

exist when a candidate nominated at the primary election shall die, resign, or otherwise become disqualified to have his name printed on the ballot at the general election.

§ 4. REPEAL.) Section 16-0807 of the North Dakota Revised Code of 1943 as amended by chapter 25 of the Session Laws of 1944 and as further amended by chapter 171 of the Session Laws of 1947, is hereby repealed.

Approved March 7, 1951.

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## FIRES

### CHAPTER 153

H. B. No. 598  
(Nygaard)

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#### FIRE DEPARTMENT PARTICIPATION IN PREMIUM TAX FUND

##### AN ACT

To amend and reenact sections 18-0401, 18-0402, 18-0403 and 18-0406 of the North Dakota Revised Code of 1943 and section 18-0405 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to eligibility for participation in fund created from premium tax on fire insurance companies.

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

§ 1. AMENDMENT.) Section 18-0401 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

18-0401. ELIGIBILITY FOR PARTICIPATION IN FUND CREATED FROM PREMIUM TAX ON FIRE INSURANCE COMPANIES.) In order to become eligible for the benefits provided under this chapter, a city, village or one or more townships shall maintain therein for a period of at least eight months prior to the filing of the certificate required under section 18-0402 an organized company or department which:

1. Has been in actual existence for the period herein specified;
2. Has had as a part of its equipment at least one steam, hand, or other fire engine, truck, or hose cart; and
3. Has had a membership of at least fifteen persons. Such company or department also must be a member of the North

Dakota Firemen's Association in good standing at the time the benefits are paid.

§ 2. AMENDMENT.) Section 18-0402 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

18-0402. CITY AUDITOR, VILLAGE CLERK OR SECRETARY OF RURAL FIRE DEPARTMENT TO FILE CERTIFICATE WITH STATE AUDITOR AND COMMISSIONER OF INSURANCE.) On or before the thirty-first day of October in each year, the auditor, clerk or secretary of any city, village or rural fire department which has an organized fire department shall make and file with the state auditor and with the commissioner of insurance his certificate stating the existence of the fire department, the date of its organization, the number of steam, hand, or other fire engines, hook and ladder trucks, and hose carts in actual use, the number of organized companies in the department, the number of members in each company, and the system of water supply in use by the department, together with such other facts as the auditor or commissioner may require.

§ 3. AMENDMENT.) Section 18-0403 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

18-0403. FAILURE TO FILE CERTIFICATE DEEMED WAIVER; EXCEPTION.) If the certificate required by section 18-0402 is not filed with the state auditor and commissioner of insurance on or before the thirty-first day of October, the city, village or rural fire department failing to file the same shall be deemed to have waived and relinquished its right for such year to the benefits of this chapter. If, however, the city, village or rural fire department has filed its certificate for three successive years and has drawn money thereunder for such time, the certificate may be filed at any time up to and including March first of the succeeding year without waiving the right to the benefits provided in this chapter.

§ 4. AMENDMENT.) Section 18-0405 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

18-0405. AMOUNT DUE CITIES; VILLAGES OR RURAL FIRE DEPARTMENTS; CERTIFICATE OF COMMISSIONER OF INSURANCE TO STATE AUDITOR.) The amount due to a city or village to benefit under the provisions of this chapter shall be two percent of the premium received by insurance companies on fire insurance policies issued on property in such cities or villages. The commissioner of insurance shall compute the amounts due to the several cities or villages and shall certify such amounts to the state auditor on or before June first in each year. The commissioner of insurance shall certify to the state auditor on or before June first of each

year an additional one hundred dollars to be paid to each city or village fire department performing service outside of its incorporated limits. For each rural fire department organized within the provisions of this chapter, the amount of two hundred dollars per year shall be certified to the state auditor. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, as a standing and continuing appropriation, such sums as may be necessary to make payments as provided in this section.

§ 5. AMENDMENT.) Section 18-0406 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

18-0406. STATE AUDITOR TO ISSUE WARRANTS ON STATE TREASURER FOR BENEFITS.) On or before the first day of June of each year, the state auditor shall issue and deliver to the treasurer of each municipality having an organized fire department and to each treasurer of a rural fire department entitled to the benefits of this chapter, his warrant upon the state treasurer for the amount certified by the commissioner of insurance. Such warrants shall be numbered consecutively and shall specify the date of their issuance and to whom payable. The warrants shall be paid by the state treasurer to the municipal treasurer or the treasurer of the rural fire department upon presentation.

Approved March 5, 1951.