the event that such violation is committed while hunting, the hunting license of person violating this law shall be forfeited during the remainder of the current hunting season, and such violator shall in addition be civilly liable for any damages that may result, directly or indirectly, because of livestock entering or escaping through such open gate or bars.

§ 2. Section 10088, Supplement 1925 and Section 10091, as hereby amended, or a summary thereof, shall be printed on each hunting license hereafter issued.

Approved February 8, 1941.

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**CHAPTER 7****S. B. No. 212—(Stucke)**

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**MANUFACTURE OF IMITATION BUTTER PROHIBITED****An Act to Prohibit the Manufacture, Sale or Storage of Imitation Butter, Patent or Processed Butter, or Ingredients Sold for the Purpose of Home Manufacture of Imitation Butter; except Oleomargarine; and Providing a Penalty and declaring an emergency.***Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. MANUFACTURE, SALE OR STORAGE OF IMITATION BUTTER AND INGREDIENTS THEREFOR PROHIBITED; OLEOMARGARINE EXCEPTED.] No person by himself, his agents, or servants shall render or manufacture, sell, offer for sale for the future delivery of, have in his possession, keep in storage, distribute, deliver, transfer or convey

with intent to sell within this state any article, product, or compound made wholly or partly from any compound, article, or product not produced from unadulterated milk or cream, nor any imitation butter made of part cream and part caseine or other ingredients under any process whereby the caseine and other products are made to imitate and resemble genuine butter, nor any ingredients sold for the purpose of the home manufacture of any imitation butter. Provided, however, that nothing herein contained shall prohibit the manufacture or sale of oleomargarine as now permitted by law.

§ 2. PENALTY.] Any person violating the provisions of this act shall be guilty of a misdemeanor.

§ 3. 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 March 17, 1941.

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## CHAPTER 8

S. B. No. 59—(Young, Stucke, Olson of Mountrail, and Brant)

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### LIVESTOCK DEALERS, REGULATION

An Act to amend and re-enact Section 1 of Chapter 5, Laws 1937 and Section 2 of Chapter 5, Laws 1937 as amended by Chapter 14, Laws 1939 relative to the regulation and licensing of dealers in livestock, poultry and wool, requiring bond of such dealers, prohibiting the licensing of those convicted of felony and declaring an emergency.

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

§ 1.] Section 1 of Chapter 5, Laws 1937 is hereby amended and re-enacted to read as follows:

§ 1. DEALERS DEFINED: ACT NOT APPLICABLE, TO WHOM.] The term "dealer" as used herein shall mean any person, co-partnership, association or corporation engaged in the business of buying and selling and dealing in livestock, horses, mules, cattle, hogs, sheep and poultry and wool from the producer for re-sale and shipment within or without the State, and also re-sale in the local markets.

Nothing in this Act contained shall apply to farmers or farm associations who buy and sell livestock or wool among themselves as producers, or who purchase livestock or wool to complete a load of livestock of their own for shipment to market, provided, however, that this Act shall apply in such cases if purchases of livestock or wool are made exceeding twenty-five per cent of a railroad car

load; and nothing in this Act contained shall apply to co-operative livestock or wool marketing associations of producers of livestock or wool in their dealings with their members, or livestock purchased by local butchers or dealers to be slaughtered or processed in their business for local home consumption, or trading for merchandise or machinery.

§ 2.] Section 2 of Chapter 5, Laws 1937 as amended by Chapter 14, Laws 1939 is hereby amended and re-enacted to read as follows:

§ 2. LICENSE AND BOND REQUIRED.] All dealers, as herein defined, shall be duly licensed as hereinafter provided. No agent shall act for any such dealer unless the dealer is duly licensed and has designated such agent to act in his behalf and notified the Public Service Commission in his application for license or in writing of such appointment, and requested the Commission to issue to such agent an agent's license; and the dealer shall be accountable and responsible for all the acts of his agent.

Each dealer, before entering into the business as such as herein defined, shall annually on or before January 1 of each year, file an application with the Public Service Commission on a form prescribed by it for a license to transact such business. The applicant shall state the nature of the business for which a license is desired and whether it is for the business of buying livestock, poultry and wool or for any two or more, the name or names of persons applying for the license, and if the applicant is a firm, association, partnership or corporation the full name of each member of such firm, association, or partnership, or the names of the official officers of the corporation, and the name of the agent or agents of such person, firm, association, partnership or corporation, the post office address and the principal place of business of the applicant, and if a foreign corporation, it must state its principal place of business without the State and the name of the State incorporated in and it must also state that it has complied with the corporation laws of this State relating to foreign corporations, and such other facts as the commissioners may prescribe.

Each applicant shall file with his application a surety company bond to be approved as to amount, form and sufficiency by the commission in the sum of not less than \$1,500.00 for a livestock dealer without agent and the amount of the bond to be increased not less than \$500.00 for each agent appointed by the dealer and licensed by the commission, in which the commissioners shall be the obligee but which shall be for the benefit and purpose of protecting any person, and shall be for the benefit of all persons selling livestock or poultry, or both, to such licensed livestock dealer or his agent. Such bond shall be conditioned upon the faithful performance of his duties as a dealer in livestock and all of the provisions of law relating to the

purchase of livestock or poultry, or both, by such livestock dealer, and for the payment by said livestock dealer of all livestock purchased by such dealer, as a dealer in livestock, and for the purpose of protecting any person which bond shall cover the entire license period; provided, however, that a separate bond for each agent appointed and licensed, may be given in the sum of \$1,500.00, in lieu of the additional amount on the principal bond; provided further that the commission may demand at any time additional bond for either principal or agent when in the discretion and judgment of the commission the volume of business of the principal or any agent named by such principal warrants it.

The commissioners shall thereupon issue to such applicant for a livestock dealer's license on the payment of the sum of five dollars a license entitling the applicant, his agent, to conduct the business of dealing in livestock as herein defined, at the place or places named in the application until the 31st day of December next following; provided that for each agent to whom a license is issued, the sum of five dollars shall be paid to the commission.

Provided, however, that if a buyer desires to buy poultry only, he may upon the payment of the sum of \$2.00, receive a license which will entitle him to buy nothing but poultry, and, in such event, he need only post a bond as aforesaid, in the sum of \$1,000.00 for the principal bond and \$500.00 for each additional agent as heretofore provided.

Each applicant for a wool dealer's license shall pay a license fee of \$5.00 which license shall be increased \$5.00 for each agent to be appointed by such dealer, the maximum license fee, however, not to exceed \$50.00. In addition, each applicant for a wool dealer's license shall furnish a bond like that required for livestock dealers for the protection of those selling wool to such dealers, in an amount not less than \$3,000.00, which bond shall be increased \$500.00 for each agent appointed by the said wool dealers and licensed by the commission, which bond, however, shall not exceed \$25,000.00.

No license herein provided for shall be issued to a dealer or an agent who has been convicted of a felony in this State or elsewhere.

EMERGENCY.] An emergency is hereby declared to exist and this act shall therefore be in effect from and after the date of its passage and approval.

Approved February 24, 1941.

## CHAPTER 9

H. B. No. 224—(Haugland and Sellens)

## LIVESTOCK SALES RINGS

An Act to Amend and Re-enact Chapter 5 of the Session Laws of North Dakota for 1937 as Amended by Chapter 14 of the Session Laws of North Dakota for 1939 by adding thereto the sections herein set out; Providing for the Regulation of Livestock Sales Ring; Providing for a License and Bond of such Livestock Sales Rings; Empowering the Public Service Commission to Promulgate Rules and Regulations Therefor; Providing for the Investigation of Sales and Transactions in such Sales Rings; Requiring the Inspection of Livestock Handled or Sold in such Rings, and Declaring an Emergency.

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

§ 1. AMENDMENT.] That Chapter 5 of the Session Laws of 1937 as amended by Chapter 14 of the Session Laws of 1939 is hereby amended so as to add the following Sections thereto and the same are hereby made a part thereof and all of the provisions of said Chapter 5 of the Session Laws of 1937, as amended, apply thereto in so far as the same may be applicable.

§ 18. APPLICATION.] Any person, partnership or corporation upon a written statement of financial responsibility and ownership or control of adequate facilities for the care, sorting, feeding, loading, unloading and shipment of livestock for the operation of a livestock sales ring, made to the Public Service Commission, and tendering the fee prescribed herein, may procure a license from said Commission to establish and operate a livestock sales ring within this state.

§ 19.] The term livestock as applicable to livestock sales rings shall mean and include horses, mules, cattle, swine, sheep and goats. The term livestock sales ring shall mean a place or establishment conducted or operated for compensation or profit as a public market, consisting of pens, or other enclosures, and their appurtenances, in which livestock are received, held or kept for sale and where such livestock is sold or offered for sale at either public auction or private sale, except as provided herein.

The provisions of this act shall not apply to any place used solely for the dispersal sale of the livestock of a farmer, dairyman, livestock breeder or feeder who is discontinuing said business, or to the premises of any butcher, packer or processor who receives animals exclusively for immediate slaughter, or any place where an individual or a duly constituted association of breeders of livestock of any class assembles and offers for sale and sells under his or its management registered livestock or breeding sires, provided

said individuals or association assumes all responsibility of such sale and guarantees title of said livestock and makes proper provision for the inspection of all animals sold.

§ 20.] No person, partnership or corporation shall operate a livestock sales ring within this state without first procuring a license from the Public Service Commission and paying therefor a fee of \$100.00. Each license issued pursuant to this act shall expire on the 31st day of January, next after the issuance thereof. Each such person shall annually thereafter and on or before January 31st, of each year renew said license at the same fee prescribed for the original license. The application for such license shall be in writing and in the form prescribed by the Public Service Commission. If for any reason the Public Service Commission does not issue a license requested, or the renewal thereof, the fee paid for such license or renewal shall be refunded to the applicant.

§ 21. Each applicant shall file with his application for a license, or for a renewal thereof, a surety bond to be approved as to amount, form and surety by the Commission, in the penal sum of \$10,000.00, in which said bond the Commission shall be the obligee and which shall be for the benefit and purpose of protecting any person selling or buying livestock, to or through the licensee, or his or its agent, conditioned upon the payment of all money received, less reasonable expenses and agreed commissions, by the licensee and operator of such livestock sales ring, and upon the faithful performance of the duties of such licensee of his duties as such licensee and of all the provisions of laws relating to the purchase, sale or holding of livestock by such licensee, which said bond shall cover the entire license period.

§ 22. Upon its own motion, or upon complaint by any person, the Commission may enter into an investigation of the sales and transactions of any livestock sales ring and the conditions under which the business is conducted and if in its judgment such hearing is necessary, may conduct a hearing to determine whether the license of any sales ring should be revoked or the issuance of a license of such ring refused.

§ 23. Every livestock sales ring shall be maintained in a sanitary condition and on and after October 1, 1941 that portion thereof which is used for the handling of hogs, including all hog pens, alleys and sales ring, shall be equipped with concrete floors at least three inches thick, and these floors must be cleaned and disinfected after each sale or in case of continuous sale not less than once weekly, or as often as may be prescribed by the North Dakota Livestock Sanitary Board.

§ 24. All scales used in the operation of livestock sales rings shall be tested and inspected by the Department of Weights and

Measures, as provided by law, and all livestock sold by weight shall be weighed on said scales and the purchaser and seller thereof furnished with a true and correct statement of such weight.

§ 25. Operators of all livestock sales rings shall keep on file an accurate record of the date on which each consignment of animals was received and sold, together with the name and address of the buyer and seller, the number of species of the animals received and sold and the marks and brands on each animal. Said records, together with the gross selling prices, commission, and other proper care, handling and sales charges on each consignment shall be available for inspection by the Public Service Commission, or its authorized inspector, and a copy thereof shall be supplied to the owner of said livestock. All records of sales during the preceding twelve months shall be kept readily accessible for immediate examination.

§ 26. All livestock upon entering a livestock sales ring shall be inspected for both health and brands before being offered for sale. Such inspection shall be made by a veterinarian approved by the Livestock Sanitary Board, whether moved interstate or intrastate, and the fees for such inspection and the payment thereof shall be established by rules and regulations of the Livestock Sanitary Board.

§ 27. It shall be unlawful for the operator of a livestock sales ring to permit the removal of any livestock from the establishment until such livestock has been treated in accordance with the rules and regulations prescribed by the Livestock Sanitary Board. The authorized veterinarian shall furnish each purchaser with a certificate showing that inspection has been made and treatment administered as provided by the rules and regulations of the Livestock Sanitary Board and in case of livestock destined to be shipped interstate that such livestock has been inspected in accordance with the requirements of the state of destination. All fees for veterinary inspection, treatment and services, including brand inspection, shall be collected by the operator of the livestock sales ring and paid to the inspectors.

§ 28. The operator of each livestock sales ring in this state shall warrant to the purchaser thereof the title of all livestock sold through his or its sales ring and shall be liable to the rightful owner thereof for the net proceeds in cash received for such livestock so sold, and it shall be the further duty of such operator, when notified by an authorized brand inspector that there is a question as to whether any designated livestock sold through said ring is lawfully owned by the consignor thereof, to hold the proceeds received from the sale of said livestock for a reasonable time, not to exceed sixty (60) days, to permit the consignor to establish ownership; and if, at the expiration of that time the consignor fails to establish his lawful ownership of such livestock to the satisfaction of the said brand inspector, said proceeds shall be transmitted by such operator to the Commission

and said Commission shall have authority to dispose of said proceeds in accordance with the laws of the state to the rightful owner.

§ 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 March 17, 1941.

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## CHAPTER 10

H. B. No. 277—(Swanson of Richland, Fitch, Crockett)

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### ESTABLISHMENT OF A MARKETING BUREAU

An Act to establish a marketing bureau within the Department of Agriculture and Labor of the State of North Dakota and defining its functions.

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

§ 1. That there be established within the Department of Agriculture and Labor of the State of North Dakota a marketing bureau for the purpose of gathering and disseminating statistical information on agricultural marketing problems of the State, and to engage in marketing services of agricultural products.

Approved March 14, 1941.

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## CHAPTER 11

H. B. No. 267—(Falconer and Fitch)

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### INSPECTION FEES FOR SALE OF NURSERY STOCK

An Act Relating to reciprocal agreements between the Director of the North Dakota Experiment Station and officers of other states pertaining to fees for inspection certificates or permits in connection with the sale of nursery stock.

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

§ 1.] Notwithstanding the provisions of Sections 2824 to 2834 of the 1913 Compiled Laws of the State of North Dakota, the Director of the North Dakota Experiment Station may enter into reciprocal agreements with the responsible officers of other states under which nursery stock owned by nurserymen or dealers of such states may be sold or delivered in this State without the payment

of a North Dakota registration fee, provided like privileges are accorded to North Dakota nurserymen, dealers, or agents in such other states, and provided, further, that the said Director shall find that such other states before issuing their certificates, require inspections equal to those required under the North Dakota law and provided further, that the Director of the North Dakota Experiment Station may enter into reciprocal agreements with the responsible officers of other states under which nursery stock owned by nurserymen or dealers of such states may be sold or delivered in this State without furnishing bond, without special permit tags of all descriptions, without filing of special invoice, without fumigation of stock, without making special inspection at time of shipping, without signing of special statements concerning locations of stock, or without any other kind of special inspection other than that necessary for complying with the regular filing of the accepted certificate of inspection.

Approved March 4, 1941.

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## CHAPTER 12

H. B. No. 208—(Dalzell and Anderson)

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### GRADING, LABELING AND INSPECTING POTATOES AND OTHER PRODUCTS

An Act to Amend and Re-enact Sections 1, 3 and 4 of Chapter 214, Session Laws of 1931, Relating to the Establishment of a Standardized and Uniform System of Grading, Labeling and Inspecting Potatoes and Certain Other Produce, and to Regulate the Sale and Distribution Thereof. Repeal; and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 214, Session Laws of 1931, be and the same is hereby amended and re-enacted to read as follows:

§ 1. STATE SEED COMMISSIONER TO ESTABLISH GRADE INSPECTION SERVICE AND APPOINT NECESSARY AGENTS AND INSPECTORS.] In order to develop and protect the industries in this State engaged in the growing and marketing of potatoes and other produce and to conserve and promote the welfare of the citizens of the State, the State Seed Commissioner, hereinafter referred to as the "Commissioner," is hereby authorized and empowered to promulgate rules and regulations prohibiting or otherwise regulating the importation or dissemination within the state of particular detrimental insects and diseases, to establish potato and other produce grades and inspec-

tion service for the purpose of making inspections on, and otherwise providing for proper handling and marketing of the agricultural commodities defined in Section 2 of this Act, under the classifications of "potatoes" and "other produce"; To appoint a Chief Inspector and such other agents, inspectors, assistants and clerical aids as the Commissioner finds necessary to assist, represent and act for him in enforcing and otherwise carrying out the provisions of this Act, and to fix salaries of said employees and provide for operating expenses.

§ 2. AMENDMENT.] That Section 3 of Chapter 214, Session Laws of 1931, be and the same is hereby amended and re-enacted as follows:

§ 3. NORTH DAKOTA GRADES FOR POTATOES AND OTHER PRODUCE.] The following grades for potatoes are hereby designated as official and standard grades for North Dakota; namely, "U. S. Fancy," "U. S. No. 1", "U. S. Commercial", "U. S. No. 2", "North Dakota Certified Seed", and "Unclassified." The U. S. grades and standards herein designated shall be subject to change only, provided the said U. S. Department promulgates any new and definite changes, and such changes shall thereupon be adopted by the Commissioner for use in North Dakota.

The State Seed Commissioner shall have authority by regulation to promulgate or change North Dakota state grades.

The "North Dakota Certified Seed" grade shall conform in all respects to the provisions of the seed laws of this state and the regulations made thereunder, and shall be labeled in accordance therewith.

"Unclassified" lots shall include all potatoes not meeting the requirements of any of the foregoing grades. It shall be optional, however, to use the "Unclassified" labeling on any lot of potatoes.

For "other produce" the grades which may have been heretofore or shall be hereafter fixed by the Department of Agriculture of the United States, for such produce, are hereby adopted and designated as the official standard grades for North Dakota. Inspections on incoming produce may be made and certificates issued on the basis of other applicable state grades or in accordance with sales contracts.

§ 3. AMENDMENT.] That Section 4 of Chapter 214, Session Laws of 1931, be and the same is hereby amended and re-enacted as follows:

§ 4. LABELING AND OFFICIAL INSPECTION OF POTATOES CLOSED CONTAINERS.] Every closed container packed with potatoes grown in North Dakota, and sold, offered for shipment or sale, or consigned for sale in less than car lots or in carload lots, shall bear upon the outside thereof, either by brand, tag or label, in plain letters and

figures, the variety or class name, the net weight when packed and correct grade designation, or, in lieu thereof, each container shall be labeled to show the net weight when packed and official North Dakota inspection shall be obtained and the lot must not be mislabeled.

Every closed container packed with potatoes grown in North Dakota, which is transported, shipped, sold, offered or exposed for sale in truck lots by a person other than the grower thereof, shall bear upon the outside thereof, either by brand, tag, or label, in plain letters and figures, the variety or class name, the net weight when packed and correct grade designation, or, in lieu thereof each container shall be labeled to show the net weight when packed and the lot official North Dakota Grade inspection shall be obtained and not be mislabeled.

When an individual shipment is made from such towns or stations at which regular inspection service is not maintained, and when such shipments cannot be so routed as to be stopped in transit for inspection at a town or station at which inspection service can be provided, or when due to unforeseen circumstances which make it physically impossible for an inspector to perform such inspection, or when definite or sufficient evidence followed by proof if demanded is presented to establish the fact that the shipment will be repossessed and when inspection service is available officially inspected in transit, then the commissioner, or his agent, may waive, by a special written permit, the inspection and labeling requirements provided in this section for such individual shipment.

The labeling prescribed in this Act may be accompanied by additional marks or brands which are not inconsistent with or in the same location more conspicuous than, or which do not in any way obscure the labeling described in this Act. The Commissioner shall, by regulation, prescribe the general location of the labeling on the container and the minimum size of the letters and figures used in the labeling of the potatoes as herein provided.

§ 4. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

§ 5. EMERGENCY.] This Act is hereby declared should be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 13, 1941.

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**CHAPTER 13****S. B. No. 66—(Thatcher)**

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**DISTRIBUTION OF SEEDS AND PLANTING STOCK BY  
STATE FORESTER**

**An Act to amend and re-enact Chapter 243 of the Session Laws of 1939 relating to the distribution of seeds and planting stock by the State Forester, and declaring an emergency.**

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

§ 1. AMENDMENT.] That Chapter 243 of the Session Laws of 1939, be amended and re-enacted to read as follows:

Seeds and planting stock from such nursery may be distributed by the State Forester to citizens and land owners of this state upon payment of a price not greater than the cost to the state of production in the case of planting stock or collection in the case of seeds, and the cost of transportation from the nursery, except in the case of planting stock distributed for the specific purpose of live snow fence or highway beautification plantings; which may be distributed free of charge.

§ 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 March 6, 1941.

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**CHAPTER 14****H. B. No. 300—(Hofstrand, Anderson, Dalzell and Stormon)**

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**STATE SEED DEPARTMENT, AMENDMENT**

**An Act to amend and re-enact Sections 7, 8, 9 and 17 of Chapter 258 of the Session Laws of 1931 relating to the State Seed Department, and Declaring an Emergency.**

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

§ 1.] That Section 7 of Chapter 258 of the Session Laws of 1931 is hereby amended and re-enacted as follows:

§ 7. PROVISIONS FOR FREE LABORATORY SERVICE.] For the purpose of this act, from and after the first day of July A. D. 1941, the fees charged for all samples submitted by any *resident* person of the State in excess of the specified free tests shall be amended as follows: A fee of fifty cents shall be paid for each purity analysis

of clovers, alfalfa, cereals, flax, corn, beans, peas, etc.; a fee of \$1.00 for each purity analysis of grass seeds, or mixtures of grass and/or clover seeds; and a fee of fifty cents for each germination test.

§ 2. AMENDMENT.] That Section 8 of Chapter 258 of the Session Laws of 1931 is hereby amended and re-enacted as follows:

Section 8 of the act entitled "Weed Seeds" to be repealed and amended as follows: For the purposes of this act, from and after the first day of July A. D. 1941, the term "Weed Seeds" shall include the seeds of all plants generally recognized as weeds within the state, and shall include noxious weed seeds. Noxious weed seeds shall be divided into two classes, "Prohibited Noxious Weed Seeds" and "Primary Noxious Weed Seeds," which are designated as follows:

(1) "Prohibited Noxious Weed Seeds" are the seeds of perennial weeds, which when established are highly destructive and difficult to control by ordinary good cultural practices, namely, Leafy Spurge (*Euphorbia esula* L.) Field Bindweed or Creeping Jennie (*Convolvulus arvensis* L.) Perennial Pepper Grass or White Top (*Lepidium draba* L., *Lepidium repens* Schrenk, *Hymenophysa pubescens* C. A. Mey) and Russian Knapweed (*Centaurea picris* Pall.)

(2) "Primary Noxious Weed Seeds" are the seeds of annual and perennial weeds which when established are difficult to control, but yield more readily to good cultural practices, namely, Quack Grass (*Agropyron repens* L. Beauv), Canada Thistle (*Cirsium Arvense* L.), Perennial Sow Thistle (*Sonchus arvensis* L. and Dodder (*Cuscuta* species except *coryli*).

Any lot of seed containing said noxious weed seeds shall be properly labeled, as hereinafter provided, to indicate their presence, if the said noxious weed seeds are present singly or collectively as follows:

(a) In the case of "Prohibited Noxious Weed Seeds" in excess of one seed in each ninety grams.

(b) In the case of "Primary Noxious Weed Seeds", in excess of one seed in each twenty grams.

§ 3. AMENDMENT.] That Section 9 of Chapter 258 of the Session Laws of 1931 is hereby amended and re-enacted as follows:

§ 9. LABELING REQUIREMENTS OF SEED.] For the purpose of this act, from and after the first day of July A. D. 1941, the label prescribed in the act shall include, in addition to the prescribed specifications (a) to (g) the following additional information:

(h) Lot number or other lot identification.

(i) The percentage by weight of agricultural seeds other than those required to be named on the label as stated in subsection (b) of this section.

(j) The percentage by weight of inert matter.

§ 4. AMENDMENT.] That Section 17 of Chapter 258 of the Session Laws of 1931 is hereby amended and re-enacted as follows:

§ 17. MISLABELING.] It shall be unlawful for any person knowingly either for himself or while acting as agent or servant for any other person to sell, consign for sale, offer or expose for sale, have in possession or storage with intent for sale or to deliver or distribute within the state, any seed which shall be mislabeled within the meaning of this act or the regulations made thereunder, or which is falsely labeled, represented or advertised in any respect, or which is designated, offered, represented or advertised under any name or identification other than that by which such seed was originally known, provided, however, that any person may, under rules and regulations to be made therefor by the Commissioner, submit to the State Seed Commissioner a sample of any seed which he claims to be a new variety distinct from any commonly known variety of such seed, together with a proposed distinctive name therefor. The State Seed Commissioner shall thereupon make such tests as he shall consider necessary and if he finds as a result of such tests that such seed or plant is of a new variety distinct from any variety of such seed known theretofore, and that the name proposed therefor will properly distinguish said seed from any and all other varieties thereof, he shall issue to the person applying therefor a permit to designate such seed by said name.

In the event of the shipment into this state from any point outside thereof, of any seed it shall be the duty of the purchaser or vendor or any person receiving such seed to have the same labeled in accordance with and conforming to the requirements of this act; Provided, however, that certain standardized grades and labeling of seed in use elsewhere may be permitted by the Commissioner, in connection with shipments of seed into this state from points outside thereof, in lieu of the labeling provided for in this act; Provided, further, that the provisions of this act shall not apply to any common carrier in respect to any seed transported or delivered for transportation in the ordinary course of its business as a common carrier; and provided further, that no person, excepting common carriers as herein provided, shall knowingly distribute, sell, offer, expose or have in possession with intent for sale for sowing or planting purposes, any seed included in Section 3, sub-section (a) of this act, or any garden vegetable seed or any other kind or nature of seed that is falsely represented by labeling or in any form of advertising or in any other way as to quality, condition, grade, viability, purity, character, nature, variety or any other description.

§ 5. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

§ 6. 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 March 7, 1941.

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## CHAPTER 15

S. B. No. 93—(Flatt and Young)

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### TREE BOUNTY

**An Act to Amend and Re-enact Section 1 of Chapter 252 of the Session Laws of North Dakota for the year 1937, as Amended by Chapter 245 of the Session Laws of North Dakota for the year 1939, Relating to Bounty for Tree Planting.**

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

§ 1. AMENDMENT.] Section 1 of Chapter 252 of the Session Laws of the State of North Dakota for the year 1937, as amended by Chapter 245 of the Session Laws of the State of North Dakota for the year 1939, is hereby amended and re-enacted to read as follows:

§ 1. BOUNTY FOR TREE PLANTING.] Any person who shall subsequent to July 1, 1937 plant or cause to be planted, cultivated and kept in growing, thrifty condition one acre and not more than ten acres of prairie land with any kind of forest trees, and shall plant, or have planted said trees, shall be entitled to four dollars (\$4.00) for each acre so planted and cultivated and two dollars (\$2.00) bounty per acre for each succeeding year up to four, in which such trees are kept cultivated and growing to be credited upon the taxes assessed against the land upon which such trees are planted, and such credit shall be apportioned to the shares due the state and respective taxing districts for general fund levies, but such bounty shall not be so allowed unless such grove be maintained upon a tract of not less than eighty acres and shall have at least four hundred living trees in each acre so maintained and kept in growing condition, and in no case shall any bounty be allowed in excess of the amount of real estate taxes levied for such year upon the quarter section of land of which such parcel of land planted to trees is a part. Provided, further, that in the event there are any unpaid taxes levied and unpaid against the quarter section of land of which such parcel of land planted to trees is a part of the time application is made for said bounty, such bounty, if allowed, shall be credited upon the amount of such taxes.

Approved March 14, 1941.