

AGRICULTURE

CHAPTER 90

H. B. No. 641
(Power and Langseth)

ADDITIONAL TAX LEVIES FOR COUNTY FAIR ASSOCIATIONS

AN ACT

Relating to county fair associations and tax levies therefor.

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

§ 1. Additional Levy Authorized.) The board of county commissioners may, by appropriate resolution, submit to the electors of the county at the next special or general election, the question of whether an annual levy of not to exceed one quarter mill upon all taxable property in the county, in addition to the levy provided in section 4-0227 of the North Dakota Revised Code of 1943, shall be authorized for the purpose of aiding a county fair association. If such additional levy is approved by the electors, the board of county commissioners shall be authorized to make such additional annual levy, not to exceed one quarter mill, and disburse the proceeds thereof in the manner provided in section 4-0227 for the levy and disbursement of other county fair association aid funds.

Approved March 8, 1955.

CHAPTER 91

S. B. No. 203
(Agriculture Committee)

REGULATION OF SEED SALES AGREEMENTS

AN ACT

Providing for the regulation of information required on sales agreements or contracts made between a buyer and seller of agricultural seeds, when full or partial payment is made to the seller before the seed is delivered to the buyer, providing a penalty and declaring an emergency.

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

§ 1. Definitions.) In this chapter unless the context or subject matter otherwise requires:

1. The term "agricultural seed" shall include seeds of grass, forage, cereals, fiber, and oil crops, and any other kinds of seeds commonly recognized within this state as agricultural or field seeds and mixtures of such seeds for sowing or planting purposes.
2. "Person" shall mean any individual, partnership, corporation, company, society, or association, except a farmer resident of North Dakota who may sell seed of his own production.

§ 2. Prohibitions.) It shall be unlawful for any person in this state to accept full or partial payment in connection with the sale of any agricultural seeds to be delivered to the buyer at a later date, unless each and every transaction is accompanied by a written sales agreement or contract which shall contain thereon the following provisions:

1. The date and place of the transaction.
2. The signature and address of the buyer and the seller or the agent acting for the seller.
3. The number of units and the price per unit.
4. The total value of the transaction.
5. The total amount of the full or partial payment made to the seller by the buyer.
6. The kind and variety of seed. If variety is unknown that fact shall be stated.
7. The grade or quality of the seed to be delivered, the grade in the case of registered or certified seed and if the seed is not registered or certified, then the minimum germination and seed purity percentages shall be stated.

If the seed is registered or certified the words "registered" or "certified" as the case may be, shall be shown in addition to the grade.

8. The date of delivery or the latest date at which delivery is to be made.
9. The place of delivery.

Any provision in any written order or contract, which is contrary to any of the provisions of this section hereby is declared to be against public policy and void.

§ 3. Penalty.) Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars and cost of prosecution for the first offense nor more than five hundred dollars and costs for prosecution for each subsequent offense.

§ 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 5, 1955.

CHAPTER 92

H. B. No. 748

(Berntson, Saumur and Tollefson)

POTATO DEVELOPMENT COMMISSION

AN ACT

To amend and reenact subsection (d) of section 4-10A06 and subsection (a) of section 4-10A08 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to the regulatory powers of the North Dakota potato development commission.

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

§ 1. Amendment.) Subsection (d) of section 4-10A06 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-10A06. Powers of Commission.)

- (d) In order to effectuate the declared policy of this chapter, the commission shall have the power, after due notice and opportunity for hearing, to prepare a commission's order and submit same to the potato industry for approval. Such order shall not become effective

unless it is approved in a public referendum by at least two-thirds of the potato growers voting in such referendum. The provisions of such commission's order shall be only those provisions provided for in section 8 of section 4-10A08.

§ 2. Amendment.) Subsection (a) of section 4-10A08 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-10A08. Commission's Orders.)

- (a) In accordance with the provisions, restrictions and limitations set forth herein any order issued by the commission pursuant to this chapter may contain any or all of the following provisions, but no others:
- (1) Provisions for entering into contracts with corporations, organizations, or agencies which have facilities, personnel or knowledge which in the opinion of the board of control would make such corporation, organization or agency competent to carry out the program or portions thereof outlined by the board of control and recommend to the commission payment for such services from the funds collected by the board under the commission's order.
 - (2) Provision for the compulsory inspection by the established federal-state inspection service, and/or special permit or identification to allow for storage or processing in transit.
 - (3) Provisions for establishment of plans for research and advertising and sales promotion to create new and larger markets for potatoes grown in the state of North Dakota, provided that any such plans shall be directed towards increased sale of potatoes without reference to a particular brand or trade name which is the private property of any person.
 - (4) Provisions for prohibiting the sale or offering for sale or shipment of cull potatoes on the commercial market, except such potatoes as carry the official tag or other official designation of the North Dakota seed certification department.
 - (5) Provisions authorizing the control board to obtain a special mark or insignia and establishing rules, regulations governing its use and making the same available to any and all potato producers, or handlers, who are willing to abide by such rules and regulations. Such mark or insignia may be copyrighted in the name of the control board and can

be used only on specific permission granted by the control board.

- (6) Provisions for entering into cooperative arrangements with organizations or state and federal agencies, including those of other states, whenever, in the opinion of the board of control and the commission, such cooperative arrangements will assist in furthering the declared policies of this Act (chapter) to such cooperative arrangement.
- (7) Provisions fixing fees and the method of collecting the same as hereinafter provided.
- (8) Provisions for regulating the shipment of particular grades, sizes or qualities of potatoes differently, for different varieties, for table stock or seed, for different packs, or for any combination of the foregoing, for any period.
- (9) Provisions for regulating the shipment of potatoes by establishing in terms of grades, sizes, or both, minimum standards of quality and maturity.
- (10) Provisions that would require that potatoes offered for sale or shipment to the commercial market, have the container labeled, marked or branded to show the official grade thereof.

Approved March 11, 1955.

CHAPTER 93

H. B. No. 673
(Power and Lee)

BEES AND BEE EQUIPMENT

AN ACT

Relating to bees and bee equipment, their control and regulation, amending sections 4-1204, 4-1209, 4-1212, 4-1220, and creating subsections 4 and 5 of section 4-1201 of the North Dakota Revised Code of 1943 and repealing sections 4-1214, 4-1218 and 4-1219 thereof.

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

§ 1. Amendment.) Section 4-1201 of the North Dakota Revised Code of 1943 is hereby amended by creating and

enacting subsections 4 and 5 thereto, which are enacted to read as follows:

- 4. "Equipment" shall mean hives, supers, frames, veils, gloves or any apparatus, tools, machines or other devices used in the handling and manipulation of bees, honey, wax, and hives, and shall also include any containers of honey and wax which may be used in any apiary or in transporting bees and their products and apiary supplies; and
- 5. "Bees" shall mean any stage of common honey bee, *Apis Mellifera* L.

§ 2. Amendment.) Section 4-1204 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-1204. Beekeeper's License; Fees For.) Any beekeeper, upon making application for a license certificate, shall pay a license fee in accordance with the following schedule of fees for the total number of colonies owned or possessed by the applicant in North Dakota:

1 to 10 colonies of bees.....	\$ 1.00
11 to 25 colonies of bees.....	2.00
26 to 50 colonies of bees.....	3.00
51 to 100 colonies of bees.....	5.00
101 to 200 colonies of bees.....	7.50
201 to 300 colonies of bees.....	10.00
301 to 400 colonies of bees.....	15.00
401 to 500 colonies of bees.....	20.00
501 colonies and upward.....	25.00

§ 3. Amendment.) Section 4-1209 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-1209. Inspections; When Made.) Every apiary, including all appliances, structures, buildings, and bees thereof, as shall be deemed necessary by the commissioner of agriculture and labor and the inspector, may be inspected at least once each year by the inspector of apiaries or his agents.

§ 4. Amendment.) Section 4-1212 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-1212. Disinfection of the Person and Appliances.) After the inspection or handling of any infected apiary, bees, hive, or other apiary appliance, structure, or building, and before proceeding to any other apiary, the inspector or his deputy and assistants shall take such measures as are necessary to prevent the spread of any bee diseases found to exist therein.

§ 5. Amendment.) Section 4-1220 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-1220. Penalty: Confiscation for Unlawful Transportation or Maintenance.) Any person who violates any of the provisions of this chapter, or any regulation or order made pursuant thereto, shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, or by imprisonment in the county jail for not more than thirty days, and any shipment of bees, brood, combs for breeding, or used beekeeping appliances and equipment unlawfully transported or maintained may be confiscated by the state bee inspector.

§ 6. Shipment of Bees and Bee Equipment into State; Prohibitions and Regulations.) Bees in combless packages, bees on combs, used hives, or used apiary appliances, brought into this state from any other state or country must be accompanied by a certificate of health, or copy thereof, issued by the official bee inspector of such other state or country. Such certificates shall certify that such bees, or equipment, have been inspected within ninety days previous to the date of shipment and have been found to be free from infection with any contagious or infectious disease.

§ 7. Shipments into State; Permit to Make: Fees.) Before any person transports into this state any bees on comb, used hives, or used apiary equipment he shall obtain from the state bee inspector a permit for such transportation. A copy of the certificate of health issued by the official bee inspector of the state or country of origin, a complete description of the shipment, and such other information as may be required by regulations established by the commissioner of agriculture and labor shall be provided the state bee inspector who shall upon receipt of this information issue the required permit. No permit shall be required for shipment into the state of bees in combless packages. Immediately upon the arrival of any bees into this state the owner thereof shall comply with provisions of this Act relating to the registration of bees.

§ 8. Abandoned Apiary and Abandoned Equipment; Seizure, Destruction, or Sale.) Any apiary not regularly attended in accordance with good beekeeping practice and which comprises a hazard or threat to disease control in the beekeeping industry may be considered an abandoned apiary and will be subject to seizure by the state bee inspector. Any bees not properly hived, or hives or equipment not properly stored so as to prevent possible spread of disease contained therein may be considered abandoned equipment. Any diseased bees and equipment may be immediately burned or otherwise destroyed

and the remainder may be sold at public auction, proceeds after the cost of sale are deducted to be returned to the former owner or his estate; provided, however, that before causing the same to be sold, the state bee inspector shall give the owner of, or person in charge thereof, a written notice at least five days prior to the date on which said property will be sold. This notice shall be given by registered mail or personally served upon the owner of, or person in charge of, such property.

§ 9. Unsanitary Conditions; Notice of.) When the bee inspector finds that any apiary or honey house or building or portion of building or container in which honey is stored, graded, or processed is being operated while in an unsanitary condition, he shall notify the owner, or person in charge thereof. Within thirty days after such notice the owner or operator shall place such premises in a sanitary condition.

§ 10. Repeal.) Sections 4-1214, 4-1218 and 4-1219 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 11, 1955.

CHAPTER 94

H. B. No. 560

(Sortland, Strand, Spitzer, McLain and Miller)

SOIL CONSERVATION COMMITTEE AND SUPERVISORS

AN ACT

To amend and reenact sections 4-2204 and 4-2224 of the North Dakota Revised Code of 1943, relating to the state soil conservation committee and county supervisors.

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

§ 1. Amendment.) Section 4-2204 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-2204. Committee: To Designate Chairman; Quorum; Provide for Surety Bonds and Annual Audit.) The committee shall designate its chairman, and may change such designation from time to time. A majority of the committee shall constitute a quorum, and the concurrence of a majority in any matter within its duties shall be required for its determination. The committee shall provide for the execution of surety bonds

for all employees and officers who shall be entrusted with funds or property, for the keeping of a full and accurate record of all its proceedings and of all resolutions, regulations, and orders issued or adopted by it, and for an annual audit of the accounts of its receipts and disbursements. The surety bonds provided for in this section may be issued by the state bonding fund.

§ 2. Amendment.) Section 4-2224 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-2224. Supervisors to Provide for Surety Bonds, Keeping Records, and Annual Audit.) The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property, for the keeping of a full and accurate record of all their proceedings and of all resolutions, regulations, and orders issued or adopted by them, and for an annual audit of the accounts of receipts and disbursements of the district. The surety bonds provided for in this section may be issued by the state bonding fund.

Approved February 23, 1955.

CHAPTER 95

H. B. No. 628
(Sortland, Scott and Strand)

COUNTY CLERICAL HELP FOR SUPERVISORS OF SOIL
CONSERVATION DISTRICTS

AN ACT

To authorize county commissioners to provide for or furnish clerical assistance to supervisors of soil conservation districts.

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

§ 1.) In those counties of North Dakota wherein all or a substantial part of the county has been created and is operating as a soil conservation district under the provisions of chapter 4-22 of the North Dakota Revised Code of 1943, as amended, the board of county commissioners may from time to time, in their discretion, and upon the request of the supervisors of such soil conservation district, assign an employee or employees of the county to assist the supervisors in the performance of clerical work of their office. When a soil

conservation district boundaries shall embrace more than one county, the county commissioners of each such county, may provide, in their discretion, clerical assistance for the supervisors. The duties of the clerical employee or employees, shall be under the direct supervision of the supervisors of the soil conservation district.

Approved March 3, 1955.