

# CORRECTIONS, PAROLE, AND PROBATION

## CHAPTER 106

SENATE BILL NO. 2039

(Freed, Jones)

(From Legislative Council Study)

## CRIMINAL STATUTE REVISION

AN ACT to create and enact sections 11-19A-07.1, 12-44-25.1, 16-01-17, 25-01-16, 44-06-13.1, 45-11-09, 57-15-58, and 57-36-33; to amend and reenact sections 1-03-03, 2-03-10, 2-03-13, 2-04-12, 2-05-17, 2-05-18, 2-07-13, 4-02-06, 4-02-07, 4-09-24, 4-10-22, 4-10.1-15, subsection 10 of section 4-11-23, sections 4-12-20, 4-13.1-13, 4-14-07, 4-14-10, 4-18.1-14, 4-21.1-16, 4-24-06, 4-25-03, 4-26-12, 4-27-12, 4-28-09, 4-28.1-05, 4-30-53, 4-33-08, 4-34-10, 5-01-04, 5-01-08, 5-01-08.1, 5-01-09, 5-01-10, 5-01-11, 5-02-01, 5-02-05, 5-02-06, 5-03-01, 5-03-06, 6-01-29, 6-03-10, 6-03-20, 6-03-38, 6-03-56, 6-03-61, 6-03-72, 6-05-16, 6-06-05, 6-07-06, 6-07-08, 6-08-09, 6-08-11, 6-08-14, 6-08-15, subsection 1 of section 6-08-16, sections 6-08-16.1, 6-08-28, 6-10-08, 7-02-06, 7-03-07, 7-03-09, 7-05-04, 7-08-01, 7-08-04, 8-10-07.2, 8-10-07.3, 8-10-09, 8-10-10, 10-04-18, subsection 2 of section 10-15-35, section 10-15-53, subsection 2 of section 10-15-58, sections 10-23-03, 10-23-08, 10-28-03, 10-28-04, 11-09-09, 11-09-38, 11-10-22, 11-13-10, 11-14-05, 11-15-28, 11-16-04, 11-16-05, 11-17-05, 11-18-06, 11-19A-07, 11-20-15, 11-21-09, 11-28-09, 11-28-20, 11-29-33, 11-33-21, 12-44-28, 12-44-33, 12-44-36, 12-44-37, 12-47-23, 12-47-24, 12-53-15, 12-59-06, 12-59-10, 13-01-11, 13-01-12, 13-01-13, 13-05-10, 13-06-02, 14-03-28, 14-07-15, 14-07-16, 14-09-22, 14-10-05, 14-10-06, 14-10-08, 14-10-16, 15-04-18, 15-04-19, 15-04-22, 15-05-08, 15-06-23, 15-34.1-05, 15-35-14, 15-35-16, 15-35-17, 15-43-12, 15-47-15, 15-49-01, 15-49-02, 15-49-03, 15-49-04, 15-49-06, 15-49-08, 15-49-09, 15-49-10.1, 15-49-11, 15-50-07, 16-01-11, 16-12-09, 16-12-14, 16-14-10, 16-14-12, 16-18-09, 16-20-06, 16-20-08, 16-20-09, 16-20-17.1, 16-20-17.2, 16-20-17.3, 16-20-19, 16-20-24, 16-21-05, 18-01-11, 18-01-13, 18-01-15, 18-01-33, 18-08-01, 18-08-07, 18-08-09, 18-08-11, 18-09-13, 19-01-09, 19-02-17, 19-02-20, subsection 1 of section 19-20.1-04, sections 19-03.1-23, 19-03.1-24, 19-03.1-25, 19-03.1-26, 19-03.1-30, 19-04-01, 19-04-03, 19-04-04, 19-05-16, 19-06-08, 19-07-06, 19-08-06, 19-10-18, 19-10-22, 19-10-23, 19-11-06, 19-13.1-12, 19-14-08, 19-16.1-10, 19-16.1-11, 19-17-05, 19-17-06, 19-18-08, 19-20.1-17, 19-21-09, 19-22-05, 19-22.1-03, 20.1-01-01, 20.1-01-08, 20.1-01-09, 20.1-01-23, 20.1-03-01, 20.1-03-16, 20.1-03-21, 20.1-03-27, 20.1-04-01, 20.1-05-01, 20.1-06-01, 20.1-07-01, 20.1-08-01, 20.1-09-01, 20.1-11-01, 20.1-12-01, 20.1-13-01, 21-01-03, 21-02-04, 21-03-26, 21-04-04, 21-04-23, 21-05-08, 23-01-15, subsection 1 of section 23-01-17, sections 23-02-14, 23-02-27, 23-02-33, 23-02-42,

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65-01-10, 65-03-02, 65-05-24, 65-12-07; and to repeal chapters  
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BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 1-03-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1-03-03. SPORTS ON MEMORIAL DAY - PENALTY.) No person, prior to the hour of two o'clock p.m. of the day set apart as Memorial Day, shall engage in organized or commercial ball games, horse racing, sports, or any entertainment which will interfere with the proper observance of such day. Any violation of this section shall be an infraction.

SECTION 2. AMENDMENT.) Section 2-03-10 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-03-10. RECKLESS OPERATION - OPERATION WHILE INTOXICATED - TAMPERING WITH AIRCRAFT - MISDEMEANORS - PENALTIES.)

1. Any person who shall operate any aircraft within the airspace over, above, and upon the lands and waters of this state, carelessly and heedlessly in willful disregard of the rights or safety of others, or without due caution and circumspection in a manner so as to endanger or be likely to endanger any person or property, shall be guilty of a class A misdemeanor.
2. Whoever operates any aircraft in this state on land, water, or in the air while in an intoxicated condition or while under the influence of alcoholic beverages or any controlled substance, shall be guilty of a class A misdemeanor.



3. No person may act as a crew member of any aircraft or start an engine of any aircraft within eight hours after the consumption of any alcoholic beverage or while using any controlled substance that affects his faculties in any way contrary to safety. Anyone violating the provisions of this subsection shall be guilty of a class A misdemeanor.
4. No person shall, without express or implied authority of the owner, operate, climb upon, enter, manipulate the controls or accessories of, set in motion, remove parts or contents therefrom, or otherwise tamper with any civil aircraft within this state with intent to injure the same or cause inconvenience to the owner or operator thereof, or knowingly cause or permit the same to be done. Any person who violates any of the provisions of this subsection shall be guilty of a class B misdemeanor.

SECTION 3. AMENDMENT.) Section 2-03-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-03-13. PENALTY.) Each violation of sections 2-03-11 or 2-03-12 or any regulations, orders, or rulings promulgated or made pursuant to this chapter shall constitute a class A misdemeanor.

SECTION 4. AMENDMENT.) Section 2-04-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-04-12. ENFORCEMENT AND REMEDIES.) Each violation of this chapter or of any regulations, orders, or rulings promulgated or made pursuant to this chapter, shall constitute a class B misdemeanor. In addition, the political subdivision or agency adopting zoning regulations under this chapter may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this chapter, or of airport zoning regulations adopted under this chapter, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this chapter and of the regulations adopted and orders and rulings made pursuant thereto.

SECTION 5. AMENDMENT.) Section 2-05-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-05-17. PENALTY.) Any person violating any of the provisions of this chapter shall be guilty of a class A misdemeanor.

SECTION 6. AMENDMENT.) Section 2-05-18 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-05-18. LICENSE FOR AERIAL SPRAYING - REGULATIONS - PENALTIES.) No person shall engage in aerial spraying without first obtaining a license for each aircraft used in such activities as provided in this section. Application shall be made for such license to the North Dakota aeronautics commission upon forms provided by the commission for such purpose. Upon the payment of a license fee of fifteen dollars for each aircraft to be licensed,

and upon compliance with such reasonable rules and regulations as may be promulgated by the aeronautics commission for the safety and protection of persons and property, the commission shall issue a license for such aircraft to be used in aerial spraying. Persons engaged in private spraying shall be required to pay the same fee for the use of aircraft for this purpose, and shall comply with all rules and regulations promulgated by the commission for aerial spraying. The license and fees provided in this section shall be in addition to any other license or registration required by law, and the proceeds shall be deposited in the aeronautics distribution fund. One-half of the proceeds shall be distributed by the state treasurer from the aeronautics distribution fund to the county treasurer upon vouchers prepared by the commission, to be divided equally to approved publicly owned or operated airfields in said county. The remaining fifty percent shall be transferred to the state general fund.

Any person violating any provision of this section or rules or regulations promulgated under the authority of this section shall be guilty of a class B misdemeanor.

SECTION 7. AMENDMENT.) Section 2-07-13 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 2-07-13. PENALTY.) Any person contracting for or conducting any weather modification activity without being licensed in accordance with the provisions of this chapter or otherwise violating the provisions thereof shall be guilty of a class B misdemeanor.

SECTION 8. AMENDMENT.) Section 4-02-06 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-02-06. EXHIBITION DATES TO BE FILED - PENALTY.) The secretary or other executive officer of every county or district fair association, or other exhibition at which the resources or products of the state are displayed, shall file with the commissioner of agriculture, on or before May first of each year, the dates on which such fair or exhibition will be held, together with the name of the place where the same will be held and the name of the president and secretary of such association. Failure to comply with this section shall be an infraction.

SECTION 9. AMENDMENT.) Section 4-02-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-02-07. TREASURER TO GIVE BOND - DUTY OF DIRECTORS - PENALTY.) The directors of any fair association shall require the treasurer thereof to give a sufficient bond to such directors, conditioned for the faithful keeping of such money as may come into his hands as such treasurer. No funds shall be received by the treasurer of a fair association until he is properly bonded.

SECTION 10. AMENDMENT.) Section 4-09-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-09-24. PENALTY.) Any person who violates any of the provisions, or who refuses to comply with any of the requirements of this chapter, or of any regulation duly made hereunder shall be guilty of an infraction.

\*NOTE: Section 2-07-13 was also amended by section 32 of House Bill No. 1060, chapter 50.

SECTION 11. AMENDMENT.) Section 4-10-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-10-22. PENALTY FOR VIOLATION OF CHAPTER.) Any person who violates any of the provisions, or who fails or refuses to comply with any of the requirements, of this chapter or of any regulation made thereunder, shall be guilty of an infraction.

SECTION 12. AMENDMENT.) Section 4-10.1-15 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-10.1-15. MISDEMEANOR TO VIOLATE PROVISIONS OF THIS CHAPTER.) Any person who willfully violates the provisions of this chapter is guilty of a class B misdemeanor.

SECTION 13. AMENDMENT.) Subsection 10 of section 4-11-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

10. Violate any of the provisions of this chapter, or any rule or regulation made or published thereunder by the commissioner, shall be guilty of a class A misdemeanor, and his license forthwith may be suspended, revoked, or canceled by the commissioner upon ten days' notice and an opportunity to be heard. Upon conviction of such offense, or upon conviction in any federal court for violation of the federal statutes relative to the fraudulent use of the mails, or of other criminal acts pertaining to the conduct of his business, the commissioner forthwith shall revoke and cancel the license of the person so convicted.

SECTION 14. AMENDMENT.) Section 4-12-20 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-12-20. 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 guilty of a class A misdemeanor and any bees, brood, combs for breeding, or used beekeeping appliances and equipment unlawfully transported or maintained may be confiscated by the state bee inspector. Any items which are confiscated pursuant to this section shall be disposed of through a sheriff's sale or destroyed if they constitute a disease hazard.

SECTION 15. AMENDMENT.) Section 4-13.1-13 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-13.1-13. PENALTY.) A willful violation of this chapter shall be a class B misdemeanor.

SECTION 16. AMENDMENT.) Section 4-14-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14-07. PENALTY.) Any person violating the provisions of this chapter shall be guilty of a class A misdemeanor.

SECTION 17. AMENDMENT.) Section 4-14-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14-10. CONTRACTS VOID, PENALTY.) All contracts and agreements made in violation of sections 4-14-09 through 4-14-11 shall be void. Any person who shall violate any of the provisions of sections 4-14-09 through 4-14-11 shall be guilty of a class B misdemeanor.

SECTION 18. AMENDMENT.) Section 4-18.1-14 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-18.1-14. ENTRY, INSPECTION, AND INVESTIGATION.) Authorized representatives of the board shall have access to, and may enter at all reasonable hours, all places of business operated by licensees where raw milk, milk products, or frozen dairy products are produced, stored, processed, manufactured, or sold, or where the licensee maintains books, papers, accounts, records, or other documents related to such activities. The board may subpoena, and any of its authorized representatives may inspect and make copies of, any of such books, papers, records, accounts, or documents and audit the same, all for the purpose of determining whether or not the provisions of this chapter and of any regulations and stabilization plans issued by the board are being complied with.

The board may subpoena, and any of its authorized representatives may inspect, audit, and make copies of, relevant books, papers, records, accounts, or other documents of persons doing business with licensees.

Any information gained by the board or its representatives through such entry, inspection, or investigation shall be treated as confidential by the board and its representatives and shall be used only for the administration of this chapter; provided, that such persons may divulge such information when called upon to testify in any duly noticed proceeding before the board or in any court proceeding wherein the board is a party, and provided further, that nothing contained in this chapter shall prevent the use of any information procured by the board or its representatives in the compiling and dissemination of general statistical data, containing information procured from a number of licensees, and compiled in such manner as not to reveal individual information for any licensee. Any person who divulges confidential information in violation of the provisions of this section to any person, other than members and employees of the board, shall be guilty of a class A misdemeanor.

The board may also subpoena and take the testimony under oath of persons believed by the board to have information needed by it in administering and enforcing the provisions of this chapter.

SECTION 19. AMENDMENT.) Section 4-21.1-16 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-21.1-16. PENALTIES.) Any person violating any of the provisions of this chapter shall be deemed guilty of a class A misdemeanor.

SECTION 20. AMENDMENT.) Section 4-24-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-24-06. SALE OF CHEMICALLY TREATED GRAIN - MISDEMEANOR.) No person shall sell grain, for the purpose of human or animal consumption, which has been chemically treated for insect or fungus control, without informing the purchaser of the fact of such treatment. Any person selling such chemically treated grain without informing the purchaser thereof shall be guilty of a class B misdemeanor.

SECTION 21. AMENDMENT.) Section 4-25-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-25-03. PENALTY.) Any person violating the provisions of sections 4-25-01 and 4-25-02 shall be guilty of a class B misdemeanor.

SECTION 22. AMENDMENT.) Section 4-26-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-26-12. PENALTY.) Any person violating any of the provisions of this chapter is guilty of a class B misdemeanor.

SECTION 23. AMENDMENT.) Section 4-27-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-27-12. PENALTY.) Any person who shall violate any of the provisions of this chapter shall be guilty of a class B misdemeanor.

SECTION 24. AMENDMENT.) Section 4-28-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-28-09. PENALTY.) Any person violating any of the provisions of this chapter shall be guilty of a class B misdemeanor.

SECTION 25. AMENDMENT.) Section 4-28.1-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-28.1-05. PENALTY.) Any person violating any of the provisions of this chapter shall be guilty of a class B misdemeanor.

SECTION 26. AMENDMENT.) Section 4-30-53 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-30-53. PENALTY FOR VIOLATION OF CHAPTER.) Any person violating any of the provisions of this chapter or the rules and regulations of the dairy department for which another penalty is not specifically provided is guilty of a class B misdemeanor.

SECTION 27. AMENDMENT.) Section 4-33-08 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-33-08. PENALTIES.) Any person who shall violate any of the provisions of this chapter or who shall use without authority any certificate or permit or other document provided for in this chapter or in the regulations of the commissioner provided for in this chapter, shall be deemed guilty of a class A misdemeanor. Any person who has knowingly

moved any regulated article into this state from any quarantined area of any other state, which article has not been treated or handled under provisions of the quarantine and regulations, in effect at the point of origin, shall be guilty of a class A misdemeanor.

SECTION 28. AMENDMENT.) Section 4-34-10 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-34-10. REMITTANCE OF ASSESSMENTS COLLECTED - PENALTIES.) All assessments collected by licensed dealers, selling agencies at terminal markets, auction markets, or local brand inspectors shall be remitted to the North Dakota beef commission within thirty days following the month during which the assessments were received. The assessments shall be accompanied by remittance forms as prescribed and furnished by the commission. All moneys shall be remitted by the commission to the state treasurer and deposited by him in the North Dakota beef commission fund and are hereby appropriated to the commission and shall be disbursed by the commission in accordance with the provisions of this chapter. Any licensed dealer, selling agency at terminal markets, auction markets, or any local brand inspector who collects assessments but who fails to remit the same within sixty days after the time provided in this section shall be guilty of a class B misdemeanor. Any licensed dealer, or any owner or operator of a livestock selling agency at a terminal market, or any livestock auction market operator failing to collect assessments as provided in this chapter shall be guilty of a class B misdemeanor. Any person who sells cattle from the state of North Dakota outside the state or to an out-of-state buyer who willfully fails to remit the assessments within sixty days as required by this chapter shall be guilty of a class B misdemeanor. Assessments unpaid on the date on which they are due and payable shall be increased by a ten percent nonrefundable penalty on the amount of the assessments and the commission is authorized to sue for and collect the same.

SECTION 29. AMENDMENT.) Section 5-01-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-01-04. MANUFACTURE OF ALCOHOLIC BEVERAGES PROHIBITED - EXCEPTIONS.) Any person manufacturing alcoholic beverages within this state is guilty of a class A misdemeanor and property used for same is subject to disposition by the court except any person may establish a brewery for the manufacture of malt beverages or a distillery or other plant for the distilling, manufacturing, or processing of liquor within this state if he has secured a license from the state treasurer. Such license shall be issued on a calendar-year basis with a fee of five hundred dollars. Said license shall allow sale to only licensed wholesalers.

SECTION 30. AMENDMENT.) Section 5-01-08 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

\*5-01-08. PERSONS LESS THAN TWENTY-ONE YEARS PROHIBITED - EXCEPTIONS.) Any person under twenty-one years of age purchasing, attempting to purchase, or being in possession of alcoholic beverages, or furnishing money to any person for such purchase, or entering any licensed premises where such beverages are being sold or displayed, except

\*NOTE: Section 5-01-08 was also amended by section 1 of House Bill No. 1566, chapter 64.

a restaurant when accompanied by a parent or legal guardian, or in accordance with section 5-02-06, is guilty of a class B misdemeanor.

SECTION 31. AMENDMENT.) Section 5-01-08.1 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-01-08.1. MISREPRESENTATION OF AGE - PENALTY - OBLIGATIONS OF LICENSEE.) Any person who shall misrepresent or misstate his age or the age of any other person, or shall misrepresent his age through presentation of any document purporting to show such person to be of legal age to purchase alcoholic beverages shall be guilty of a class B misdemeanor. Every licensee shall be required to keep a book which such licensee and his employees shall require anyone who has shown documentary proof of his age, which substantiates his age to allow the purchase of alcoholic beverages, to sign such book if the age of such person is in question. Such book shall show the date of the purchase, the identification used in making the purchase and the appropriate numbers of such identification, the address of the purchaser, and his signature.

SECTION 32. AMENDMENT.) Section 5-01-09 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-01-09. DELIVERY TO CERTAIN PERSONS UNLAWFUL.) Any person delivering alcoholic beverages to a person under twenty-one years of age, an habitual drunkard, an incompetent, or an intoxicated person is guilty of a class A misdemeanor, subject to the provisions of sections 5-01-08, 5-01-08.1 and 5-01-08.2.

SECTION 33. AMENDMENT.) Section 5-01-10 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-01-10. BOTTLE CLUBS PROHIBITED - PENALTY.) Any person operating an establishment whereby persons are allowed to bring their own alcoholic beverages on the premises where the proprietor sells soft drinks, mix, ice, or charges for bringing such beverages on the premises is guilty of a class B misdemeanor.

SECTION 34. AMENDMENT.) Section 5-01-11 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-01-11. UNFAIR COMPETITION - PENALTY.) No manufacturer shall engage in any wholesale alcoholic beverage business, nor shall any manufacturer or wholesaler have any financial interest in any retail alcoholic beverage establishment nor furnish any such retailer with anything of value except wholesalers may:

1. Extend normal commercial credits to retailers for industry products sold to them. The state treasurer may determine by regulation the definition of "normal commercial credits" for each segment of the industry.

2. Furnish retailers with beer containers and also equipment for dispensing of tap beer provided the expense does not exceed twenty-five dollars per tap per calendar year.
3. Furnish outside signs to retailers if the sign cost does not exceed one hundred dollars exclusive of costs of erection and repair.
4. Furnish miscellaneous materials to retailers not to exceed twenty-five dollars per year.

Any wholesaler or manufacturer violating the provisions of this section, or any regulation promulgated hereunder, and any retailer receiving benefits thereby, is guilty of a class A misdemeanor.

SECTION 35. AMENDMENT.) Section 5-02-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-02-01. STATE AND LOCAL RETAIL LICENSE REQUIRED - EXCEPTION.) Any person engaging in the sale of alcoholic beverages at retail without first securing an appropriate license from the attorney general and the governing body of any city, or board of county commissioners if said business is located outside the corporate limits of a city, is guilty of a class A misdemeanor. This section shall not apply to public carriers engaged in interstate commerce.

SECTION 36. AMENDMENT.) Section 5-02-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-02-05. DISPOSAL PROHIBITED ON CERTAIN DAYS - PENALTY.) Anyone who dispenses or permits the consumption of alcoholic beverages on licensed premises after one o'clock a.m. on Sundays, before eight o'clock a.m. on Mondays, or between the hours of one o'clock a.m. and eight o'clock a.m. on all other days of the week, or who so dispenses or permits such consumption on Memorial Day, Good Friday, Thanksgiving Day, Christmas Day, or after six o'clock p.m. on Christmas Eve, or between the hours of one o'clock a.m. and eight o'clock p.m. on the day of any statewide special, primary, or general election is guilty of a class A misdemeanor.

SECTION 37. AMENDMENT.) Section 5-02-06 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 5-02-06. PERSONS UNDER TWENTY-ONE YEARS PROHIBITED - PENALTY - EXCEPTIONS.) Any licensee who disposes alcoholic beverages to a person under twenty-one years of age or who permits such a person to remain on the licensed premises while alcoholic beverages are being sold or displayed is guilty of a class A misdemeanor, subject to the provisions of sections 5-01-08, 5-01-08.1, and 5-01-08.2. Any person under twenty-one years of age may remain in a restaurant where alcoholic beverages are being sold if accompanied by a parent or legal guardian, or if employed by the restaurant as a food waiter, food waitress, busboy, or busgirl under the direct supervision of a person over twenty-one years of age, and not engaged in the sale, disposition, delivery, or consumption of

\*NOTE: Section 5-02-06 was also amended by section 2 of House Bill No. 1566, chapter 64.



alcoholic beverages. Any establishment where alcoholic beverages are sold may employ persons from eighteen to twenty-one years of age to work in the capacity of musicians under the direct supervision of a person over twenty-one years of age.

SECTION 38. AMENDMENT.) Section 5-03-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-03-01. STATE WHOLESALE LICENSE REQUIRED - QUALIFICATIONS - PENALTY.) Before any person shall engage in the sale at wholesale of beer or liquor in this state he shall first procure a license from only the state treasurer. Such license shall only allow sale to licensed retailers, licensed wholesalers and regular retail outlets on federal military reservations. No such license shall be issued unless the applicant shall file a sworn application, accompanied by the required fee, showing the following qualifications:

1. Applicant, other than corporate, must be a citizen of the United States and a resident of the state of North Dakota and a person of good moral character. If applicant is a corporation, the manager of the licensed premises shall be a resident of the state of North Dakota, a citizen of the United States, and a person of good moral character, and the officers, directors, and stockholders must be citizens of the United States and persons of good moral character. Corporate applicants must first be properly registered with the secretary of state.
2. The state treasurer may require applicant to set forth such other information as is necessary to enable him to determine if a license should be granted.
3. No person shall be eligible for such a license unless he has a warehouse and office in this state in which is kept a complete set of records relative to his alcoholic beverage transactions in North Dakota.

Any person distributing alcoholic beverages in this state without compliance with the provisions of this title is guilty of an infraction.

SECTION 39. AMENDMENT.) Section 5-03-06 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-03-06. EXAMINATION BY TREASURER - PENALTY FOR IMPROPER RETURNS.) The state treasurer may at any reasonable time make an examination of the books and premises of any wholesaler to determine if such wholesaler has fully complied with all statutes and regulations pertaining to his wholesale business. If any wholesaler liable for any taxes imposed by this chapter shall fail to pay such tax on the date payment is due, there shall be added to the tax five percent per month of the total amount of the tax unpaid from the due date of payment until paid. Any wholesaler failing to furnish reports when required shall be assessed a penalty of one hundred dollars for each day such reports are delinquent. The state treasurer may forgive all or part of any penalty for good cause shown. If any wholesaler shall file a fraudulent return, there shall be added to the tax an amount equal to the tax evaded or attempted to be evaded and such wholesaler shall also be

guilty of a class C felony. All such taxes and civil penalties may be collected by assessment or distraint, and no court of this state shall enjoin the collection of any such tax or civil penalty. No wholesaler shall purchase alcoholic beverages from a manufacturer after notice from the state treasurer that such manufacturer has failed to file required reports with his office. Any wholesaler may have his license suspended or revoked for violation of any of the provisions of this title after a hearing conducted similar to that prescribed by this law.

SECTION 40. AMENDMENT.) Section 6-01-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-01-29. OBSTRUCTING OR MISLEADING EXAMINER - PENALTY.) Every person who, when required to do so, shall refuse or neglect to make any return or exhibit, or to make or give any information required by the examiner, or who willfully shall obstruct or mislead the examiner in the execution of his duties, or who in any manner shall hinder a thorough examination by the examiner, shall be guilty of a class C felony.

SECTION 41. AMENDMENT.) Section 6-03-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-03-10. VIOLATION OF POWERS - PENALTY.) Any banking association violating the provisions of the preceding sections of this chapter relating to powers, at the discretion of the state banking board, shall forfeit its charter. Any officer, director, or employee who knowingly violates or permits the violation of any of such provisions is guilty of a class B misdemeanor.

SECTION 42. AMENDMENT.) Section 6-03-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-03-20. IMPAIRMENT OF CAPITAL - NOTICE TO STATE EXAMINER - PENALTY.) The president, cashier, or other officer in active charge of any state banking association shall notify the state examiner immediately by certified mail of any impairment of capital or reduction of capital stock thereof, and any such officer failing so to do is guilty of a class B misdemeanor.

SECTION 43. AMENDMENT.) Section 6-03-38 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-03-38. ASSETS NOT TO BE USED IN OTHER BUSINESS - EXCEPTIONS - PENALTY.) No bank, except as otherwise authorized in this title, shall employ its money or other assets as principal, directly or indirectly, in trade or commerce, nor shall it employ or invest any of its assets or funds in the stock of any corporation, bank, partnership, firm, or association, provided, however, that a state bank may to the extent that banks subject to the laws of the federal government are permitted to do so, purchase shares of stocks in small business investment companies organized under Public Law No. 85-699, 85th Congress, known as the Small Business Investment Act of 1958, and any amendments thereto, or chapter 10-30 of the North Dakota Century Code, but in no event shall any state bank hold shares in small business investment companies in an amount aggregating more than two percent of the bank's capital and surplus,

nor in speculative margins of stock, bonds, grain, provisions, produce, or other commodities, except that it shall be lawful for a bank to make advances for grain or other products in store or in transit to market, and to invest in stocks of subsidiary corporations, when the activities of such corporations are incidental to banking activities, with the specific approval of the state banking board for each such subsidiary. The state banking board shall have the same power to make rules and regulations for the subsidiary corporations, and to examine its records and affairs, as it has for other financial corporations under the provisions of section 6-01-04. In the event that the state banking board determines that such investments would be detrimental to the interests of a bank's depositors, it may direct the bank to divest itself of such subsidiary investments. In addition to the above, the state banking board shall have power to issue regulations authorizing state banks to engage in any banking activity in which such banks could engage were they operated as national banks at the time such authority is granted, notwithstanding any restriction elsewhere contained in this Code. Any officer, director, or employee of any bank who shall invest or use its funds contrary to the provisions of this title shall be guilty of a class A misdemeanor.

SECTION 44. AMENDMENT.) Section 6-03-56 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-03-56. UNLAWFUL BORROWING, REDISCOUNTING, ENDORSING, PLEDGING BY OFFICERS, EMPLOYEES, AND ACCESSORIES - PENALTY.) Any officer, director, agent, or employee of any state banking association who shall borrow money for, or on behalf or in the name of such association or obligate any such association upon rediscounted paper, or pledge any of the assets of such association in violation of the provisions of this chapter shall be guilty of a class A misdemeanor and shall be personally liable to the association for any loss it shall sustain on account of such illegal action, but no such violation shall affect the validity of any loan, endorsement, or pledge in the hands of any federal reserve bank or federal lending agency or commercial bank correspondent who shall have loaned money to the association or discounted its paper in good faith and in reliance upon a certified copy of a resolution complying with section 6-03-52.

SECTION 45. AMENDMENT.) Section 6-03-61 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-03-61. EXCESSIVE LOAN - VALIDITY - PENALTY - PERSONAL LIABILITY.) Whenever a state banking association allows any person, copartnership, or corporation to become indebted to it, directly or indirectly, in excess of the amount, exclusive of interest, permitted by this title, the officer, director, or employee thereof willfully permitting or approving such loan is guilty of a class B misdemeanor, and in addition thereto, shall be liable personally to the association for the amount of such loan in excess of the statutory limit. Unauthorized loans, however, shall not be invalid.

SECTION 46. AMENDMENT.) Section 6-03-72 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-03-72. CERTIFICATION OF CHECKS, DRAFTS, AND ORDERS - PENALTY.) It shall be unlawful for an officer, clerk, or agent of any

state banking association to certify any check, draft, or order drawn upon the association unless the person drawing the same has on deposit with the association at the time of such certification an amount of money equal to the amount specified therein, and upon such certification, the amount of such certified check, draft, or order shall be immediately charged against the account of such drawer. Any officer or employee of any banking association who willfully violates the provisions of this section is guilty of a class B misdemeanor.

SECTION 47. AMENDMENT.) Section 6-05-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-05-16. INDEBTEDNESS OF DIRECTORS - PROHIBITION AND EXCEPTION - THEFT - PENALTY.) Such corporation shall not loan its funds, moneys, capital, trust funds, or any other property whatsoever to any director, officer, agent, or other employee thereof, nor shall any such director, officer, agent, or other employee become in any manner indebted to said corporation by means of any overdraft, promissory note, account, endorsement, guaranty, or other contract whatsoever unless such indebtedness shall have been approved or authorized first by the board of directors, or an investment committee created by it, and such approval entered in the minutes of the proceedings of such board or committee. Any such director, agent, or employee who shall become indebted to said company, contrary to the provisions hereof, shall be guilty of the crime of theft to the amount of such indebtedness from the time such indebtedness shall have been created, and shall be punished in the manner prescribed by section 12.1-23-05. The execution and delivery of the official bond of such officer, agent, or employee, or his endorsement of commercial paper, however, shall not be considered as an indebtedness for the purpose of this section.

SECTION 48. AMENDMENT.) Section 6-06-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-06-05. USE OF "CREDIT UNION" RESTRICTED - FORFEITURE.) It shall be unlawful for any person, association, copartnership, or corporation, domestic or foreign, except corporations organized in accordance with the provisions of this chapter, to use the words "credit union" in their name or title, and any person, association, copartnership, or corporation violating this section shall forfeit to the state one hundred dollars for every day, or part thereof, during which such violation continues. The state examiner may recover such forfeited sums in a civil action, and shall deposit any sums recovered or collected with the state treasurer.

SECTION 49. AMENDMENT.) Section 6-07-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-07-06. INSOLVENT BANK OR OFFICER RECEIVING DEPOSIT - PENALTY.) No banking institution shall accept or receive on deposit, with or without interest, any coins, notes, bills, drafts, checks, or certificates circulating as money or currency, when such banking institution is insolvent under subsection 1 of section 6-07-03. If any such institution shall receive or accept or deposit any such deposits as aforesaid when insolvent, any officer, director, cashier, or manager thereof, knowing of such insolvency, who knowingly shall receive or accept, be accessory or permit or connive at receiving or accepting on deposit therein or thereby, any such deposit as aforesaid, shall be guilty of a class B felony.

SECTION 50. AMENDMENT.) Section 6-07-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-07-08. DIRECTORS PARTICIPATING IN FRAUDULENT INSOLVENCY - PENALTY.) In every case of a fraudulent insolvency of a moneyed corporation or association, every director thereof who participated in such fraud, if no other punishment is prescribed therefor by this Code, is guilty of a class B felony.

SECTION 51. AMENDMENT.) Section 6-08-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-08-09. BANKING ASSOCIATION OFFICERS - PUNISHMENT FOR VIOLATION OF DUTY - PENALTY.) Any officer of any banking association violating, or knowingly permitting to be violated, any provision of this title, violation of which has not specifically been designated as a crime, is guilty of a class B misdemeanor.

SECTION 52. AMENDMENT.) Section 6-08-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-08-11. PUNISHMENT FOR VIOLATION OF DUTY BY DIRECTOR OF MONEYED CORPORATION - PENALTY.) Every director of any moneyed association or corporation who willfully does any act as such director which is expressly forbidden by law, or who willfully omits to perform any duty by law expressly imposed upon him as such director, if the punishment for such act or omission is not prescribed otherwise by this Code, is guilty of a class B misdemeanor.

SECTION 53. AMENDMENT.) Section 6-08-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-08-14. FALSE STATEMENTS CONCERNING BANK VALUES - PENALTY.) Any person who knowingly makes or publishes any book, prospectus, notice, report, statement, exhibit, or other publication containing any statement which is false and which is intended to give and does give a substantially greater or less apparent value to the shares, bonds, or property, or any part thereof, of any state banking association than said shares, bonds, property, or any part thereof shall possess in fact, is guilty of a class A misdemeanor.

SECTION 54. AMENDMENT.) Section 6-08-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-08-15. SLANDER OR LIBEL OF BANK - SAFE DEPOSIT, ANNUITY, SURETY, OR TRUST COMPANY - AIDING OR ABETTING - PENALTY - LIABILITY FOR DAMAGES.) Any person who willfully and maliciously shall make, circulate, or transmit to another or to others, any false statement, rumor, or suggestion, written, printed, or by word of mouth, which directly or by inference is derogatory to the financial condition, or which affects the solvency or financial standing, of any state or national bank, or of any annuity, safe deposit, surety, or trust company authorized to do business in this state, or who shall counsel, aid, procure, or induce another to start, transmit, or circulate any such false statement or rumor, is guilty of a class A misdemeanor, and in addition thereto shall be liable in damages to such association, or corporation, or the receiver thereof, to be recovered in a civil action brought for that purpose.

SECTION 55. AMENDMENT.) Subsection 1 of section 6-08-16 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-08-16. ISSUING CHECK OR DRAFT WITHOUT SUFFICIENT FUNDS OR CREDIT - NOTICE - TIME LIMITATION - PENALTY.)

1. Any person who for himself or as the agent or representative of another, or as an officer or member of a firm, company, copartnership, or corporation makes or draws or utters or delivers any check, draft, or order for the payment of money upon a bank, banker, or depository, and at the time of such making, drawing, uttering or delivery, or at the time of presentation for payment if made within one week after the original delivery thereof, has not sufficient funds in or credit with such bank, banker, or depository to meet such check, draft, or order in full upon its presentation, shall be guilty of a class B misdemeanor. The word "credit" as used in this section shall mean an arrangement or understanding with the bank, banker, or depository for the payment of such check, draft, or order. The making of a postdated check knowingly received as such, or of a check issued under an agreement with the payee that the same would not be presented for payment for a time specified, shall not constitute a violation of this section.

SECTION 56. AMENDMENT.) Section 6-08-16.1 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-08-16.1. ISSUING CHECK OR DRAFT WITHOUT ACCOUNT - PENALTY.) Any person who shall issue any check, draft, or order upon any bank, for the payment of money, and, at the time of such issuance does not have an account with such bank, shall be guilty of a class A misdemeanor.

SECTION 57. AMENDMENT.) Section 6-08-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-08-28. PENALTY.) Any bank or trust company violating any provisions of sections 6-08-25 through 6-08-28 shall be guilty of a class A misdemeanor and, upon conviction thereof, may, in the discretion of the court, be prohibited thereafter from serving in this state in any fiduciary capacity.

SECTION 58. AMENDMENT.) Section 6-10-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-10-08. PENALTY.) Any person violating the provisions of this chapter is guilty of a class A misdemeanor.

SECTION 59. AMENDMENT.) Section 7-02-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

7-02-06. EXCESSIVE COLLECTIONS AND CHARGES - PENALTY.) Any officer, agent, or employee of an association collecting or attempting

to collect any penalty, fine, or premium of any kind whatsoever, or any interest at a rate higher than provided by this chapter, except as hereinbefore provided for delinquent payments or installments, is guilty of a class B misdemeanor.

SECTION 60. AMENDMENT.) Section 7-03-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

7-03-07. OBTAINING PROPERTY BY FRAUD, FALSE BOOKKEEPING AND REPORTS - PREVENTING INSPECTION OF BOOKS - PENALTY.) Any director, officer, agent, or employee of any building and loan association who:

1. Willfully, with intent to defraud, omits to make, or cause or direct to be made, a full and true entry in its books and accounts of the receipt by him of any of the property of such association;
2. Concurs in omitting to make any material entry thereof;
3. Willfully makes or concurs in making or publishing any written report, exhibition, or statement of its affairs or pecuniary condition, containing any material statement which is false; or
4. Having the custody or control of its books, willfully refuses or fails to make any proper entry in the books of such association as required by law, or to exhibit or allow the same to be inspected and extracts to be taken therefrom by the state examiner, his chief deputy, or any of his examiners,

is guilty of a class C felony.

SECTION 61. AMENDMENT.) Section 7-03-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

7-03-09. PENALTIES IN GENERAL.) Any director, officer, agent, or employee of any building and loan association knowingly violating, or knowingly permitting to be violated, any provision of this title, the violation of which is not designated specifically in this title to be a crime, is guilty of a class B misdemeanor.

SECTION 62. AMENDMENT.) Section 7-05-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

7-05-04. REPORTS CONFIDENTIAL - EXCEPTIONS - PENALTY.) Information obtained in the course of an examination by the state examiner shall be confidential information. However, the above provision shall not apply when the public duty of such officer requires him to report upon or take official action regarding the condition of an association that he has examined. This section shall not be construed to prevent the said officer from fully disclosing to any federal agency any information which such examiner may have in his office pertaining to such associations. Nothing in this section shall prevent the proper exchange of information relating to building and loan associations and the business thereof with the representatives of building and loan departments of other states, but in no case shall the private business or affairs of any individual association or company

be disclosed. This section shall not be construed to prevent the said officer from fully disclosing to the federal home loan bank board at Washington, D. C., or to the federal home loan bank of this district, or to any other federal agency, any information which such examiner may have in his office pertaining to such associations. It shall be a class C felony for the state examiner, his deputy, or any of his employees to willfully make a false report as to the condition of any association.

SECTION 63. AMENDMENT.) Section 7-08-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

7-08-01. OPERATION WITHOUT AUTHORITY PROHIBITED - PENALTY.) No association or corporation, whether foreign or domestic, shall do business or attempt to do business as defined in this title without first complying with its provisions and without having received a certificate of authority to do business from the state examiner as provided in this title. Any association or corporation violating any of the provisions of this title shall be guilty of a class C felony.

SECTION 64. AMENDMENT.) Section 7-08-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

7-08-04. SLANDER AND LIBEL - PENALTY.) Any person who willfully and maliciously shall make, circulate, or transmit to another or to others, any statement, rumor, or suggestion, written, printed, or by word of mouth, which is directly or by inference derogatory to the financial condition or which affects the solvency or financial standing of any domestic or foreign building and loan association or corporation doing business in this state, or who shall counsel, aid, procure, or induce another to start, transmit, or circulate any such statement or rumor, shall be guilty of a class A misdemeanor, and in addition there-to shall be liable in damages to such association or corporation, or the receiver thereof, to be recovered in a civil action brought for that purpose.

SECTION 65. AMENDMENT.) Section 8-10-07.2 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

8-10-07.2. UNLAWFUL USE OF TELECOMMUNICATION DEVICES - PENALTY.) A person shall be guilty of a class A misdemeanor if he willfully:

1. Makes or possesses any device adapted or which can be adapted to obtain telecommunication services, or to conceal from any supplier of telecommunication services the existence, place of origin, or the destination of any telecommunication;
2. Sells, gives, or otherwise transfers to another, such a device;  
or
3. Offers or advertises such a device for sale, or offers or advertises plans or instructions for making or assembling the same;

under circumstances evincing intent to use such a device, or to allow such a device, or plans or instructions therefor, to be used, or knowing or



having reason to believe that the same is intended to be used to fraudulently obtain telecommunications services.

SECTION 66. AMENDMENT.) Section 8-10-07.3 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

8-10-07.3. UNLAWFUL PUBLICATION OF TELECOMMUNICATION CREDIT CARD NUMBERS OR CODES.) Every person who willfully publishes the number or code of an existing, canceled, revoked, expired, or nonexistent credit card, or the numbering or coding which is employed in the issuance of credit cards, with the intent that it be used or with knowledge or reason to believe that it will be used to avoid the payment of any lawful telecommunication toll charge shall be guilty of a class A misdemeanor.

SECTION 67. AMENDMENT.) Section 8-10-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

8-10-09. DISCLOSING TELEGRAPH AND TELEPHONE MESSAGES - PENALTY.) Every person who willfully shall obtain any knowledge of a telegraphic or telephonic message, by connivance with a clerk, operator, messenger, or other employee of a telegraph or telephone company, and every clerk, operator, messenger, or other employee who willfully shall divulge to any but the person for whom it was intended, the contents of any telephonic or telegraphic message entrusted to him for transmission or delivery, or the nature thereof, or who willfully shall refuse or fail to duly transmit or deliver any such message, shall be guilty of a class A misdemeanor.

SECTION 68. AMENDMENT.) Section 8-10-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

8-10-10. SECRETING TELEGRAPHIC DISPATCH.) Every person having in his possession any telegraphic dispatch addressed to another, who willfully secretes, conceals, or suppresses it, is guilty of a class A misdemeanor.

SECTION 69. AMENDMENT.) Section 10-04-18 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

10-04-18. PENALTIES.) Any person who willfully violates any provision of this chapter or any rule or order of the commissioner made pursuant to the provisions of this chapter, or who engages in any act, practice, or transaction declared by any provision of this chapter to be unlawful shall be guilty of a class C felony.

SECTION 70. AMENDMENT.) Subsection 2 of section 10-15-35 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. In any proceedings, or upon petition for such purpose, any court of record may, upon notice and after hearing at which proper cause is shown, and upon suitable terms, order any of the cooperative's books or records, and any other pertinent documents in its possession, or duly authenticated copies

thereof, to be brought within this state. Such documents shall be kept at such place and for such time and purposes as the order designates. Any cooperative failing to comply with the order is subject to dissolution, and its directors and officers are liable for contempt of court, and may be punished as provided in section 12.1-10-01.

SECTION 71. AMENDMENT.) Section 10-15-53 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

10-15-53. FILING DOCUMENTS.) When any document is to be filed, duplicate originals shall be delivered to the secretary of state. He shall stamp on both the date of filing and return one to the cooperative with his certificate of filing.

SECTION 72. AMENDMENT.) Subsection 2 of section 10-15-58 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. No other person may use the term "cooperative", or any variation thereof, as part of his corporate or other business name or title, nor may any other person in any other manner represent himself to be a cooperative. A violation of this subsection is an infraction.

SECTION 73. AMENDMENT.) Section 10-23-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

10-23-03. PENALTIES IMPOSED UPON CORPORATIONS.) Each corporation, domestic or foreign, that fails or refuses to file its annual report for any year within the time prescribed by section 10-23-02 shall be subject to a penalty of ten percent of the license fee which would be payable if it were filing its articles of incorporation at the time such annual report was to have been filed.

Each corporation, domestic or foreign, that fails or refuses to answer truthfully and fully within the time prescribed by section 10-23-09 interrogatories propounded by the secretary of state, shall be deemed to be guilty of an infraction.

SECTION 74. AMENDMENT.) Section 10-23-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

10-23-08. PENALTIES IMPOSED UPON OFFICERS AND DIRECTORS.) Each officer and director of a corporation, domestic or foreign, who fails or refuses within the time prescribed by section 10-23-09 to answer truthfully and fully interrogatories propounded to him by the secretary of state shall be guilty of an infraction.

SECTION 75. AMENDMENT.) Section 10-28-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

10-28-03. PENALTIES IMPOSED UPON CORPORATION.) Each corporation, domestic or foreign, that fails or refuses to answer truthfully and fully within the time prescribed by section 10-28-05 interrogatories propounded by the secretary of state, shall be guilty of an infraction.

SECTION 76. AMENDMENT.) Section 10-28-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

10-28-04. PENALTIES IMPOSED UPON DIRECTORS AND OFFICERS.) Each director and officer of a corporation, domestic or foreign, who fails or refuses to answer truthfully and fully interrogatories propounded to him by the secretary of state in accordance with the provisions of section 10-28-05 shall be guilty of an infraction.

SECTION 77. AMENDMENT.) Section 11-09-09 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-09-09. POWERS OF BOARD OF COUNTY COMMISSIONERS - FAILURE OF WITNESS TO OBEY ORDER OF BOARD IS A MISDEMEANOR.) The board of county commissioners of a county which has adopted any form of county managership shall be the policy-determining body of the county and shall have the following powers:

1. To exercise all of the powers of the county as a body politic and corporate in the manner provided in this chapter;
2. To levy taxes and to appropriate county funds;
3. To inquire into the official conduct of any officer or office under its control and to investigate the accounts, disbursements, bills, and receipts of any county officer. For these purposes, it may subpoena witnesses, administer oaths, and require the production of books, papers, and other evidence. If a witness fails or refuses to obey any lawful order of the board, he shall be deemed guilty of a class A misdemeanor; and
4. To preserve order in its sessions and enforce obedience for this purpose by fines not exceeding five dollars or by imprisonment in the county jail for not more than twenty-four hours.

SECTION 78. AMENDMENT.) Section 11-09-38 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-09-38. BOARD OF COUNTY COMMISSIONERS NOT TO INTERFERE IN APPOINTMENTS OR REMOVALS - PENALTY.) In a county which has adopted any form of county managership, neither the board of county commissioners nor any of its committees or members shall direct or request the appointment or removal of any person by the county manager or any of his subordinates nor in any manner take part in the appointment or removal of officers or employees in the administrative service of the county. Except for the purpose of inquiry or in an emergency, the board of county commissioners and its members shall deal with that portion of the administrative service over which the county manager is responsible solely through the manager. Neither the board of county commissioners nor its members shall give orders to any subordinate of the county, either publicly or privately. Any member of the board of county commissioners who violates any provision of this section shall be guilty of a class A misdemeanor and, in addition to the penalty prescribed for such an offense, shall forfeit his office.

SECTION 79. AMENDMENT.) Section 11-10-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-10-22. UNLAWFUL FOR OFFICER TO PURCHASE COUNTY WARRANT OR EVIDENCE OF DEBT - PENALTY.) Every person who, while an officer of any county of this state or the deputy or clerk of any such officer, directly or indirectly, buys or traffics in, or in anywise becomes a party to the purchase of, any county warrant or order, or any bill, account, claim, or evidence of indebtedness of his county, for any sum less than the full face value thereof, is guilty of an infraction.

SECTION 80. AMENDMENT.) Section 11-13-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-13-10. AUDITOR TO CERTIFY ABSTRACTS - FEES.) The county auditor shall attach his certificate to each abstract of title covering real estate within his county which is presented to him for that purpose. The certificate shall show the amount of taxes due and unpaid against, and any tax title affecting, the land described in the abstract as the same appears from the records of his office. He shall collect the sum of twenty-five cents for each abstract so certified.

SECTION 81. AMENDMENT.) Section 11-14-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-14-05. COUNTY TREASURER TO CERTIFY ABSTRACTS - FEES.) The county treasurer shall attach his certificate to each abstract of title covering real estate within his county which is presented to him for that purpose. The certificate shall show the amount of taxes due and unpaid against the land described in the abstract, or any tax title affecting the land described in the abstract as the same appears from the records in his office. He shall collect the sum of twenty-five cents for each abstract so certified.

SECTION 82. AMENDMENT.) Section 11-15-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-15-28. SHERIFF OR CONSTABLE PROHIBITED FROM COLLECTING NOTES - PENALTY.) No sheriff, deputy sheriff, employee in the sheriff's office, or constable, while holding such office, or employment, shall accept for collection, collect, or attempt to collect from any person, firm, or association within his county for pay, profit, or remuneration, any note, account, or claim of any nature or description except as required in the performance of the duties of his office. Any violation of the provisions of this section shall constitute an infraction.

SECTION 83. AMENDMENT.) Section 11-16-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-16-04. PENALTY FOR FAILURE TO PAY OVER MONEYS.) Whenever the state's attorney shall refuse or neglect to account for or pay over the public moneys received by him, he is guilty of an infraction.

SECTION 84. AMENDMENT.) Section 11-16-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-16-05. RESTRICTIONS ON POWERS OF STATE'S ATTORNEY - PENALTY FOR BREACH OF DUTY.) The state's attorney shall not:

1. Present a claim, account, or other demand for allowance against the county, except for his own services, nor in any way advocate the relief asked for by the claim or demand of another.
2. Be eligible to or hold any judicial office except that of United States commissioner.
3. Receive a fee or reward from or on behalf of a prosecutor or other individual for services in any prosecution or business to which it is his official duty to attend.
4. Be concerned as attorney or counsel for any party, other than the state or county, in any civil action depending upon, or arising out of, a state of facts upon which a pending and undetermined criminal prosecution depends.
5. Be concerned as attorney or counsel for any party, other than the state or county, in any action or proceeding whatsoever when employed by a county having a population exceeding thirty-five thousand.

A violation of any provision of this section shall constitute an infraction, and the offender may be removed from office.

SECTION 85. AMENDMENT.) Section 11-17-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-17-05. CLERK TO KEEP FEE BOOK - MONTHLY REPORT TO COUNTY AUDITOR.) The clerk of the district court shall keep as a public record in his office a book to be provided by the county in which he shall enter all money received by him as fees for services rendered as such clerk. Within three days after the close of each calendar month and also at the close of his term of office, such clerk shall file with the county auditor a statement under oath showing the amount of fees which he has received as such officer since the date of his last report, and within three days thereafter he shall deposit with the county treasurer the total sum of such fees, except such fees as he is authorized expressly to retain.

SECTION 86. AMENDMENT.) Section 11-18-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-18-06. REGISTER OF DEEDS TO KEEP FEE BOOK - MONTHLY REPORTS.) The register of deeds shall keep a book provided by the county in which shall be entered each item of fees for services rendered. Within three days after the close of each calendar month and also at the end of his term of office, he shall file with the county auditor a statement under oath showing the fees which he has received as such officer since the date of his last report.

SECTION 87. AMENDMENT.) Section 11-19A-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-19A-07. DEATH TO BE REPORTED TO CORONER BY PHYSICIAN OR PERSONS DISCOVERING BODY - PENALTY.) Any person who discovers

the dead body, or acquires the first knowledge of the death of any person, and any physician with knowledge that a person died as a result of criminal or violent means, casualty, suicide, accidental death, or died suddenly when in apparent good health in a suspicious or unusual manner, shall immediately notify the office of coroner or any law enforcement officer of the known facts concerning the time, place, manner, and circumstances of such death, and any other information which may be required pursuant to this chapter. Any person who violates the provisions of this section shall be guilty of a class B misdemeanor.

SECTION 88.) Section 11-19A-07.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

11-19A-07.1. WILLFUL DISTURBANCE OF DEAD BODY - PENALTY.) Any person who:

1. Willfully removes or otherwise disturbs a body which the actor knows died in a suspicious or unusual manner; or
2. Willfully rearranges, removes, or otherwise disturbs the clothing or other articles on or near a body which the actor knows died in a suspicious or unusual manner,

without authorization of a coroner or law enforcement officer is guilty of a class A misdemeanor.

SECTION 89. AMENDMENT.) Section 11-20-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-20-15. SECTION CORNERS - HOW MADE - REMOVAL OF MARKERS - PENALTY.) The surveyor, when employed by private landowners as provided in section 11-20-14, shall sink into the earth at all section and quarter post corners a column of concrete or a cement block at least two feet high, twelve inches square at the base, and six inches square at the top. He shall carefully describe the same in the records of his survey. He also shall dig pits and shall mark and record new witness trees wherever possible to do so. Any person who willfully shall cut down, destroy, deface, or injure any living witness tree, or who shall remove a corner post in any shape as above established, is guilty of an infraction.

SECTION 90. AMENDMENT.) Section 11-21-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-21-09. PUBLIC ADMINISTRATOR NOT TO CHARGE ATTORNEY'S FEES - PENALTY.) A public administrator shall not charge a fee as an attorney in the administration of the estates of decedents of which he shall be the administrator. Any person who shall violate this section is guilty of an infraction.

SECTION 91. AMENDMENT.) Section 11-28-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-28-09. VIOLATION OF ANY RULE OR REGULATION - PENALTY - INJUNCTION.) Violation of any rule or regulation of the board of county park commissioners shall be an infraction, and in addition, the board of county park commissioners shall have remedy by injunction to enjoin the

operation or maintenance of any establishment, concession, or activity prohibited by the rules and regulations of the board.

SECTION 92. AMENDMENT.) Section 11-28-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-28-20. VIOLATION OF RULES - PENALTY.) The violation of any rule or regulation of the board of joint park commissioners shall be an infraction. The courts of the county wherein such violation occurred shall have jurisdiction over any such violation. In addition, the board of joint park commissioners shall have remedy by injunction to enjoin the operation or maintenance of any establishment, concession, or activity prohibited by the rules and regulations of the board.

SECTION 93. AMENDMENT.) Section 11-29-33 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-29-33. PENALTIES.) Any person who, contrary to the provisions of this chapter, sells, transfers, takes, or carries away, or in any manner disposes of any of the seed grain, feed, or tractor fuel furnished by the county under this chapter, or who uses or disposes of any of the seed grain, feed, or tractor fuel for any purpose other than that stated in his application, or who sells, transfers, takes, or carries away, or in any manner disposes of, any of the crop produced from the sowing or planting of seed grain furnished under this chapter contrary to the provisions of the same, is guilty of a class B misdemeanor. After the county has obtained a lien under this chapter and the seed obtained thereunder has been sown, any seizure of the crop or interference therewith, except by the applicant and those in his employ for the purpose of harvesting, threshing, and marketing the same to pay the loan, shall be deemed a conversion.

SECTION 94. AMENDMENT.) Section 11-33-21 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-33-21. GENERAL PENALTIES FOR VIOLATION OF ZONING REGULATIONS AND RESTRICTIONS.) A violation of any provision of this chapter or the regulations and restrictions made thereunder shall constitute the maintenance of a public nuisance and shall be a class B misdemeanor.

SECTION 95.) Section 12-44-25.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

12-44-25.1. PROHIBITED ACTS BY SHERIFF OR JAILER.) A sheriff or jailer, or his agent, is guilty of a class A misdemeanor if he:

1. Places or keeps male and female inmates together in the same room, cell, or apartment unless they are husband and wife.
2. Gives, sells, or delivers to any prisoner for any cause whatever, any alcoholic beverage unless prescribed by a physician.

SECTION 96. AMENDMENT.) Section 12-44-28 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 12-44-28. PERSON OTHER THAN OFFICER GIVING ALCOHOLIC BEVERAGES TO PRISONER - PENALTY.) Any person, other than the sheriff or jailer, who shall sell or deliver to any person committed for any cause whatever, any alcoholic beverage shall be guilty of a class A misdemeanor.

SECTION 97. AMENDMENT.) Section 12-44-33 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44-33. CONVICT TO RECEIVE CREDIT FOR LABOR TO APPLY ON JUDGMENT.) For each day of labor performed by a convict under the provisions of this chapter, there shall be credited on any judgment against him, for a fine, costs, or both, the sum of ten dollars.

SECTION 98. AMENDMENT.) Section 12-44-36 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44-36. CRUEL TREATMENT OF PRISONERS - PENALTY.) If any person treats a prisoner in a cruel or inhuman manner, he shall be guilty of a class A misdemeanor.

SECTION 99. AMENDMENT.) Section 12-44-37 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44-37. ANNOYANCE OF PRISONER PROHIBITED - PUNISHMENT.) The officer in charge of a prisoner shall use necessary and proper means to protect him from insult and annoyance by others and to prevent others from communicating with him while at labor and in going to and returning from the same. Any person persisting in insulting and annoying or communicating with a prisoner, after being first commanded by the officer to desist, shall be guilty of an infraction.

SECTION 100. AMENDMENT.) Section 12-47-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-47-23. WARDEN TO MAINTAIN DISCIPLINE.) All necessary means shall be used, under the direction of the warden, to maintain order in the penitentiary, enforce obedience, suppress insurrections, and prevent escapes.

SECTION 101. AMENDMENT.) Section 12-47-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-47-24. PENITENTIARY INMATES MAY BE RESTRAINED.) Whenever any inmate of the penitentiary offers or attempts to do any injury to any other person or property, either within the grounds or premises of the penitentiary or at any other place where said inmate may be; or whenever any inmate disobeys or resists any reasonable command of any officer or guard, any officer or guard may use reasonable means to defend himself or another, or to enforce the observance of discipline.

SECTION 102. AMENDMENT.) Section 12-53-15 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

\*NOTE: Section 12-44-28 was also amended by section 5 of Senate Bill No. 2046, chapter 110.



12-53-15. WHEN PROBATION MAY BE TERMINATED.) Whenever the parole officer, the court, or the state's attorney shall have reason to believe a probationer has violated the terms of his probation, he shall be brought before the court wherein the probation was granted for a hearing upon the alleged violation. For this purpose any peace officer or state parole officer may take the probationer in custody without warrant or other process. Costs incurred in bringing the probationer before the court shall be borne by the county wherein the probation was granted. The court may thereupon, in its discretion, take such action as is authorized by subsection 4 of section 12.1-32-07.

SECTION 103. AMENDMENT.) Section 12-59-06 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-59-06. GENERAL POWERS OF BOARD.) The board may issue process requiring the presence of any person or officer before it, with or without books and papers, in any matters pending before said board. If any such person or officer disobeys the order of the board, the chairman, or acting chairman, of such board may apply to any judge of the district court for an order requiring the attendance of such person or officer, with or without books and papers described in the process. The failure of any such person or officer to comply with such order of the district court shall be held to be a contempt of court and shall be punishable accordingly. Any member of the board, the parole officer, or anyone appointed by the board to secure information for said board, shall have the power to examine witnesses and records, and to administer oaths to witnesses. The board may employ psychiatrists or specialists for mental or medical examination of applicants and may take such reasonable steps as it may deem necessary for proper determination of any matters before it.

SECTION 104. AMENDMENT.) Section 12-59-10 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-59-10. NOTICE OF APPLICATION FOR PAROLE - TO WHOM AND BY WHOM GIVEN - SERVICE.) Notice of an application for a parole and of the time and place of hearing the same shall be given by the clerk of the board to the judge and the state's attorney who participated in the trial of the applicant, and if the judge or state's attorney is no longer in office, notice also shall be given to his successor in office. Such notice shall set forth the name of the person making application, the crime of which he was convicted, the time and place of the conviction, the sentence imposed, the name of the judge who presided over the trial, and the name of the state's attorney who prosecuted the trial of the applicant. Service of such notice shall be made by registered or certified mail.

SECTION 105. AMENDMENT.) Section 13-01-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

13-01-11. FRAUDULENT CONVEYANCE - PENALTY.) Any person who is a party to any conveyance or assignment of any interest in real or personal property entered into with intent to defraud prior or subsequent purchasers, creditors, or other persons except those with security interest in the property involved, who knowingly participates in such a conveyance or assignment, is guilty of a class A misdemeanor.

SECTION 106. AMENDMENT.) Section 13-01-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

13-01-12. REMOVING OR DISPOSING OF PROPERTY TO DEFRAUD CREDITORS - PENALTY.) Every person who removes any of his property from a county with intent to prevent a levy thereon under execution or attachment, or who secretes, assigns, conveys, or otherwise disposes of any of his property with intent to defraud any creditor or to prevent the property from being made liable for the payment of his debts, and every person who receives any property with such intent, is guilty of a class A misdemeanor.

SECTION 107. AMENDMENT.) Section 13-01-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

13-01-13. UNLAWFULLY PREFERRING CREDITORS - PENALTY.) Every person who, knowing that his property is insufficient for the payment of all his lawful debts, shall assign, transfer, or deliver any property for the benefit of any creditor or creditors upon any trust or condition that any creditor shall receive a preference or priority over any other creditor, or with intent to create such a preference or priority, is guilty of a class A misdemeanor. This section shall not apply to the giving or creating of preferences expressly allowed by law.

SECTION 108. AMENDMENT.) Section 13-05-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

13-05-10. PENALTY.) Any person violating any of the provisions of this chapter is guilty of a class A misdemeanor.

SECTION 109. AMENDMENT.) Section 13-06-02 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

13-06-02. PENALTIES.) Any person who engages in the business of debt adjusting, unless exempted under the provisions of section 13-06-03, shall be guilty of a class A misdemeanor.

SECTION 110. AMENDMENT.) Section 14-03-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-03-28. PENALTY.) Unless otherwise provided, any person violating any of the provisions of this chapter shall be guilty of a class A misdemeanor.

SECTION 111. AMENDMENT.) Section 14-07-15 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-07-15. ABANDONMENT OR NONSUPPORT OF CHILD.) Every parent or other person legally responsible for the care or support of a child who is unable to support himself by lawful employment, who wholly abandons such child or willfully fails to furnish food, shelter, clothing, and medical attention reasonably necessary and sufficient to keep the child's life from danger and discomfort and his health from injury is guilty of a class C felony.

Any food, shelter, clothing, or medical attentions, furnished by or through a welfare or charitable program of any governmental agency, civic or religious organization, or a combination thereof, or any intervening third party, on the basis of need, shall not avoid, excuse, relieve, or discharge, either parent, or person legally responsible for care and support of a child, from the criminal penalty for the willful failure or neglect to provide such support.

Neither shall a parent be relieved, excused, or discharged from such responsibility and criminal penalty provided for herein, for the willful neglect or failure to provide such care and support, if the other parent is providing the child with care and support to the best of his or her ability, but where such care and support is not sufficient to keep the child's life from danger and discomfort, or its health from injury.

The fact, if it is a fact, that either parent may have secured a decree of divorce awarding the custody of such child, in no manner shall relieve either parent from the requirements and penalty of this section, except that compliance with the terms of such decree for support of such child shall be deemed a compliance herewith; provided, however, that if the parent or other person legally responsible for the care or support of a child who is under the age of eighteen years and unable to support himself, as hereinbefore provided, while in another state, and while such minor child is in this state, willfully and intentionally fails to furnish food, clothing, shelter, and medical attention as herein provided, such failure shall nevertheless be construed to have been committed in this state, and all of the laws of this state with reference to punishment shall apply with the same force and effect as if such abandonment and failure to support had occurred in this state.

SECTION 112. AMENDMENT.) Section 14-07-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-07-16. ABANDONMENT OR NONSUPPORT OF WIFE.) Every husband who, without lawful excuse, deserts his wife with intent wholly to abandon her or who willfully fails to furnish such food, shelter, clothing, and medical attention as is reasonably necessary and sufficient to keep the life of his wife from danger and discomfort and her health from injury, is guilty of a class C felony;

Provided, however, that if a husband while in another state and having left his wife in this state, willfully and intentionally and without lawful excuse deserts his wife and abandons her, or while in such other state, willfully and intentionally fails to furnish such food, shelter, clothing and medical attention as is reasonably necessary, as herein provided, while his wife is in this state, such abandonment and failure to support shall be construed to have been committed in this state and all of the laws of this state with reference to punishment shall apply with the same force and effect as if such abandonment and failure to support had occurred in this state and he shall be subject to the penalty as in this section provided.

SECTION 113. AMENDMENT.) Section 14-09-22 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-09-22. NEGLECT OF CHILD - PENALTY.) A parent, guardian, or other custodian of any child who shall cruelly abuse or willfully neglect or refuse to provide subsistence, education, or other necessary care for the health, morals, or well-being of such child, or who shall willfully permit and allow any such child to be in a disreputable place or associate with vagrants, vicious or immoral persons, or engage in an occupation forbidden by the laws of North Dakota, or to engage in an occupation injurious to his health or morals or to the health or morals of others, or any such parent, guardian, or custodian who, in the supervision and control of such child, shall fail to exercise reasonable diligence in preventing such child from being in a disreputable place or from associating with vagrants, vicious or immoral persons, or from engaging in an occupation forbidden by the laws of North Dakota, or from engaging in any occupation injurious to his health or morals or to the health and morals of others shall be guilty of a class C felony.

SECTION 114. AMENDMENT.) Section 14-10-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-10-05. ASSIGNMENT OF CHILDREN PROHIBITED - PENALTY.) No person, other than the parents, may assume the permanent care and custody of a child, unless authorized so to do by an order or decree of a court having jurisdiction. No parent shall assign or otherwise transfer his rights or duties with respect to the care and custody of his child. Any such transfer or assignment, written or otherwise, shall be void. This section shall not affect the right of the parent to consent in writing to the legal adoption of his child, but such written consent shall not operate to transfer any right in the child in the absence of a decree by a court having jurisdiction. Any person who violates the provisions of this section is guilty of a class A misdemeanor.

SECTION 115. AMENDMENT.) Section 14-10-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-10-06. UNLAWFUL TO ENCOURAGE OR CONTRIBUTE TO DELINQUENCY OF MINOR - PENALTY.) Any person who by any act willfully encourages, causes, or contributes to the delinquency or deprivation of any minor is guilty of a class A misdemeanor.

SECTION 116. AMENDMENT.) Section 14-10-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-10-08. PERSON TO WHOM CHILD CONFIDED SUBSTITUTING OTHER CHILD - PENALTY.) Every person to whom an infant has been confided for nursing, education, or any other purpose, who, with intent to deceive any parent or guardian of such child, substitutes or produces to such parent or guardian another child in the place of the one so confided, shall be guilty of a class C felony.

SECTION 117. AMENDMENT.) Section 14-10-16 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-10-16. IDENTIFICATION CARDS - APPLICATION - MISREPRESENTATION OF AGE - FALSIFYING CARDS - PENALTY.)

1. A person may apply to the clerk of the district court of the county, or a person designated by the clerk, in which the person resides or is temporarily located, on a form provided by the clerk of the district court, for an identification card, which shall be accompanied with a photograph of the applicant. The applicant shall present with the application his birth certificate or other satisfactory evidence of his age, and shall pay a fee of two dollars, to be deposited in the county general fund. The clerk shall file the application and issue the card to the applicant in a form prescribed by the clerk. The applicant shall sign the card with his name, and the card may thereafter be exhibited as evidence of the cardholder's age. Any misrepresentation of age or other deceit practiced in the procurement of a card, or use or exhibition for the purpose of misleading any other person as to the age or identity of the user, or use of the card of another, is a class A misdemeanor.
2. It shall be a class C felony for any person, except that person or persons authorized by the clerk of district court under this section, to print or otherwise produce or reproduce cards which are intended to be utilized as identification cards issued pursuant to this section. It shall be a class A misdemeanor to display a card issued under this section which has been altered in any manner so as to not truly indicate the bearer's identity or age.

SECTION 118. AMENDMENT.) Section 15-04-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-04-18. DESTRUCTION OF TIMBER BY LESSEE PROHIBITED - EXCEPTION - PENALTY.) No lessee of any of the lands authorized to be leased under the provisions of this chapter, nor his heirs or assigns, shall cut down, take away, or cause another person to take away from the leased tract any timber, trees, or wood. The lessee may cut down or use such amount of dead or prostrate trees or timber as may be sufficient to supply him with fuel for his family or for the families of his employees actually residing upon the tract. Any person violating the provisions of this section shall forfeit his lease and all rights and interests thereunder, and shall be liable to the state for damages sustained by the state by reason thereof, and he shall be guilty of a class B misdemeanor.

SECTION 119. AMENDMENT.) Section 15-04-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-04-19. LESSEE NOT TO BREAK OR PLOW UNCULTIVATED LAND - PENALTY.) No lessee of land leased under the provisions of this chapter, his heirs or assigns, shall break, plow, or cultivate any unbroken land on any tract leased, nor cause nor permit it to be done by any other person. Any person who shall violate the provisions of this section shall incur the forfeitures and liabilities provided in section 15-04-18, and shall be guilty of a class B misdemeanor.

SECTION 120. AMENDMENT.) Section 15-04-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-04-22. FRAUDULENT BIDDING - PENALTY.) Any person who, at any leasing auction held pursuant to section 15-04-10, makes a successful bid and then willfully fails or refuses to make the deposit on the day of the sale as required by section 15-04-11 is guilty of a class B misdemeanor.

SECTION 121. AMENDMENT.) Section 15-05-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-05-08. PENALTY FOR MINING COAL IN VIOLATION OF RULES GOVERNING.) Any person who mines, removes, or causes to be mined or removed, from any lands subject to the control of the board of university and school lands, any coal, unless mined or removed pursuant to the provisions of this chapter, is liable to the state of North Dakota in damages in the sum of one dollar for each ton of coal mined or removed, and is guilty of a class A misdemeanor.

SECTION 122. AMENDMENT.) Section 15-06-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-06-23. CERTIFICATION AND VERIFICATION OF APPRAISAL.) The county board of appraisers shall certify to the correctness of the appraisal, and file the same with the county auditor who shall immediately transmit the same to the commissioner of university and school lands. The appraisal shall be verified by each of the appraisers, and shall disclose any real or contingent interest that any of the appraisers has in the tract appraised.

SECTION 123. AMENDMENT.) Section 15-34.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34.1-05. VIOLATION OF COMPULSORY SCHOOL ATTENDANCE PROVISIONS - PENALTY.) Any person failing to comply with the requirements of this chapter is guilty of an infraction.

SECTION 124. AMENDMENT.) Section 15-35-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-35-14. USE OF SCHOOL BUILDINGS FOR OTHER THAN SCHOOL PURPOSES.) School boards having charge of school buildings may permit the use thereof under proper restrictions for any appropriate purpose when not in use for school purposes. Equal rights and privileges shall be accorded to all religious denominations and to all political parties. The use of school buildings under this section shall be without cost to the district, and furniture fastened to the buildings shall not be removed or unfastened. Public school and high school auditoriums and gymnasiums may be let for meetings, entertainments, or conventions of any kind, subject to such restrictions as the governing board of the district shall prescribe. Such use of the buildings shall not be permitted to interfere with the operation of the schools or with school activities. A charge shall be made for the use of the buildings in an amount at least sufficient to defray any cost to the district for light, heat, janitor service, or other incidental expenses connected with such use.

SECTION 125. AMENDMENT.) Section 15-35-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-35-16. PENALTY FOR IMPROPER ERECTION OF SCHOOL BUILDING.) Any architect or other person who draws plans or specifications for, or who superintends the erection of, a public school building, or who erects or constructs a public school building in violation of the provisions of this chapter, shall be guilty of an infraction.

SECTION 126. AMENDMENT.) Section 15-35-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-35-17. PENALTY FOR VIOLATING PROVISIONS OF CHAPTER.) Any person who shall violate any of the provisions of this chapter, and each member of any board concurring in any such violation by such board, shall, unless another penalty is specifically provided in this chapter, be guilty of an infraction.

SECTION 127. AMENDMENT.) Section 15-43-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-43-12. PENALTIES FOR VIOLATING PROVISIONS RELATING TO TEXTBOOKS.) Any person violating any of the provisions of this chapter is guilty of an infraction.

SECTION 128. AMENDMENT.) Section 15-47-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-15. SCHOOL CONTRACTS - ADVERTISEMENT FOR BIDS - PUBLICATION - EXCEPTIONS.) No contract involving the expenditure of an aggregate amount greater than two thousand dollars, except as hereinafter set forth, shall be entered into by any school district of any kind or class except upon sealed proposals and to the lowest responsible bidder after ten days' notice by at least one publication in a legal newspaper published in the county in which the school district, or a portion thereof, is located. If no newspaper is published in such county, the publication shall be made in a newspaper published in an adjacent county. The provisions of this section shall not apply to the following classes of contracts, namely:

1. For personal services of employees of the district;
2. For school text or reference books;
3. For any article which is not for sale on the open market;
4. For any patented, copyrighted, or exclusively sold device or feature required to match articles already in use;
5. For any patented, copyrighted, or exclusively sold article of so distinctive a nature that only one make of the article can be purchased; or
6. Any building contract.

Such exceptions shall be strictly construed. Every member of a school board who participates in a violation of this section shall be guilty of a class B misdemeanor.

SECTION 129. AMENDMENT.) Section 15-49-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-49-01. FALSE ELECTION RETURNS - PENALTY.) Any judge or clerk of election, or school district clerk, or county auditor who willfully violates the provisions of this title in relation to elections shall be guilty of a class A misdemeanor.

SECTION 130. AMENDMENT.) Section 15-49-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-49-02. PERSONAL INTEREST IN SCHOOL DISTRICT CONTRACTS PROHIBITED - EXCEPTIONS.) No school board member or other school officer shall be interested personally, directly or indirectly, in any contract requiring the expenditure of school funds unless such contract has been unanimously approved by the school board, and a finding made and unanimously adopted by the board and entered into the official minutes that the services or property to be furnished are not otherwise obtainable elsewhere at equal cost. Regardless of this section, any school board, by resolution duly adopted, may provide for the contracting at any time thereafter, for minor supplies or incidental expenses with members of its school board or other school officers, except that the amount thereof shall not exceed that amount required for the acceptance of bids as set forth in section 15-47-15. Any violation of the provisions of this section shall be a class A misdemeanor.

SECTION 131. AMENDMENT.) Section 15-49-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-49-03. PURCHASES OF DISTRICT WARRANTS AND CLAIMS AGAINST DISTRICT BY OFFICERS AT LESS THAN PAR PROHIBITED - PENALTY.) Every person who, while an officer of any school district or a deputy or clerk of any such officer, directly or indirectly, buys or traffics in, or in anywise becomes a party to, the purchase of any school warrant, order, or scrip, or of any bill, account, claim, or evidence of indebtedness against his school district for any sum less than the full face value thereof, is guilty of an infraction.

SECTION 132. AMENDMENT.) Section 15-49-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-49-04. UNLAWFUL WITHDRAWAL OF SCHOOL MONEY - PENALTY.) Any person who draws school funds from the county treasury, and who is not at the time a duly qualified treasurer of the school for which he draws the money and authorized to act as such, is guilty of an infraction.

SECTION 133. AMENDMENT.) Section 15-49-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\*15-49-06. UNPAID WARRANTS - FAILURE TO ENDORSE AND PAY IN ORDER - PENALTY.) Any violation by the treasurer of a school district of the provisions of law relating to the endorsement of warrants not paid for want of funds, and to the payment thereof in the order of presentation and endorsement, is an infraction.

SECTION 134. AMENDMENT.) Section 15-49-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\*NOTE: Section 15-49-06 was also amended by section 18 of House Bill No. 1440, chapter 144.



**15-49-08. PENALTY FOR WILLFUL DISTURBANCE OF SCHOOL.)**

Any person, whether pupil or not, who willfully molests or disturbs a public school when in session, or who willfully interferes with or interrupts the proper order or management of a public school, by act of violence, boisterous conduct, or threatening language, so as to prevent the teacher or any pupil from performing his duty, or who, in the presence of the school children, upbraids, insults, or threatens the teacher, shall be guilty of a class B misdemeanor.

**SECTION 135. AMENDMENT.)** Section 15-49-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**15-49-09. SCHOOL SUPPLIES - PENALTY FOR RECEIVING COMMISSION ON PURCHASE.)** Any county superintendent of schools, deputy county superintendent of schools, school board member, clerk, treasurer, superintendent of schools, principal of a school, or teacher therein, who receives any commission, fee, or reward for or on account of any school books, furniture, or other supplies purchased during his incumbency, for the use of the school district or school under his supervision, is guilty of a class B misdemeanor.

**SECTION 136. AMENDMENT.)** Section 15-49-10.1 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**15-49-10.1. SOLICITATIONS AND SALES IN SCHOOLS - PERMISSION REQUIRED - ACCOUNTING FOR PROCEEDS - PENALTY.)** No person shall sell, solicit for sale, or advertise the sale of any merchandise, product, or service on school premises, or organize students for any such purpose, without first obtaining the permission of the school board or superintendent or principal of such school. The proceeds of any sale, by students or student groups, made for school activities shall be accounted for to the school board not more than thirty days after such sale. Any person who violates any provision of this section shall be guilty of an infraction.

**SECTION 137. AMENDMENT.)** Section 15-49-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**15-49-11. OFFERING OR GIVING COMMISSION, FEE OR REWARD TO SCHOOL PURCHASING AGENT PROHIBITED - PENALTY.)** It shall be unlawful for any person to give or offer to any county superintendent of schools, deputy county superintendent of schools, school board member, clerk, treasurer, superintendent of schools, principal of any school, or to a teacher or employee therein, or for such persons to receive, any commission, fee, reward or remuneration for or on account of a purchase of school books, furniture or other supplies for use of the school district, school, their employees, or students. Any person who violates the provisions of this section shall be guilty of a class A misdemeanor.

**SECTION 138. AMENDMENT.)** Section 15-50-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**15-50-07. PENALTY.)** Any person violating any of the provisions of this chapter shall be guilty of a class B misdemeanor.

**SECTION 139. AMENDMENT.)** Section 16-01-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-01-11. REGULATIONS GOVERNING INITIATIVE, REFERENDUM, OR RECALL PETITIONS - PENALTY.) No person shall sign any initiative, referendum, or recall petition circulated pursuant to the provisions of sections 25 and 202 of the Constitution of this state, and article 33 of the amendments to the Constitution, unless he is a qualified elector. No person shall sign any petition more than once, and each signer shall add, after his signature, his post-office address and the date of signing. Every qualified elector signing a petition pursuant to the Constitution and this section shall do so in the presence of the person circulating the petition. Each copy of any petition provided for in this section, before being filed, shall have attached thereto an affidavit executed by the circulator to the effect that each signature to the paper appended is the genuine signature of the person whose name it purports to be, that it was signed in his presence, and that each such person is a qualified elector. Each affidavit prepared pursuant to this section shall be accompanied by a typed or printed list of the names of the persons who signed the copy of the petition to which the affidavit was attached. Any person not an elector who signs an initiative, referendum, or recall petition, any person signing a name other than his own on such a petition, and any person who executes the affidavit required by this section knowing all or part of the affidavit to be false, shall be guilty of a class A misdemeanor. All signatures on each copy of a petition to which is attached a false affidavit shall be invalid.

SECTION 140.) Section 16-01-17 of the North Dakota Century Code is hereby created and enacted to read as follows:

16-01-17. ELECTION OFFENSES - PENALTY.) It shall be unlawful for a person to:

1. Fraudulently alter another person's ballot or substitute one ballot for another, or to otherwise defraud a voter of his vote.
2. Obstruct an elector on the way to a polling place.
3. Vote or offer to vote more than once in any election.
4. Vote or offer to vote in the wrong election precinct or district.
5. Disobey the lawful command of an election board as defined in chapter 16-10.
6. Exclude an authorized, or accept an unauthorized, vote.
7. Destroy ballots, ballot boxes, poll lists, or other election supplies, except as provided by law.

A violation of subsections 1 through 6 of this section shall be a class A misdemeanor. A violation of subsection 7 occurring after an election but before the final canvass, or during an election, shall be a class C felony, and in other cases shall be a class A misdemeanor.

SECTION 141. AMENDMENT.) Section 16-12-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-12-09. PENALTY FOR REQUESTING VOTER TO VOTE IN CERTAIN MANNER.) Any person who is chosen to assist a voter and shall request the voter he is assisting to vote for or against any person, or any issue, shall be guilty of a class B misdemeanor.

SECTION 142. AMENDMENT.) Section 16-12-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-12-14. CHALLENGING RIGHT OF PERSON TO VOTE - AFFIDAVIT REQUIRED - PENALTY FOR FALSE SWEARING - OPTIONAL POLL CHECKERS.)

1. One challenger appointed and designated from each of the political party organizations shall be entitled to be in attendance at each polling place. If any person offering to vote shall be challenged by one of such challengers or by any member of the board of elections, such person, unless such challenge is withdrawn, shall stand aside and shall not vote unless he makes an affidavit, acknowledged before the inspector of elections or any notary public, that he is a legally qualified elector of the precinct. Any person who falsely swears in order to cast his vote shall be guilty of perjury and shall be punished as prescribed in section 12.1-11-01.
2. In addition to the challenger, not more than two poll checkers appointed by the district chairman of each political party may be in attendance at each polling place, provided such poll checkers do not interfere with the election process or with the members of the election board in the performance of their duties.

SECTION 143. AMENDMENT.) Section 16-14-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-14-10. FAILURE OF WITNESS SUMMONED TO APPEAR AND TESTIFY - PENALTY.) Any person having been summoned in the manner provided in this chapter, who refuses or neglects to attend and testify in obedience to such subpoena, unless prevented by sickness or unavoidable necessity, shall be guilty of a class A misdemeanor.

SECTION 144. AMENDMENT.) Section 16-14-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-14-12. PRODUCTION OF PAPERS MAY BE REQUIRED - REFUSAL OR NEGLECT TO PRODUCE - PENALTY - TRANSMITTING PAPERS.) The officer before whom any deposition is taken may require the production of papers. Upon the refusal or neglect of any person to produce and deliver up any papers in his possession pertaining to such election, or to produce certified or sworn copies of the same in case they are official papers, such person shall be subject to the penalty prescribed in section 16-14-10. All papers thus produced and all certified or sworn copies of official papers shall be transmitted by the officer, with the testimony of the witnesses, to the secretary of state for the use of the legislative assembly.

SECTION 145. AMENDMENT.) Section 16-18-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-09. DELIVERING BALLOTS - ENVELOPE ACCOMPANYING - STATEMENT ON ENVELOPE - INABILITY OF ELECTOR TO SIGN NAME.) Upon receipt of an application for an official ballot properly filled out and duly signed, or as soon thereafter as the official ballot for the precinct in which the applicant resides has been prepared, the county auditor, auditor of the city, or clerk of the school district, as the case may be, shall send to such absent voter by mail, postage prepaid, one official ballot, or personally deliver said ballot to the applicant or his agent, which agent may not, at that time, be a candidate for any office to be voted upon by the absent voter; provided that the agent deposit with the auditor or clerk, as the case may be, authorization in writing from the applicant to receive such ballot or according to requirements hereinafter set forth for signature by mark. If there is more than one ballot to be voted by an elector of such precinct, one of each kind shall be included and an envelope shall be enclosed with such ballot or ballots. Such envelope shall bear upon the front thereof the name, official title, and post-office address of the officer supplying the voter with the ballot, and upon the other side a printed statement in substantially the following form:

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

I, \_\_\_\_\_, under penalty of possible criminal prosecution for making a false statement, do solemnly swear that I am a resident of the township of \_\_\_\_\_, or of the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward in the city of \_\_\_\_\_, residing at \_\_\_\_\_ in said city, county of \_\_\_\_\_ and state of North Dakota, and entitled to vote in such precinct at the next election; that I expect to be absent from the said county of my residence of the day of holding such election or that by reason of physical disability I am unable to attend at the polling place for such election, and that I will have no opportunity to vote in person on that day.

If such absent voter is unable to sign his name, he shall make his mark (X) in the presence of a disinterested person. Such disinterested person shall print the name of the person marking his X below the X, and shall sign his own name following the printed name with the notation "witness to his mark".

SECTION 146. AMENDMENT.) Section 16-20-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-20-06. OFFERS TO PROCURE OFFICE FOR ELECTOR - PENALTY.) Every candidate at any election who offers or agrees to appoint or procure the appointment of any particular person or persons to office as an inducement or consideration to any person to vote for, or to procure or aid in procuring the election of, such candidate, and every other person who communicates any offer made in violation of this section to any person, with intent to induce him to vote for or to procure or aid in procuring the election of the candidate making the offer, is guilty of a class A misdemeanor.

SECTION 147. AMENDMENT.) Section 16-20-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-20-08. CAMPAIGN CONTRIBUTIONS BY CORPORATIONS OR COOPERATIVE CORPORATIONS PROHIBITED.) No corporation or cooperative corporation doing business in this state, directly or indirectly, shall pay, use, offer, consent, or agree to pay or use, any money, property, or any thing of value:

1. To aid any political party, committee, or organization;
2. To aid any corporation or association organized or maintained for political purposes;
3. To aid any candidate for political office or for nomination for such office;
4. For any political purpose or the reimbursement indemnification of any person for money or property so used; or
5. For the influencing of legislation of any kind, except in accordance with chapter 54-05.

If an officer, employee, agent, attorney, or other representative of a corporation or cooperative corporation makes any payments prohibited by this section out of corporate funds or otherwise violates the provisions of this section, it shall be prima facie evidence of a violation by such corporation or cooperative corporation. No person shall solicit or receive such payment or other thing of value from any corporation.

SECTION 148. AMENDMENT.) Section 16-20-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-20-09. PENALTY FOR CORPORATION OR OFFICER THEREOF CONTRIBUTING FOR POLITICAL PURPOSES.)

1. It shall be a class A misdemeanor for an officer, director, stockholder, attorney, agent, or representative of any corporation or association to violate any of the provisions of section 16-20-08, or to counsel or consent to any such violation. Any person who solicits or knowingly receives any money or property in violation of the provisions of section 16-20-08 shall be guilty of a class A misdemeanor.
2. Any officer, director, stockholder, attorney, agent, or representative who makes, counsels, or consents to, the making of a contribution in violation of section 16-20-08 shall be liable to the company, corporation, or association for the amount so contributed.

SECTION 149. AMENDMENT.) Section 16-20-17.1 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-20-17.1. POLITICAL ADVERTISEMENTS TO DISCLOSE NAME AND ADDRESS OF SPONSOR.) Each and every political advertisement, whether on behalf of or in opposition to any candidate for public office, initiated measure, referred measure or constitutional amendment, and whether such advertisement shall be by newspaper, pamphlet or folder, display cards, signs, posters or billboard advertisements, or by any other public means,

shall disclose at the bottom of same the name or names and address or addresses of the sponsors of such advertisement, and the name or names and address or addresses of the person, persons, associations, or partnerships promoting or paying for such advertisement, except however, this section shall not apply to campaign buttons. At the close of every radio or television broadcast containing any advertising announcements or talk for or against any candidate for public office, any initiated measure, referred measure, or constitutional amendment to be voted on by the people, there shall be announced at the close of said broadcast the name or names of the person, persons, associations, or partnerships promoting or paying for such radio or television broadcast.

SECTION 150. AMENDMENT.) Section 16-20-17.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-20-17.2. PENALTY.) Any person who shall violate the provisions of section 16-20-17.1 and who shall fail or neglect to disclose the name or names of the sponsors of such political advertisement, or the name or names of the persons paying for such advertisement, or who shall print, distribute, or cause to be printed or distributed, any matter described in section 16-20-17.1 which does not comply with the provisions of that section, shall be guilty of a class B misdemeanor. Any editor of a newspaper, managing officer of any printing establishment, radio station, novelty concern, or poster or billboard advertising company printing or furnishing such political advertisement without disclosing the information as provided in section 16-20-17.1, shall also be guilty of a class B misdemeanor.

SECTION 151. AMENDMENT.) Section 16-20-17.3 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-20-17.3. PUBLICATION OF FALSE INFORMATION IN POLITICAL ADVERTISEMENTS - PENALTY.) No person shall knowingly sponsor any political advertisement containing false information, whether on behalf of or in opposition to any candidate for public office, initiated measure, referred measure, or constitutional amendment, and whether such publication shall be by radio, television, newspaper, pamphlet, folder, display cards, signs, posters or billboard advertisements, or by any other public means. Any person who shall violate the provisions of this section shall be guilty of a class A misdemeanor.

SECTION 152. AMENDMENT.) Section 16-20-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-20-19. ELECTIONEERING ON ELECTION DAY - PENALTY.) Any person asking, soliciting, or in any manner trying to induce or persuade, any voter on an election day to vote or refrain from voting for any candidate or the candidates or ticket of any political party or organization, or any measure submitted to the people, shall be guilty of an infraction. The display upon motor vehicles of adhesive signs which are not readily removable and which promote the candidacy of any individual, any political party, or a vote upon any measure, and political advertisements promoting the candidacy of any individual, political party, or a vote upon any measure, which are displayed on fixed permanent billboards, shall not, however, be deemed a violation of this section.

SECTION 153. AMENDMENT.) Section 16-20-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-20-24. PENALTY FOR VIOLATION OF CHAPTER.) Any person violating any of the provisions of this chapter, for which another penalty is not specifically provided, shall be guilty of a class A misdemeanor.

SECTION 154. AMENDMENT.) Section 16-21-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-21-05. VOTING MACHINES - VIOLATIONS - PENALTY.) Any person who violates any of the provisions of this chapter or who tampers with or injures any voting machine to be used or being used in any election, or who prevents the correct operation of any such machine, or any unauthorized person who makes or has in his possession a key to a voting machine to be used or being used in an election shall be guilty of a class A misdemeanor.

SECTION 155. AMENDMENT.) Section 18-01-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-01-11. REFUSAL OF WITNESS AT FIRE MARSHAL'S INVESTIGATION TO TESTIFY, PRODUCE RECORDS, OR OBEY ORDER - PENALTY.) Any person summoned to be a witness at any investigation conducted by the state fire marshal or by a deputy fire marshal under the provisions of this chapter who:

1. Refuses to be sworn;
2. Refuses to testify;
3. Disobeys any lawful order of the state fire marshal or of any deputy fire marshal relating to an investigation;
4. Fails or refuses to produce any paper, book or document touching any matter under investigation upon the order of the officer conducting the investigation; or
5. Otherwise conducts himself contemptuously toward such officer,

is guilty of a class B misdemeanor.

SECTION 156. AMENDMENT.) Section 18-01-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-01-13. INTERFERING WITH STATE FIRE MARSHAL OR HIS DEPUTIES - PENALTY.) Any person who interferes in any way with the state fire marshal or a deputy fire marshal in the performance of his duties shall be guilty of a class A misdemeanor.

SECTION 157. AMENDMENT.) Section 18-01-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-01-15. ABATEMENT OF CONDITIONS DANGEROUS TO PERSONS - ORDER - FAILURE TO COMPLY - PENALTY.) If the state fire marshal or a deputy fire marshal shall find in any building or upon any premises

any condition which is a danger or a menace to the safety of life and limb of the occupants of that building or of any adjacent building, such officer shall issue an order for the immediate removal or correction of the dangerous condition. Any owner, agent, or occupant upon whom an order of abatement issued under this section is served, who shall fail to comply with the order within the time specified therein, shall be guilty of a class B misdemeanor, and shall be guilty of a class A misdemeanor upon a second or subsequent offense.

SECTION 158. AMENDMENT.) Section 18-01-33 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-01-33. STATE FIRE MARSHAL HAS AUTHORITY TO PROMULGATE RULES AND REGULATIONS FOR EXPLOSIVES - PENALTY.) The state fire marshal shall have the authority to promulgate safety rules and regulations for the storage, sale, and use of combustibles and explosives, not otherwise provided by law. Any person who willfully refuses to comply with the safety rules and regulations as promulgated by the state fire marshal shall be guilty of a class B misdemeanor, provided, that in no event shall the rules and regulations adopted by the state fire marshal be more restrictive than those promulgated by the national fire codes of the national fire protection association and shall not apply to the transportation of explosives and dangerous articles regulated by the interstate commerce commission. Provided further that the state fire marshal may make reasonable provision for the application or nonapplication of all or any portion of the national fire codes.

SECTION 159. AMENDMENT.) Section 18-08-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-08-01. PENALTY FOR SETTING PRAIRIE FIRE.) Any person who shall set or cause to be set on fire any woods, marsh, prairie, hay, weeds, or any grass or stubble lands, except as hereinafter provided, shall be guilty of a class A misdemeanor.

SECTION 160. AMENDMENT.) Section 18-08-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-08-07. PENALTY IF CAMPFIRE BURNS WOOD, MARSH, PRAIRIE, HAY LANDS, RANCH BUILDINGS, OR IMPROVEMENTS.) A person who makes a camp or other fire, or causes the same to be made, and leaves such fire without having thoroughly extinguished it, is guilty of a class B misdemeanor.

SECTION 161. AMENDMENT.) Section 18-08-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-08-09. MISCONDUCT AT FIRES - PENALTY.)

1. Every person who, at any building fire, disobeys the lawful orders of a public officer or fireman, or resists or interferes with the lawful efforts of any fireman or company of firemen to extinguish the fire, or conducts himself in a manner calculated to prevent the fire from being extinguished, or forbids, prevents, or dissuades others from assisting to extinguish the fire, is guilty of a class A misdemeanor.



2. As used in this section, "building fire" means a fire in a dwelling, commercial building, or other building or structure used by humans as a residence or place of business, or as a storage or holding place for animals or goods.

SECTION 162. AMENDMENT.) Section 18-08-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-08-11. PENALTY.) Any person violating the provisions of section 18-08-10 shall be guilty of a class B misdemeanor.

SECTION 163. AMENDMENT.) Section 18-09-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-09-03. PENALTY.) Any person violating any of the provisions of this chapter or of the regulations of the state fire marshal made pursuant to it shall be guilty of a class B misdemeanor.

SECTION 164. AMENDMENT.) Section 19-01-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-01-09. RIGHT OF INSPECTION.) For obtaining information regarding suspected violations of any provision contained in this title, the department, its inspectors and agents, shall have free access to all places, except private homes, and all vehicles of transportation where and in which any of the products, articles, compositions, or things designated in any chapter in this title are manufactured, stored, sold, exposed for sale, prepared for sale, held, or transported. Such inspectors and other agents of the department may open any car, vehicle, package, can, jar, tub, tank, or other receptacle containing any such product, articles, composition, or thing for the purpose of inspection, and may take therefrom such sample as may be required to permit such contents to be inspected and analyzed, upon paying or offering to pay to the person entitled thereto the full value of the sample so taken. Agents, bookkeepers, transportation officers, and other employees connected with or having control over any place or vehicle in which any such products, articles, compositions, or things, are manufactured, stored, sold, exposed for sale, prepared for sale, held, or transported, shall render all assistance and aid within their power to inspectors and agents of the department in carrying out the provisions of any chapter contained in this title. Any person obstructing any such agent or inspector of the department in making the entry or inspection or in taking the samples authorized under the provisions of this section or failing upon request to assist therein is guilty of a class A misdemeanor.

SECTION 165. AMENDMENT.) Section 19-02-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-02-17. IMPORTATION AND SALE OF INFECTED FRUIT A MISDEMEANOR.) Any person who shall import into this state, sell, offer for sale, or have in his possession for sale or barter, any fruit which has been infected or infested with peach blight, peach mildew, peach twig borer, San Jose scale or other scale insects, apple scab, codling moth larva or larvae, shall be guilty of a class B misdemeanor. If fruit bears the mark of any of the infections or infestations mentioned in this section, the mark shall be conclusive evidence that the fruit is infected or infested within the meaning of this section.

SECTION 166. AMENDMENT.) Section 19-02-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-02-20. PERSON AFFECTED WITH CONTAGIOUS DISEASE NOT TO BE EMPLOYED IN FOOD ESTABLISHMENT - EXAMINATIONS.) No person who is affected with any contagious or infectious disease in a communicable form shall be employed, or permitted to remain as an employee, in any food establishment. If an inspector or agent of the department has reason to suspect that an employee in any such establishment is affected with any such disease, he may require a medical examination of such employee and a certificate of health with reference to him from the employer of such employee. The examination shall be made by a physician approved by the department, and the cost thereof shall be borne by the employer. If an employer fails to provide such a health certificate for himself or for an employee within a reasonable time after being notified to do so, he shall be deemed guilty of a class B misdemeanor.

SECTION 167. AMENDMENT.) Subsection 1 of section 19-02.1-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Any person who violates any of the provisions of subsections 1 through 14 of section 19-02.1-02 shall be guilty of a class B misdemeanor.

SECTION 168. AMENDMENT.) Section 19-03.1-23 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

\*19-03.1-23. PROHIBITED ACTS A - PENALTIES.)

1. Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance. Any person who violates this subsection with respect to:
  - a. a controlled substance classified in schedules I or II which is a narcotic drug, is guilty of a class A felony;
  - b. any other controlled substance classified in schedule I, II, or III, is guilty of a class B felony;
  - c. a substance classified in schedule IV, is guilty of a class C felony;
  - d. a substance classified in schedule V, is guilty of a class A misdemeanor.
2. Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance. Any person who violates this subsection with respect to:
  - a. a counterfeit substance classified in schedule I or II which is a narcotic drug, is guilty of a class A felony;
  - b. any other counterfeit substance classified in schedules I, II, or III, is guilty of a class B felony;

\*NOTE: Subsections 1, 2, and 3 of section 19-03.1-23 were also amended by sections 9, 10, and 11 of Senate Bill No. 2046, chapter 110.

- c. a counterfeit substance classified in schedule IV, is guilty of a class C felony;
  - d. a counterfeit substance classified in schedule V, is guilty of a class A misdemeanor.
3. It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a class C felony; except that any person who violates this subsection regarding possession of marijuana, shall be guilty of a class A misdemeanor.

SECTION 169. AMENDMENT.) Section 19-03.1-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-03.1-24. PROHIBITED ACTS B - PENALTIES.)

1. It is unlawful for any person:
- a. who is subject to the provisions of sections 19-03.1-15 through 19-03.1-22 to distribute or dispense a controlled substance in violation of section 19-03.1-22;
  - b. who is a registrant, to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;
  - c. to refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this chapter;
  - d. to refuse an entry into any premises for any inspection authorized by this chapter; or
  - e. knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances, or which is used for keeping or selling them in violation of this chapter.
2. Any person who violates this section is guilty of a class C felony.

SECTION 170. AMENDMENT.) Section 19-03.1-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-03.1-25. PROHIBITED ACTS C - PENALTIES.)

1. It is unlawful for any person:

- a. to distribute as a registrant a controlled substance classified in schedules I or II, except pursuant to an order form as required by section 19-03.1-21;
  - b. to use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;
  - c. to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge;
  - d. to furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this chapter, or any record required to be kept by this chapter; or
  - e. to make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.
2. Any person who violates this section is guilty of a class C felony.

SECTION 171. AMENDMENT.) Section 19-03.1-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-03.1-26. DISPOSING OF NEEDLES AND PARAPHERNALIA.) Any registrant who shall use, administer, dispense or cause to be used, administered, or dispensed any drug or controlled substance in a manner requiring the use of any type of syringe, needle, eyedropper or other similar paraphernalia shall destroy and dispose of said syringe, needle, eyedropper, or other similar paraphernalia in a manner that will prevent its reuse by any person other than the registrant. The state laboratories department may promulgate rules and regulations setting out the specific manner in which the provisions of this section shall be carried out. Any registrant who shall violate the provisions of this section shall be guilty of a class A misdemeanor.

SECTION 172. AMENDMENT.) Section 19-03.1-30 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-03.1-30. CONDITIONAL DISCHARGE FOR POSSESSION AS FIRST OFFENSE.) Whenever any person who has not previously been convicted of any offense under this chapter or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance

under subsection 3 of section 19-03.1-23, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the extended sentence which may be imposed under section 12.1-32-09. There may be only one discharge and dismissal under this section with respect to any person.

SECTION 173. AMENDMENT.) Section 19-04-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-04-01. SELLING CERTAIN ENUMERATED POISONS REGULATED - PENALTY.) Every person who, at retail, without receiving a physician's prescription specifying that such prescription shall contain a poison and giving the name thereof, sells, furnishes, gives away, or delivers to another:

1. Arsenic or any preparation thereof, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, or any other poison or vegetable alkaloid, or the salts thereof, or essential oil of bitter almonds; or
2. Aconite, belladonna, colchicum, conium, formaldehyde, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis, or the pharmaceutical preparations of any of them, croton oil, chloroform, sulphate of zinc, mineral acids, carbolic acid, or oxalic acid,

without affixing to the bottle, box, vessel, or package containing the same, the name of the contents, the word "poison", and his name and place of business, is guilty of a class A misdemeanor. Any storekeeper, however, may sell in original, unbroken packages, fungicides and insecticides, including formaldehyde and Paris green, generally used for agricultural purposes which have been designated as such by the state board of pharmacy.

SECTION 174. AMENDMENT.) Section 19-04-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-04-03. RECORDS TO BE KEPT OF POISONS DISPENSED - EXAMINATION OF RECORDS - PENALTY.) Every person who sells at retail, furnishes, gives away, or delivers to another any of the articles or preparations mentioned in section 19-04-01 or any drug, chemical, or preparation which, according to the standard works on medicine or materia medica, is liable, in quantities of sixty grains or less, to destroy adult human life, and who:

1. Fails or neglects, before delivering the same, to enter or cause to be entered in a book kept for that purpose, the date of sale, the name and address of the person to whom the

article or preparation is delivered or sold, the name, quantity, and quality of the article or preparation delivered or sold, and the name of the dispenser; or

2. Fails, neglects, or refuses, during business hours, to exhibit such book, and every part thereof, for inspection, and to permit the same to be inspected, upon demand, by any physician, coroner, peace officer, or magistrate of the county,

is guilty of a class A misdemeanor.

SECTION 175. AMENDMENT.) Section 19-04-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-04-04. DISTRIBUTION OF CERTAIN DRUGS AND PREPARATIONS PROHIBITED.) No person, for the purpose of advertising or inviting or suggesting the use of any such article, shall leave, throw, or deposit upon the doorstep or premises of another, or within the dwelling, barn, or other building owned or occupied by another, without a special personal request, samples or any quantities of any of the following preparations:

1. Patent or proprietary medicines; or
2. Any preparation, pill, tablet, powder, capsule, cosmetic, disinfectant, antiseptic, drug, medicine, or condiment that contains poison or any ingredient that is deleterious to health, or that contains an ingredient the name of which has to be printed upon the label or to be disclosed otherwise under any law of this state or of the United States.

Any person who shall violate any provision of this section shall be guilty of a class B misdemeanor.

SECTION 176. AMENDMENT.) Section 19-05-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-05-16. PENALTY.) Unless it is otherwise provided in this chapter, any person violating any of the provisions of this chapter is guilty of a class B misdemeanor.

SECTION 177. AMENDMENT.) Section 19-06-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-06-08. PENALTY.) Any person violating any provision of this chapter is guilty of an infraction.

SECTION 178. AMENDMENT.) Section 19-07-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-07-06. PENALTY.) Anyone violating the provisions of this chapter is guilty of an infraction. The court may authorize the department to suspend or revoke his license. Any person who engages in the business of buying, selling, or trading in eggs while his license is suspended or revoked shall be guilty of an infraction, his license shall be revoked, and no license may thereafter be issued to him under this chapter.

SECTION 179. AMENDMENT.) Section 19-08-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-08-06. PENALTIES.) Any person violating any of the provisions of this chapter or any rule or regulation issued pursuant thereto is guilty of a class B misdemeanor.

SECTION 180. AMENDMENT.) Section 19-10-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-10-18. SALE OF PROHIBITED OR MISCOLORED GASOLINES - PENALTY.) Any person violating any of the provisions of section 19-10-16 is guilty of a class B misdemeanor.

SECTION 181. AMENDMENT.) Section 19-10-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-10-22. DEPARTMENT MAY DESIGNATE PORTS OF ENTRY AND HOLD CARS FOR INSPECTION - PENALTY.) The department may designate ports of entry of all transportation companies carrying petroleum products into this state for sale or consignment and may hold or delay any car or other vehicle of transportation entering this state carrying such products for sale or consignment until samples thereof have been obtained for inspection and analysis and until such other information as may be required regarding the products contained in the shipment has been secured. The department, however, shall not hold or delay any shipment or consignment of petroleum products at the port of entry if the transportation company carrying such products will permit proper inspection and sampling of shipments or consignments at convenient designated points without the state, and will permit the inspection of transportation records and provide adequate information regarding the records of cars or other vehicles carrying such products at division points or at other places within or without the state where such cars or other vehicles, in normal practice, are stopped and held for switching and rearrangement or where ample opportunity is provided for proper inspection and sampling. The failure on the part of a transportation company or of any of its officers or employees to hold any such car or other vehicle of transportation for inspection shall be a class B misdemeanor.

SECTION 182. AMENDMENT.) Section 19-10-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-10-23. PENALTIES.) Any person violating or failing to comply with any of the provisions of this chapter, or with any rule or regulation issued pursuant thereto, is, unless another penalty is specifically provided, guilty of a class B misdemeanor.

SECTION 183. AMENDMENT.) Section 19-11-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-11-06. PENALTY.) Any person who violates any provision of this chapter is guilty of a class B misdemeanor.

SECTION 184. AMENDMENT.) Section 19-13.1-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-13.1-12. PENALTIES.) Any person convicted of violating any of the provisions of this chapter or the rules and regulations issued thereunder or who shall impede, obstruct, hinder, or otherwise prevent the state laboratories director or his duly authorized agent in performance of his duty in connection with the provisions of this chapter, shall be guilty of a class A misdemeanor. In all prosecutions under this chapter involving the composition of a lot of commercial feed, a certified copy of the official analysis signed by the state laboratories director shall be accepted as prima facie evidence of the composition.

Nothing in this chapter shall be construed as requiring the state laboratories director or his representative to seek prosecution or the institution of seizure proceedings based on minor violations of the chapter when he believes that the public interest will be best served by a suitable notice of warning in writing.

It shall be the duty of each state's attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. Before the department reports a violation for prosecution, an opportunity shall be given the distributor to present his view to the department.

The department is hereby authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rule or regulation promulgated under the chapter notwithstanding the existence of other remedies at law. Said injunction to be issued without bond.

Any person adversely affected by an act, order, or ruling made pursuant to the provisions of this chapter may within forty-five days thereafter bring action in the district court for Burleigh County for new trial of the issues bearing upon such act, order, or ruling, and upon such trial the court may issue and enforce such orders, judgments, or decrees as the court may deem proper, just, and equitable.

SECTION 185. AMENDMENT.) Section 19-14-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-14-08. PENALTY.) Any person who shall sell, offer, or expose for sale, or have in his possession with intent to sell, any livestock medicine in violation of any of the provisions of this chapter, or who shall willfully and falsely represent that any livestock medicine is registered for sale in this state when in fact it is not so registered, shall be guilty of a class B misdemeanor.

SECTION 186. AMENDMENT.) Section 19-16.1-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-16.1-10. SUBMISSION OF FORMULA.) The department may, for the purpose of registration, require the applicant to furnish a statement of the formula of such antifreeze, unless the applicant can furnish other satisfactory evidence that such antifreeze is not adulterated or misbranded. The statement need not include inhibitor or other ingredients which total less than five percent by weight of the antifreeze. All statements of formula and other trade secrets furnished under this section shall be



privileged and confidential and shall not be made public or open to the inspection of any persons, firms, associations, or corporations other than the commissioner. No such statement shall be subject to subpoena nor shall the same be exhibited or disclosed before any administrative or judicial tribunal by virtue of any order or subpoena of such tribunal without the consent of the applicant furnishing such statement to the department.

SECTION 187. AMENDMENT.) Section 19-16.1-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-16.1-11. PENALTY.) Any person who shall violate or fail to comply with any of the provisions of this chapter, for which another penalty has not been specifically provided, shall be guilty of a class B misdemeanor.

SECTION 188. AMENDMENT.) Section 19-17-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-17-05. PENALTY.) Any person who violates any of the provisions of this chapter or the orders, rules, or regulations promulgated by the commissioner under authority thereof, shall, unless a specific penalty has been provided, be guilty of a class B misdemeanor.

SECTION 189. AMENDMENT.) Section 19-17-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-17-06. WEIGHTS OF CONTAINERS FOR FLOUR, CORN MEAL, AND GRITS.) It shall be unlawful for any person to pack for sale, sell, offer, or expose for sale in this state any of the following commodities except in containers of net avoirdupois weights of two, five, ten, twenty-five, fifty, and one hundred pounds, and multiples of one hundred pounds: Wheat flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, enriched bromated flour, corn flour, corn meals, hominy and hominy grits; provided however, that the provisions of this section shall not apply to (a) the retailing of flours, meals, hominy and hominy grits direct to the consumer from bulk stock, or (b) the sale of flours and meals to commercial bakers or blenders or for export in containers of more than one hundred pounds, (c) flours, meal, hominy and hominy grits packed in cartons the net contents of which are less than five pounds, or (d) the exchange of wheat for flour by mills grinding for toll. Any person violating the provisions of this section is guilty of an infraction.

SECTION 190. AMENDMENT.) Section 19-18-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-18-08. PENALTIES.) Any person violating any provision of this chapter shall be guilty of an infraction. In any case where a registrant was issued a warning by the commissioner pursuant to the provisions of this chapter, such registrant shall upon violating any provision of this chapter other than subsection 1 of section 19-18-03 be guilty of a class A misdemeanor, and the registration of the article with reference to which the violation occurred shall terminate automatically. An article the registration of which has been terminated may not again be registered unless the article, its labeling, and other material required to be submitted appear to the commissioner to comply with all the requirements of this chapter.

SECTION 191. AMENDMENT.) Section 19-20.1-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-20.1-17. VIOLATIONS.)

1. If it shall appear from the examination of any commercial fertilizer or soil conditioner that any of the provisions of this chapter or the rules and regulations issued thereunder have been violated, the department shall cause notice of the violations to be given to the registrant, manufacturer, distributor, or possessor from whom said sample was taken; any person so notified shall be given opportunity to be heard under such rules and regulations as may be prescribed by the department. If it appears after such hearing, either in the presence or absence of the person so notified, that any of the provisions of this chapter or rules and regulations issued thereunder have been violated, the state laboratories director may certify the facts to the proper prosecuting attorney.
2. Any person convicted of violating any of the provisions of this chapter or the rules and regulations issued thereunder or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent said state laboratories director or his duly authorized agent in the performance of his duty in connection with the provisions of this chapter, shall be guilty of a class A misdemeanor. In all prosecutions under this chapter involving the composition of a lot of commercial fertilizers or soil conditioners, a certified copy of the official analysis signed by the state laboratories director shall be accepted as prima facie evidence of the composition.
3. Nothing in this chapter shall be construed as requiring the state laboratories director or his representative to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the chapter when he believes that the public interests will be best served by a suitable notice of warning in writing.
4. It shall be the duty of each state's attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.
5. The department is hereby authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rule or regulation promulgated under the chapter notwithstanding the existence of other remedies at law. Said injunction to be issued without bond.

SECTION 192. AMENDMENT.) Section 19-21-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-21-09. PENALTIES.) Any person who violates any of the provisions of this chapter shall be guilty of a class A misdemeanor. No person shall be subject to the penalties of this section, for having violated

subsection 1 of section 19-21-02 in respect of any hazardous substance shipped or delivered for shipment for export to any foreign country, in a package marked for export and branded in accordance with the specifications of the foreign purchaser and in accordance with the laws of the foreign country.

SECTION 193. AMENDMENT.) Section 19-22-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-22-05. PENALTY.) Any person who violates any of the provisions of this chapter is guilty of a class B misdemeanor.

SECTION 194. AMENDMENT.) Section 19-22.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-22.1-03. PENALTY.) Any person who violates any of the provisions of this chapter is guilty of a class B misdemeanor.

SECTION 195. AMENDMENT.) Section 20.1-01-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class B misdemeanor.

SECTION 196. AMENDMENT.) Section 20.1-01-08 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-08. HUNTING WITH ARTIFICIAL LIGHT PROHIBITED - EXCEPTION.) It shall be unlawful for any person to pursue, shoot, kill, take or attempt to take any wildlife between sunset of one day and sunrise of the next, with the aid of a spotlight or any other artificial light. This section does not make it unlawful for any person to use a lantern, spotlight, or other artificial light to assist him in pursuing and shooting on his premises any coyote, fox, skunk, mink, raccoon, weasel, owl, rabbit, or other predatory animal or bird, attacking and attempting to destroy such person's poultry, livestock, or other property. It is permissible to use a flashlight of not more than two cells in the aggregate of three volts while taking raccoon during the open season on such animal.

SECTION 197. AMENDMENT.) Section 20.1-01-09 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-09. TYPES OF GUNS LAWFULLY USABLE IN TAKING RACCOON WITH FLASHLIGHT.) In the killing, shooting, pursuit, taking or in attempting to take raccoon with the use of a flashlight of not over two cells in the aggregate of three volts, it is illegal to use a rifle capable of firing a shell larger than a twenty-two long rifle shell, or a shotgun larger than four-ten gauge.

SECTION 198. AMENDMENT.) Section 20.1-01-23 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-23. FENCE GATES TO BE CLOSED - PENALTY - VIOLATOR'S HUNTING LICENSE FORFEITED.) A person who opens a gate or bars in a fence enclosing farm premises shall not leave such gate or bars open unless he is in lawful possession of the premises. If a person violates this section while hunting, he is guilty of a class B misdemeanor, and his hunting license shall be forfeited for the remainder of the then current hunting season. A summary of the provisions of this section shall be printed on each general game and fur-bearer license.

SECTION 199. AMENDMENT.) Section 20.1-03-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-03-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class B misdemeanor.

SECTION 200. AMENDMENT.) Section 20.1-03-16 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-03-16. RECORDS REQUIRED OF LICENSED TAXIDERMISTS - CONTENTS - INSPECTION OF RECORDS AND UNMOUNTED SPECIMENS BY GAME OFFICIALS - PENALTY.) Each person having a license to practice taxidermy shall keep a record showing the name of every person who furnished him with a green or unmounted specimen, and the species of each such specimen. The licensee, upon request, shall exhibit such record and all unmounted specimens in his possession to the commissioner, the deputy commissioner, or any bonded game warden. Anyone violating this section shall be guilty of an infraction.

SECTION 201. AMENDMENT.) Section 20.1-03-21 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-03-21. FAILURE TO TURN OVER MONEY COLLECTED UNDER PROVISIONS OF THIS TITLE UNLAWFUL - PENALTY.) It shall be unlawful for a person to fail or refuse to turn over any moneys collected or authorized to be collected under this title, or to fail or refuse to turn over and deliver to the commissioner all applications, stubs, and mutilated and unused licenses and permits. The commissioner may take appropriate action to recover from the person so defaulting, or on his bond.

SECTION 202. AMENDMENT.) Section 20.1-03-27 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-03-27. LICENSES TO BE CARRIED ON PERSON - LICENSES TO BE SHOWN OFFICERS UPON DEMAND - PENALTY.) Any person holding a hunting, trapping, or fishing license required under this title shall carry such license on his person when hunting, trapping, or fishing. Upon the request or demand of the commissioner, the deputy commissioner, any game warden, or any police officer, he shall show such license immediately to the officer making the request or demand. Any person violating this section shall be guilty of an infraction.

SECTION 203. AMENDMENT.) Section 20.1-04-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and re-enacted to read as follows:

20.1-04-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class B misdemeanor.

SECTION 204. AMENDMENT.) Section 20.1-05-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and re-enacted to read as follows:

20.1-05-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class A misdemeanor.

SECTION 205. AMENDMENT.) Section 20.1-06-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and re-enacted to read as follows:

20.1-06-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class B misdemeanor.

SECTION 206. AMENDMENT.) Section 20.1-07-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and re-enacted to read as follows:

20.1-07-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class B misdemeanor.

SECTION 207. AMENDMENT.) Section 20.1-08-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and re-enacted to read as follows:

20.1-08-01. ORDERS AND PROCLAMATIONS HAVE FORCE OF LAW - PENALTY.) Any order or proclamation issued by the governor pursuant to this chapter shall have the force of law. Any person violating a provision of such order or proclamation is guilty of a class B misdemeanor.

SECTION 208. AMENDMENT.) Section 20.1-09-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and re-enacted to read as follows:

20.1-09-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class B misdemeanor.

SECTION 209. AMENDMENT.) Section 20.1-11-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and re-enacted to read as follows:

20.1-11-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class B misdemeanor.

SECTION 210. AMENDMENT.) Section 20.1-12-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-12-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class B misdemeanor.

SECTION 211. AMENDMENT.) Section 20.1-13-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-13-01. GENERAL PENALTY.) Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class B misdemeanor.

SECTION 212. AMENDMENT.) Section 21-01-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-01-03. MAXIMUM AMOUNT OF WARRANTS OR INDEBTEDNESS - VIOLATION OF PROVISIONS - LIABILITY - PENALTY.) Except as otherwise provided in this chapter, no warrant purporting to be drawn upon the funds in the hands of the treasurer of any taxing district shall be issued in excess of the amount of cash in the hands of the treasurer exclusive of sinking funds and funds for the payment of interest upon bond issues. No indebtedness shall be incurred, and no undertakings or expenditures authorized, in excess of unencumbered uncollected taxes which have been levied during the current year plus the unencumbered uncollected taxes of the four preceding years. Any warrant issued, contract entered into, or purported indebtedness incurred, in contravention of this section shall be null and void, but this provision is not intended to detract from the provisions of section 21-02-03 with reference to the incontestability of certificates of indebtedness. Any officer willfully executing or participating in the execution of any warrant or contract or attempting to incur any indebtedness of any such taxing district in contravention of this section is guilty of a class A misdemeanor. Any officer executing or participating in the execution of any warrant in contravention of this section shall be personally liable for the payment thereof to the holder in due course.

SECTION 213. AMENDMENT.) Section 21-02-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-02-04. SIGNING FALSE CERTIFICATES - PENALTY.) Any county auditor willfully signing a false certificate upon any certificate of indebtedness, issued pursuant to the provisions of this chapter, is guilty of a class A misdemeanor. Any member of a governing board, or any other officer of any such taxing district, who shall willfully issue or participate in the issuance or purported authorization of any certificate of indebtedness contrary to, or in excess of, the maximum amount permitted under this chapter, shall be liable personally for the payment thereof to the holder in due course.

SECTION 214. AMENDMENT.) Section 21-03-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 21-03-26. BONDS - CALL FOR BIDS - HOW ADVERTISED - COPY TO TAX COMMISSIONER - PENALTY.) A notice calling for bids for each proposed issue of municipal bonds shall be published at least once in the official newspaper of the county in which the municipality is situated not less than fifteen days nor more than thirty days before the date specified therein for the receiving of such bids. Such notice may be in any form but shall specify the amount of bonds offered for sale and the date of the maturity thereof. A copy of such notice shall be mailed to the state tax commissioner at Bismarck not less than fifteen days before the date specified for the opening bids, and the tax commissioner shall keep such notice on file for public inspection. The county auditor, or the auditor or secretary of the municipality advertising such sale, at the same time, shall file with the tax commissioner a statement giving the assessed valuation, the area, the population, and the indebtedness thereof. Failure to publish such notice or to send a copy thereof to the tax commissioner shall not impair the validity of such bonds but shall render unenforceable any executory contract entered into for the sale thereof. An auditor or secretary failing to publish or to send such notice shall be subject to a penalty of not more than five hundred dollars, at the discretion of the district court, to be recovered in an action brought by the state's attorney in the name of the state. The penalty, when collected, shall be paid into the general fund of the county.

SECTION 215. AMENDMENT.) Section 21-04-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-04-04. MONEY DEPOSITED PROMPTLY - WITHDRAWAL - PENALTY.) The treasurer of a public corporation and every other person legally charged with the custody of public funds, which, according to the provisions of this chapter, shall be deposited in the Bank of North Dakota or in a depository duly designated as provided in this chapter, promptly upon receipt of such funds, shall deposit the same in such depository. All such public funds shall be deposited in the name of the state, state institution, or public corporation to which the same belong. Checks or drafts on funds deposited as herein provided shall be drawn by the legal custodian thereof in his official capacity only, and no checks or drafts on such deposits shall be paid or honored by such depository unless so drawn.

SECTION 216. AMENDMENT.) Section 21-04-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-04-23. PENALTY.) Any person violating any of the provisions of this chapter is guilty of a class A misdemeanor.

SECTION 217. AMENDMENT.) Section 21-05-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-05-08. PENALTY FOR AUDITING ACCOUNT NOT VERIFIED.) Any person, whether or not acting as a member of any board, who audits and allows any account, claim, or demand against any county or township required to be itemized and verified, without having the same first duly itemized and verified, shall be guilty of a class B misdemeanor.

SECTION 218. AMENDMENT.) Section 23-01-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\*NOTE: Section 21-03-26 was also amended by section 1 of House Bill No. 1358, chapter 220.

## 23-01-15. RESEARCH STUDIES CONFIDENTIAL - PENALTY.)

1. All information, records of interviews, written reports, statements, notes, memoranda, or other data procured by the state department of health, in connection with studies conducted by the state department of health, or carried on by the said department jointly with other persons, agencies, or organizations, or procured by such other persons, agencies, or organizations, for the purpose of reducing the morbidity or mortality from any cause or condition of health shall be confidential and shall be used solely for the purposes of medical or scientific research.
2. Such information, records, reports, statements, notes, memoranda, or other data shall not be admissible as evidence in any action of any kind in any court or before any other tribunal, board, agency, or person. Such information, records, reports, statements, notes, memoranda, or other data shall not be exhibited nor their contents disclosed in any way, in whole or in part, by any officer or representative of the state department of health, nor by any other person, except as may be necessary for the purpose of furthering the research project to which they relate. No person participating in such research project shall disclose, in any manner, the information so obtained except in strict conformity with such research project. No officer or employee of said department shall interview any patient named in any such report, nor a relative of any such patient, unless the consent of the attending physician and surgeon is first obtained.
3. The furnishing of such information to the state department of health or its authorized representative, or to any other cooperating agency in such research project, shall not subject any person, hospital, sanatorium, rest home, nursing home, or other person or agency furnishing such information, to any action for damages or other relief.

SECTION 219. AMENDMENT.) Subsection 1 of section 23-01-17 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The state health council shall establish reasonable standards, rules, and regulations necessary to prevent and minimize hazards to health and safety caused by the excessive noise or other similar disturbances of farm machinery, tools, construction equipment, motor-powered vehicles, musical instruments or groups, and other devices, operations, objects, or activities producing noise levels determined by the health council as hazardous to health and safety. Before establishing any standards, rules, or regulations as herein provided, the council shall hold public hearings thereon with appropriate notice to interested parties. An appeal from any established standard, rule, or regulation may be taken to the courts by any affected person pursuant to chapter 28-32. Any person violating these established standards, rules, or regulations



shall be guilty of a class A misdemeanor. The state health council shall have the power to apply to the state's courts to enjoin repeated violations of the standards, rules, and regulations established hereby.

SECTION 220. AMENDMENT.) Section 23-02-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 23-02-14. PENALTY FOR FAILURE TO MAKE REPORT OF BIRTH.) Any person required by any provision of this title to report a birth who neglects or refuses to file a proper certificate of birth within the time required, or who omits to answer the question, "Were precautions taken against ophthalmia neonatorum", is guilty of a class B misdemeanor.

SECTION 221. AMENDMENT.) Section 23-02-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 23-02-27. LOCAL REGISTRAR'S RECORDS CONFIDENTIAL - PENALTY.) A local registrar shall not permit the inspection of any records made by him and shall not disclose any information obtained by him as local registrar to any person except the state registrar of vital statistics, or to officers or employees of the division of vital statistics.

SECTION 222. AMENDMENT.) Section 23-02-33 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 23-02-33. NEGLECT OR REFUSAL OF PHYSICIAN TO DELIVER MEDICAL CERTIFICATE TO UNDERTAKER - PENALTY.) Any physician in medical attendance upon a deceased person at the time of death who neglects or refuses to make out and deliver the medical certificate of cause of death to the undertaker, sexton, or other person in charge of the interment, removal, or other disposition of the body, upon request, is guilty of a class B misdemeanor.

SECTION 223. AMENDMENT.) Section 23-02-42 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 23-02-42. ALTERATION OF LOCAL RECORD OF CERTIFICATE OF BIRTH OR OF DEATH - PENALTY.) Any person who shall willfully alter any certificate of birth or of death, or the copy of any certificate of birth or of death, on file in the office of a local registrar, shall be guilty of a class B misdemeanor.

SECTION 224. AMENDMENT.) Section 23-02-43 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 23-02-43. GENERAL PENALTY.) Any person who shall violate any provision of this chapter for which a penalty is not specifically provided shall be guilty of a class B misdemeanor.

SECTION 225. AMENDMENT.) Section 23-05-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-05-11. OBSTRUCTING HEALTH OFFICER - PENALTY.) Every person who opposes or obstructs the performance of the legal duty of any health officer or physician charged with the enforcement of the health laws is guilty of a class B misdemeanor.

\*NOTE: Chapter 23-02 was repealed by section 34 of House Bill No. 1107, chapter 223.

SECTION 226. AMENDMENT.) Section 23-05-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-05-12. VIOLATION OF ORDERS OF BOARDS OF HEALTH - OBSTRUCTING INSPECTION - PENALTY.) Every person who violates, or refuses to comply with, any lawful order, direction, prohibition, or regulation prescribed by any board of health or health officer, or any regulation lawfully made or established by any public officer under authority of the health laws, is guilty of a class B misdemeanor.

SECTION 227. AMENDMENT.) Section 23-06-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-06-05. FAILURE TO BURY WITHIN REQUIRED TIME - PENALTY.) Any person who fails to comply with or who violates any of the provisions of section 23-06-04, or who refuses or neglects promptly to obey any order or instruction of the local board of health, is guilty of a class B misdemeanor.

SECTION 228. AMENDMENT.) Section 23-06-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-06-06. NEGLECT OF BURIAL - PENALTY.) Every person upon whom the duty of making burial of the remains of a deceased person is imposed by law who omits to perform that duty as required in this chapter, is guilty of a class B misdemeanor.

SECTION 229. AMENDMENT.) Section 23-06-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-06-11. BURIAL WITHOUT BURIAL-TRANSIT PERMIT - PENALTY.) It shall be unlawful for a person, acting as an undertaker, to inter, remove, or otherwise dispose of the body of any deceased person without having received a burial-transit permit.

SECTION 230. AMENDMENT.) Section 23-06-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-06-12. PENALTY FOR TRANSPORTING BODY WITHOUT BURIAL-TRANSIT PERMIT.) It shall be unlawful for a transportation company or common carrier to transport, or accept for transportation, the body of any deceased person unless that body is accompanied by a burial-transit permit issued in accordance with the provisions of this chapter.

SECTION 231. AMENDMENT.) Section 23-06-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-06-17. BODIES REQUIRED TO BE BURIED OR CREMATED AFTER BEING DISSECTED.) Any person who shall receive for dissection any dead body, in pursuance of the provisions of this chapter, shall decently bury the body in some public cemetery or shall cremate the same in a furnace properly constructed for that purpose after the dissection has been made.

SECTION 232. AMENDMENT.) Section 23-06-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-06-18. DISSECTION - REMOVAL OF BODY - SALE - PENALTY.)**

Any person who shall receive a body for use under the provisions of section 23-06-14 and shall use the same for any other purpose, or who shall remove the same beyond the limits of this state, or who shall buy or sell any such body, or traffic in the same, shall be guilty of a class B misdemeanor. It shall be unlawful for an officer to refuse to deliver the remains or body of any deceased person, when demanded under the provisions of section 23-06-14.

**SECTION 233. AMENDMENT.)** Section 23-06-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-06-24. UNLAWFUL REMOVAL OF DEAD BODY - PENALTY.)**

Every person who removes any part of the dead body of a human being from any grave or other place where the same has been buried, or from any place where the same is deposited while awaiting burial, except as provided by law, is guilty of a class C felony.

**SECTION 234. AMENDMENT.)** Section 23-06-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-06-26. PURCHASING BODY FORBIDDEN - PENALTY.)** Every person who purchases or who receives, except for the purpose of burial, any dead body of a human being, knowing that the same has been removed contrary to the provisions of this chapter, is guilty of a class C felony.

**SECTION 235. AMENDMENT.)** Section 23-06-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-06-27. UNLAWFULLY OPENING PLACE OF BURIAL - PENALTY.)**

Every person who, without authority of law, opens any grave or any place of burial, temporary or otherwise, or who breaks open any building wherein any dead body of a human being is deposited while awaiting burial, with intent, either:

1. To remove the dead body of a human being, or any part thereof; or
2. To steal the coffin, or any part thereof, or anything attached thereto or connected therewith, or the vestments or other articles buried with the same,

is guilty of a class C felony.

**SECTION 236. AMENDMENT.)** Section 23-06-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-06-28. ARRESTING OR ATTACHING DEAD BODY - PENALTY.)**

Every person who arrests or attaches any dead body of a human being upon any debt or demand whatever, or who detains or claims to detain it for any debt or demand or upon any pretended lien or charge, is guilty of a class B misdemeanor.

**SECTION 237. AMENDMENT.)** Section 23-06-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-06-29. PENALTY FOR VIOLATING PROVISIONS RELATING TO DISSECTIONS AND GENERAL PENALTY.) Every person who violates any provision of this chapter relative to the dissection of dead bodies of human beings, or who makes or procures to be made any dissection of the body of a human being except by authority of law or in pursuance of permission given in accordance with the provision of this chapter, is guilty of a class B misdemeanor. Every person who violates any provision of this chapter for the violation of which another penalty is not specifically provided is guilty of an infraction.

SECTION 238. AMENDMENT.) Section 23-07-07.4 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-07-07.4. PENALTY.) Any physician or other person engaged in attendance upon a pregnant woman during the period of gestation or at delivery or any representative of a laboratory who violates the provisions of sections 23-07-07.1 through 23-07-07.3 shall be guilty of an infraction, provided that any physician or other person, engaged in attendance upon a pregnant woman, who requests a sample of blood in accordance with the provisions of section 23-07-07.1, whose request is refused, shall not be guilty of violation of the provisions of sections 23-07-07.1 through 23-07-07.3.

SECTION 239. AMENDMENT.) Section 23-07-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-07-21. PENALTIES.) Any person:

1. Who violates or fails to obey any of the provisions of this chapter, any lawful rule or regulation made by the state department of health, or any order issued by any state, county, or municipal health officer;
2. Who violates any quarantine law or regulation, or who leaves a quarantined area without being discharged; or
3. Who, knowing that he is infected with a venereal disease, willfully exposes another person to infection,

is guilty of an infraction.

SECTION 240. AMENDMENT.) Section 23-09-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-09-08. BOLTS OR LOCKS TO BE SUPPLIED ON DOORS OF SLEEPING ROOMS.) The doors of all rooms used for sleeping purposes in any hotel, roominghouse, or lodginghouse within this state shall be equipped with proper bolts or locks to permit the occupants of such rooms to lock or bolt such doors securely from within the rooms. Such locks or bolts shall be constructed in a manner which shall render it impossible to unbolt or unlock the door from the outside with a skeleton key or otherwise, or to remove the key therefrom from the outside, while such room is bolted or locked from within. Any hotel, roominghouse, or lodginghouse proprietor who shall fail to comply with the provisions of this section shall be guilty of a class B misdemeanor.

SECTION 241. AMENDMENT.) Section 23-09-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-09-20. REQUIREMENTS OF FIREPROOF HOTEL - PENALTY FOR FALSE ADVERTISING.) No person shall advertise as fireproof a building or hotel unless all foundations, floors, roofs, walls, stairways, stairs, elevator shafts, and dumbwaiter shafts are constructed of concrete, brick, terra cotta blocks, steel, or other fireproof material. Any person violating the provisions of this section is guilty of a class A misdemeanor.

SECTION 242. AMENDMENT.) Section 23-09-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-09-21. PENALTY - GENERAL.) Any person operating a hotel, restaurant, lodginghouse, or boardinghouse in this state, or letting a building used for such business, without first having complied with the provisions of this chapter, is guilty of a class B misdemeanor.

SECTION 243. AMENDMENT.) Section 23-10-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-10-12. REVOCATION OF LICENSE - PENALTY FOR OPERATING WITHOUT LICENSE.) The state laboratories department may revoke any license issued under the provisions of this chapter upon the failure of the holder thereof to comply with the provisions of this chapter or with any of the rules and regulations made and promulgated by the department. Any person who shall maintain or operate a motor or trailer court without first obtaining a license, or who shall operate the same after the revocation of the license, shall be guilty of an infraction.

SECTION 244. AMENDMENT.) Section 23-12-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-12-03. USE OF PUBLIC DRINKING CUP PROHIBITED - PENALTY.) Any person in charge of any:

1. Public conveyance;
2. Passenger terminal building;
3. Public, parochial, or private school, or other educational institution; or
4. Public building

who furnishes or permits the common use of public drinking cups in such place is guilty of an infraction.

SECTION 245. AMENDMENT.) Section 23-12-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-12-07. VIOLATION OF HEALTH LAWS - GENERAL PENALTY.) Any person who willfully violates any provision of this title, if another penalty is not specifically provided for such violation, shall be guilty of an infraction.

SECTION 246. AMENDMENT.) Section 23-13-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-13-03. PENALTY.) Any person who violates any provision of section 23-13-02, or who, if an owner or operator of a filling station, permits such violation, shall be guilty of an infraction.

SECTION 247. AMENDMENT.) Section 23-13-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-13-05. PENALTY FOR FAILURE TO CONSTRUCT DOORS OF PUBLIC BUILDINGS AS REQUIRED.) All persons owning or having charge of any building described in section 23-13-04, including trustees and members of boards of directors and boards of education, shall see that the provisions of such section are complied with. Any person who shall fail to comply with the provisions of that section, or who shall build, maintain, or permit to be used any building contrary to the provisions thereof, shall be guilty of a class B misdemeanor.

SECTION 248. AMENDMENT.) Section 23-13-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-13-06. OWNER OF LAND TO FILL ABANDONED OR DISUSED WELLS, SHAFTS AND OTHER EXCAVATIONS.) Any person owning or occupying lands in this state upon which is located any abandoned or disused well or shaft, shall cause such well or shaft to be filled with earth or stones so as to obviate any possible menace to the safety of persons or property. Any person violating the provisions of this section shall be guilty of a class B misdemeanor.

SECTION 249. AMENDMENT.) Section 23-15-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-15-06. GENERAL PENALTY.) Any person violating the provisions of this chapter shall be guilty of a class B misdemeanor.

SECTION 250. AMENDMENT.) Section 23-16-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-16-11. PENALTIES.) Any person establishing, conducting, managing, or operating any institution within the meaning of this chapter, without first obtaining a license therefor as herein provided, or who shall violate any of the provisions of this chapter shall be guilty of an infraction.

SECTION 251. AMENDMENT.) Section 23-17-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-17-10. VIOLATIONS - PENALTIES.) Any person establishing, conducting, managing, or operating any chiropractic hospital or sanatorium within the meaning of this chapter, without first obtaining a license therefor as herein provided, or who shall violate any provision of this chapter or regulation thereunder, shall be guilty of an infraction.

SECTION 252. AMENDMENT.) Section 23-19-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-19-09. PENALTIES.) Any person violating any of the provisions of this chapter or health and sanitary regulations promulgated hereunder shall be guilty of a class B misdemeanor.

SECTION 253. AMENDMENT.) Section 23-20-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-20-06. PENALTY.) Any person as set forth in section 23-20-04 who fails to register and obtain a certificate of registration as required by this chapter shall be guilty of a class A misdemeanor.

SECTION 254. AMENDMENT.) Section 23-20.1-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-20.1-10. PENALTIES.) Any person who violates any of the provisions of this chapter, or rules, regulations, or orders of the department in effect pursuant thereto shall be guilty of a class A misdemeanor.

SECTION 255. AMENDMENT.) Section 23-21.1-09 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-21.1-09. PENALTIES.) Any person violating any of the provisions of this chapter shall be guilty of a class A misdemeanor.

SECTION 256. AMENDMENT.) Section 23-23-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-23-04. PENALTY.) Any person who violates any provision of this chapter shall be guilty of a class A misdemeanor.

SECTION 257. AMENDMENT.) Section 23-26-09 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-26-09. VIOLATIONS - PENALTY.) Any person violating any provisions of this chapter or the rules and regulations adopted thereunder after written notice thereof by the department, is guilty of a class A misdemeanor.

SECTION 258. AMENDMENT.) Section 23-27-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-27-05. PENALTY.) Any person violating the provisions of this chapter shall be guilty of an infraction. The license of an ambulance service operator shall be suspended by the state health council after a hearing, upon proof that the operator does not provide services that meet the standards required by this chapter or does not meet the equipment specifications adopted by the state health council pursuant to this chapter. A suspension order by the state health council may be reviewed by appeal to the district court pursuant to chapter 28-32. A suspended license shall be restored upon a showing that the basis for the suspension no longer exists.

SECTION 259. AMENDMENT.) Section 23-28-06 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-28-06. FALSIFYING IDENTIFICATION OR MISREPRESENTING CONDITION - PENALTY.) A person who, with intent to deceive, provides, wears, uses, or possesses a false identifying device or identification card of the type described in subsection 2 of section 23-28-02 is guilty of a class B misdemeanor.

SECTION 260. AMENDMENT.) Section 24-03-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-03-05. CLOSING OF ROADS - PENALTY FOR PASSING OVER ROAD OR REMOVING BARRICADE.) Whenever, during the construction work on any state highway or at any other time, it may be necessary to prevent traffic from passing over any portion of such highway, the department may close such portion of the highway to all traffic by causing to be posted in a conspicuous manner, at the ends of the portion of the highway so closed, suitable signs warning the public that such road is closed under authority of law, and by the erection of suitable barricades, fences, or other obstructions. The driver, or owner, or both, of any vehicle, self-propelling or otherwise, passing through, over, or around any such barricade, fence, or other obstruction so placed, or any person opening, removing, or defacing any such barricade, fence, or other obstruction, or any such warning sign, without written permission from the engineer in charge of the work, or in charge of such highway, or any person willfully causing any damage to the work under construction, is guilty of a class A misdemeanor.

SECTION 261. AMENDMENT.) Section 24-03-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-03-11. PENALTY FOR FAILURE TO ERECT WARNING SIGNS.) Any person in charge of any work or repairs on any public road, culvert, or bridge who shall fail or neglect to erect and maintain suitable warning signs as provided in sections 24-03-09 and 24-03-10 shall be guilty of a class B misdemeanor.

SECTION 262. AMENDMENT.) Section 24-06-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-06-27. PENALTY FOR INJURING DITCH.) Any person who shall obstruct, or in any way injure any ditch opened as provided in section 24-06-26, shall be liable to pay to the overseer of highways of such road district double the damages caused by such injury, which shall be assessed by the jury or court, and also shall be guilty of a class B misdemeanor, and the civil damages, when collected by the overseer, shall be deposited in the road fund established by section 24-06-17, and shall be expended in accordance with section 24-06-19.

SECTION 263. AMENDMENT.) Section 24-10-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-10-03. LEAVING GATES OPEN - PENALTY.) Any person who shall open and fail to close promptly any gate provided for in this chapter shall be guilty of an infraction.

SECTION 264. AMENDMENT.) Section 24-12-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:



24-12-05. PENALTIES.) Any person who violates any provision of this title for which another penalty is not specifically prescribed is guilty of a class B misdemeanor.

SECTION 265. AMENDMENT.) Section 24-15-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-15-05. PENALTY.) Any person who shall proceed or travel through a roadblock without subjecting himself to the traffic control so established shall be guilty of a class B misdemeanor.

SECTION 266. AMENDMENT.) Section 24-16-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-16-12. PENALTY.) Any person who shall permit a junkyard, as defined in section 24-16-02, to be established on his property in violation of this chapter, shall be guilty of a class A misdemeanor.

SECTION 267.) Section 25-01-16 of the North Dakota Century Code is hereby created and enacted to read as follows:

25-01-16. TREATING PATIENTS CRUELLY - PENALTY.) Any person responsible for the care or custody of any person admitted to a state institution in accordance with the provisions of this title, who shall treat the person admitted with severity, harshness, or cruelty, or who shall abuse that person in any way, shall be guilty of a class A misdemeanor.

SECTION 268. AMENDMENT.) Section 25-01.1-35 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-01.1-35. MEMBERS OF SUPERVISING DEPARTMENT AND OFFICERS AND EMPLOYEES OF INSTITUTIONS PROHIBITED FROM ACCEPTING GIFTS - PENALTY.) No member of the supervising department, nor any officer, agent, or employee thereof, and no superintendent, officer, manager, or employee of any of the institutions under the charge and control of the supervising department, directly or indirectly, for himself or any other person, shall receive or accept any gift or gratuity from any person dealing in goods, merchandise, or supplies which may be used in any of the institutions, or from any employee, servant, or agent of such person. Any person violating the provisions of this section is guilty of a class A misdemeanor. Such violation shall be cause for his removal from office.

SECTION 269. AMENDMENT.) Section 25-01.1-36 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-01.1-36. EMPLOYEES - PENALTY FOR INFLUENCING APPOINTMENT.) Any member of the supervising department and any officer thereof who exerts any improper influence, by solicitation or otherwise, on the superintendent of any institution under the control of the supervising department, in the selection of any employee or assistant, is guilty of a class A misdemeanor.

SECTION 270. AMENDMENT.) Section 25-03-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-03-22. DISCLOSURE OF INFORMATION.) All certificates, applications, records, and reports made for the purpose of this chapter and directly or indirectly identifying a patient or former patient or an individual whose hospitalization has been sought under this chapter shall be kept confidential and shall not be disclosed by any person except so far as:

1. The individual identified or his legal guardian, if any, or if he is a minor his parent or legal guardian, shall consent; or
2. Disclosure may be necessary to carry out any of the provisions of this chapter; or
3. A court or mental health board may direct upon its determination that disclosure is necessary for the conduct of proceedings before it and that failure to make such disclosure would be contrary to the public interest; or
4. Requested by any committee of the legislative assembly or as may otherwise be provided by law.

Nothing in this section shall preclude disclosure upon proper inquiry of information as to a patient's current medical condition to any members of the family of a patient or his family physician, relatives, or friends.

SECTION 271. AMENDMENT.) Section 25-03-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-03-28. UNWARRANTED HOSPITALIZATION OR DENIAL OF RIGHTS - PENALTIES.) Any person who willfully causes the unwarranted hospitalization of any individual under the provisions of this chapter, or the denial to any individual of any of the rights accorded to him under the provisions of this chapter, shall be guilty of a class A misdemeanor.

SECTION 272. AMENDMENT.) Section 25-13-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-13-04. PENALTY FOR INTERFERING OR DENYING USE OF FACILITIES.) Any person or the agent of any person who denies or interferes with admittance to or enjoyment of the public facilities enumerated in section 25-13-02 or otherwise interferes with the rights of a totally or partially blind person shall be guilty of a class A misdemeanor.

SECTION 273. AMENDMENT.) Section 26-01-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-01-15. MISDEMEANOR FOR FOREIGN COMPANIES TO DO BUSINESS IN NORTH DAKOTA.) Any insurance company or other insurance entity which is financially owned in whole or in part or financially controlled by any foreign government outside the United States or the territories of the United States, or any representative or agent of any such company or entity which violates the provisions of section 26-01-13 or section 26-01-14 shall be guilty of a class A misdemeanor.

SECTION 274. AMENDMENT.) Subsection 4 of section 26-02-36 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. An insurer found guilty of willfully violating the provisions of subsection 3 of this section shall be guilty of a class A misdemeanor. Failure on the part of an insurer to comply with the provisions of subsections 1 and 3 of this section shall be sufficient cause for the insurance commissioner to cancel, revoke, or refuse to renew that insurer's certificate of authority to do business in North Dakota.

SECTION 275. AMENDMENT.) Section 26-03A-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-03A-09. VIOLATION.) Any person willfully violating any provision of this chapter or order of the commissioner made in accordance with this chapter, shall be guilty of a class A misdemeanor. The commissioner may also suspend or revoke the license of an insurer or agent for any such willful violation.

SECTION 276. AMENDMENT.) Section 26-04-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-04-08. SECURITY AGREEMENT TO SECURE PREMIUM PAYMENT MUST BE IN SEPARATE INSTRUMENT - PENALTY FOR VIOLATION.) It shall be unlawful for any insurance company, or any agent or solicitor therefor within this state, to take or procure to be taken upon the property to be insured, or upon any other property, a security agreement securing the payment of the premium due or to become due, including policy fees, or any part thereof, unless the security agreement shall be printed or written upon a paper which is separate and distinct from the application. Any security agreement given in violation of this section shall be void. Any insurance company violating the provisions of this section is guilty of a class A misdemeanor, and in addition to being subject to the penalty therefor, such company shall forfeit its right to do business in this state.

SECTION 277. AMENDMENT.) Section 26-04-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-04-09. SALE OR NEGOTIATION OF PREMIUM NOTE PROHIBITED - PENALTY.) No promissory note taken in settlement of the first premium on any life, health, or accident insurance policy shall be sold or negotiated in any manner prior to the applicant's medical examination, where one is required, nor unless a binding receipt for such premium signed by an authorized agent of such insurance company has been delivered to the applicant, nor until the insurance company has received such application and medical examination. Any person violating the provisions of this section is guilty of a class B misdemeanor.

SECTION 278. AMENDMENT.) Section 26-07-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-07-09. PENALTY FOR NOT MAKING STATEMENT.) Any insurance company doing business in this state which shall neglect to make and file any statement in the manner and within the time prescribed in

this chapter shall forfeit one hundred dollars for each day's neglect, and upon notice by the commissioner of insurance to that effect, its authority to do new business shall cease while such default continues. Any new business done by an insurance company after it has neglected to make a required statement shall be deemed to be done in violation of law.

SECTION 279. AMENDMENT.) Section 26-07-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-07-17. PENALTY WHEN THERE IS NO SPECIFIC PROVISION.) For a violation of any provision of this title, when no penalty is provided specifically, the offender shall be guilty of an infraction.

SECTION 280. AMENDMENT.) Section 26-09-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-09-02. FAILURE TO COMPLY WITH CONDITIONS RENDERS CONTRACTS VOID ON BEHALF OF COMPANY - ENFORCEMENT AGAINST COMPANY.) Every contract made by or on behalf of any foreign insurance company doing business in this state without first complying with the requirements of section 26-09-01 or 26-09-04 shall be wholly void and unenforceable on behalf of the company and its assigns, but any such contract may be enforced against the company.

SECTION 281. AMENDMENT.) Section 26-09-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-09-03. LIABILITY OF OFFICERS, AGENTS, AND STOCKHOLDERS OF NONCOMPLYING FOREIGN INSURANCE COMPANY - PENALTY.) Any failure to comply with the provisions of section 26-09-01 shall render each officer, agent, and stockholder of any foreign insurance company failing to comply therewith jointly and severally liable on all contracts of such company made within this state during the time such company is in default. Each officer and agent of the noncomplying company shall be guilty of a class A misdemeanor.

SECTION 282. AMENDMENT.) Section 26-09-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-09-04. LIFE COMPANY REQUIRED TO MAINTAIN FUNDS OR STOP WRITING BUSINESS - PENALTY.) When the actual funds of any foreign life insurance company authorized to do business in this state are not of a net value equal to the net value of its policies according to the combined experience or actuaries' rate of mortality, with interest at four percent per annum, or by such higher standard as the company may have adopted, the commissioner of insurance shall give notice to such company and its agents to discontinue the issuance of new policies in this state until its funds have become equal to its liabilities when its policies are valued as provided in this section. Any officer or agent who, after such notice has been given, issues or delivers a new policy from and in behalf of such company before its funds have become equal to its liabilities as aforesaid shall be guilty of a class A misdemeanor. This section shall not apply to a cooperative or assessment life association licensed to transact business in this state.

SECTION 283. AMENDMENT.) Section 26-10-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-10-14. PENALTY FOR VIOLATING PROVISIONS RELATING TO MISREPRESENTATION AND DISCRIMINATION.) Any officer, agent, solicitor, or representative of any insurance or surety company, reciprocal, benevolent society, or any fraternal benefit society, or any other insurance organization, or association, or any other person, who shall violate any of the provisions of sections 26-10-09, 26-10-10, 26-10-11, 26-10-12, or 26-10-13.1 shall be guilty of a class A misdemeanor. The insurance commissioner may, after a hearing upon fifteen days' notice, revoke the license to transact business in this state of any insurance organization violating the provisions of sections 26-10-09 or 26-10-10.

SECTION 284. AMENDMENT.) Section 26-12-51 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-12-51. SOLICITATION OF MEMBERSHIP IN UNLICENSED SOCIETY - PENALTY.) Any person who shall solicit membership in, or in any manner assist in procuring membership for, a fraternal benefit society which is not licensed to do business in this state under the provisions of this chapter, shall be guilty of an infraction.

SECTION 285. AMENDMENT.) Section 26-12-52 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-12-52. NEGLECT OF SOCIETY, OR OF OFFICER, AGENT, OR EMPLOYEE THEREOF, TO CONFORM TO PROVISIONS OF CHAPTER - PENALTY.) Any society, or any officer, agent, or employee thereof, who shall neglect or refuse to comply with, or who shall violate, any of the provisions of this chapter, if the penalty for such neglect, refusal, or violation is not specified otherwise, shall be guilty of an infraction.

SECTION 286. AMENDMENT.) Section 26-16-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-16-14. VIOLATION OF PROVISIONS OF CHAPTER - PENALTY.) Any attorney who shall exchange any contract of indemnity of the kind and character specified in this chapter, and any attorney or representative of such attorney who shall solicit or negotiate any application for such contract without complying with the provisions of the chapter, is guilty of a class B misdemeanor.

SECTION 287. AMENDMENT.) Section 26-17-01.14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 26-17-01.14. PENALTY.) Any person violating any of the provisions of this chapter shall, in addition to any other penalty specifically provided, be guilty of a class B misdemeanor. In addition, if such offender holds a license as an insurance agent, such license may be suspended or revoked as hereinbefore provided.

SECTION 288. AMENDMENT.) Section 26-20-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-20-08. PENALTY.) Any officer, director, or stockholder of any company mentioned in this chapter, or any officer or employee of the state, who shall violate, or consent to the violation of, any provision of this chapter shall be guilty of a class A misdemeanor.

\*NOTE: Chapter 26-17 was repealed by section 15 of House Bill No. 1138, chapter 257.

SECTION 289. AMENDMENT.) Section 26-21.1-06 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-21.1-06. OFFENSES - PENALTIES.) Any person who shall knowingly make or cause to be made any false statement with respect to any matter subject to the provisions of this chapter or commit any act declared unlawful by this chapter and any offeror who shall make a takeover bid which does not comply with the provisions of sections 26-21.1-02, 26-21.1-04, 26-21.1-05, and 26-21.1-06 shall be guilty of a class A misdemeanor. Prosecutions under this section shall be instituted within two years from the date of the offense.

SECTION 290. AMENDMENT.) Section 26-25-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-25-27. PENALTY.) Any officer or agent of a benevolent society violating any provision of this chapter is guilty of a class A misdemeanor.

SECTION 291. AMENDMENT.) Section 26-26-20 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-26-20. GIVING FALSE OR MISLEADING INFORMATION - PENALTY.) No subscriber under a hospital service contract nor any hospital service corporation shall willfully withhold information from, or give false or misleading information to, the commissioner or any statistical agency designated by the commissioner, where the information given or withheld will affect the rates or premiums chargeable under this chapter. Any subscriber or hospital service corporation who violates the provisions of this section shall be guilty of an infraction.

SECTION 292. AMENDMENT.) Section 26-27-21 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-27-21. GIVING FALSE OR MISLEADING INFORMATION - PENALTY.) No subscriber under a medical service contract nor any non-profit medical service corporation shall willfully withhold information from, or give false or misleading information to, the commissioner or any statistical agency designated by the commissioner, where the information given or withheld will affect the rates or premiums chargeable under this chapter. Any subscriber or nonprofit medical service corporation who violates the provisions of this section shall be guilty of an infraction.

SECTION 293. AMENDMENT.) Section 26-27.1-25 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-27.1-25. GIVING FALSE OR MISLEADING INFORMATION - PENALTY.) No subscriber under a dental service contract nor any nonprofit dental service corporation shall willfully withhold information from, or give false or misleading information to, the commissioner or any statistical agency designated by the commissioner, where the information given or withheld will affect the rates or premiums chargeable under this chapter. Any subscriber or nonprofit dental service corporation who violates the provisions of this section shall be guilty of an infraction.

SECTION 294. AMENDMENT.) Section 26-27.2-24 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-27.2-24. GIVING FALSE OR MISLEADING INFORMATION - PENALTY.) No subscriber under a vision service contract nor any nonprofit vision service corporation shall willfully withhold information from, or give false or misleading information to, the commissioner or any statistical agency designated by the commissioner, where the information given or withheld will affect the rates or premiums chargeable under this chapter. Any subscriber or nonprofit vision service corporation who violates the provisions of this section shall be guilty of an infraction.

SECTION 295. AMENDMENT.) Section 26-28-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-28-17. PENALTIES.) Any person who violates any provisions of this chapter shall be guilty of a class B misdemeanor.

The commissioner may suspend the license of any rating organization or insurer which fails to comply with the order of the commissioner with the time limited by such order or any extension thereof which the commissioner may grant. However, no right to suspend any such license shall exist until after the time for appeal from such order has expired, or if an appeal has been taken, until such order has been affirmed, and no right of suspension shall exist if prompt compliance with such order is made following the expiration of the time for appeal or the entry of a final order or judgment of affirmance upon appeal. The commissioner may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by him, unless he modifies or rescinds such suspension, or until the order upon which suspension is based is modified, rescinded, or reversed.

No license shall be suspended or revoked except upon a written order of the commissioner, stating his findings, made after a hearing held upon not less than ten days' written notice to such person or organization specifying the alleged violation.

SECTION 296. AMENDMENT.) Section 26-29-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-29-16. PENALTIES.) Any person who violates any provision of this chapter shall be guilty of a class B misdemeanor.

The commissioner may suspend the license of any rating organization or insurer which fails to comply with the order of the commissioner within the time limited by such order or any extension thereof which the commissioner may grant. However, no right to suspend any such license shall exist until after the time for appeal from such order has expired, or if an appeal has been taken, until such order has been affirmed, and no right of suspension shall exist if prompt compliance with such order is made following the expiration of the time for appeal or the entry of a final order or judgment of affirmance upon appeal. The commissioner may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by him, unless he modifies or rescinds such suspension, or until the order upon which such suspension is based is modified, rescinded or reversed.

No license shall be suspended or revoked except upon a written order of the commissioner, stating his findings, made after a hearing held upon not less than ten days' written notice to such person or organization specifying the alleged violation.

SECTION 297. AMENDMENT.) Section 26-31-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-31-06. PENALTY.) Any person who shall engage in the sale or furnishing of car warranties in this state without complying with the provisions of this chapter shall be guilty of a class A misdemeanor.

SECTION 298. AMENDMENT.) Section 26-33-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-33-05. PENALTY.) Any person who violates any of the provisions of this chapter shall be guilty of a class B misdemeanor.

SECTION 299. AMENDMENT.) Section 26-37-18 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-37-18. PENALTY.) Any unauthorized insurer who transacts any unauthorized act of insurance business as set forth in this chapter shall be guilty of a class A misdemeanor.

SECTION 300. AMENDMENT.) Section 27-07-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-07-16. PROHIBITION OF CERTAIN ACTION BY COUNTY JUDGE - PENALTY - DISQUALIFICATION.) It shall be a class A misdemeanor for a county judge to:

1. Act as an attorney for any person involved in a judicial proceeding, or draft or aid in drafting any document, over which he has or may obtain jurisdiction as a county judge.
2. Allow an attorney, who is a law partner or otherwise connected in business with the judge, to practice in his court.

A county judge who is convicted of a violation of this section shall be removed from office by order of the court in which the proceeding leading to conviction was had. A person convicted under this section shall not be eligible for election or appointment to the office of county judge.

SECTION 301. AMENDMENT.) Section 27-08-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-08-15. CLERK TO KEEP FEE BOOK - MONTHLY REPORT TO COUNTY AUDITOR - PENALTY.) The clerk of the county court with increased jurisdiction shall keep as a public record in his office a book, to be provided by the county, in which he shall enter all money received by him as fees for services rendered as clerk. Within three days after the close of each calendar month and also at the close of his term of office, the clerk shall file a statement under oath with the county auditor showing the amount of fees which he has received since the date of his last report,



and within three days thereafter, he shall deposit with the county treasurer the total sum of such fees, except such fees as he is expressly authorized to retain.

SECTION 302. AMENDMENT.) Subdivision d of subsection 1 of section 27-09.1-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- d. Has lost the right to vote because of imprisonment resulting from conviction of a felony (section 27-09.1-08).

SECTION 303. AMENDMENT.) Subdivision e of subsection 2 of section 27-09.1-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- e. Has lost the right to vote because of imprisonment in the penitentiary (section 12.1-33-01) or conviction of a criminal offense which by special provision of law disqualified him for such service.

SECTION 304. AMENDMENT.) Section 27-09.1-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-09.1-16. PENALTIES FOR FAILURE TO PERFORM JURY SERVICE.) A person summoned for jury service who fails to appear or to complete jury service as directed shall be ordered by the court to appear forthwith and show cause for his failure to comply with the summons. If he fails to show good cause for noncompliance with the summons, he is guilty of criminal contempt and upon conviction may be punished as provided in subsection 2 of section 12.1-10-01.

SECTION 305. AMENDMENT.) Subsection 2 of section 27-09.1-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Any employer who violates subsection 1 is guilty of a class B misdemeanor.

SECTION 306. AMENDMENT.) Section 27-10-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-10-06. CONTEMPT COMMITTED IN PRESENCE OF JUDGE PUNISHABLE SUMMARILY - ORDER IMPOSING PUNISHMENT.) When an act punishable as a civil contempt by a court of record of this state is committed in the immediate view and presence of the court upon a trial or hearing, it may be punished summarily. Whenever such summary punishment is imposed, an order stating the facts which constitute the offense, reciting that the same occurred in such immediate view and presence, and plainly and specifically prescribing the punishment to be inflicted therefor, shall be made.

SECTION 307. AMENDMENT.) Section 27-10-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-10-14. ORDER DIRECTING PUNISHMENT OF AND WARRANT OF COMMITMENT OF PERSON FOUND GUILTY OF CONTEMPT.) If it is determined that a person accused of a civil contempt has committed the offense

charged, and if it is a contempt defined in section 27-10-03, and if it is determined that it was calculated to or actually did defeat, impair, impede, or prejudice the rights or remedies of a party to an action or proceeding pending in the court or before the judge or a referee, the court must make a final order directing that the accused be punished by fine or imprisonment, or both, as the nature of the case requires. A warrant of commitment must issue accordingly.

SECTION 308. AMENDMENT.) Section 27-10-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-10-16. PERSON IMPRISONED FOR CONTEMPT MAY BE ORDERED DISCHARGED.) When a person found guilty of a civil contempt is imprisoned as prescribed in this chapter, the court, upon such terms as justice requires, may make an order directing him to be discharged from the imprisonment if such person is:

1. Unable to endure the imprisonment;
2. Unable to pay the sum required to be paid; or
3. Unable to perform the act or duty required to be performed in order to entitle him to be released.

SECTION 309. AMENDMENT.) Section 27-10-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-10-17. PUNISHMENT FOR CONTEMPT NO BAR TO CRIMINAL PROSECUTION.) A person punished as prescribed in this chapter for a civil contempt may also be prosecuted criminally for the same misconduct if it is a public offense, but the court before which he is convicted, in forming its sentence, shall take into consideration the previous punishment.

SECTION 310. AMENDMENT.) Section 27-10-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-10-22. PROCEDURE TO PUNISH CONTEMPT BEFORE REFEREE.) Upon the trial of an action or issue by a referee appointed by the court, the commission of any offense which constitutes a civil contempt of court shall be deemed a contempt of the court appointing such referee, and the same may be punished by the court in the manner and upon the proceedings in this chapter provided, except that the offense may be presented to the court by a report of the referee instead of by affidavit.

SECTION 311. AMENDMENT.) Section 27-11-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-11-01. PRACTICING LAW WITHOUT CERTIFICATE OF ADMISSION AND WITHOUT PAYMENT OF ANNUAL LICENSE FEE PROHIBITED - PENALTY.) No person, except as otherwise provided in section 27-11-27, shall practice law or act as an attorney or counselor at law in this state, or commence, conduct, or defend in any court of record of this state, any action or proceeding in which he is not a party concerned, unless he has:

1. Secured from the supreme court a certificate of admission to the bar of this state; and

2. Secured an annual license therefor from the state bar board.

Any person violating any of the provisions of this section is guilty of a class A misdemeanor.

SECTION 312. AMENDMENT.) Section 27-13-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-13-05. ATTORNEY'S REFUSAL TO DELIVER CLIENT'S MONEY OR PROPERTY - PENALTY.) An attorney, except as otherwise provided in sections 27-13-06 and 27-13-07, who receives money or property of his client in the course of his professional business and who refuses to pay or deliver the same to the person entitled thereto within a reasonable time after a demand therefor has been made upon him, is guilty of a class A misdemeanor.

SECTION 313. AMENDMENT.) Section 27-13-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-13-08. MISCONDUCT OF ATTORNEY - PENALTY - TREBLE CIVIL DAMAGES FORFEITED.) Every attorney who:

1. Is guilty of any deceit or collusion or consents to any deceit or collusion with intent to deceive the court or any party;
2. Willfully delays his client's suit with a view to his own gain; or
3. Willfully receives any money or other property for or on account of any money or debt which he has not laid out or become answerable for,

is guilty of a class A misdemeanor and in addition forfeits to the party injured treble damages to be recovered in a civil action.

SECTION 314. AMENDMENT.) Section 27-13-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-13-09. PERMITTING USE OF OR MAKING USE OF ATTORNEY'S NAME UNLAWFUL - PENALTY.) If any attorney knowingly permits any person, not his general law partner or a clerk in his office, to sue out any process or to prosecute or defend any action in his name, except as authorized by section 27-13-10, such attorney and every person who shall so use his name is guilty of a class A misdemeanor.

SECTION 315. AMENDMENT.) Section 27-13-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-13-11. PARTNER OF PUBLIC PROSECUTOR NOT TO AID DEFENSE - PENALTY.) Every attorney who, directly or indirectly, advises in relation to, or aids or promotes the defense of, any action or proceeding in any court, the prosecution of which is carried on, aided, or promoted by any state's attorney or other public prosecutor with whom such attorney is connected, directly or indirectly, as a partner, or who takes or receives, directly or indirectly, from or on behalf of any defendant therein, any valuable consideration, upon any understanding or agreement whatever, express or implied, having relation to the defense thereof, is guilty of a

class A misdemeanor and in addition to the punishment prescribed therefor, he forfeits his license to practice.

SECTION 316. AMENDMENT.) Section 27-13-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-13-12. ATTORNEY NOT TO AID DEFENSE WHEN FORMERLY INTERESTED AS PUBLIC PROSECUTOR - PENALTY.) Every attorney who, having prosecuted or in any manner aided or promoted any action or proceeding in any court, as state's attorney or other public prosecutor, afterward, directly or indirectly, advises in relation to or takes any part in the defense thereof as attorney or otherwise, or takes or receives any valuable consideration from or on behalf of any defendant therein, upon any understanding or agreement whatever, express or implied, having relation to the defense thereof, is guilty of a class A misdemeanor and in addition to the punishment prescribed therefor, he forfeits his license to practice.

SECTION 317. AMENDMENT.) Section 27-18-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-18-04. JURISDICTION OF COUNTY JUSTICE.) In addition to the jurisdiction and powers formerly vested in the justices of the peace and conferred upon the county justice, the county justice shall have jurisdiction to hear and determine all cases involving misdemeanors or infractions committed in the county for which he is elected or appointed. The territorial jurisdiction of the county justice shall be coextensive with the county or counties for which he is elected or appointed.

SECTION 318. AMENDMENT.) Subsection 1 of section 27-20-53 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. No child under fourteen years of age shall be fingerprinted in the investigation of a crime except as provided in this section. Fingerprints of a child fourteen or more years of age who is referred to the court may be taken and filed by law enforcement officers in investigating the commission of the following crimes: murder, manslaughter, gross sexual imposition, robbery, aggravated assault, burglary, and theft.

SECTION 319. AMENDMENT.) Section 28-03-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

28-03-06. LIABILITY FOR COST OF GUARDIAN AD LITEM APPOINTED FOR A DEFENDANT.) No person appointed a guardian for the purpose of defending an action brought against an infant or person of unsound mind shall be liable for the costs of such action, unless specially charged by order of the court resulting from a personal misfeasance by the guardian.

SECTION 320. AMENDMENT.) Section 28-32-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

28-32-11. ADMINISTRATION OF OATHS - FALSE TESTIMONY IS PERJURY.) The officer, special examiner, chairman, or acting chairman of an administrative agency before which a proceeding or hearing is held shall have the power to examine witnesses and records and to administer oaths to witnesses.

SECTION 321. AMENDMENT.) Section 29-01-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-01-15. JURISDICTION OF JUSTICES, MUNICIPAL JUDGES, SMALL CLAIMS COURT REFEREES, AND COUNTY COURTS.) Any county justice, municipal judge, or judge of the county court mentioned in section 29-01-14, subsection 3, may:

1. Act as committing magistrate, provided that this subsection shall not apply to municipal judges who are not attorneys currently licensed under chapter 27-11;
2. Hear, try, and determine misdemeanors and infractions when jurisdiction has been conferred by the constitution and this and other laws; and
3. Adjudge and impose the punishment prescribed by law, upon conviction, in all cases within his jurisdiction to hear, try, and determine.

A small claims court referee authorized pursuant to subsection 3 of section 29-01-14 may act as a committing magistrate.

SECTION 322. AMENDMENT.) Section 29-01-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-01-16. WHEN MISDEMEANOR OR INFRACTION MAY BE COMPROMISED.) When a defendant is held to answer on a charge constituting a misdemeanor or infraction, for which a person injured by the act constituting the offense has a remedy by a civil action, the offense may be compromised as provided in section 29-01-17, except when it was committed:

1. By or upon a judge of any court in this state, or in any city in this state, or a peace officer, while in the execution of the duties of his office; or
2. With an intent to commit a felony.

SECTION 323. AMENDMENT.) Section 29-03-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-03-09. VENUE OF ENUMERATED CASES.) The venue of a criminal action:

1. For kidnapping, forcible restraint, or unlawful imprisonment, in violation of chapter 12.1-18; or
2. For violation of sections 12.1-29-01, 12.1-29-02, or 12.1-29-03 relating to prostitution,

is in any county in which the offense is committed, or into or out of which the person upon whom the offense was committed may have been brought, in the course of the commission of the offense, or in which an act was done by the accused in instigating, procuring, promoting, soliciting, or facilitating the commission of the offense.

SECTION 324. AMENDMENT.) Section 29-03-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-03-10. VENUE IN CASES ENUMERATED - PROCEEDINGS IN CERTAIN CASES.) When property taken in one county by burglary, robbery, or theft, has been brought into another, the venue of the offense is in either county.

SECTION 325. AMENDMENT.) Section 29-04-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-04-03. PROSECUTION FOR MISDEMEANOR OR INFRACTION WITHIN TWO YEARS.) An information, or a complaint, for a misdemeanor or infraction, except as otherwise specifically limited by law, must be filed, or an indictment found, within two years after its commission.

SECTION 326. AMENDMENT.) Section 29-05-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-05-12. BAIL IF OFFENSE CHARGED IS A MISDEMEANOR OR INFRACTION.) If the offense charged in a warrant of arrest is a misdemeanor or infraction not within the jurisdiction of the magistrate who issued it to punish, and the accused is arrested in another county, the officer, upon request of the accused, must take him before a magistrate in the county in which the arrest is made, who must admit him to bail and take bail from him accordingly. If there is no magistrate residing within the county wherein the accused is arrested, and the accused requires it, the officer must take him before a magistrate of any other county nearer or more accessible than the magistrate issuing the warrant, and said magistrate must admit him to bail and take bail from him accordingly.

SECTION 327. AMENDMENT.) Section 29-05-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-05-25. WARRANT RETURNABLE IN COUNTY WHERE ISSUED - TELEGRAPHIC COPY DEEMED ORIGINAL - MISDEMEANOR OR INFRACTION.) Every person arrested by warrant for any offense, when no other provision is made for his examination, must be taken before some magistrate of the county in which the warrant was issued, and the warrant with the proper return thereon, signed by the person who made the arrest, must be delivered to such magistrate. Any telegraphic copy of a warrant under which an officer has acted in making an arrest shall be deemed the original warrant. If the offense charged in the warrant is a misdemeanor or infraction within the jurisdiction of a magistrate to try and upon conviction to punish, a trial must be had as is provided by law.

SECTION 328. AMENDMENT.) Section 29-06-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-06-08. WHEN ARREST MADE FOR FELONY, MISDEMEANOR, OR INFRACTION.) An arrest for a felony, misdemeanor, or infraction may be made on any day and at any time of the day or night.

SECTION 329. AMENDMENT.) Subsection 4 of section 29-09-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. When a person accused of a misdemeanor or infraction, not within the jurisdiction of the magistrate to try and punish, has been arrested and admitted to bail at a place other than the county in which said offense is triable; and

SECTION 330. AMENDMENT.) Section 29-12-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-12-05. BENCH WARRANT, MISDEMEANOR, INFRACTION, OR BAILABLE FELONY.) If an offense is a misdemeanor, an infraction, or a bailable felony, the bench warrant issued must be in a form similar to form 10 as contained in the appendix to the North Dakota Rules of Criminal Procedure, but shall add to the body thereof a direction to the following effect, "or if he requires it, that you take him before any magistrate of that county or in the county in which you arrest him, that he may give bail to answer the information (or indictment)".

SECTION 331. AMENDMENT.) Section 29-16-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-16-05. ORDER OR WARRANT REQUIRING PRESENCE OF DEFENDANT.) If the presence of a defendant on trial for an infraction or a misdemeanor, who is voluntarily absent, is necessary for any purpose, the court, upon application of the state's attorney or other person appointed to prosecute, may make an order or warrant requiring the personal attendance of the defendant at the trial.

SECTION 332. AMENDMENT.) Section 29-21-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-21-21. ADMISSION TO BAIL.) If an offense which the court is without jurisdiction to try was committed within the jurisdiction of another county of this state, the court may direct the defendant to be committed for such time as it deems reasonable to await a warrant from the proper county for his arrest, or if the offense is a misdemeanor or an infraction, it may admit him to bail in an undertaking, with sufficient sureties, that he, within such time as the court may appoint, will render himself amenable to a warrant for his arrest from the proper county, and if not sooner arrested thereon, will attend at the office of the sheriff of the county where the trial was had, at a time particularly specified in the undertaking, to surrender himself upon the warrant if issued, or that his bail will forfeit such sum as the court may fix, and to be mentioned in the undertaking.

SECTION 333. AMENDMENT.) Section 29-21-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-21-29. COUNSEL'S ARGUMENT RESTRICTED.) The court, in its discretion, may restrict the argument to the jury in a criminal case to one counsel for the prosecution and one for each defendant.

SECTION 334. AMENDMENT.) Section 29-26-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-26-21. JUDGMENT FOR FINE AND COSTS.) A judgment that the defendant pay a fine and costs may not direct that he be imprisoned

until both the fine and costs are satisfied. Response to nonpayment of a fine shall be as provided in section 12.1-32-05.

SECTION 335. AMENDMENT.) Section 29-27-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-27-01. EXECUTION TO OFFICER.) When a judgment imposing a penalty other than a fine only has been pronounced, a certified copy of the entry thereof upon the minutes must be furnished forthwith to the officer whose duty it is to execute the judgment, and no other warrant or authority is necessary to justify or require its execution.

SECTION 336. AMENDMENT.) Section 29-27-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-27-03. JUDGMENT FOR IMPRISONMENT OR FINE AND IMPRISONMENT.) If a judgment is for imprisonment, initially or as response to nonpayment of a fine in accordance with section 12.1-32-05, the defendant forthwith must be committed to the custody of the proper officer, and be detained by him until the judgment is complied with.

SECTION 337. AMENDMENT.) Section 29-27-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-27-04. JUDGMENT - BY WHAT OFFICER EXECUTED.) When the judgment in a criminal action or proceeding under section 12.1-32-05 is imprisonment in the county jail, the judgment must be executed by the sheriff of the county. In all other cases when the sentence is imprisonment, the sheriff of the county must deliver the defendant to the proper officer in execution of the judgment.

SECTION 338. AMENDMENT.) Section 29-29-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-29-18. CAUSING ISSUANCE OF SEARCH WARRANT ON FALSE INFORMATION - PENALTY.) A person who recklessly and without probable cause causes a search warrant to be issued and executed is guilty of a class A misdemeanor.

SECTION 339. AMENDMENT.) Subsection 3 of section 29-30-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Of any person who is charged with theft of any funds, assets, or property of any state or national bank doing business in this state.

SECTION 340. AMENDMENT.) Section 29-30-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:



29-30-11. FUGITIVE GRANTED TWENTY-FOUR HOURS - COUNSEL - HABEAS CORPUS - PENALTY.) Any person who is arrested within the state by virtue of a warrant issued by the governor of this state upon a requisition of the governor of any other state or territory, as a fugitive from justice under the laws of the United States, shall not be delivered to the agent of such state or territory until notified of the demand made for his surrender, and he must be given twenty-four hours to make demand for counsel. Should such demand be made for the purpose of suing out a writ of habeas corpus, the prisoner shall be taken forthwith to the nearest judge of the district court and ample time given to him to sue out such writ, such time to be determined by the said judge of the district court. Any officer who shall deliver a fugitive to the agent for extradition without first having complied with the provisions of this section shall be guilty of a class A misdemeanor.

SECTION 341. AMENDMENT.) Section 29-30-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-30-16. NO COMPENSATION ALLOWED - EXCEPTIONS - PENALTY.) No compensation, fee, or reward of any kind can be paid to, or received by, a public officer of this state for a service rendered or expenses incurred in procuring from the governor the demand mentioned in section 29-30-13, or for the surrender of the fugitive, or for conveying him to this state, or detaining him herein, except as provided in section 29-30-14. Any person violating the provisions of this section is guilty of a class A misdemeanor.

SECTION 342. AMENDMENT.) Section 29-32-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-32-05. INABILITY TO PAY COSTS.) If the applicant is unable to pay court costs and expenses of representation, including stenographic, printing, and legal services, these costs and expenses, except in cases of misdemeanors and infractions exempted under the federal supreme court decisions and violations of municipal ordinances, shall be made available to the applicant in the preparation of the application, in the trial court, and on review. Costs and expenses made available to the applicant shall, upon approval by the judge, be paid by the county in which the criminal action was venued.

SECTION 343. AMENDMENT.) Section 31-01-09 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

31-01-09. PRIVILEGE AGAINST SELF-INCRIMINATION - GRANT OF IMMUNITY.) No person shall be compelled to be a witness against himself in a criminal action. Notwithstanding any provision of law to the contrary, in any criminal proceedings before a court or grand jury or state's attorney's inquiry, if a person refuses to answer a question or produce evidence of any kind on the ground that he may be incriminated thereby, and if the prosecuting attorney, in writing and with approval of the attorney general, requests the court to order that person to answer the question or produce the evidence, the court after notice to the witness and hearing may so order, and that person shall comply with the order. In the case of a state's attorney's inquiry, such application shall be made to the district court. After complying, and if, but for this section, he would have been privileged to withhold the answer given or evidence

produced by him that person shall not be prosecuted or subject to penalty or forfeiture for or on account of any transaction, matter, or thing concerning which, in accordance with the order, he gave answer or produced evidence. But he may nevertheless be prosecuted for any perjury or contempt committed in answering, or failing to answer, or in producing or failing to produce, evidence in accordance with the order.

SECTION 344. AMENDMENT.) Section 32-13-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

32-13-08. REFUSAL TO DELIVER - PUNISHMENT.) If the defendant refuses or neglects to deliver any of the books or papers demanded, as prescribed in section 32-13-07, he is guilty of a class B misdemeanor, and the court, or a judge thereof, by order, may put the person entitled to the office in possession thereof and of all the books and papers belonging thereto, and any party refusing to deliver the same, when ordered as aforesaid, shall be punished as for a contempt.

SECTION 345. AMENDMENT.) Section 32-13-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

32-13-11. JUDGMENT AGAINST INTRUDER.) When a defendant against whom an action shall have been commenced shall be adjudged guilty of usurping, intruding into, or unlawfully holding or exercising any office, franchise, or privilege, judgment shall be rendered that he be excluded from such office, franchise, or privilege and also that the plaintiff recover costs against him.

SECTION 346. AMENDMENT.) Section 32-22-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

32-22-10. PENALTY IF OFFICER REFUSES TO EXECUTE AND RETURN WRIT.) If the person to whom the writ is directed refuses, after service, to obey the same, the court, upon affidavit stating such facts, must issue an attachment against such person, directed to the sheriff or coroner, commanding him forthwith to arrest such person and bring him immediately before such court, and upon being so brought he must be committed to the jail of the county until he makes due return to such writ or is otherwise legally discharged. The person disobeying such writ also shall forfeit to the person imprisoned or restrained a sum not exceeding five hundred dollars to be recovered in a civil action by the person restrained. If the person disobeying the writ is an officer, he shall be incapable of holding or executing his office.

SECTION 347. AMENDMENT.) Section 32-22-38 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

32-22-38. REMOVING OR CONCEALING PRISONER TO AVOID WRIT.) Anyone having a person in his custody or under his restraint, power, or control, for whose relief a writ of habeas corpus is issued, who, with intent to avoid the effect of such writ, shall transfer such person to the custody, or place him under control of another, or shall conceal him or change the place of his confinement with intent to avoid the operation of such writ, or with intent to remove him out of this state, shall be guilty of a class C felony. In any prosecution under this section, it shall not be

necessary to show that the writ of habeas corpus had issued at the time of the removal, transfer, or concealment therein mentioned, if it is proven that the acts therein forbidden were done with the intent to avoid the operation of such writ.

SECTION 348. AMENDMENT.) Section 32-36-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 32-36-28. FAILURE TO SUPPORT - PENALTY.) If the father of a child born out of wedlock, without lawful excuse, fails to support the child where the same is not in his custody, and where paternity has been judicially established, or has been acknowledged by him in writing, he is guilty of a class C felony.

SECTION 349. AMENDMENT.) Section 32-36-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 32-36-29. FAILURE TO CARRY OUT JUDGMENT FOR SUPPORT - PENALTY.) If the father of a child born out of wedlock, without lawful excuse, fails to comply with and carry out a judgment for the support of the child, whether the child is a resident in the jurisdiction where the judgment was rendered or not, he is guilty of a class C felony.

SECTION 350. AMENDMENT.) Section 33-01-08 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

33-01-08. CRIMINAL JURISDICTION OF COUNTY JUSTICE.) The jurisdiction and authority of county justices to prevent the commission of public offenses, to institute searches and seizures, to require the arrest and detention of persons charged with crime, to require and accept bail, and otherwise to act as magistrates in matters of crime, is prescribed by title 29, Judicial Procedure, Criminal. Each county justice has jurisdiction and authority coextensive with his county to hear, try, and determine all cases of class A misdemeanor, class B misdemeanor, and infraction arising from crimes committed in the county for which he is elected or appointed and every other criminal action in which jurisdiction is conferred specially by law.

SECTION 351. AMENDMENT.) Section 33-01-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

33-01-25. PENALTY FOR ISSUING PROCESS WHEN JUSTICE INTERESTED.) If any county justice or magistrate shall issue any summons or other process in violation of section 33-01-24, and the same shall be served upon any person, either by personal or by substituted service, such county justice or magistrate shall be guilty of a class B misdemeanor, and the judgment of conviction, in every case, shall adjudge the removal of the defendant from his office.

SECTION 352. AMENDMENT.) Section 33-12-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

33-12-24. VERDICT OF JURY.) In a criminal action in a justice court, the verdict of the jury on a plea of not guilty must be to the effect that the jury finds the defendant "guilty" or "not guilty", as the case may be.

\*NOTE: Chapter 32-36 was repealed by section 28 of Senate Bill No. 2245, chapter 130.

SECTION 353. AMENDMENT.) Section 33-12-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

33-12-28. CONVICTION OF DEFENDANT - JUDGMENT.) When the defendant in a criminal action in a justice court is convicted by the court or by a jury, the court shall render judgment in accordance with chapter 12.1-32.

SECTION 354. AMENDMENT.) Section 34-01-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-01-04. INTIMIDATION, FORCE, AND THREATS AGAINST EMPLOYEES PROHIBITED - PENALTY.) Every person who, by any use of force, threats, or intimidation, prevents any person employed by another from continuing or performing his work or from accepting any new work or employment, and every person who uses any force, threats, or intimidation to induce such hired person to relinquish his work or employment or to return any work he has in hand before it is finished, is guilty of a class B misdemeanor.

SECTION 355. AMENDMENT.) Section 34-01-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-01-05. INTIMIDATION, FORCE, AND THREATS AGAINST EMPLOYERS PROHIBITED - PENALTY.) Every person who, by any use of force, threats, or intimidation, prevents another from employing any person, and every person who uses force, threats, or intimidation to compel another to employ any person, or to force or induce another to alter his mode of carrying on business, or to limit or increase the number of persons employed by him, or their rate of wages or time of service, is guilty of a class B misdemeanor.

SECTION 356. AMENDMENT.) Section 34-01-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-01-06. HINDERING PERSON FROM OBTAINING OR ENJOYING EMPLOYMENT - PENALTY.) Every person who maliciously interferes or hinders, in any way, any person from obtaining employment or from enjoying employment already obtained from any other person, is guilty of a class A misdemeanor.

SECTION 357. AMENDMENT.) Section 34-01-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-01-15. EMPLOYER TO PAY FOR MEDICAL EXAMINATION - PENALTY FOR VIOLATION.) Whenever any employer requires an employee, or prospective employee, to take a medical examination, or furnish any medical records, as a condition of employment such employer shall bear the cost of such examination or the furnishing of such medical records.

Any employer violating any of the provisions of this section shall be guilty of an infraction.

SECTION 358. AMENDMENT.) Section 34-01-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-01-17. UNLAWFUL TO DISCRIMINATE BECAUSE OF AGE - PENALTY.) No person carrying on or conducting within this state any business requiring employees shall refuse to hire, employ, or license, or shall bar or discharge from employment, any individual solely upon the ground of age; when the reasonable demands of the position do not require an age distinction; and, provided that such individual is well versed in the line of business carried on by such person, and is qualified physically, mentally and by training and experience to satisfactorily perform the duties assigned to him or for which he applies. Nothing herein shall affect the retirement policy or system of any employer where such policy or system is not merely a subterfuge to evade the purposes of that section. Any person who violates any of the provisions of this section shall be guilty of a class B misdemeanor.

SECTION 359. AMENDMENT.) Section 34-05-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-05-03. OFFICIALS AND EMPLOYERS TO FURNISH CERTAIN INFORMATION - PENALTY.) All public officers and all employers shall furnish to the commissioner of labor such information as he may request relating to their respective offices or businesses. The information obtained shall be preserved, systemized, and tabulated by the commissioner. Information concerning the business or affairs of any person shall not be divulged or made public by the commissioner or anyone in the employ of his office. Any officer, any employer, and any operator or manager of any establishment wherein persons are employed, who shall fail or refuse to furnish the commissioner with the information asked for by him under the provisions of this section, shall be guilty of a class B misdemeanor. No prosecution shall be commenced for a violation of the provisions of this section relating to the furnishing of information until a second blank has been mailed to the defaulting officer or employer and he has been given twenty days to complete and return the same.

SECTION 360. AMENDMENT.) Section 34-06-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-06-19. PENALTY FOR VIOLATION OF CHAPTER.) Any person who shall violate any of the provisions of this chapter, or any order, rule, or regulation issued pursuant thereto, shall be guilty of a class B misdemeanor.

SECTION 361. AMENDMENT.) Section 34-06.1-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-06.1-09. PENALTIES.) Any person who violates any provision of this chapter, or who discharges or in any other manner discriminates against any employee because such employee has made any complaint relating to a violation of any provision of this chapter, or has instituted, or caused to be instituted any proceeding under or related to this chapter, or has testified or is about to testify in any such proceedings, shall be guilty of a class B misdemeanor.

SECTION 362. AMENDMENT.) Section 34-07-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-07-21. PENALTY - VIOLATION OF CHAPTER.) Any person who shall employ any minor contrary to the provisions of this chapter or of any order or regulation promulgated by the commissioner of labor as provided by law shall be guilty of an infraction.

SECTION 363. AMENDMENT.) Section 34-13-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-13-02. LICENSES REQUIRED - PENALTY.) No person shall open or carry on an employment agency in the state, unless such person shall first procure a license from the commissioner. Any person opening or conducting any such agency without first procuring a license, shall be guilty of a class B misdemeanor.

SECTION 364. AMENDMENT.) Subsection 11 of section 34-13-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11. Any person who shall split, divide, or share, directly or indirectly, any fee, charge, or compensation received from any employee with any employer, or person in any way connected with the business thereof, shall be guilty of a class A misdemeanor.

SECTION 365. AMENDMENT.) Section 34-13-16 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-13-16. PENALTY.) Any person who violates the provisions of this chapter for which another penalty is not specifically provided shall be guilty of a class A misdemeanor.

SECTION 366. AMENDMENT.) Section 34-14-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-14-07. PENALTIES.) Any employer who shall willfully refuse to pay the wages due and payable when demanded as in this chapter, or who shall falsely deny the amount thereof, or that the same is due with intent to secure for himself or any other person any discount upon such indebtedness, or with intent to annoy, harass, or oppress, or hinder, or delay, or defraud the person to whom such indebtedness is due, shall be guilty of an infraction. Any employee who shall falsify the amount due himself or who willfully attempts to defraud the employer shall be guilty of an infraction.

SECTION 367. AMENDMENT.) Section 35-05-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**35-05-03. BILLS OF SALE AND TRANSFERS CIRCUMVENTING CROP MORTGAGE LAW PROHIBITED - PRESUMPTION - PENALTY.)**

No person shall solicit or procure bills of sale or transfers of whatever nature for the purpose of obtaining title to or liens upon growing crops in circumvention of section 35-05-01, and any such bill of sale or transfer shall be void. Any such bill of sale or transfer relating to growing crops shall be presumed to be in violation of this section. Any person who violates the provisions of this section is guilty of an infraction.

**SECTION 368. AMENDMENT.)** Section 35-27-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**35-27-26. PENALTY FOR FILING UNLAWFUL LIEN.)** Any person who signs and files a mechanic's lien and who knowingly includes, in the statement of lien filed in connection therewith, classes of material not subject to a mechanic's lien under the provisions of this chapter is guilty of a class A misdemeanor.

**SECTION 369. AMENDMENT.)** Section 36-01-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**36-01-18. INSPECTION OF LIVESTOCK IN TRANSIT - EXECUTION OF ORDERS OF BOARD BY PEACE OFFICERS - POWERS OF OFFICERS - PENALTY.)** Authorized representatives of the state livestock sanitary board, for purposes of inspecting livestock in transit for health or ownership identification, may stop vehicles transporting livestock on public highways of this state. When signaled by such representative to stop, the operator of any vehicle shall stop the same and cause to be shown any health or identification forms which are required to be carried in transportation of livestock, and to permit such inspector to make an inspection of the livestock being transported if deemed by the inspector to be necessary. Failure to stop when so directed constitutes a class A misdemeanor. Any vehicle used for such purposes shall be clearly identified in letters not smaller than three inches and is authorized to use a stop signal.

The state livestock sanitary board may call any sheriff, deputy sheriff, or constable to execute its orders, and such officers shall obey the orders of said board. Any peace officer may arrest and take before any county justice of the county any person found violating any of the provisions of this chapter, and such officers shall notify the state's attorney immediately of such arrest, and the state's attorney shall prosecute the person so offending.

**SECTION 370. AMENDMENT.)** Section 36-01-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**36-01-28. PENALTY.)** Any person who shall violate any of the provisions of this chapter for which a specific penalty is not provided, or who shall knowingly violate any rule or regulation duly established by the livestock sanitary board, shall be guilty of a class B misdemeanor.

SECTION 371. AMENDMENT.) Section 36-01-30 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-01-30. FEEDLOT REGISTRATION - RULES AND REGULATIONS - PENALTY.) No person shall operate a registered livestock feedlot without obtaining from the livestock sanitary board a registration number. The livestock sanitary board is hereby authorized to set rules with the limitations of this section for the operation of feedlots registered for the enforcement of brand inspection regulations. Applications for registration shall be made upon such forms as may be prescribed by the board and shall be accompanied by a fee equal to the fee charged for brand recording. All fees and any inspection fees established by the board shall be remitted regularly to the North Dakota stockmen's association. The board may promulgate in accordance with chapter 28-32 such rules and regulations consistent with law as may be required for the purpose of assuring that brand laws are complied with and brand inspection certificates are available, and proper records are maintained. Violation of any provision of law or of any rule or regulation of the board promulgated pursuant to this section shall subject the operator to revocation or suspension of registration issued hereunder, and in addition any person violating any provision of this section or rule or regulation of the board promulgated hereunder shall be guilty of a class B misdemeanor. The provisions of this section shall not be construed as prohibiting the operation of nonregistered feedlots.

SECTION 372. AMENDMENT.) Section 36-04-09 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-04-09. DISPOSITION OF FEES - INSPECTIONS.) All fees collected by the department under the provisions of this chapter shall be credited to the general fund of the state treasury. The provisions of this chapter shall be enforced by the commissioner and the regular inspectors of the department.

SECTION 373. AMENDMENT.) Section 36-04-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-04-21. PENALTY FOR VIOLATION OF PROVISIONS OF CHAPTER.) Any person who shall violate any of the provisions of this chapter shall be guilty of a class B misdemeanor.

SECTION 374. AMENDMENT.) Section 36-05-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-05-14. PENALTY FOR VIOLATION OF PROVISIONS OF CHAPTER.) Any person who shall violate any of the provisions of this chapter shall be guilty of a class B misdemeanor.

SECTION 375. AMENDMENT.) Section 36-05-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-05-15. PUBLIC LIVESTOCK MARKETS OR COMMISSION FIRMS - DUPLICATE SCALE TICKETS.) All public livestock markets or commission firms doing business in this state shall deliver to each person consigning livestock to such market or purchasing livestock from such market, a duplicate scale ticket showing the weight of such livestock.



SECTION 376. AMENDMENT.) Section 36-06-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-06-02. LIVESTOCK PURCHASED BY WEIGHT TO BE GRADED - PENALTY.) No officer or employee of a packing plant within this state shall purchase any livestock by weight unless such livestock shall have been graded and sorted in the yard and the price per pound for each grade fixed and determined before the weighing thereof. Any officer or employee of a packing plant who violates this section is guilty of an infraction.

SECTION 377. AMENDMENT.) Section 36-06-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-06-03. PENALTY FOR PURCHASE OF LIVESTOCK BY WEIGHT WITHOUT GRADING THE SAME.) Each purchase of livestock in violation of section 36-06-02 shall be a separate offense and shall constitute an infraction upon the part of every owner of a packing plant in which such violation occurs.

SECTION 378. AMENDMENT.) Section 36-06-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-06-04. LIVESTOCK SOLD OR PURCHASED AT PACKING PLANT TO BE WEIGHED BY LICENSED WEIGHMASTER - DUPLICATE SCALE TICKET - PENALTY.) All livestock purchased or sold at any packing plant within this state shall be weighed by a licensed and bonded weighmaster. The weighmaster shall deliver to each person from whom livestock is purchased or to whom livestock is sold a duplicate scale ticket showing the gross, tare, and net weights of the livestock. Any person who shall permit such weighing to be done by any person other than a licensed weighmaster shall be guilty of an infraction.

SECTION 379. AMENDMENT.) Section 36-07-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-07-14. PENALTY FOR VIOLATION OF CHAPTER.) Any person violating any of the provisions of this chapter is guilty of a class B misdemeanor.

SECTION 380. AMENDMENT.) Section 36-09-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-09-15. BUTCHER TO KEEP RECORD OF BRANDED CATTLE SLAUGHTERED BY HIM - REPORT TO COMMISSIONER OF AGRICULTURE REQUIRED - PENALTY.) Any person engaged in the business of killing domestic animals and selling the meat thereof, either at retail or wholesale, shall be deemed a butcher for the purposes of this section. Any butcher who shall kill within this state any head of neat cattle shall keep a record thereof showing:

1. The name and place of residence of the person from whom such animal was purchased;
2. When and where such animal was purchased;
3. The sex of such animal and its age to the best of his knowledge; and
4. A description of any and all marks and brands on such animal.

The record shall be open to inspection during business hours by the state's attorney of the county in which the butcher shall reside, or to any person authorized by the state's attorney to make such inspection. Each butcher shall make a verified report of all branded cattle killed by him during the preceding month to the commissioner of agriculture on the first day of each month, giving the information specified in this section. Blank forms for such report shall be supplied by the commissioner, without cost, to butchers upon request. Any person who shall violate any of the provisions of this section shall be guilty of an infraction.

SECTION 381. AMENDMENT.) Section 36-09-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-09-17. DEFACING BRANDS AND UNLAWFULLY BRANDING - PENALTY.) Any person who shall:

1. Alter or deface, or attempt to alter or deface, the mark or brand upon any animal, the property of another; or
2. Willfully and unlawfully mark or brand, or cause to be marked or branded, any animal, the property of another,

shall be guilty of a class A misdemeanor.

SECTION 382. AMENDMENT.) Section 36-09-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-09-20. BILL OF SALE TO BE GIVEN AND KEPT - COPY WITH SHIPMENT - EFFECT - PENALTY.) Any person who sells any livestock carrying a registered brand shall give to the buyer, at the time of sale, a bill of sale, bearing the signature and residence of the seller and name and address of the buyer, and showing the total number of animals sold, describing each animal sold as to sex and kind, and describing all registered brands, except tattoos. The bill of sale shall be kept by the buyer for two years and as long thereafter as he shall own any of the animals described therein. A copy of the bill of sale shall be given to each hauler of such livestock, other than railroads, and shall go with the shipment of such stock while in transit. Such bill or copy shall be shown by the possessor on demand to any peace officer or brand inspector. Such bill of sale shall be prima facie evidence of the sale of the livestock therein described; provided, that no such bill of sale shall be required relative to sales of livestock covered by a legal livestock brand inspection. Any violation of this section shall be an infraction.

SECTION 383. AMENDMENT.) Section 36-09-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-09-22. SALE OF ANIMAL UNDER FALSE REGISTRATION CERTIFICATES - CHANGING MARKING - AUCTIONEER - PENALTY.) No person shall:

1. Sell any animal with a certificate of registration or breeding that does not belong to said animal;
2. Change in any way the certificate of registration or breeding of any animal;
3. Falsely represent any production record specified in any registration certificate; or
4. Change the markings of any animals with intent to deceive the purchaser or misrepresent the sire to which such animal has been bred.

The provisions of this section shall not apply to any auctioneer or agent acting in good faith under the direction of the owner.

Any person who shall violate any of the provisions of this section shall be guilty of a class B misdemeanor.

SECTION 384. AMENDMENT.) Section 36-09-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-09-23. REMOVAL OF LIVESTOCK FROM STATE - BRAND INSPECTION - PENALTY.) No person shall remove cattle, horses, or mules from this state or to within a mile of any boundary of the state for the purpose of removal unless such livestock shall have been inspected for marks and brands by an official brand inspector of the North Dakota stockmen's association and a certificate of inspection shall accompany such livestock to destination. In lieu of such inspection, the owner or possessor may make and sign an invoice or waybill covering such stock showing marks and brands, number, sex and kind of the stock and the consignee and market destination where official brand inspection is provided by or for the said stockmen's association and mail a copy of such invoice or waybill to the association before the stock leaves the state.

It shall be unlawful for the owner or possessor to remove any such livestock from any place of such regular official brand inspection unless and until official brand inspection has been made and the brand inspection certificate issued.

Any violation of this section shall constitute a class B misdemeanor.

SECTION 385. AMENDMENT.) Section 36-11-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-11-01. STOCK RUNNING AT LARGE PROHIBITED - PENALTY.) No cattle, horses, mules, swine, goats, or sheep shall be permitted to run at large. Any owner or possessor of any such animal who willfully permits it to run at large through failure to maintain a lawful fence as provided in section 47-26-01, except in grazing area as provided in section 36-11-07, shall be guilty of a class B misdemeanor.

SECTION 386. AMENDMENT.) Section 36-11-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-11-06. CERTAIN ANIMALS NOT TO BE PERMITTED TO RUN AT LARGE AT ANY TIME - PENALTY.) The owner or person in charge of any stallion, jack, boar, ram, bull, or any animal known to be vicious who negligently permits such animal to run at large shall be liable in a civil action to any person who is damaged, either directly or indirectly, by such violation for all damages resulting therefrom and shall be guilty of an infraction. The provisions of this section, however, shall not prevent the keeping of any stallion, jack, bull, or ram with any herd or flock which is attended by a herder if such stallion, jack, bull, or ram is kept with such herd or flock by the herder.

SECTION 387. AMENDMENT.) Section 36-11-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-11-19. TAKING ANIMALS DISTRAINED - PENALTY.) Every person who, except by due course of law, takes, or advises or assists in the taking of, any animal distrained and held by virtue of any provision of this chapter, from the possession of the person having the same in his charge, without the consent of the person holding such animal, is guilty of a class B misdemeanor.

SECTION 388. AMENDMENT.) Section 36-12-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-12-06. PENALTY.) Any person who shall violate any provision of this chapter shall be guilty of an infraction.

SECTION 389. AMENDMENT.) Section 36-13-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-13-08. TAKING UP ESTRAY - COMPLIANCE WITH CHAPTER - PENALTY.) Any person taking up an estray who willfully fails to comply with the provisions of this chapter shall be guilty of a class B misdemeanor.

SECTION 390. AMENDMENT.) Section 36-14-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-14-09. LIVING HOG CHOLERA VIRUS AND VACCINES - PURCHASE, POSSESSION AND USE OF LIVING HOG CHOLERA VIRUS AND VACCINES PROHIBITED - PENALTY.) The purchase, possession, or use of living hog cholera virus and vaccines by any person including all licensed veterinarians, is hereby prohibited and made unlawful except by written permit issued by the executive officer and state veterinarian.

Any person violating any of the provisions of this section shall be guilty of a class B misdemeanor.

SECTION 391. AMENDMENT.) Section 36-14-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-14-13. ISSUANCE OF HEALTH CERTIFICATES BY UNAUTHORIZED PERSONS - PENALTY.) Any person who issues a health certificate for

livestock within this state without being authorized so to do by the state livestock sanitary board or by the United States department of agriculture is guilty of a class B misdemeanor.

SECTION 392. AMENDMENT.) Section 36-14-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-14-16. FAILURE TO RESTRAIN INFECTED SHEEP - PENALTY.) Every person who owns or has in charge any sheep infected with scab or other infectious or contagious disease and who:

1. Does not keep such sheep securely within some enclosure; or
2. Drives or permits any such sheep to be driven upon any public highway, or within the distance of one mile from any such highway, or within the distance of six miles from any farm, corral, shed, or other established headquarters where sheep are kept or herded,

is guilty of a class B misdemeanor.

SECTION 393. AMENDMENT.) Section 36-14-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-14-21. PENALTY FOR VIOLATING PROVISIONS OF CHAPTER.) Any person who shall knowingly violate any rule or regulation of the state livestock sanitary board, or who shall violate any provision of this chapter for which another penalty is not provided, shall be guilty of a class A misdemeanor.

SECTION 394. AMENDMENT.) Section 36-15-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-15-19. PENALTY FOR VIOLATION OF PROVISIONS RELATING TO TESTING OF LIVESTOCK.) Any person who shall refuse to assist the board or its agents in, or who endeavors to prevent the board or its agents from, carrying out the provisions of this chapter, or who shall violate any of the provisions of this chapter relating to the testing of cattle, shall be guilty of a class B misdemeanor.

SECTION 395. AMENDMENT.) Section 36-15-21 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-15-21. CALFHOOD VACCINATION AGAINST BRUCELLOSIS REQUIRED - PENALTY.) No person shall bring into this state any female cattle over ten months of age for dairy or breeding purposes within this state that have not been officially calfhood vaccinated against brucellosis. "Officially calfhood vaccinated" shall mean a bovine female animal vaccinated against brucellosis under the supervision of a federal or state veterinary official within age limits prescribed by the North Dakota livestock sanitary board in compliance with USDA recommended uniform methods and rules, with a vaccine approved by the North Dakota state veterinarian, and permanently identified as such a vaccinee and reported at the time of vaccination to the appropriate state or federal agency cooperating in the eradication of brucellosis. However, the board in its discretion may grant a hearing to any person under such rules and regulations

as the board may prescribe, as to whether or not an exception should be made to the provisions of this section. An appeal may be taken from the decision of the board under the provisions of chapter 28-32. Any person who shall bring into this state or acquire within this state any cattle contrary to the provisions of this section, shall be guilty of a class B misdemeanor.

SECTION 396. AMENDMENT.) Section 36-21-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-21-01. REGULATIONS GOVERNING FRAUDULENT REGISTRATION OF PUREBRED LIVESTOCK - PENALTY.) Any person who shall:

1. Fraudulently represent any animal to be purebred;
2. Post or publish, or cause to be posted or published, any false pedigree or certificate;
3. Procure by fraud, false pretense, or misrepresentation the registration of any animal which is to be used for service, sale, or exchange in this state for the purpose of deception as to the pedigree thereof;
4. Sell or otherwise dispose of any animal as a purebred when he knows or has reason to believe that the animal is not the offspring of a regularly registered purebred sire and dam; or
5. Sell or otherwise dispose of any animal as a registered purebred by the use of a false pedigree or certificate of registration,

shall be guilty of a class B misdemeanor.

SECTION 397. AMENDMENT.) Section 36-21.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-21.1-02. OVERWORKING OR MISTREATING ANIMALS.)

1. No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when unfit for labor.
2. No person shall deprive any animal over which he has charge or control of necessary food, water, or shelter.
3. No person shall keep any animal in any enclosure without exercise and wholesome change of air.
4. No person shall abandon any animal.
5. No person shall allow any maimed, sick, infirm, or disabled animal of which he is the owner, or of which he has custody, to lie in any street, road, or other public place for more than three hours after notice.
6. No person shall willfully instigate, or in any way further, any act of cruelty to any animal or animals, or any act tending to produce such cruelty.

7. No person shall cage any animal for public display purposes unless the display cage is constructed of solid material on three sides to protect the caged animal from the elements, and unless the horizontal dimension of each side of the cage is at least four times the length of the caged animal. The provisions of this subsection shall not apply to the North Dakota state fair association, to agricultural fair associations, to any agricultural display of caged animals by any political subdivision, or to district, regional, or national educational livestock or poultry exhibitions. Zoos which have been approved by the health district or the governing body of the political subdivision which has jurisdiction over the zoos shall be exempt from the provisions of this subsection.

SECTION 398. AMENDMENT.) Section 36-21.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-21.1-03. CRUELTY IN TRANSPORTATION.) No person shall carry, or cause to be carried, any live animals upon any vehicle or otherwise, without providing suitable racks, cars, crates, or cages, or other proper carrying container, nor shall he carry an animal, or cause an animal to be carried, in any other cruel manner.

SECTION 399. AMENDMENT.) Section 36-21.1-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-21.1-04. POISONING ANIMALS.) No person shall unjustifiably administer or expose any known poisonous substance or noxious drug, whether mixed with meat or other food or not, which may be eaten by any domestic animal.

SECTION 400. AMENDMENT.) Section 36-21.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-21.1-05. ANIMAL WITH INFECTIOUS DISEASE.) No person owning or having charge of any animal, knowing the animal to have any infectious or contagious disease, or to have recently been exposed thereto, shall knowingly permit such animal to run at large or come into contact with another animal, or with another person without his knowledge and permission.

SECTION 401. AMENDMENT.) Section 36-21.1-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-21.1-07. COCKFIGHTS, DOGFIGHTS, AND OTHER EXHIBITIONS PROHIBITED.) No person shall engage in or be employed at cockfighting, dogfighting, bearbaiting, pitting one animal against another, or any other similar cruelty to animals; nor shall he receive money for the admission of any person to any place used, or about to be used, for any such purpose, nor shall he willfully permit anyone to enter or use, for any such purpose, premises of which he is the owner, agent, or occupant; nor shall he use, train, or possess a dog or other animal for the purpose of seizing, detaining, or maltreating any domestic animal, nor shall any other person knowingly purchase a ticket of admission to any such place, be present at, or witness such spectacle.

SECTION 402. AMENDMENT.) Section 36-21.1-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-21.1-08. ARTIFICIALLY COLORED ANIMALS - SALE.) No person shall sell or offer for sale, raffle, offer, or give as a prize, premium, or advertising device, or display in any store, shop, carnival, or other public place, a chick, duckling, gosling, or rabbit which has been dyed or otherwise artificially colored.

SECTION 403. AMENDMENT.) Section 36-21.1-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-21.1-09. USE OF CERTAIN BIRDS AS ADVERTISING DEVICES.) No person shall sell, offer for sale, raffle, offer, or give as a prize, premium, or use as an advertising device, chicks, ducklings, or goslings younger than four weeks of age in quantities of less than twelve birds to an individual person. Persons engaging in the business of selling chicks, ducklings, or goslings for agricultural or wildlife purposes shall be exempt from the provisions of this section, but only when selling for such purposes.

SECTION 404. AMENDMENT.) Section 36-23.1-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-23.1-04. INSPECTION OF SLAUGHTERHOUSES AND MEATPACKING PLANTS - PENALTY.) The state veterinarian or his duly authorized agent shall have free access at all reasonable hours to any slaughterhouse within this state where animals are slaughtered for human food, or any plant or premises within this state where the carcass or the parts thereof are canned, salted, packed, smoked, cured, rendered, or otherwise prepared or processed for human food, except where such plants or premises are inspected under the provisions of the Federal Meat Inspection Act, 21 U.S.C. sections 71-91, 34 Stat. 1260-65, as amended. Inspections of each such plant or premises within the state shall be made at least once every three months, and shall determine if the facilities of such plant or premises are clean, sanitary, and not contaminated with filth, and that the carcass or the parts thereof, or meat or meat food products processed or prepared by such plant or premises are not unwholesome, unclean, unhealthful, or otherwise unfit for human food, or misbranded as defined by section 19-02.1-10 or adulterated as defined by section 19-02.1-09. Any carcass or the parts thereof or meat or meat food products determined to be prepared or processed under conditions whereby they are rendered unsanitary, or contaminated with filth or that are unwholesome, unclean, unhealthful or otherwise unfit for human food, or misbranded as defined by section 19-02.1-10 or adulterated as defined by section 19-02.1-09, may be seized by the state veterinarian or his duly authorized agent in accordance with rules and regulations issued by the board.

Any person allowing the slaughter, preparation or processing of animals, carcasses or the parts thereof, or meat or meat food products under such conditions whereby they are rendered unsanitary, or contaminated with filth, or that are unwholesome, unclean, unhealthful, or otherwise unfit for human food, or misbranded as defined by section 19-02.1-10 or adulterated as defined by section 19-02.1-09; any person who forges, counterfeits, simulates, or falsely represents any mark, stamp, tag, label, or other identification device prescribed by the board



under this chapter; any person who refuses to permit the taking of a sample of a carcass or the parts thereof, or meat or meat food products from his plant or premises, or refuses to permit the inspection or reinspection authorized by this chapter, shall be guilty of a class A misdemeanor.

SECTION 405. AMENDMENT.) Section 36-23.1-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-23.1-06. SALE OF UNAPPROVED MEAT PROHIBITED.) Any person who shall slaughter any animal in this state for the purpose of selling the carcass or the parts thereof for human food, or sell, offer for sale, or have in his possession with intent to sell such carcass or the parts thereof for human food in this state, unless the same shall have been first inspected or reinspected and approved as provided by this chapter or the Federal Meat Inspection Act, 21 U.S.C. sections 71-91, 34 Stat. 1260-65, as amended, shall be guilty of a class A misdemeanor.

SECTION 406. AMENDMENT.) Section 37-01-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-01-13. RIGHT-OF-WAY OF NATIONAL GUARD WHILE ON DUTY - EXCEPTIONS - INTERFERENCE WITH - PENALTY.) Commanding officers of any portion of the national guard parading or performing any military duty in any street or highway may require any or all persons in such street or highway to yield the right-of-way, except that the carriage of the United States mail, the legitimate functions of the police, and the progress and operations of hospital ambulances and fire departments shall not be interfered with thereby. The adjutant general may provide for the issuance of special identification plates to be placed upon the privately owned vehicles of members of the national guard in order to properly identify vehicles operated by such members. All persons who hinder, delay, or obstruct any portion of the national guard wherever parading or performing any military duty shall be guilty of a class B misdemeanor.

SECTION 407. AMENDMENT.) Section 37-01-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-01-16. UNLAWFUL CONVERSION OF MILITARY PROPERTY - UNLAWFUL WEARING OF UNIFORMS AND DEVICES INDICATING RANK - PENALTY.) Any person who shall:

1. Secretly sell, dispose of, offer for sale, purchase, retain after a demand made by a commissioned officer of the national guard, or in any manner pawn or pledge any arms, uniforms, equipment, or other military property issued under the provisions of this title; or
2. Wear any uniform or any device, strap, knot, or insignia of any design or character used as a designation of grade, rank, or office, prescribed by law, or by general regulation duly promulgated, for the use of the national guard, or any device, strap, knot, or insignia similar thereto, unless he is a member of the army or navy of the United States or of the national guard of this or any other state, a member of an association wholly composed of soldiers who have been honorably

discharged from the service of the United States, or a member of the order of sons of veterans,

shall be guilty of a class B misdemeanor.

SECTION 408. AMENDMENT.) Section 37-01-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-01-20. PENALTY FOR RESISTING WHEN STATE OF INSURRECTION EXISTS.) In a place declared by proclamation of the governor to be in a state of insurrection, any person who shall:

1. Resist the execution of process;
2. Aid the rescue or escape of another from lawful custody or confinement; or
3. Resist a force ordered out by the governor to quell or suppress an insurrection,

is guilty of a class C felony.

SECTION 409. AMENDMENT.) Section 37-01-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-01-21. MILITARY PARADES BY CERTAIN BODIES PROHIBITED - EXCEPTIONS - PENALTY.) No body of men, other than the regularly organized units of the national guard and militia and the troops of the United States, shall associate themselves together as a military company or organization or parade in public with firearms, and no municipality shall raise or appropriate any money toward arming or equipping, uniforming or in any other way supporting, sustaining, or providing drill rooms or armories for, any such body of men. Associations wholly composed of soldiers honorably discharged from the service of the United States and members of the order of sons of veterans may parade in public with firearms on Decoration Day, upon the reception of any regiment or company of soldiers returning from service, or for the purpose of escort duty at the burial of deceased soldiers. Students in educational institutions where military science is a prescribed part of the course of instruction, with the consent of the governor, may drill and parade with firearms in public under the superintendence of their teachers. This section shall not prevent any organization authorized to do so by law from parading with firearms nor prevent parades by the national guard of other states. Any person violating any provision of this section is guilty of a class B misdemeanor.

SECTION 410. AMENDMENT.) Section 37-01-25.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-01-25.1. REINSTATEMENT TO FORMER POSITION - APPEALS - PENALTY.) Any person referred to in section 37-01-25, who within ninety days after receiving a discharge other than dishonorable from such active noncivilian service, and who is not physically or otherwise incapacitated to perform the duties of the position formerly held by him, applies for such position held by him at the time of entering such active service, shall be given such position or one of like seniority, status, and pay, and shall be immune to discharge from said position except for

cause, as defined by the department of veterans' affairs, for a period of one year after entering upon the duties of his civilian position. Any such person not so reemployed or who is discharged within a period of one year without cause, shall have the right of appeal to the department of veterans' affairs under such rules and regulations as the administrative committee on veterans' affairs may promulgate. If the department of veterans' affairs shall find that such person was not reemployed or was discharged within one year without cause, it may order any officer or other appointing power to comply with the provisions of this chapter. If such person at the time of entering non-civilian service shall have been an officer or employee of the state of North Dakota or any political subdivision or city thereof, having a merit or civil service system with an appeal board, such appeal board shall have the same powers as are granted to the department of veterans' affairs in this section. In order to carry out the provisions of this chapter, the department of veterans' affairs is hereby authorized to contract and pay for technical or other services with any board, council, or commission established by such state agencies, departments, or divisions to administer such systems. Any person violating any of the provisions of this section shall be guilty of an infraction.

SECTION 411. AMENDMENT.) Section 38-01-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-01-08. PENALTIES FOR VIOLATION OF PROVISIONS OF TITLE RELATING TO COAL MINES.) Any person who shall:

1. Willfully refuse or fail to perform any duty required of him under the provisions of this title relating to coal mines;
2. Violate any provision of this title relating to mining;
3. Obstruct the inspector or interfere with him in the performance of his duties; or
4. Refuse to comply with any instruction given by the inspector pursuant to any provision of this title,

shall be guilty of a class A misdemeanor unless another penalty is specifically provided for such violation. If the person found guilty of any such violation is a mine foreman holding a certificate issued under the applicable provisions of this title, the inspector, by order, may revoke such certificate for a period of not more than two years.

SECTION 412. AMENDMENT.) Section 38-04-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 38-04-10. PENALTY FOR VIOLATION OF CHAPTER.) Every mine owner or operator who:

1. Operates a coal mine without a license as provided by this chapter; or
2. Willfully fails or refuses to comply with any other provision of this chapter,

except where another penalty is specifically provided for, is guilty of a class B misdemeanor.

\*NOTE: Chapter 38-04 was repealed by section 1 of Senate Bill No. 2267, chapter 313.

SECTION 413. AMENDMENT.) Section 38-06-62.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-06-62.1. USE OF EXPLOSIVES UNDERGROUND - NOTICE TO UNDERGROUND MINE OWNERS AND OPERATORS - PENALTY.) Any person who carries on any activity in this state requiring the use of explosives detonated beneath the surface of the earth shall give notice to any underground mine owner or underground mine operator, the location of whose mine is filed in the office of the state coal mine inspector, at least twenty-four hours before any such activity using explosives is carried on providing such activity is to be carried on within a one mile radius of any such underground mine. Compliance with this section shall not be construed to limit civil liability that may arise as a result of such use of explosives.

SECTION 414. AMENDMENT.) Section 38-06-64 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-06-64. PENALTIES FOR VIOLATING PROVISIONS OF CHAPTER OR SAFETY RULES PROMULGATED BY INSPECTOR.) Every mine owner or operator or other person who willfully shall fail or refuse to comply with any of the safety rules promulgated by the inspector under the provisions of this chapter or who violates any provision of this chapter for which another penalty is not specifically provided shall be guilty of a class A misdemeanor.

SECTION 415. AMENDMENT.) Section 38-08-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-08-16. CIVIL PENALTY.) Any person who violates any provision of this chapter, or any rule, regulation, or order of the commission shall be subject to a civil penalty of not more than one thousand dollars for each violation and for each day that such violation continues, unless the penalty for such violation is otherwise specifically provided for and made exclusive in this chapter. The penalties provided in this section shall be recoverable by suit filed by the attorney general in the name and on behalf of the commission, in the district court of the county in which the defendant resides, or in which any defendant resides, if there be more than one defendant, or in the district court of any county in which the violation occurred. The payment of any such penalty shall not operate to legalize any illegal oil, illegal gas, or illegal product involved in the violation for which the penalty is imposed, or to relieve a person on whom the penalty is imposed from liability to any other person for damages arising out of such violation.

SECTION 416. AMENDMENT.) Section 39-01-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-01-02. STATE-OWNED MOTOR VEHICLES TO HAVE NAME PAINTED ON SIDE OF VEHICLES - PENALTY FOR FAILURE.) All motor vehicles owned by any state department, institution, or industry and operated by such department, institution, or industry, except the official vehicle for use by the governor, shall have painted on each front door the following words: NORTH DAKOTA, in letters four inches in height. Two and one-half inches directly below such words shall be printed in letters one and one-half inches in height the name of the department, institution, or industry of the state owning or operating such motor

vehicle. The width of the lettering required by this section shall be proportionate to the required height and the color of such lettering shall be in clear and sharp contrast to the background. The state highway patrol and all peace officers of this state shall enforce the provisions of this section. The state auditor, in the course of spot checking or verifying the inventory of any department, institution, or industry, shall include in his report to the governor and the legislative assembly any instance of noncompliance with this section that shall come to his attention. The above requirements shall not apply to cars owned and operated by the state highway patrol or cars used principally in juvenile, parole and placement service; or to any truck owned by any state department, institution, or industry. Any state official, or any employee of any state department, institution, or industry, who uses a motor vehicle which shall not be marked as is required by this section is guilty of a class B misdemeanor.

SECTION 417. AMENDMENT.) Section 39-01-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-01-07. PENALTY FOR VIOLATION OF CHAPTER.) Any person violating any provision of this chapter for which another penalty is not specifically provided is guilty of a class A misdemeanor.

SECTION 418. AMENDMENT.) Subsection 4 of section 39-01-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. If the police of any municipality or any other political subdivision shall find that such certificate or insignia is being improperly used, they may report to the motor vehicle registrar any such violation and the motor vehicle registrar may, in his discretion, remove the privilege. Any person who is not physically handicapped and who exercises the privileges granted a physically handicapped person under subsection 1 shall be guilty of an infraction.

SECTION 419. AMENDMENT.) Section 39-03-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03-11. PENALTY FOR IMPERSONATING PATROLMAN.) Any person shall be guilty of a class A misdemeanor if:

1. Without authority, he wears the badge of a member of the highway patrol, or a badge of similar design which would tend to deceive anyone;
2. He impersonates a member of the highway patrol or other officer or employee of the highway patrol with intent to deceive anyone; or
3. Without authority, he wears a uniform likely to be confused with the official uniform of the highway patrol.

SECTION 420. AMENDMENT.) Section 39-03-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03-12. PENALTY IN VIOLATION OF CHAPTER.) Any person who violates any of the provisions of this chapter, for which another penalty is not specifically provided, is guilty of a class B misdemeanor.

SECTION 421. AMENDMENT.) Section 39-03A-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03A-25. FRAUD - CORRECTION OF ERRORS.) No person shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of the retirement system herein established in any attempt to defraud such system. Should any such change in records fraudulently made or any mistake in records inadvertently made result in any contributor or other beneficiary receiving more or less than he would have been entitled to had the records been correct, then, on the discovery of such error, the board shall correct such error and shall adjust the payments which shall be made to the contributor in such manner that the benefit to which he was correctly entitled shall be paid.

SECTION 422. AMENDMENT.) Subsection 3 of section 39-04-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Any person violating any of the provisions of this section shall be guilty of a class B misdemeanor.

SECTION 423. AMENDMENT.) Section 39-04-41 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-41. PENALTY FOR VIOLATION OF PROVISIONS OF CHAPTER.) Any person violating any of the provisions of this chapter for which another penalty is not specifically provided is guilty of a class B misdemeanor.

SECTION 424. AMENDMENT.) Section 39-04A-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04A-08. PENALTY FOR VIOLATION OF PROVISIONS OF CHAPTER.) Any person violating any of the provisions of this chapter, for which another penalty is not specifically provided, is guilty of a class B misdemeanor.

SECTION 425. AMENDMENT.) Section 39-05-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-11. ALTERING OR FORGING CERTIFICATE OF TITLE OR REGISTRATION CARD - PENALTY.) Any person who shall:

1. Alter with fraudulent intent any certificate of title or registration card issued by the department;
2. Forge or counterfeit any certificate of title or registration card purporting to have been issued by the department under the provisions of this chapter;
3. Alter or falsify with fraudulent intent or forge any assignment of a certificate of title or registration card; or

4. Use any certificate, registration card, or assignment, knowing the same to have been altered, forged, or falsified,

shall be guilty of a class C felony.

SECTION 426. AMENDMENT.) Section 39-05-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-17. TRANSFER OF TITLE OF VEHICLE - ENDORSEMENT REQUIRED - CERTIFICATE OF TITLE DELIVERED - NEW CERTIFICATE OBTAINED - PENALTY.) The owner of a motor vehicle who sells or transfers his title to such vehicle shall endorse an assignment and warranty of title upon the certificate of title for such vehicle, with a statement as to whether there are liens or encumbrances thereon, which statement shall be verified under oath by the owner. The owner shall deliver the certificate of title to the purchaser if title passes to the purchaser. If the legal title does not pass to the purchaser under the terms of the contract for sale of the vehicle, the legal title owner shall endorse thereon a statement that he holds the lien, the date thereof and the name of the purchaser, and shall send the certificate of title to the motor vehicle registrar with an application of the purchaser for a new certificate of title showing the name of the legal owner, the registered owner, the date of the lien of the legal owner, which certificate of title when issued shall be returned by the motor vehicle registrar to the legal title owner, who shall retain the same in his possession until the terms of the contract are complied with by the purchaser, and thereupon, after showing that the lien has been paid and satisfied he shall deliver the certificate of title properly assigned to the purchaser. The purchaser or transferee shall present the endorsed and assigned certificate to the department, accompanied by a transfer fee of one dollar, and shall make an application for and obtain a new certificate of title for such vehicle. A violation of the provisions of this section shall constitute a class B misdemeanor.

SECTION 427. AMENDMENT.) Section 39-05-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-28. PENALTY FOR DEFACING, DESTROYING, OR ALTERING ENGINE, SERIAL, OR IDENTIFICATION NUMBERS.) Any person who with fraudulent intent shall:

1. Deface, destroy, or alter the engine, serial, or identification number of a motor vehicle;
2. Place or stamp other than the original engine, serial, or identification number, or a number assigned, upon a motor vehicle; or
3. Sell or offer for sale any motor vehicle bearing an altered or defaced engine, serial, or identification number, other than the original or a number assigned,

shall be guilty of a class C felony.

SECTION 428. AMENDMENT.) Section 39-05-33 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-05-33. GENERAL PENALTY.) Any person violating any of the provisions of this chapter for which another penalty is not provided specifically is guilty of a class B misdemeanor.

SECTION 429. AMENDMENT.) Subsection 5 of section 39-06-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. It is a class B misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

SECTION 430. AMENDMENT.) Section 39-06-40 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-40. UNLAWFUL USE OF LICENSE - PENALTY.) It is a class B misdemeanor for any person:

1. To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, or fraudulently altered operator's or chauffeur's license;
2. To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;
3. To display or represent as one's own any operator's or chauffeur's license not issued to him;
4. To fail or refuse to surrender to the commissioner upon his lawful demand any operator's or chauffeur's license which has been suspended, revoked, or canceled; or
5. To permit any unlawful use of an operator's or chauffeur's license issued to him.

SECTION 431. AMENDMENT.) Section 39-06-40.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-40.1. REPRODUCING OPERATOR'S OR DRIVER'S LICENSE OR PERMIT - PENALTY.)

1. It shall be unlawful for any person to print, photograph, photostat, duplicate or in any way reproduce any operator's or driver's license or permit or facsimile thereof in such a manner that it would be mistaken for a valid license, or to display or have in his possession any such printed, photograph, photostat, duplicate, reproduction, or facsimile unless authorized by the provisions of the North Dakota law.
2. It shall also be unlawful for any person to alter in any manner any operator's or driver's license or permit, or to display or have in his possession any altered operator's or driver's license or permit.
3. Every person violating the provisions of this section shall be guilty of a class B misdemeanor.



4. The commissioner upon receiving a record of the conviction or other satisfactory evidence of the violation of this section shall revoke forthwith the operator's or driver's license or driving privileges of such person. The period of revocation shall be determined at the discretion of the commissioner.

SECTION 432. AMENDMENT.) Section 39-06-42 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 39-06-42. PENALTY FOR DRIVING WHILE LICENSE SUSPENDED OR REVOKED.) Except as provided in chapters 39-16 and 39-16.1, and in section 39-06.1-11, any person who drives a motor vehicle on any public highway of this state at a time when his license or privilege so to do is suspended or revoked shall be guilty of a class B misdemeanor.

SECTION 433. AMENDMENT.) Section 39-07-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-07-06. GENERAL PENALTY FOR VIOLATION OF TITLE.) Any person violating any of the provisions of this title for which another criminal penalty is not provided specifically shall be guilty of an infraction. As used in this section, the phrase "another criminal penalty" includes provision for payment of a fixed fee for violating another section in this title, but does not include any other administrative sanction which may be imposed.

SECTION 434. AMENDMENT.) Section 39-08-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-01. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR CONTROLLED SUBSTANCES NOT TO OPERATE VEHICLE - PENALTY.)

- \* 1. No person shall drive or be in actual physical control of any vehicle upon a highway in this state if:
  - a. He is under the influence of a controlled substance, or;
  - b. He is under the influence of intoxicating liquor.
- \* 2. A person violating any provision of this section shall be guilty of a class B misdemeanor. Upon a second conviction for a violation occurring within eighteen months of a previous violation resulting in a prior conviction, such person shall be punished by imprisonment in the county jail for not less than three days nor more than thirty days, and in the discretion of the court, a fine of not less than one hundred fifty dollars nor more than five hundred dollars. In the event the complaint does not include the allegation that, if convicted, such conviction would be the second such violation as provided in this section, the court may take judicial notice of such fact if indicated by the records of the state highway department or make such finding based on other evidence.

SECTION 435. AMENDMENT.) Section 39-08-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\*NOTE: Section 39-06-42 was also amended by section 1 of Senate Bill No. 2445, chapter 344; subsection 1 of section 39-08-01 was also amended by section 1 of Senate Bill No. 2064, chapter 342; and subsection 2 of section 39-08-01 was also amended by section 1 of Senate Bill No. 2065, chapter 343.

39-08-02. PERSON CONVEYING PASSENGERS NOT TO ENGAGE DRIVERS ADDICTED TO INTOXICANTS - PENALTY.) No person owning or having the direction or control of any vehicle for the conveyance of passengers in this state shall employ or continue in his employment as a driver of such vehicle any person who is known to the actor to be addicted to a controlled substance or given to the excessive use of controlled substances or intoxicating liquors. Any person violating the provisions of this section shall be guilty of an infraction, and shall be liable for all damages sustained by reason of such violation.

SECTION 436. AMENDMENT.) Section 39-08-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-04. ACCIDENTS INVOLVING DEATH OR PERSONAL INJURIES - PENALTY.)

1. The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 39-08-06. Every such stop shall be made without obstructing traffic more than is necessary.
2. Any person failing to stop or to comply with said requirements under such circumstances shall be guilty of a class A misdemeanor.
3. The commissioner shall revoke the license or permit to drive or nonresident operating privilege of a person convicted under this section.

SECTION 437. AMENDMENT.) Section 39-08-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-05. ACCIDENTS INVOLVING DAMAGE TO VEHICLE - PENALTY.) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of section 39-08-06. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a class B misdemeanor.

SECTION 438. AMENDMENT.) Section 39-08-19 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-19. PENALTY FOR HARASSMENT OF DOMESTIC ANIMALS.) Any person operating a motorcycle, snowmobile, or other motor vehicle as defined in subsection 32 of section 39-01-01 who willfully harasses or frightens any domestic animal, shall, upon conviction, be guilty of a class B misdemeanor. If injury or death results to the animal due to such action, such person shall be liable for the value of the animal and exemplary damages as provided in section 36-21-13.

SECTION 439. AMENDMENT.) Section 39-10-65 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-10-65. OPERATION OF MOTOR VEHICLE, TRACTOR, OR OTHER VEHICLE PROHIBITED ON FLOOD PROTECTIVE WORKS - EXCEPTION - PENALTY.)**

1. Unless authorized by the authority in charge thereof, no person shall operate a motor vehicle, tractor, or other vehicle upon or across any flood protective works, including but not limited to, any dike or flood protective works constructed by a state or federal agency, or by any municipality or local subdivision of the state.
2. Any person violating the provisions of this section shall be liable to any person suffering injury as a result of the violation; and in addition, shall be guilty of a class B misdemeanor.

SECTION 440. AMENDMENT.) Section 39-12-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-12-21. PENALTY.)** Any driver of a vehicle who refuses to stop and submit the vehicle and load to a weighing when directed to do so by any police officer or any agent of this state having police powers relating to motor vehicles, shall be guilty of a class B misdemeanor.

SECTION 441. AMENDMENT.) Section 39-16-30 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-16-30. OPERATING WHILE UNDER SUSPENSION OR REVOCATION - PENALTIES.)**

1. It is a class B misdemeanor for any person whose license or nonresident's operating privilege has been suspended or revoked under this chapter to drive any motor vehicle upon any highway except as permitted under this chapter during such suspension or revocation.
2. It is a class B misdemeanor for any person to violate any of the provisions of this chapter for which a specific penalty is not provided.

SECTION 442. AMENDMENT.) Section 39-16.1-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**39-16.1-21. OPERATING UNDER SUSPENSION OR REVOCATION - PENALTIES.)**

1. It is a class B misdemeanor for any person whose license or nonresident's operating privilege has been suspended or revoked under this chapter to drive any motor vehicle upon any highway except as permitted under this chapter during such suspension or revocation.
2. It is a class B misdemeanor for any person to violate any of the provisions of this chapter for which a specific penalty is not provided.

SECTION 443. AMENDMENT.) Section 39-18-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-18-07. PENALTY.) Any person who violates the provisions of this chapter shall be guilty of an infraction.

SECTION 444. AMENDMENT.) Section 39-21-51 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-21-51. ALTERATION OF ODOMETERS OR OTHER MILEAGE RECORDERS, HOUR METERS ON TACHOMETERS OR OTHER HOUR RECORDERS - PENALTY.) Any person altering a motor vehicle odometer or other mileage recorder, hour meter on tachometer or other hour recorder for the purpose of deceiving another, shall be guilty of an infraction.

SECTION 445. AMENDMENT.) Section 39-22-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-22-07. DEALER PERMITTING LICENSE TO BE USED BY ANOTHER DEALER - LICENSE REVOKED - PENALTY.) Any dealer who permits any other dealer to use his dealer's license, or permits the use of such license for the benefit of any other dealer, shall have his dealer's license revoked and shall be guilty of an infraction.

SECTION 446. AMENDMENT.) Section 39-22-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-22-13. PENALTY FOR VIOLATION OF PROVISIONS OF CHAPTER.) Any person violating any of the provisions of this chapter for which another penalty is not specifically provided is guilty of a class B misdemeanor.

SECTION 447. AMENDMENT.) Section 39-23-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-23-10. CONFLICT OF INTEREST - PENALTY.) Any person found guilty of a conflict of interest in connection with the administration of this chapter, or rule or regulation promulgated hereunder, shall be guilty of a class A misdemeanor.

SECTION 448. AMENDMENT.) Subdivision c of subsection 5 of section 39-24-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- c. While under the influence of intoxicating liquor or a controlled substance.

SECTION 449. AMENDMENT.) Section 39-24-11 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-24-11. PENALTIES.) Any person who shall violate subdivision b or subdivision c of subsection 5 of section 39-24-09 shall be guilty of a class B misdemeanor. Any person who violates any other provision of section 39-24-09 shall be assessed a fee of twenty dollars. Any person who violates any other provision of this chapter for which a specific penalty is not provided shall be assessed a fee of ten dollars.

SECTION 450. AMENDMENT.) Section 39-25-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-25-08. VIOLATIONS AND PENALTIES.) Any person who shall violate sections 39-25-03 or 39-25-04 shall be guilty of a class B misdemeanor.

SECTION 451. AMENDMENT.) Section 39-26-03 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-26-03. PENALTY FOR ABANDONING A MOTOR VEHICLE.) Any person who abandons a motor vehicle on any public or private property, without the consent of the person in control of such property, is guilty of a class A misdemeanor.

SECTION 452. AMENDMENT.) Section 40-01-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-01-08. REMOVAL OF BUILDING WHEN TAXES AND SPECIAL ASSESSMENTS OR SHARE OF BONDED INDEBTEDNESS ARE DUE - LIEN - PENALTY.) No person shall remove a building from any lot or tract of land in any municipality, unless it is assessed as personalty or exempt from taxation, until after the taxes and special assessments then due have been paid, nor until the owner shall have paid into the sinking fund for the retirement of any bonded indebtedness of the municipality an amount equal to the just share of the tax which would then be required against the property in said municipality to pay the principal outstanding, less amount in sinking funds, of the bonded indebtedness of such municipality. If the building is removed without the payment of the taxes and special assessments and pro rata share of bonded indebtedness, such taxes, special assessments and pro rata share of bonded indebtedness shall be a lien on the building notwithstanding its removal as well as upon the lot, lots, tract, or tracts of land from which the same was removed. This section shall not apply where a building is removed to permit the erection or installation of improvements equal or greater in value than the building removed. Any person violating the provisions of this section is guilty of a class A misdemeanor.

SECTION 453. AMENDMENT.) Subsections 26 and 27 of section 40-05-02 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

26. THEFT. To prohibit by ordinance and prescribe the punishment for the commission of theft, as defined by chapter 12.1-23, within the jurisdiction of the city.
27. PEACE BONDS. To provide by ordinance for the issuance of peace bonds by the municipal judge in accordance with the procedure in chapter 29-02.

SECTION 454. AMENDMENT.) Section 40-11-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-11-12. COMMITMENT OF GUILTY PERSON FOR NONPAYMENT OF FINES OR COSTS.) Any person upon whom any fine or costs, or both, has been imposed for violation of a municipal ordinance may, after hearing,

be committed upon order of the court to jail or other place provided by the municipality for the incarceration of offenders until the fine or costs, or both, are fully paid or discharged by labor as provided in section 40-18-12. The court may not commit a person under this section when the sole reason for his nonpayment of fine or costs, or both, is his indigency. An order of commitment under this section shall not be for a period in excess of thirty days. As used in this section, "fine" does not include a fee established pursuant to subsection 2 of section 40-05-06.

.SECTION 455. AMENDMENT.) Section 40-18-12 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-18-12. COMMITMENT FOR VIOLATION OF CITY ORDINANCE - LIMITATION - LABOR IN LIEU OF FINE - DIAGNOSIS AND TREATMENT OF PERSONS CONVICTED WHILE DRIVING UNDER THE INFLUENCE.) If the defendant is found guilty of the violation of a municipal ordinance and is committed as provided in section 40-11-12, the governing body may provide by ordinance that he shall be required to work for the municipality at such labor as his strength and health will permit, not exceeding eight hours in each working day. For that work, the person so imprisoned shall be allowed for each day, exclusive of his board, ten dollars on account of the fines and costs assessed against him. If a person is convicted under an ordinance prohibiting driving while under the influence of an intoxicating liquor or a narcotic drug, the court may, prior to sentencing, refer the person to an approved treatment facility for diagnosis. Upon receipt of the results of this diagnosis, the court may impose a sentence as prescribed by the city's ordinances or it may sentence the person to treatment in a facility approved by the state division of alcoholism and drug abuse.

SECTION 456. AMENDMENT.) Section 40-48-38 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-48-38. PENALTY FOR VIOLATIONS.) A person who violates any of the provisions of this chapter shall be guilty of a class A misdemeanor.

SECTION 457. AMENDMENT.) Subsection 3 of section 40-49-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Pass all ordinances necessary and requisite to carry into effect the powers granted to a board of park commissioners, with such penalties as the board may deem proper. No such penalty, however, shall exceed five hundred dollars;

SECTION 458. AMENDMENT.) Section 40-50-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-50-08. REGISTER OF DEEDS NOT TO RECORD A PLAT WITHOUT APPROVAL OF PLANNING COMMISSION.) A register of deeds shall not record a plat of a subdivision unless it has the approval of the planning commission, if a planning commission has been appointed in the municipality in which the subdivision is located or to which it is attached.

SECTION 459. AMENDMENT.) Section 41-02-48 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

41-02-48. (2-403) POWER TO TRANSFER - GOOD FAITH PURCHASE OF GOODS - "ENTRUSTING".)

1. A purchaser of goods acquires all title which his transferor had or had power to transfer except that a purchaser of a limited interest acquires rights only to the extent of the interest purchased. A person with voidable title has power to transfer a good title to a good faith purchaser for value. When goods have been delivered under a transaction of purchase, the purchaser has such power even though
  - a. the transferor was deceived as to the identity of the purchaser, or
  - b. the delivery was in exchange for a check which is later dishonored, or
  - c. it was agreed that the transaction was to be a "cash sale", or
  - d. the delivery was procured through fraud punishable as theft under chapter 12.1-23.
2. Any entrusting of possession of goods to a merchant who deals in goods of that kind gives him power to transfer all rights of the entruster to a buyer in ordinary course of business.
3. "Entrusting" includes any delivery and any acquiescence in retention of possession regardless of any condition expressed between the parties to the delivery of acquiescence and regardless of whether the procurement of the entrusting or the possessor's disposition of the goods have been such as to be theft under chapter 12.1-23.
4. The rights of other purchasers of goods and of lien creditors are governed by the chapters on Secured Transactions (chapter 41-09), Bulk Transfers (chapter 41-06), and Documents of Title (chapter 41-07).

SECTION 460. AMENDMENT.) Section 41-03-80 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

41-03-80. RENEWAL OF PROMISSORY NOTE - CANCELLATION AND RETURN OF RENEWED NOTE OR MARKING THEREOF.) No person, firm, or corporation, or state or national bank doing business in this state, shall take from any debtor or other person or concern obligated upon a negotiable promissory note or other negotiable obligation, any renewal thereof without, at the time, either:

1. canceling and returning to the maker of the renewal the original obligation so renewed; or
2. marking or causing to be marked across the face of the renewed instrument in legible writing in ink, or to be typewritten thereon, the word "renewed" or words of like import and effect.

Any person, firm, corporation, or bank taking any such renewal note or contract without complying with the provisions of this section shall be liable to any person or concern for all loss or damage suffered thereby, and if the failure so to comply was intentional, shall be guilty of a class A misdemeanor.

SECTION 461. AMENDMENT.) Section 42-01-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

42-01-15. MAINTAINING PUBLIC NUISANCE - PENALTY.) Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a class A misdemeanor.

SECTION 462. AMENDMENT.) Section 42-02-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

42-02-01. WHO MAY BRING ABATEMENT.) The attorney general, the state health officer, the state's attorney, or any citizen of the county where a nuisance exists or is maintained, may bring an action in the name of the state to abate and perpetually enjoin the nuisance.

SECTION 463. AMENDMENT.) Section 42-02-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

42-02-02. INJUNCTION - PROCEEDINGS.) If the action is brought by a citizen, he shall give a bond in an amount sufficient to cover the costs of such action as the court may direct. An injunction shall be granted at the commencement of an action for the abatement of a nuisance in the usual manner of granting injunctions, except that the affidavit or complaint, or both, may be made by the state's attorney, the attorney general, or his assistant, upon information and belief. When an injunction, either temporary or permanent, has been granted under the provisions of this section, it shall be binding on the defendant or defendants throughout the entire state.

SECTION 464. AMENDMENT.) Section 42-02-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

42-02-04. NUISANCE - ABATEMENT.) If a place is found, upon the judgment of a jury, court, or judge having jurisdiction, to be a nuisance, a law enforcement officer of the county or city where the nuisance is located, shall close and abate such place by taking possession thereof, together with all personal property used in keeping and maintaining the nuisance, and close the same against use by anyone, and keep it closed for a period of one year from the date of the judgment decreeing it to be a nuisance. After judgment, such officer publicly shall destroy the personal property used in keeping and maintaining the nuisance. Any person breaking open said building, erection, or place, or using the premises so ordered to be closed, shall be punished for contempt as provided by this chapter.

SECTION 465. AMENDMENT.) Section 42-02-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:



42-02-07. EVIDENCE ADMISSIBLE.) In a prosecution under this chapter in a civil proceeding, evidence of the general reputation of the house, building, room, or place designated in the complaint shall be admissible for the purpose of proving the existence of a nuisance. Proof of the fact that any person has pleaded guilty to violation of the provisions of any city ordinance or any other law of the land enacted to prevent a nuisance also is admissible, if it can be shown further that such person, when pleading guilty, was or had been, at the time and place mentioned in the complaint in the action then pending before the court, a frequenter or inmate of such house, building, room, or place, and such proof shall be deemed prima facie evidence of the guilt of the defendant.

SECTION 466. AMENDMENT.) Section 42-02-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

42-02-10. INJUNCTION - PENALTY FOR VIOLATION.) Any person violating the terms of an injunction for the abatement of a nuisance in any place in the state of North Dakota shall be guilty of criminal contempt under section 12.1-10-01.

SECTION 467. AMENDMENT.) Section 43-01-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-01-20. PENALTY.) Any person making, compiling, or certifying to an abstract of title to real property in this state without first having complied with the provisions of this chapter, is guilty of a class B misdemeanor.

SECTION 468. AMENDMENT.) Section 43-02-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-02-16. PENALTY FOR FALSIFYING REPORT OR AUDIT.) Any certified public accountant who shall falsify a report, statement, investigation, or audit, shall be guilty of a class A misdemeanor.

SECTION 469. AMENDMENT.) Section 43-02-17 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-02-17. GENERAL PENALTIES.) Any person who shall:

1. Represent himself to the public as having received a certificate as a certified public accountant when he has not received such certificate;
2. Assume to practice as a certified public accountant without first having received a certificate and registered annually as provided in this chapter;
3. Continue to practice as a certified public accountant or to use such title or any other title, word, or abbreviation tending to indicate that he is a certified public accountant, after his certificate to practice has been revoked or while it is suspended; or

4. Violate any of the provisions of this chapter for which another penalty is not specifically provided,

shall be guilty of a class B misdemeanor.

SECTION 470. AMENDMENT.) Section 43-03-21 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-03-21. PENALTY.) Any person violating the provisions of this chapter is guilty of a class B misdemeanor.

SECTION 471. AMENDMENT.) Subsections 4 and 5 of section 43-04-45 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

4. Practice or attempt to practice by fraudulent misrepresentations; or
5. Willfully fail to display a certificate of registration as is required by this chapter, shall be guilty of a class B misdemeanor. A violation of any provision of this chapter or of any rule, subpoena, or order of the board lawfully made pursuant hereto, except as otherwise provided herein, shall be a class B misdemeanor.

SECTION 472. AMENDMENT.) Section 43-06-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-06-19. PENALTY.) Any person who violates any of the provisions of this chapter, and any person who, without complying with the provisions of this chapter:

1. Practices or attempts to practice chiropractic;
2. Advertises as a chiropractor;
3. Uses the terms or letters, doctor of chiropractic, chiropractor, D. C., or any other title that will induce the belief that he is engaged in the practice of chiropractic, is guilty of a class B misdemeanor.

SECTION 473. AMENDMENT.) Section 43-07-18 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-07-18. PENALTY.) Any person acting in the capacity of a contractor within the meaning of this chapter without a license as herein provided is guilty of a class B misdemeanor.

SECTION 474. AMENDMENT.) Section 43-07-21 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-07-21. PENALTY - INJUNCTION PROCEEDINGS.) Any person violating any provisions of section 43-07-20 shall be guilty of a class B misdemeanor. A repeated violation shall constitute legal grounds for a

court, on proper application by the commissioner of labor, to grant an injunction without requiring the posting of a bond or undertaking. All contracts shall provide that one thousand dollars of the contract price is to be withheld in addition to any other withholding until it has been determined by the commissioner of labor that no action or fines are pending.

SECTION 475. AMENDMENT.) Section 43-09-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-09-23. PENALTY.) Any person who shall violate any of the provisions of this chapter shall be guilty of a class B misdemeanor.

SECTION 476. AMENDMENT.) Section 43-10-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-10-20. PENALTY.) Any person who shall practice, or hold himself out as practicing, embalming, or who prepares the dead for burial or shipment in violation of the provisions of this chapter, shall be guilty of a class B misdemeanor.

SECTION 477. AMENDMENT.) Section 43-10-24 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-10-24. PENALTY.) Any person violating any of the provisions of sections 43-10-21 through 43-10-23, except rules and regulations promulgated under section 43-10-22, shall be guilty of a class B misdemeanor. Any person who violates a rule or regulation promulgated under section 43-10-22 is guilty of an infraction.

SECTION 478. AMENDMENT.) Section 43-12-24 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-12-24. VIOLATION - PENALTIES.) No person shall:

1. Sell or fraudulently obtain or furnish any nursing diploma, license, renewal, or record.
2. Practice nursing as defined by this chapter under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation.
3. Practice professional nursing as defined by this chapter unless duly licensed to do so under the provisions of this chapter.
4. Use in connection with his name any designation tending to imply that he is a licensed registered nurse unless duly licensed so to practice under the provisions of this chapter.
5. Practice professional nursing during the time his license, issued under the provisions of this chapter, shall be suspended or revoked.

6. Conduct a nursing education program for the preparation of professional nurses unless the program has been approved by the board.
7. Otherwise violate any provisions of this chapter.

Any violation of this section shall be a class B misdemeanor.

SECTION 479. AMENDMENT.) Section 43-13-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-13-27. PENALTY.) Any person who violates any provision of this chapter is guilty of a class B misdemeanor.

SECTION 480. AMENDMENT.) Section 43-15-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-15-29. FALSE REGISTRATION - PENALTY.) Any person who shall procure or attempt to procure registration as a pharmacist, or assistant pharmacist, for himself or any other person under this chapter, by making or causing to be made any false representations, or who falsely or fraudulently shall represent himself to be registered, shall be guilty of a class A misdemeanor, and in addition to the penalty imposed by the court, if he is a registered pharmacist or registered assistant pharmacist, shall have his registration canceled by the board.

SECTION 481. AMENDMENT.) Section 43-15-32 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-15-32. WHO MAY ENGAGE IN DRUG BUSINESS - PENALTY.) Every store, dispensary, pharmacy, laboratory, or office, selling, dispensing, or compounding drugs, medicines, or chemicals, or compounding or dispensing prescriptions of medical practitioners in the state, and every business carried on under a name which contains the words, "drugs," "drug store," or "pharmacy" or which is described or referred to in such terms by advertisements, circulars, posters, signs, or otherwise, shall be in charge of a registered pharmacist, or, during his temporary absence, of a registered assistant pharmacist.

SECTION 482. AMENDMENT.) Section 43-15-42 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-15-42. PENALTY FOR VIOLATION OF LAW REGULATING PHARMACIES.) Any person who violates any rule or regulation legally adopted by the board pursuant to this chapter is guilty of an infraction. Upon any conviction of a permittee hereunder, the permit or renewal of such violator shall be null and void.

SECTION 483. AMENDMENT.) Section 43-15-43 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-15-43. PHARMACIST NEGLIGENTLY ENDANGERING LIFE - PENALTY.) Any pharmacist or assistant pharmacist in this state, who in putting up any drug or medicine, willfully or negligently:

1. Omits to label the drug or medicine;

2. Puts an untrue label, stamp, or other designation of contents upon the box, bottle, or package containing the drug or medicine;
3. Substitutes a different article for an article prescribed or ordered;
4. Puts up a greater or less quantity of an article than that prescribed or ordered; or
5. Deviates from the terms of the prescription or order in any manner,

in consequence of which human life is endangered, is guilty of a class A misdemeanor.

SECTION 484. AMENDMENT.) Section 43-15-44 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-15-44. PENALTY FOR VIOLATIONS.) Any person who willfully violates any of the provisions of this chapter for which another penalty is not specifically provided is guilty of a class B misdemeanor.

SECTION 485. AMENDMENT.) Section 43-17-33 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-17-33. USE OF FRAUDULENT DEVICE IN OBTAINING A LICENSE - FRAUDULENT IMPERSONATION OF PHYSICIAN - PENALTY.) Any person who, in connection with an application for a license to practice medicine or in a hearing before the board, presents or attempts to file as his own the diploma or certificate of credentials of another, or who gives false evidence or presents any altered or forged instrument or writing of any kind to the board or any member thereof, and any person who practices medicine under a false or assumed name or who impersonates a physician, is guilty of a class C felony.

SECTION 486. AMENDMENT.) Section 43-17-34 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-17-34. PRACTICING WITHOUT A LICENSE - VIOLATION OF CHAPTER - PENALTY.) Any physician who practices medicine in this state without complying with the provisions of this chapter, and any physician who violates any of the provisions of this chapter for which another penalty is not specified is guilty of a class B misdemeanor. In addition to the criminal penalties provided, the civil remedy of injunction shall be available to restrain and enjoin violations of any provisions of this chapter without proof of actual damages sustained by any person.

SECTION 487. AMENDMENT.) Section 43-17-36 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-17-36. PHYSICIAN PRACTICING MEDICINE WHILE INTOXICATED.) Every physician who, while under the influence of an alcoholic beverage or controlled substance, administers to another person any poison, drug, or medicine, or does any other act as such physician which endangers the life of such person, is guilty of a class A misdemeanor.

SECTION 488. AMENDMENT.) Section 43-18-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 43-18-24. VIOLATION OF CHAPTER - PENALTY.) Any person who violates any of the provisions of this chapter or of the state plumbing code, or who fails to do any act required by said code, shall be guilty of an infraction.

SECTION 489. AMENDMENT.) Section 43-18.1-09 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-18.1-09. VIOLATIONS - PENALTY.) Any person who willfully violates any of the provisions of this chapter shall be guilty of an infraction.

SECTION 490. AMENDMENT.) Section 43-19.1-31 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-19.1-31. VIOLATION AND PENALTIES.) Any person who shall practice, or offer to practice, engineering in this state without being registered in accordance with the provisions of this chapter; or any person using or employing the words "engineer" or "engineering" or "professional engineer" or "surveyor" or "land surveyor" or any modification or derivative thereof in his name or form of business or activity, except as authorized in this chapter; or any person presenting or attempting to use the certificate of registration or the seal of another; or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining or attempting to obtain a certificate of registration; or any person who shall falsely impersonate any other registrant of like or different name; or any person who shall attempt to use an expired or revoked or nonexistent certificate of registration; or who shall practice or offer to practice when not qualified; or any person who falsely claims that he is registered under this chapter; or any person who shall violate any of the provisions of this chapter; shall be guilty of a class B misdemeanor. It shall be the duty of all duly constituted officers of the state, and of all political subdivisions thereof, to enforce the provisions of this chapter.

SECTION 491. AMENDMENT.) Section 43-20-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-20-09. VIOLATION OF CHAPTER A MISDEMEANOR.) Any person violating any provision of this chapter shall be guilty of a class B misdemeanor.

SECTION 492. AMENDMENT.) Section 43-21-12 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-21-12. VIOLATIONS - PENALTY.) Any person violating any of the provisions of this chapter shall be guilty of an infraction.

SECTION 493. AMENDMENT.) Section 43-22-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\*NOTE: Section 43-18-24 was also amended by section 15 of Senate Bill No. 2187, chapter 407.

43-22-09. PENALTY FOR VIOLATION OF CHAPTER.) Any person violating any of the provisions of this chapter shall be guilty of a class B misdemeanor, and he shall not thereafter be entitled to be registered under this chapter or employed by any registered broker.

SECTION 494. AMENDMENT.) Subdivision f of subsection 1 of section 43-23-11.1 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- f. Been convicted or pleaded guilty or nolo contendere before a court of competent jurisdiction in this or any other state, or before any federal court, of theft, forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, or other like offense.

SECTION 495. AMENDMENT.) Section 43-23-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-23-17. PENALTY.) Any person violating any of the provisions of this chapter shall be guilty of an infraction.

SECTION 496. AMENDMENT.) Section 43-23.1-23 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-23.1-23. PENALTIES.) Any person who shall willfully violate any provision of this chapter or who willfully violates any rule or regulation or order of the commission made pursuant to the provisions of this chapter, or who shall engage in any act, practice, or transaction declared by any provision of this chapter to be unlawful, shall be guilty of a class C felony.

SECTION 497. AMENDMENT.) Section 43-25-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-25-19. PENALTY FOR VIOLATION.) Any person violating any of the provisions of this chapter shall be guilty of a class B misdemeanor.

SECTION 498. AMENDMENT.) Section 43-26-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-26-12. USE OF CERTAIN WORDS PROHIBITED.) It shall be unlawful for any person to, in any manner, represent himself as a physical therapist, or use in connection with his name the words or letters Physical Therapist, Physiotherapist, Physical Therapy Technician, Registered Physical Therapist, P.T., Ph. T., P.T.T., or R.P.T., or any other letters, words, abbreviations or insignia, indicating or implying that he is a physical therapist, without a valid existing certificate or registration as a physical therapist issued to him pursuant to the provisions of this chapter. Nothing in this chapter shall prohibit any person licensed or registered in this state, under another law, from carrying out the therapy or practice for which he is duly licensed or registered. Nor shall it prevent schools, Y.M.C.A. clubs, athletic clubs, and similar organizations from furnishing therapy service to their players and members. This chapter, also, shall not be construed so as to prohibit masseurs and masseuses from engaging in their practice not otherwise prohibited by law and provided they do not represent themselves as physical therapists.

SECTION 499. AMENDMENT.) Section 43-26-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-26-14. PENALTY.) Any person violating any of the provisions of this chapter shall be guilty of a class B misdemeanor.

SECTION 500. AMENDMENT.) Section 43-27-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-27-10. VIOLATIONS - PENALTY PROVISIONS.) Any person not having a certificate of registration who shall hold himself out as a watchmaker or as qualified to do watchmaking, or any person who shall violate any other provision of this chapter is guilty of an infraction.

SECTION 501. AMENDMENT.) Section 43-28-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-28-25. UNLAWFUL ACTS - PENALTY.) It shall be a class A misdemeanor:

1. For any dentist, dental hygienist, legal entity, or unlicensed person, who owns, operates, or controls any room or office where dental work of any kind is done or contracted for, to employ, keep, or retain any unregistered dentist or dental hygienist or other unlicensed persons to do any dental work whatsoever.
2. For any dentist to help or assist any unlicensed person to perform any act or operation which is defined in this chapter as the practice of dentistry.
3. For any dentist to advise or direct patients to dental laboratories or dental laboratory technicians for any dental service, or to advise or direct patients to deal directly with laboratories or dental laboratory technicians.
4. For any dentist to work or cooperate with dental laboratories which advertise for public patronage by delegating work to such laboratories in return for the reference of laboratory patrons for professional services.
5. For any dentist to use the services of any person or legal entity not licensed to practice dentistry in this state, to construct, alter, repair, or duplicate any denture, plate, partial plate, bridge, splint, orthodontic or prosthetic appliance, without first furnishing such unlicensed person a written prescription on forms prescribed by the board, which shall contain:
  - a. The name and address of such unlicensed person;
  - b. The patient's name or number, in the event such number is used, the name of the patient shall be written upon the duplicate copy of such prescription retained by the dentist;
  - c. The date on which it was written;



- d. A prescription of the work to be done, with diagram, if necessary;
- e. A specification of the type and quality of materials to be used; and
- f. The signature of the dentist and the number of his North Dakota license.

Such unlicensed person shall retain the original prescription and the dentist shall retain a duplicate copy thereof for inspection by the board or its agent for two years.

6. For any dentist:

- a. To use the service of any unlicensed persons without first having furnished him such prescription;
- b. To fail to retain a duplicate copy thereof for two years; or
- c. To refuse to allow the board or its agent to inspect such prescription during the two-year period of time.

7. For any unlicensed person:

- a. To perform any such service without first having obtained such prescription;
- b. To fail to retain the original thereof for two years; or
- c. To refuse to allow the board or its agent to inspect it during such two-year period of time.

8. For any person:

- a. To falsely claim or pretend to be a graduate from any dental college or the holder of any diploma or degree from such college;
- b. To practice any fraud and deceit either in obtaining a license or a certificate of registration;
- c. To falsely claim or pretend to have or hold a license or certificate of registration from the board to practice dentistry; or
- d. To practice dentistry in this state without a license and certificate of registration.

The board may institute a civil action for an injunction prohibiting violations of this section without proof that anyone suffered actual damages.

SECTION 502. AMENDMENT.) Section 43-29-17 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-29-17. UNLAWFUL PRACTICE OF VETERINARY MEDICINE - PENALTY - CIVIL REMEDY.) Any person who shall:

1. Practice veterinary medicine, surgery, or dentistry in this state without compliance with the provisions of this chapter; or
2. Willfully and falsely claim or pretend to have or hold a certificate of registration issued by the state board of veterinary medical examiners; or
3. Willfully and falsely, with intent to deceive the public, claim or pretend to be a graduate of, or to hold a degree or diploma showing the satisfactory completion of a course in veterinary science in a school, college, or university recognized by the board;

shall be guilty of a class B misdemeanor. In addition to the criminal penalty provided, the civil remedy of injunction shall be available to restrain and enjoin violations of any provisions of this chapter without proof of actual damages sustained by any person, upon application and unanimous vote of all members of the state board of veterinary medical examiners.

SECTION 503. AMENDMENT.) Section 43-30-10 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-30-10. VIOLATIONS - PENALTY.) Any person who violates any provision of this chapter or any person who falsely states or represents that he has been or is a detective or employed by a detective agency shall be guilty of a class B misdemeanor.

SECTION 504. AMENDMENT.) Section 43-31-17 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-31-17. VIOLATION - PENALTY.) Any person who violates any provision of this chapter or any person who falsely states or represents that he has been or is an examiner or trainee shall be guilty of a class B misdemeanor.

SECTION 505. AMENDMENT.) Section 43-32-31 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-32-31. VIOLATION - PENALTY - INJUNCTION.) Any person who violates any of the provisions of this chapter shall be guilty of a class B misdemeanor. In addition to the criminal penalties provided, the civil remedy of injunction shall be available to restrain and enjoin violations of any provisions of this chapter without proof of actual damages sustained by any person.

SECTION 506. AMENDMENT.) Section 43-33-18 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-33-18. VIOLATIONS - PENALTY - INJUNCTION.) Any person who violates any of the provisions of this chapter shall be guilty of a class B misdemeanor. In addition to the criminal penalties provided, the civil remedy of injunction shall be available to restrain and enjoin violations of any provisions of this chapter without proof of actual damages sustained by any person.

SECTION 507. AMENDMENT.) Section 43-34-13 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-34-13. OFFENSE - PENALTY.) It shall be a class A misdemeanor for any person to act or serve in the capacity as a nursing home administrator unless he is the holder of a license as a nursing home administrator, issued in accordance with the provisions of this chapter.

SECTION 508. AMENDMENT.) Section 43-35-22 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-35-22. CONTRACTING FOR WELL DRILLING WITHOUT CERTIFICATION - PENALTY.) Any person contracting to drill a water well for another without being certified in accordance with the provisions of this chapter or otherwise violating the provisions of this chapter shall be guilty of an infraction.

SECTION 509. AMENDMENT.) Section 43-36-25 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-36-25. VIOLATION - PENALTY.) Any person who practices or offers to practice professional soil classifying in this state without being registered in accordance with the provisions of this chapter, or any person using or employing the words "soil classifier" or "professional soil classifier" or any modification or derivative thereof in its name or form of business or activity except as authorized in this chapter, or any person presenting the certificate of registration of another, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked or non-existent certificate of registration, or who shall practice or offer to practice when not qualified, or any person who falsely claims that he is registered under this chapter, or any person who shall violate any of the other provisions of this chapter shall be guilty of a class B misdemeanor.

SECTION 510. AMENDMENT.) Section 44-06-13 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-06-13. ACTING AS NOTARY WHEN DISQUALIFIED - PENALTY.) Any notary public who exercises the duties of his office with knowledge that his commission has expired or has been cancelled or that he is disqualified otherwise is guilty of an infraction, and, if appropriate, his commission shall be cancelled by the secretary of state.

SECTION 511.) Section 44-06-13.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

**44-06-13.1. WRONGFULLY NOTARIZING DOCUMENT - PENALTY.)**

Any notary public who appends his official signature to any document when the parties thereto have not executed the document in his presence is guilty of an infraction and his commission shall be cancelled by the secretary of state, who shall give written notice of such cancellation to the notary public.

**SECTION 512. AMENDMENT.)** Section 44-08-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**44-08-05. CIVIL RECOVERY OF PUBLIC FUNDS.)** Any person who receives public funds for the discharge of a public duty in excess of the amounts allowed by law shall, thirty days after a demand for a return of such excess amounts has been made by the attorney general, be subject to a civil suit to be brought by the attorney general for the recovery of the amount received in excess of that lawfully allowed.

**SECTION 513. AMENDMENT.)** Section 44-08-05.1 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**44-08-05.1. VOUCHERS - REQUIREMENTS FOR APPROVAL - PENALTY - ACTION FOR VIOLATIONS.)** Any public officer or employee who has the power to approve a voucher for a department, agency, or institution for travel expenses or any other state expenditure of public funds shall determine before approving such voucher the following:

1. That the expenditure for travel or other expenditures were for lawful and official purposes;
2. If for travel expense, that the travel actually occurred, and that the sums claimed for travel expenses are actually due the individual who is seeking reimbursement, allowance, or payment;
3. If the voucher is for expenditure other than travel expense, that the expenditure is lawful and that the voucher contains no false claims.

Any public officer or employee who willfully approves a voucher with knowledge it contains false or unlawful claims or that it does not otherwise meet the requirements of this section for approval, shall be guilty of theft and punishable under the provisions of chapter 12.1-23. Any public officer or employee who shall without the use of ordinary care and diligence negligently approve a voucher for a department, agency, or institution containing false or unlawful claims or which does not otherwise meet the requirements of this section for approval, shall be personally liable for any funds improperly expended. The director of the department of accounts and purchases, members of the state auditing board, state auditor, or any other person who has knowledge of an actual or possible violation of this section shall make such information known to the attorney general. The attorney general shall investigate any alleged violations and if a violation appears to exist he shall criminally prosecute under chapter 12.1-23 or bring a civil suit for the recovery of such funds as may actually have been improperly paid against the payee and officer or employee who approved such voucher in violation of any of the above requirements or shall bring both such criminal action and civil suit. The officer

or employee who approves any voucher negligently shall have the right of subrogation against the payee of such voucher in the event public funds have been improperly paid to the payee.

SECTION 514. AMENDMENT.) Section 45-11-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

45-11-08. UNLAWFUL USE OF FICTITIOUS PARTNERSHIP NAME.) It shall be unlawful for any person to transact business in the name of a person, as a partner, who is not interested in his firm, or to transact business under a firm name in which the designation "and company" or "& Co." is used without representing an actual partner, except in cases in which the continued use of a copartnership name is authorized by law.

SECTION 515.) Section 45-11-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

45-11-09. GENERAL PENALTY.) Any person violating any provision of this chapter for which another penalty is not specifically set forth shall be guilty of a class A misdemeanor.

SECTION 516. AMENDMENT.) Section 46-02-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

46-02-17. SERIAL NUMBERING OF FORMS - PENALTY.) All printed forms for acknowledging the receipt of cash, and for warrants, checks, or other orders for the payment or disbursement of funds supplied to municipalities, as defined by chapter 21-03 of the title Governmental Finance, shall be serially numbered by the printer, and no printer shall furnish any unnumbered copies of said forms to any municipality. Any person violating the provisions of this section shall be guilty of a class A misdemeanor.

SECTION 517. AMENDMENT.) Section 46-02-19 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

46-02-19. UNLAWFUL FOR PUBLIC OFFICIALS TO PLACE NAME ON PUBLIC DOCUMENTS IN LARGE-SIZE TYPE - PENALTY.) It shall be unlawful for any elected or appointed state, county, or local official to print his name, or cause his name to be printed, upon any public documents, reports, promulgated rules and regulations, envelopes, or stationery or publications paid for by the state or its political subdivisions unless his name is printed in a smaller-size type than the printed name of the office, department, or agency as it appears on such material. Any person violating the provisions of this section shall be guilty of an infraction.

SECTION 518. AMENDMENT.) Section 46-05-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

46-05-05. RATES FOR POLITICAL ANNOUNCEMENTS - LABELING POLITICAL MATTER - PENALTY FOR VIOLATION.) For the publication of political announcements of candidates before any primary or general election, no newspaper in this state shall charge more than the legal rates for the publication of legal notices. All paid political matter and political announcements shall be labeled "political advertisement". Any person violating the provisions of this section is guilty of an infraction.

SECTION 519. AMENDMENT.) Section 47-14-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

47-14-11. CRIMINAL PENALTY FOR USURY.) Any person who shall take, receive, reserve, or charge a usurious rate of interest, in addition to being liable for the penalties and forfeitures specified in section 47-14-10, shall be guilty of a class B misdemeanor.

SECTION 520. AMENDMENT.) Section 47-19-07 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

47-19-07. PLACE FOR RECORDING INSTRUMENTS - FEE ENDORSED - NOTIFICATION OF STATE TAX COMMISSIONER.) An instrument entitled to be recorded must be recorded by the register of deeds of the county in which the real property affected thereby is situated. The register of deeds in each case must endorse the amount of his fee for the recording on the instrument recorded.

If any deed, except a deed issued through a judicial, probate, or tax sale proceeding, is recorded more than six months after the date of its acknowledgment, the register of deeds, on such forms as the state tax commissioner may prescribe, shall notify the state tax commissioner of the recording of such deed before the end of the month following the month in which such deed was filed for record.

SECTION 521. AMENDMENT.) Section 47-20.1-12 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

47-20.1-12. DISTURBANCE OF SURVEY CORNERS - PENALTY.) No United States government survey corner nor any corner established by any registered land surveyor, monumented as herein prescribed, shall be disturbed, removed, or in any manner changed by any person in the prosecution of any public or private work. Whoever shall violate any of the provisions of this section shall be guilty of an infraction.

SECTION 522. AMENDMENT.) Section 47-21-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

47-21-11. COPYRIGHTS - VIOLATION OF PROVISIONS - PENALTY.) Any person who violates the provisions of this chapter is guilty of a class A misdemeanor.

SECTION 523. AMENDMENT.) Section 47-23-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

47-23-10. VIOLATIONS - PENALTY.) Any person using the North Dakota trademark who:

1. Does not comply with the provisions of this chapter;
2. Fails to include in the trademark his license number;
3. Uses a license number other than the one assigned;

4. Uses the trademark upon an article not conforming with the standards established; or
5. Uses the trademark without first registering his product,

is guilty of an infraction.

SECTION 524. AMENDMENT.) Section 47-27-03 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

47-27-03. PENALTY - HUNTING LICENSE FORFEITED.) Anyone who shall violate the provisions of this chapter shall be guilty of a class B misdemeanor and, in addition, shall be civilly liable for any damages that may result, directly or indirectly.

SECTION 525. AMENDMENT.) Section 48-09-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-09-05. PENALTY.) Any person violating any of the provisions of this chapter is guilty of a class B misdemeanor.

SECTION 526. AMENDMENT.) Section 49-07-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-07-01. VIOLATION OF COMMISSION ORDER OR RULE - PENALTY.) Any person who violates or fails to comply with any provision of this title, or who fails, omits, or neglects to obey, observe, or comply with any order, decision, decree, rule, direction, demand, or requirement of the commission, or any part or provision thereof, in a case in which no other penalty has been provided, shall be guilty of a class A misdemeanor.

SECTION 527. AMENDMENT.) Section 49-11-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-19. BLOCKING OR OBSTRUCTING CROSSING WITH TRAIN - PENALTY.) Any person in charge or in control of any railroad car, engine, or train of cars, who, for a period of more than fifteen consecutive minutes, shall obstruct or block any railroad crossing, rural highway, or city street, by placing or permitting any car, engine, or train of cars to stand or remain stationary thereon, is guilty of an infraction. The provisions of this section do not apply to cities which have or may have ordinances covering the same subject matter.

SECTION 528. AMENDMENT.) Section 49-11-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-22. LIABILITY FOR FAILURE OF LOCOMOTIVE TO SOUND BELL, HORN, OR WHISTLE AT CROSSING.) The person owning a locomotive which fails to sound its warning device at any road or street crossing as required by section 49-11-21 shall be guilty of an infraction and shall be liable for all damages which shall be sustained by any person by reason of such neglect.

SECTION 529. AMENDMENT.) Section 49-11-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-23. LIABILITY OF ENGINEER FOR FAILURE TO SOUND BELL, HORN, OR WHISTLE OF LOCOMOTIVE AT CROSSING.) Every locomotive engineer who does not cause a warning device to be sounded as required by section 49-11-21 shall be guilty of an infraction.

SECTION 530. AMENDMENT.) Section 49-11-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-29. FAILURE TO CONSTRUCT FENCE, CATTLE GUARD, SWINGING GATE - PENALTY.) Any person owning or operating any line of railroad within this state and refusing or neglecting to comply with any of the provisions of sections 49-11-24 through 49-11-28 shall be guilty of a class A misdemeanor. A prosecution or conviction under sections 49-11-24 through 49-11-28 shall not relieve such person from liability for the maiming or killing of livestock on such right-of-way by reason of his negligence.

SECTION 531. AMENDMENT.) Section 49-13-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-13-20. INTOXICATED ENGINEER OR CONDUCTOR - PENALTY.) Every person who is intoxicated while in charge as engineer of a locomotive engine or while acting as conductor or driver upon a railroad train or car is guilty of a class A misdemeanor.

SECTION 532. AMENDMENT.) Section 49-13-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-13-27. LIGHTS AND OTHER EQUIPMENT REQUIRED ON TRACK MOTOR CARS - PENALTY.) Any person operating or controlling any railroad shall equip each of its track motor cars with:

1. An electric headlight of such construction and of sufficient candle power to render plainly visible, from thirty minutes before sunset to thirty minutes after sunrise, at a distance of not less than three hundred feet in advance of such track motor car, any track obstruction, landmark, warning sign or grade crossing;
2. A rear electric red light of such construction and of sufficient candle power as to be plainly visible, from thirty minutes before sunset to thirty minutes after sunrise, at a distance of three hundred feet;
3. A windshield and windshield wiper for cleaning rain, snow, and other moisture from said windshield. Such windshield wiper shall be maintained in good order and so constructed as to be controlled or operated by the operator of the track motor car; and
4. A canopy or top to adequately protect the occupants of said track motor car from the rays of the sun, rain, or inclement weather.

Any person who fails to equip track motor cars as provided in this section is guilty of an infraction. Any person who operates a track motor



car during the period from thirty minutes before sunset to thirty minutes after sunrise without using the light required by subsections 1 and 2, or during a period when it is actually raining without using the windshield wiper provided for in subsection 3, is guilty of an infraction.

SECTION 533. AMENDMENT.) Section 49-17-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-17-05. USE OF RAILROAD TRACKS FOR HIGHWAY PURPOSES - PENALTY.) No person shall drive any vehicle or animal upon or use any railroad track in this state as a highway. This section shall not apply to highway crossings over any line of railway in the state, nor to depot grounds, station grounds, nor switches and sidetracks intended for the use of shippers or the consignees of freight. Any person violating the provisions of this section is guilty of a class B misdemeanor.

SECTION 534. AMENDMENT.) Section 49-17-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-17-06. REMOVING OR MAKING SIGNAL LIGHT ON RAILROAD PROPERTY - PENALTY.) Every person who unlawfully masks, alters, or removes any light or signal, or willfully exhibits any false light or signal with intent to bring any locomotive, railway car, or train or cars into danger, shall be guilty of a class C felony.

SECTION 535. AMENDMENT.) Section 49-21-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-21-20. PENALTY.) Any person who shall violate any of the provisions of sections 49-21-18 and 49-21-19 shall be guilty of a class B misdemeanor.

SECTION 536. AMENDMENT.) Section 50-01-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-01-18. REFUSAL OF POOR PERSON TO WORK.) If any person applying for poor relief under the provisions of this chapter is able to work and refuses to do so when given the opportunity, the county welfare board may refuse aid to such person.

SECTION 537. AMENDMENT.) Section 50-09-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-09-13. DISCLOSURE OF INFORMATION CONTAINED IN RECORDS - PENALTY.) Except for purposes directly connected with the administration of aid to dependent children and in accordance with the rules and regulations of the state agency, it shall be a class A misdemeanor for any person to solicit, disclose, receive, make use, or to authorize, knowingly permit, participate, or acquiesce in the use, of any list of names of, or any information concerning, persons applying for or receiving such assistance if the information is derived directly or indirectly from the records, papers, files, or communications of the state or county or subdivisions or agencies thereof, or acquired in the course of the performance of official duties, except for use by a court in an action involving such persons.

SECTION 538. AMENDMENT.) Section 50-10-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-10-08. BIRTH REPORT OF CRIPPLED CHILD - USE - CONFIDENTIAL.) The information contained in the report furnished the state agency under the provisions of section 50-10-07 concerning a child with a visible congenital deformity may be used by the state agency for the care and treatment of the child pursuant to the provisions of this chapter. The report shall be confidential and shall be solely for the use of the state agency in the performance of its duties. It shall not be open to public inspection nor considered a public record except for the purposes set forth in this section.

SECTION 539. AMENDMENT.) Section 50-11-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11-10. PENALTY.) Any person, whether owner, manager, operator or representative of any owner, operator, or manager, who violates any of the provisions of this chapter, is guilty of a class B misdemeanor.

SECTION 540. AMENDMENT.) Section 50-18-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-18-08. PENALTY.) Any person who violates any provisions of this chapter shall be guilty of a class B misdemeanor.

SECTION 541. AMENDMENT.) Section 50-19-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-19-15. PENALTY.) Every person who violates any of the provisions of this chapter is guilty of a class B misdemeanor.

SECTION 542. AMENDMENT.) Section 50-20-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-20-06. PENALTY.) Every person who violates any of the provisions of this chapter is guilty of a class B misdemeanor.

SECTION 543. AMENDMENT.) Section 50-22-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 50-22-05. PENALTY.) Any person conducting a solicitation in violation of the provisions of this chapter shall be guilty of a class A misdemeanor.

SECTION 544. AMENDMENT.) Section 50-24-31 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-24-31. CONFIDENTIAL CHARACTER OF RECORDS - PENALTY.) All applications, information, and records concerning any applicant or recipient of assistance to aged, blind, or disabled under the provisions of this chapter shall be confidential and shall not be disclosed nor used for any purpose not directly connected with the administration of assistance to the aged, blind, or disabled; except that upon the personal written request of any elected public official the records of the names, addresses, and amounts of assistance shall be open for his inspection by the state or county

\*NOTE: Section 50-22-05 was also amended by section 5 of House Bill No. 1543, chapter 446.

welfare board. Such information shall not be used for any political or commercial purpose or made public in any manner. Any person using any application, information, or records concerning any applicant or recipient beyond his official capacity or for purposes not directly connected with the administration of assistance to the aged, blind, or disabled is guilty of a class A misdemeanor.

SECTION 545. AMENDMENT.) Section 51-04-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-04-05. FAILURE OF AFFIDAVIT.) If the affidavit filed as prescribed in section 51-04-04 shows that the sale is not of the kind or character proposed to be advertised or represented, or fails to disclose the facts as required, then the county auditor shall refuse the applicant a license for the sale. Should a license be issued to the applicant, it shall state that the applicant is authorized and licensed to sell such goods, wares, and merchandise, and advertise and represent and hold forth the same as being sold as such insurance, bankrupt, insolvent, assignee, trustee, testator, executor, administrator, receiver, syndicate, wholesaler or manufacturer, or closing out sale, or as a sale of any goods, wares and merchandise damaged by smoke, fire, water, or otherwise, as shown in the affidavit.

The affidavit shall be sworn to by the applicant before a person authorized to administer oaths.

SECTION 546. AMENDMENT.) Section 51-04-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-04-10. PENALTY.) Any person violating any of the provisions of this chapter, for which another penalty is not specifically provided, is guilty of a class B misdemeanor.

SECTION 547. AMENDMENT.) Section 51-06-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-06-03. PENALTY.) Any person violating any of the provisions of this chapter is guilty of a class B misdemeanor.

SECTION 548. AMENDMENT.) Section 51-07-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-07-04. SELLING GOODS BEARING COUNTERFEIT TRADEMARK - MISDEMEANOR.) Every person who, with intent to represent such goods as the genuine goods of another, sells or keeps for sale any goods upon which any counterfeit trademark has been affixed, knowing the same to be counterfeited, is guilty of a class A misdemeanor. The word "goods" as used in this section includes every kind of goods, wares, merchandise, compound, or preparation, which may be kept or offered for sale lawfully.

SECTION 549. AMENDMENT.) Section 51-07-04.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-07-04.1. DEFACING, DESTROYING, OR ALTERING SERIAL NUMBERS ON FARM MACHINERY - PENALTY.) It is unlawful for any person to willfully:

1. a. Deface, destroy, alter, or remove the serial number on any tractor, combine, corn picker or any other heavy farm machinery that carries a factory serial number; or
- b. Place or stamp other than the original serial number upon any tractor, combine, corn picker or any other heavy farm machinery that carries a factory serial number; and
2. Sell or offer for sale any such heavy farm machinery bearing an altered or defaced serial number other than the original.

Any person who violates this section shall be guilty of a class C felony.

SECTION 550. AMENDMENT.) Section 51-07-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-07-12. 'AUTOMOBILE SALES FINANCE CONTRACTS - INFORMATION OF INSURANCE PROTECTION TO BE GIVEN - WARNING REQUIRED - PENALTY.)

1. Purchasers of automobiles under sales finance contracts, when required by a dealer, bank, or other finance agency or company, to furnish insurance on any motor vehicle, in connection with the financing of such motor vehicle, shall be furnished by the seller evidence of the insurance protection. Such insurance evidence must be in the form of a regular insurance binder or policy or certificate of insurance. The original policy or certificate of insurance clearly stating the coverage afforded by the policy shall be delivered to the purchaser within a reasonable time after execution of the insurance order. The certificate shall display the premium charged for each coverage afforded.
2. If the insurance required by any dealer, bank, or other finance agency or company does not provide insurance for bodily injury liability or property damage liability, then the policy of insurance or the certificate of insurance, if the policy is filed with the payee, shall have imprinted or stamped thereon a notice that such policy does not include bodily injury liability or property damage liability insurance. The imprinting or stamping of such notice shall be in such manner or form as may be approved by the commissioner of insurance.
3. Any person failing to comply with the provisions of this chapter shall be guilty of a class B misdemeanor.

SECTION 551. AMENDMENT.) Section 51-07-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-07-13. LABELING IMPORTED MEATS SOLD.)

1. No person shall knowingly sell or offer for sale in the state of North Dakota any meat, whether fresh, frozen, cured, or

processed, which is imported from outside the boundaries of the United States, or any meat product containing in whole or in part such imported meat, if this fact is not shown by labels or printing on each quarter, half, or whole carcass of such meat, or on each case, package, can, tray, or display containing such imported meat.

2. Any person who shall violate any of the provisions of this section shall be guilty of a class B misdemeanor.

SECTION 552. AMENDMENT.) Section 51-08-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-08-01. POOLS AND TRUSTS PROHIBITED.) It shall be unlawful for any corporation organized under the laws of this state or doing business in this state, or any partnership, association, or individual, to create, enter into, or become a member of, or a party to, any pool, trust, agreement, contract, combination, or confederation, to regulate or fix the price of any article of merchandise, commodity, or property, or to fix or limit the amount or quantity of any article, property, merchandise, or commodity to be manufactured, mined, produced, exchanged, or sold in this state.

SECTION 553. AMENDMENT.) Section 51-08-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-08-03. PENALTY FOR VIOLATION OF CHAPTER.) Any person violating any of the provisions of this chapter, is guilty of a class A misdemeanor.

SECTION 554. AMENDMENT.) Section 51-09-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-09-02. PENALTY FOR UNFAIR DISCRIMINATION.) Any person violating any of the provisions of section 51-09-01 shall be guilty of a class A misdemeanor.

SECTION 555. AMENDMENT.) Section 51-10-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-10-05. ADVERTISING, OFFERING, OR SELLING ARTICLE AT LESS THAN COST - PENALTY.) Any retailer or wholesaler who shall advertise, offer to sell, or sell any article of merchandise at less than cost to such retailer or wholesaler as defined in this chapter, or who gives, offers to give, or advertises the intent to give away any article of merchandise, with the intent, or with the effect of injuring competitors and destroying competition, shall be guilty of a class A misdemeanor.

SECTION 556. AMENDMENT.) Section 51-10-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-10-14. RETAILER'S LICENSE - PENALTY.) The state trade commission shall require and provide for the annual registration and licensing of every retailer now or hereafter doing business within this state, which license shall not be transferable. Upon the payment of an annual fee of two dollars and fifty cents, the state trade commission shall issue an annual

license to such persons as may be qualified by law to engage in the business of making sales at retail. Each retailer shall secure a separate license for each place of business within the state for which a retail sales or use tax permit is required pursuant to the laws of this state. Every person engaging in business as a retailer without procuring a current and valid license as provided in chapter 51-10 shall be guilty of an infraction.

SECTION 557. AMENDMENT.) Section 51-12-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-12-02. PENALTY.) Any person who violates any of the provisions of section 51-12-01 is guilty of a class B misdemeanor.

SECTION 558. AMENDMENT.) Section 51-12-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-12-13. PENALTY.) Any person who violates any of the provisions of sections 51-12-08 through 51-12-12 is guilty of a class B misdemeanor.

SECTION 559. AMENDMENT.) Section 51-13-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-13-07. PENALTIES.) Any person who shall willfully violate any provisions of this chapter shall be guilty of a class A misdemeanor. A willful violation of sections 51-13-02 or 51-13-03 by any person shall bar his recovery of any credit service charge, delinquency or collection charge, or refinancing charge on the retail installment contract involved.

SECTION 560. AMENDMENT.) Section 51-14-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-14-05. PENALTY.) Any person who shall violate any provision of this chapter shall be guilty of a class A misdemeanor. Any revolving charge account or any act in the making or collection of any revolving charge account which violates the provisions of this chapter shall result in the forfeiture of all credit service charges that have been paid or that may become due or payable thereunder, and in the event that such violation is willful, the retail seller shall have no right to collect, receive, or retain any principal, credit service charge, interest, or other charge whatsoever.

SECTION 561. AMENDMENT.) Section 51-16-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-16-02. PENALTY.) Any person violating any of the provisions of this chapter shall be guilty of a class C felony.

Nothing in this chapter shall limit the enforcement of any statutory or common-law right of any person in any court, for any violation of the provisions of this chapter; and any person injured due to a violation of the provisions of this chapter may bring an action for three times the actual amount of damages, if any, sustained by the plaintiff, plus costs and reasonable attorney's fees.

SECTION 562. AMENDMENT.) Section 51-17-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-17-17. PENALTY.) Any person who shall violate any provision of this chapter shall be guilty of a class A misdemeanor.

SECTION 563. AMENDMENT.) Section 51-18-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-18-09. PENALTY.) Any person who violates any provision of this chapter shall be guilty of a class B misdemeanor.

SECTION 564. AMENDMENT.) Section 52-01-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-01-04. PENALTY FOR USE OF LIST OF NAMES FOR POLITICAL PURPOSES.) Any person who has obtained any list of applicants for work, claimants, or recipients of benefits from the bureau under any pretext whatever, who uses or permits the use of such list for any political purpose, is guilty of a class B misdemeanor.

SECTION 565. AMENDMENT.) Section 52-06-40 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-06-40. PENALTY FOR VIOLATION OR FAILURE TO PERFORM DUTY WHERE NO PENALTY PROVIDED.) Any person who willfully violates any provision of this title, or any order, rule, or regulation thereunder, and for which a penalty is neither prescribed in this title nor provided by any other applicable statute, is guilty of a class B misdemeanor.

SECTION 566. AMENDMENT.) Section 52-09-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-09-18. AGENT AND ATTORNEY MAY REPRESENT CLAIMANT - REGULATIONS - FEES - PENALTY.) The bureau may prescribe rules and regulations governing the recognition of agents or other persons, other than attorneys as hereinafter provided, representing claimants before the bureau, and may require of such agents or other persons, before being recognized as representatives of claimants that they shall show that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases. An attorney in good standing who is admitted to practice before the supreme court of the state, shall be entitled to represent claimants before the bureau.

The bureau may, by rule and regulation, prescribe the maximum fees which may be charged for services rendered in connection with any claim before the bureau under this chapter, and any agreement in violation of such rules and regulations shall be void. Any person who shall make any agreement directly or indirectly to charge or collect any fee in excess of the maximum fee prescribed by the bureau shall be guilty of a class B misdemeanor.

SECTION 567. AMENDMENT.) Section 53-01-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-01-19. HOLDING MATCH OR CONTEST WITHOUT LICENSE A MISDEMEANOR.)

1. Any person who, without a license from the secretary of state, shall:
  - a. Send or cause to be sent, published, or otherwise made known, any challenge to fight or engage in any public boxing, sparring, or wrestling exhibition or contest, with or without gloves, for any prize, reward, or compensation, or at which any admission fee is charged, either directly or indirectly; or
  - b. Go into training preparatory for such exhibition or contest; or
  - c. Act as a trainer, aider, arbiter, backer, referee, umpire, second, surgeon, assistant, or attendant at such exhibition or contest, or any preparation for the same; and
2. Any owner or lessee of any grounds, building, or structure, permitting the same to be used for such match, exhibition, or contest

shall be guilty of a class B misdemeanor. This section shall not apply to boxing or sparring or wrestling exhibitions held or to be held under a license issued by the secretary of state in keeping with the rules and regulations prescribed.

SECTION 568. AMENDMENT.) Section 53-02-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-02-08. OFFICER OF LAW TO BE IN ATTENDANCE AT PUBLIC DANCE OR MUSIC FESTIVAL.) It shall be the duty of the sheriff in any county in which any public dance or music festival is held outside of an incorporated city, and of the chief peace officer of the city where the dance or music festival is held within the limits of a city, to police such dance or music festival so that law and order are there maintained. The person conducting any such dance or music festival, before the dance or music festival shall be held, shall pay to such sheriff or peace officer the expense of any deputy sheriff or special officer required for the proper policing of such dance or music festival, and no such dance or music festival shall be permitted to proceed unless such officer is present and his fees are paid. The holding of such dance or music festival without giving notice thereof to the sheriff of the county or the peace officer of the city, and without making provision for the policing thereof, is unlawful. No person, directly or indirectly interested or concerned in the giving, holding, or conducting of such public dance or music festival, or connected with the person conducting the same, shall be eligible to appointment under this section as a special officer.

SECTION 569. AMENDMENT.) Section 53-02-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-02-15. GENERAL PENALTY.) Except as otherwise may be provided, any person violating any provision of this chapter is guilty of a class B misdemeanor.



SECTION 570. AMENDMENT.) Section 53-03-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-03-08. PENALTY.) Any person who shall violate any of the provisions of this chapter shall be guilty of a class B misdemeanor.

SECTION 571. AMENDMENT.) Section 53-04-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-04-08. PENALTY.) Any person engaged in the operating or displaying to the public of any amusement device, whether one or more, in violation of any of the provisions of this chapter is guilty of a class B misdemeanor.

SECTION 572. AMENDMENT.) Section 53-05-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-05-06. PENALTY.) Any person who violates any provision of sections 53-05-02, 53-05-03, or 53-05-05 is guilty of a class B misdemeanor.

SECTION 573. AMENDMENT.) Section 53-06-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-06-11. PENALTY.) Any person violating any of the provisions of this chapter shall be guilty of a class B misdemeanor.

SECTION 574. AMENDMENT.) Section 54-03-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03-18. PENALTY.) Any person who commits any offense punishable under section 54-03-17 shall be guilty of a class A misdemeanor.

SECTION 575. AMENDMENT.) Section 54-03.2-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03.2-15. PENALTIES.) A person guilty of contempt under section 54-03.2-14 shall be guilty of a class B misdemeanor, or if tried to the legislative assembly, or an appropriate house thereof, the legislature or the appropriate house may impose such punishment as it deems appropriate, in the exercise of its inherent powers.

If any investigating committee fails in any material respect to comply with the requirements of this code, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

Any person other than the witness concerned or his counsel who violates subsections 7 or 8 of section 54-03.2-12 of this code shall be guilty of a class B misdemeanor. The attorney general, on his own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure, may institute proceedings for trial of the issue and imposition of the penalties provided herein. Nothing in this section shall limit any power which the legislature or

either house thereof may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

SECTION 576. AMENDMENT.) Section 54-05-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* 54-05-10. MUNICIPALITIES EXEMPT FROM PROVISIONS OF THIS CHAPTER.) None of the provisions of this chapter shall apply to municipalities or other public corporations.

SECTION 577. AMENDMENT.) Section 54-06-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-06-08. RECORD OF FEES KEPT BY STATE OFFICERS - REPORT TO STATE TREASURER.) Every state officer or deputy state officer required by the Constitution of this state, or by any provision of the laws of this state, to pay into the state treasury all fees and profits arising from such office, shall keep a record of all such fees or profits in a book kept for that purpose. Such book shall be the property of the state. Each officer shall report to the state treasurer monthly the amount of fees or profits received, verified by oath, and at the same time shall pay the amount of such fees or profits to the treasurer, taking duplicate receipts therefor. One of the receipts shall be filed with the department of accounts and purchases forthwith. The department of accounts and purchases shall charge the state treasurer with the amount thereof.

SECTION 578. AMENDMENT.) Section 54-06-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-06-12. PUBLISHING FALSE STATEMENTS - PENALTY.) No state official shall publish willfully any false statement in regard to any state department, institution, or industry which shall tend to deceive the public and create a distrust of any state official or employee in charge of such department, institution, or industry, or which tends to obstruct, hinder, and delay the various departments, institutions, and industries of the state. Any person violating the provisions of this section is guilty of a class C felony.

SECTION 579. AMENDMENT.) Section 54-10-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-10-23. OBSTRUCTING OR MISLEADING AUDITOR - PENALTY.) Every person who, when required to do so, shall refuse or neglect to make any return or exhibit, or to make or give any information required by the auditor, or who willfully shall obstruct or mislead the auditor in the execution of his duties, or who in any manner shall hinder a thorough examination by the auditor, shall be guilty of a class C felony.

SECTION 580. AMENDMENT.) Section 54-10-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-10-25. DIVULGING OF CERTAIN SECRET INFORMATION PROHIBITED.) The state auditor, and any person employed by him to perform the examination of any return, report, or other information filed and in the possession of the tax commissioner which is made confidential by law,

\*NOTE: Chapter 54-05 was repealed by section 8 of Senate Bill No. 2368, chapter 465.

shall not divulge the contents of any return, report, or other information examined except when otherwise directed by judicial order, or as is otherwise provided by law.

SECTION 581. AMENDMENT.) Section 54-11-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-11-12. UNLAWFUL PURCHASES BY STATE TREASURER.) Every person who while treasurer of this state, or the deputy or clerk of such treasurer, directly or indirectly, buys or traffics in, or becomes a party to the purchase of, any state warrant, order, or scrip, or any bill, account, claim, or evidence of indebtedness against the state, for any sum less than the full face value thereof, is guilty of an infraction.

SECTION 582. AMENDMENT.) Section 54-16-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-16-05. PENALTY FOR EXPENDING MORE THAN APPROPRIATED.) Any state official, or member of any state board, or the head of any state institution or state department who violates any of the provisions of section 54-16-03, is guilty of a class B misdemeanor.

SECTION 583. AMENDMENT.) Section 54-16-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-16-10. DEPARTMENTAL EMERGENCY FUNDS - PENALTY.) No moneys appropriated by the legislative assembly to be used for emergency purposes by any state department, state officer, employee, board, commission, bureau, or institution, including the Bank of North Dakota, mill and elevator association, fire and tornado, and bonding departments, and the workmen's compensation bureau, shall be expended until such moneys so appropriated, or so much thereof as may be necessary for such appropriation, shall have been transferred to the subdivision of the regular appropriation in which the emergency exists. No such transfer of emergency funds, hereinbefore referred to, shall be made until an itemized, verified petition, setting forth the facts by virtue of which such emergency exists and the necessity for such expenditure shall have been presented to the state emergency commission, by the department, state officer, board, commission, bureau, or institution desiring such transfer, and shall have been approved in writing by a majority of such commission. Any person who violates the provisions of this section is guilty of a class A misdemeanor.

SECTION 584. AMENDMENT.) Section 54-21.1-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-21.1-11. VIOLATION A MISDEMEANOR.) Any person who shall knowingly manufacture or sell a mobile home contrary to section 54-21.108 shall be guilty of an infraction.

SECTION 585. AMENDMENT.) Section 54-23-50 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-23-50. DIRECTOR OF INSTITUTIONS AND EMPLOYEES PROHIBITED FROM ACCEPTING GIFTS - PENALTY.) Neither the director of institutions nor any of his employees, and no superintendent, officer, manager, or employee of any of the institutions under the charge and control of the director of institutions, directly or indirectly, for himself or any other

person, or for any institution under the charge of the director of institutions, shall receive or accept any gift or gratuity from any person dealing in services, goods, merchandise, or supplies which may be used in any of the institutions, or from any employee, servant, or agent of such person. Any person violating the provisions of this section is guilty of a class A misdemeanor. Such violations shall be cause for his removal from office.

SECTION 586. AMENDMENT.) Section 54-23-51 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-23-51. DIRECTOR OF INSTITUTIONS - PENALTY FOR INFLUENCING APPOINTMENT.) The director of institutions or any of his employees who exert any improper influence, by solicitation or otherwise, on the managing officer of any institution under the control of the director of institutions, in the selection of any employee or assistant, is guilty of a class A misdemeanor.

SECTION 587. AMENDMENT.) Section 54-27-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-27-13. PENALTY FOR EXPENDITURE IN EXCESS OF APPROPRIATION FOR STATE INSTITUTIONS.) Any person violating the provisions of section 54-27-12 is guilty of a class B misdemeanor, and shall, upon conviction, be subject to summary removal from office by the governor, except elected officials who shall be subject to impeachment.

SECTION 588. AMENDMENT.) Section 54-27-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-27-17. PENALTY FOR INVESTMENT OF PUBLIC FUNDS WITHOUT CONSENT OF INDUSTRIAL COMMISSION.) Any officer, or the head of any board, bureau, commission, department, institution, or industry of the state violating any of the provisions of section 54-27-16, shall be guilty of a class B misdemeanor.

SECTION 589. AMENDMENT.) Section 54-41-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-41-05. UNAUTHORIZED USE - PENALTY.) No person shall place or cause to be placed upon the coat of arms of this state any advertisement of any nature; or expose such coat of arms to public view when any advertisement has been attached thereto; or expose to public view for sale or any other purpose or have in his possession for sale, gift or other purpose, any article of merchandise or receptacle for carrying merchandise upon which the coat of arms of this state shall have been produced or attached for the purpose of advertising or calling attention to such article. Any person violating the provisions of this section shall be guilty of an infraction.

SECTION 590. AMENDMENT.) Section 55-02-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-02-03. RULES AND REGULATIONS TO PROTECT STATE MONUMENTS.) The superintendent of the state historical board, when so authorized by the board, shall have the power to make and enforce suitable rules and regulations relating to the protection, care, and use of any

state monument and the violation of any such regulation shall constitute an infraction.

SECTION 591. AMENDMENT.) Section 55-03-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-03-07. VIOLATION OF PROVISIONS OF THIS CHAPTER - PENALTY.) Any person violating any provision of this chapter is guilty of a class B misdemeanor and shall forfeit to the state all archaeological, paleontological, or historical articles and materials discovered by him. Any such violation shall be held to be committed in the county where the exploration or excavation for archaeological, paleontological, or historical material was undertaken.

SECTION 592. AMENDMENT.) Subsection 8 of section 55-08-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

8. The director of state parks shall have the power to make and enforce suitable rules and regulations relating to the protection, care and use of any state park, state campground, state recreation area or reserve, and the violation of any such regulation shall constitute an infraction.

SECTION 593. AMENDMENT.) Subsection 1 of section 57-02-08.1 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- \*1. Any person sixty-five years of age or older in the year in which the tax was levied with an income of three thousand five hundred dollars or less per annum from all sources, including the income of any person dependent upon him, including any county, state, or federal public assistance benefits, social security, or other retirement benefits, shall receive a reduction in the assessment up to a maximum reduction of one thousand dollars of assessed valuation on his homestead as defined in section 47-18-01, except that this exemption shall apply to any person who otherwise qualifies under the provisions of this subsection regardless of whether or not such person is the head of a family. In no case shall a husband and wife who are living together both be entitled to the credit as provided for in this subsection upon their homestead. The provisions of this subsection shall not reduce the liability of any person for special assessments levied upon his property. Any person eligible for the exemption herein provided shall sign a statement that he is sixty-five years of age or older and that such income, including that of any dependent, as determined in this chapter does not exceed three thousand five hundred dollars per annum. The term "dependent" shall include the spouse, if any, of the person claiming the exemption. The assessor shall attach such statement to the assessment sheet and shall show the reduction on the assessment sheet.

SECTION 594. AMENDMENT.) Section 57-02-48 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\*NOTE: Section 57-02-08.1 was also amended by section 1 of House Bill No. 1397, chapter 509.

57-02-48. FAILURE TO DESIGNATE BILLBOARD OWNER - PENALTY.) If the owner of such billboard fails to comply with the provisions of section 57-02-47 within sixty days after the erection of such billboard such owner shall be guilty of an infraction.

SECTION 595. AMENDMENT.) Section 57-05-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-05-05. MAPS OF RAILROAD RIGHT-OF-WAY - FILING - PENALTY FOR VIOLATION.) Each railroad corporation doing business in this state shall file a map, within six months after location of its right-of-way, with the county auditor of each county in which such railroad or any part thereof may be located, showing:

1. The exact location of all rights-of-way and sidetracks, showing on which side of section and other lines its property is located in each assessment district in each county, owned or occupied by such railroad corporation;
2. The number of acres in each parcel of land included by such railroad corporation in such county as a right-of-way; and
3. A description of any other property owned by said corporation in each assessment district in such county.

In subsequent years, said corporation need only file maps showing any changes that have been made since the report of the previous year. Any railroad corporation which shall violate any of the provisions of this section shall be guilty of an infraction and also shall be liable for the expense incurred as provided in section 57-05-10 in procuring the information in any manner other than that provided in this chapter, to be collected in a civil action in the name of the state.

SECTION 596. AMENDMENT.) Section 57-05-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-05-09. FAILURE OF RAILROAD CORPORATION TO MAKE REPORTS TO COUNTY AUDITOR AND STATE TAX COMMISSIONER - PENALTY.) Every railroad corporation which neglects or fails to comply with the provisions of this chapter shall be guilty of an infraction.

SECTION 597. AMENDMENT.) Section 57-15-35 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-15-35. PENALTY FOR EXTENDING TAX BEYOND LEVY LIMIT.) Any county auditor who shall extend taxes in excess of the limitations prescribed by the terms of this chapter shall forfeit a sum of not less than twenty-five dollars and not more than one thousand dollars, the amount to be determined by the court in an action brought in district court by the state's attorney in the name of the state for the benefit of the county general fund, and if such action of the county auditor is willful, he also shall be guilty of a class A misdemeanor.

SECTION 598.) Section 57-15-58 of the North Dakota Century Code is hereby created and enacted to read as follows:

**57-15-58. PENALTY FOR UNLAWFUL WITHDRAWAL FROM FUND.)**

Every officer participating in the unlawful withdrawal from any fund established by this chapter shall be guilty of a class A misdemeanor.

**SECTION 599. AMENDMENT.)** Section 57-22-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-22-14. UNLAWFUL TO DISPOSE OF PERSONAL PROPERTY WITHOUT PAYING TAX.)** Any person who shall remove from this state, or dispose of any personal property which has been assessed for personal property taxes, with intent to avoid the payment of such taxes and without paying the same, shall be guilty of a class A misdemeanor.

**SECTION 600. AMENDMENT.)** Section 57-33.1-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-33.1-12. PENALTY.)** Any person who willfully fails to comply with the provisions of this chapter is guilty of a class A misdemeanor.

**SECTION 601. AMENDMENT.)** Section 57-35.1-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-35.1-09. PENALTIES.)** If any association which has failed to file a report or which has filed an incorrect or insufficient report, and which has been notified by the tax commissioner of its delinquency, refuses or neglects within thirty days after the mailing of such notice to file a proper report, or if it files a fraudulent return, the commissioner shall determine the tax of such association according to his best information and belief, and shall assess the same at not more than double the amount so determined. The commissioner may allow further time for the filing of a report in such case.

**SECTION 602. AMENDMENT.)** Section 57-35.2-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-35.2-07. PENALTIES.)** If any bank, trust company or building and loan association which has failed to file a return or which has filed an incorrect or insufficient return, and which has been notified by the tax commissioner of its delinquency, refuses or neglects within thirty days after the mailing of such notice to file a proper return, or if it files a fraudulent return, the commissioner shall determine the tax according to this best information and belief, and shall assess such tax at not more than double the amount so determined. The commissioner may allow further time for the filing of a return in such case.

**SECTION 603. AMENDMENT.)** Section 57-36-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-36-04. REVOCATION OF LICENSE - PENALTY.)** The attorney general may revoke the license of any dealer or distributor for failure to comply with any of the provisions of this chapter, or any of the rules or regulations prescribed by the tax commissioner or the attorney general. When a license has been legally revoked, no license shall be issued again to the licensee for a period of one year thereafter. No person shall sell any cigarettes, cigarette papers, snuff, cigars, or tobacco after his license has been revoked as provided in this chapter.

SECTION 604. AMENDMENT.) Subsection 3 of section 57-36-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Any person violating any provision of this section shall be guilty of a class B misdemeanor.

SECTION 605. AMENDMENT.) Section 57-36-32 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-36-32. SEPARATE AND ADDITIONAL TAX ON THE SALE OF CIGARETTES - COLLECTION - ALLOCATION OF REVENUE - TAX AVOIDANCE PROHIBITED.) There is hereby levied and assessed and there shall be collected by the proper officer and paid to the state treasurer for crediting to the general fund, upon all cigarettes sold in this state, an additional tax, separate and apart from all other taxes, of one-half mill on each such cigarette, to be collected as existing taxes on cigarettes sold are, or hereafter may be, collected, by use of appropriate stamps and under similar accounting procedures. No person, firm, or corporation shall transport or bring or cause to be shipped into the state of North Dakota any cigarettes as provided herein, other than for delivery to wholesalers in this state, without first paying such tax thereon to the state treasurer.

SECTION 606.) Section 57-36-33 of the North Dakota Century Code is hereby created and enacted to read as follows:

57-36-33. PENALTIES FOR VIOLATION OF CHAPTER.) Except as otherwise provided in this chapter:

1. Any person who violates any provision of this chapter shall be guilty of a class A misdemeanor. All cigarettes, cigarette papers, snuff, cigars or other tobacco products in his possession or in his place of business shall be confiscated and forfeited to the state;
2. Any consumer who purchases any package of cigarettes which does not bear the stamp or insignia placed thereon pursuant to the provisions of this chapter, and any person who shall use or consume within this state any cigarette, unless the same shall be taken from a package or container having attached thereto the stamp or insignia required by this chapter, shall be guilty of a class B misdemeanor.

SECTION 607. AMENDMENT.) Section 57-37-30 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\*57-37-30. PENALTIES.) Any person violating any provision of section 57-37-28 or section 57-37-29, shall be liable for the amount of the taxes, interest, and penalties due under this chapter on the securities, deposits, or other assets contained in such box or receptacle at the time of any unauthorized access thereto. Such civil penalties may be enforced and collected in an action brought by the state's attorney or the tax commissioner.

SECTION 608. AMENDMENT.) Subsection 2 of section 57-38-45 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\*NOTE: Chapter 57-37 was repealed by section 3 of Senate Bill No. 2278, chapter 528.



2. If any taxpayer does not voluntarily file a return of income within sixty days after the time required by or under the provisions of this chapter, and after notice by the tax commissioner, he shall be subject to a civil penalty of one hundred dollars or ten percent of the tax due, whichever is greater, assessed by the tax commissioner, and shall pay interest on the tax due at the rate of one percent for each month or fraction of a month from the time the tax originally was due until the date of payment;

SECTION 609. AMENDMENT.) Subsection 4 of section 57-38-59 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Every employer shall deduct and withhold from every non-resident employee's wages the amounts required to be deducted and withheld from a nonresident employee's wages until such time as the employee has filed with his employer a signed certificate, in such form as the tax commissioner shall provide, that such employee entitled to wages is a resident of the state of North Dakota as defined for withholding purposes. Such certificate shall contain a written declaration that it is made under the penalties provided in section 12.1-11-02. Once filed, a certificate shall remain in effect with the employer with whom it is filed, until the employee's status shall have changed to that of a nonresident as defined in subsection 4 of section 57-38-58. The employee shall give written notice to his employer within fifteen days after such change in status. The employer upon receiving such written notice shall deduct and withhold from the employee's wages as provided in this section until the employee files with the employer the signed certificate referred to herein. Any employee willfully failing to give written notice to his employer of his change in status as required herein within the time prescribed shall be subject to the penalty provided for in subsection 3 of section 57-38-45. Employers shall be required to make the certificate of residence available to the tax commissioner upon request.

SECTION 610. AMENDMENT.) Subsections 2 and 5 of section 57-39.2-18 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. Any person who shall sell tangible personal property, tickets or admissions to places of amusement, and athletic events, or steam, gas, water, electricity, and communication service at retail in this state after his permit shall have been revoked, or without procuring a permit within sixty days after the effective date of this chapter, as provided in section 57-39.2-14, or who shall violate the provisions of section 57-39.2-09, and the officers of any corporation who shall so act, shall be guilty of a class A misdemeanor.
5. Any person failing to comply with any of the provisions of this chapter, or failing to remit within the time herein provided to the state the tax due on any sale or purchase of tangible personal property subject to said sales tax, shall be guilty of a class A misdemeanor.

SECTION 611. AMENDMENT.) Section 57-39.2-23 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-39.2-23. INFORMATION DEEMED CONFIDENTIAL.) It shall be unlawful for the commissioner, or any person having an administrative duty under this chapter, to divulge, or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or sources of income, profits, losses, expenditures or any particulars thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract of particulars thereof to be seen or examined by any person except as provided by law. The commissioner may authorize examination of such returns by other state officers, and at his discretion furnish to the tax officials of another state, the multistate tax commission, the District of Columbia, the United States and its territories, any information contained in the tax returns and reports and related schedules and documents filed pursuant to this chapter, and in the report of an audit or investigation made with respect thereto, provided only that said information be furnished solely for tax purposes; and the multistate tax commission may make said information available to the tax officials of any other state, the District of Columbia, the United States and its territories for tax purposes.

The commissioner is hereby authorized to furnish to the workmen's compensation bureau or to the unemployment compensation division of the employment security bureau upon request of either a list or lists of holders of permits issued pursuant to the provisions of this chapter or chapter 57-40.2, together with the addresses and tax department file identification numbers of such permit holders, provided that any such list shall be used by the bureau to which it is furnished only for the purpose of administering the duties of such bureau. The commissioner, or any person having an administrative duty under this chapter, is hereby authorized to announce that a permit has been revoked.

SECTION 612. AMENDMENT.) Section 57-40.2-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-40.2-08. UNLAWFUL ADVERTISING.) It shall be unlawful for any retailer to advertise or hold out or state to the public or to any purchaser, consumer, or user, directly or indirectly, that the tax or any part thereof imposed by this chapter will be assumed or absorbed by the retailer, or that it will not be added to the selling price of the property sold, or if added that it or any part thereof will be refunded.

SECTION 613. AMENDMENT.) Section 57-40.2-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-40.2-12. UNLAWFUL SALE OR SOLICITING.) No agent, canvasser, or employee of any retailer, not authorized by permit from the tax commissioner of this state, shall collect the tax as prescribed by this chapter, nor sell, solicit orders for, nor deliver, any tangible personal property in this state.

SECTION 614. AMENDMENT.) Subsection 4 of section 57-40.2-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Any person failing to comply with any of the provisions of this chapter, or failing to remit within the time herein provided to the state the tax due on any sale or purchase of tangible personal property subject to the tax imposed under the provisions of this chapter, shall be guilty of a class A misdemeanor.

SECTION 615. AMENDMENT.) Section 57-40.3-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-40.3-11. PENALTY.) Any person who shall violate any of the provisions of this chapter shall be guilty of a class B misdemeanor.

SECTION 616. AMENDMENT.) Section 57-45-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-45-05. OFFICER'S REFUSAL TO PERFORM DUTY - PENALTY.) Every officer or employee of any political subdivision of this state who in any case knowingly refuses to perform any duty enjoined upon him by any provision in this title, or who consents to or connives at any evasion of the provisions of this title whereby any proceeding is prevented or hindered, shall be guilty of malfeasance in office, and shall be subject to removal from office. Any person aggrieved by the failure of any officer or employee to perform his duties as provided in this title may file a complaint under section 12.1-11-06. In addition, the state's attorney or any aggrieved party may proceed to obtain a writ of mandamus to compel performance by such officer or employee. Any failure of an officer or employee to do any act at the particular time specified in this title in no manner shall invalidate any tax levy, or any certificate of tax sale, or tax deed.

SECTION 617. AMENDMENT.) Section 57-51-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-51-22. PENALTY.) Any person intentionally violating any of the provisions of this chapter is guilty of a class A misdemeanor.

SECTION 618. AMENDMENT.) Section 57-52-19 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-52-19. PENALTIES.) Any person violating any provision of this chapter shall be guilty of a class B misdemeanor. Upon such conviction the state tax commissioner shall revoke for a period of not less than one year the special fuel dealer's license of any special fuel dealer convicted of violating this chapter.

SECTION 619. AMENDMENT.) Section 57-53-08 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-53-08. PENALTIES.) Any person violating any provision of this chapter shall be guilty of a class B misdemeanor. Upon conviction the state tax commissioner may revoke for a period of not less than one year the special fuel dealer's license of any special fuel dealer convicted of violating this chapter.

SECTION 620. AMENDMENT.) Section 57-54-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-54-23. PENALTY.) Any dealer, purchaser, or other person who collects or causes to be repaid to him or to any other person, any tax to which he is not entitled, or who violates any other provision of this chapter, is guilty of a class A misdemeanor.

SECTION 621. AMENDMENT.) Section 57-55-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-55-07. FAILURE TO MAKE APPLICATION OR TO DISPLAY DECAL - ILLEGAL USE OF DECAL - PENALTY.) Any person who fails to make application pursuant to the provisions of this chapter, or who shall use or allow to be used a tax decal of any mobile home taxed pursuant to the provisions of this chapter for any purpose other than the purpose for which it was issued, or who fails to attach such decal pursuant to the provisions of this chapter, shall be guilty of a class B misdemeanor.

SECTION 622. AMENDMENT.) Section 57-55-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-55-08. DUTY OF MOBILE HOME PARK OPERATORS AND LICENSED MOBILE HOME DEALERS - PENALTY.) It shall be the duty of the owner, operator, or manager of each mobile home park or lot, or any mobile home dealer to display in his office, in a conspicuous place, a notice listing the provisions and requirements of this chapter. Such notice shall be subscribed by the state tax commissioner and shall be furnished by the director of tax equalization of the county in which the owner, operator, or manager of the mobile home park or lot, or mobile home dealer, resides. It shall be the duty of the owner, operator, or manager of each mobile home park or lot to make an annual written report on or before December first of each year to the director of tax equalization of such county. Such report shall list the number of mobile homes and the name of the owner of each mobile home which is located within each such mobile home park or lot. In addition, it shall be the duty of such owner, operator, or manager to furnish a quarterly report providing the name and date of arrival of each mobile home owner who was not listed on the last annual report. Any person who fails to make a report as required by this section shall be guilty of an infraction.

SECTION 623. AMENDMENT.) Section 58-07-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-07-04. PENALTY FOR NEGLECT.) If a township clerk willfully neglects or refuses to perform any of the duties required of him under this chapter, he is guilty of an infraction.

SECTION 624. AMENDMENT.) Section 58-08-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-08-08. TOWNSHIP MONEYS TO BE DEPOSITED IN TOWNSHIP NAME - PENALTY FOR VIOLATION.) A township treasurer shall not deposit, in his own name, moneys belonging to the township, in any bank, savings bank, trust company, or other fiduciary institution. All township moneys shall be deposited in the name of the township, and any interest on

such moneys shall be credited to the township fund. Any person violating any provision of this section shall be guilty of a class A misdemeanor.

SECTION 625. AMENDMENT.) Section 60-02-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-02-10. WAREHOUSE LICENSE TO BE POSTED - PENALTY - REVOCATION OF LICENSE.) The license obtained by a public warehouseman shall be posted in a conspicuous place in the public warehouse licensed. Any public warehouseman who shall transact business without first procuring and conspicuously posting a license shall be guilty of an infraction. The commission shall revoke the license of any warehouse for cause upon notice and hearing.

SECTION 626. AMENDMENT.) Section 60-02-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-02-12. CHEATING OR FALSE WEIGHING - PENALTY.) Any person who shall violate any of the provisions of this chapter, where punishment is not specifically provided for, shall be guilty of an infraction.

SECTION 627. AMENDMENT.) Section 60-02-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-02-21. ISSUANCE OF INFORMAL MEMORANDA FORBIDDEN - PENALTY.) A warehouseman who fails to issue a receipt, as is provided in sections 60-02-13 and 60-02-14, or who issues slips, memoranda, or any other form of receipt embracing a different warehouse or storage contract than is provided for specifically in this chapter, shall be guilty of a class A misdemeanor.

SECTION 628. AMENDMENT.) Section 60-02-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-02-29. ALLOWANCE FOR DOCKAGE - PENALTY FOR VIOLATION.) Any public warehouseman within this state, who shall violate the provisions of section 60-02-28, shall be guilty of a class B misdemeanor.

SECTION 629. AMENDMENT.) Section 60-02-39 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-02-39. WAREHOUSE NOT TO BE CLOSED WITHOUT PERMISSION FROM COMMISSION.) Every licensed warehouse shall be kept open for business in order to serve the public. Upon application and sufficient cause shown, the commission may allow any warehouse to be closed for such length of time as may be stated in the order issued therein. An application to close shall make provision for the redemption of outstanding storage tickets satisfactory to the commission. Any such public warehouseman who shall close his warehouse without first having received permission from the commission to close shall be guilty of a class A misdemeanor and the license issued may be revoked by the commission.

SECTION 630. AMENDMENT.) Section 60-03-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-03-05. ROVING GRAIN OR HAY BUYER MUST CARRY LICENSE - PENALTY FOR TRANSACTING BUSINESS WITHOUT LICENSE AND GIVING A BOND.) The licensee shall have his license in his possession at all times while he is engaged in the business of roving grain or hay buyer and must exhibit the said license to each and every person from whom he purchases grain thereunder. Any roving grain or hay buyer who shall transact business without first procuring a license and giving a bond as herein provided shall be guilty of a class B misdemeanor.

SECTION 631. AMENDMENT.) Section 60-03-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-03-06. PENALTY.) Any person who shall violate any provisions of this chapter where punishment is not otherwise provided for, shall be guilty of an infraction.

SECTION 632. AMENDMENT.) Section 60-03-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-03-07. COMMISSION MAKES RULES AND REGULATIONS GOVERNING ROVING GRAIN OR HAY BUYERS.) The commission shall make such rules and regulations governing the business of roving grain or hay buyers and shall issue such licenses as may be necessary and proper for carrying into effect the purposes of this chapter. Any person violating any of such rules or regulations is guilty of a class B misdemeanor.

SECTION 633. AMENDMENT.) Section 60-07-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-07-10. VIOLATIONS - PENALTY.) Any person violating the provisions of this chapter is guilty of an infraction.

SECTION 634. AMENDMENT.) Section 60-09-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-09-05. PENALTY FOR WRONGFUL WEIGHING OR ISSUING OF A FALSE SCALE TICKET.) The wrongful weighing or the issuing of a false ticket by a weighmaster or deputy weighmaster shall be a class B misdemeanor.

SECTION 635. AMENDMENT.) Section 61-01-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-01-07. OBSTRUCTION OF WATERCOURSES - PENALTY.) If any person illegally obstructs any ditch, drain, or watercourse, or diverts the water therein from its natural or artificial course, he shall be liable to the party suffering injury from the obstruction or diversion for the full amount of the damage done, and, in addition, shall be guilty of a class B misdemeanor.

SECTION 636. AMENDMENT.) Section 61-01-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-01-09. DESTRUCTION OF DAMS - PENALTY.) Every person who willfully destroys or tampers with any dam or structure erected to retain water or any embankment necessary for the support thereof, or who

willfully makes or causes to be made, any aperture in such dam or embankment, with intent to destroy the same, is guilty of a class A misdemeanor.

SECTION 637. AMENDMENT.) Section 61-01-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-01-16. ERECTION OF GUARDS WHEN CUTTING ICE - PENALTY FOR FAILURE TO DO SO.) All persons cutting ice in or upon any waters within the boundaries of this state, for the purpose of removing such ice for sale or commercial use, shall surround the cuttings and openings made with fences or bushes or other guards sufficient to warn all persons of such cuttings and openings, and shall maintain the same until ice has formed again in such openings to a thickness of at least six inches. Any person violating this section may be prosecuted under section 12.1-17-03.

SECTION 638. AMENDMENT.) Section 61-01-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

\*61-01-22. PERMIT TO DRAIN WATERS FROM CERTAIN PONDS, SLOUGHS, OR LAKES INTO A WATERCOURSE OR NATURAL DRAINWAY - PENALTY.) Any person proposing to drain waters from a pond, slough, or lake, which impounds waters gathered therein and drained from an area comprising eighty acres or more into a natural watercourse, as defined by section 61-01-06, or into a draw or natural drainway, before constructing a ditch or facility for the purpose of such drainage shall submit to the state water conservation commission an application for a permit to do so. If sixty percent or more of the watershed or drainage area of such watercourse, draw, or natural drainway is embraced within the boundaries of a water conservation and flood control district, the state water conservation commission shall refer the application to the board of commissioners of such water conservation district for consideration and approval. Such permit shall not be granted until an investigation shall disclose that the quantity of water which will be drained from the pond, slough, or lake, as the case may be, will not exceed the capacity of such watercourse, draw, or drainway to carry, and will not flood lands of lower proprietors. If such investigation shall show that the proposed drainage will cause such watercourse or drainway to overflow and flood the lands of lower landowners, the board of commissioners of the water conservation and flood control district or the state water conservation commission, as the case may be, shall not issue a permit until flowage easements are obtained from owners of lands which might be burdened with the flood waters of such watercourse, draw, or drainway. Such flowage easements shall be filed for record in the office of the register of deeds of the county or counties in which such lands are situated. An owner of land proposing to drain the waters from such pond, slough, or lake into a watercourse or natural drainway shall undertake and agree to pay the expenses incurred in making the required investigation. The provisions of this chapter shall not be construed to limit or restrict the establishment of drains by a board of county commissioners or by a township, and shall not apply to any county which has a board of drain commissioners, or to any drain constructed under the supervision of a state or federal agency.

Any person draining, or causing to be drained, the waters of a pond, slough, or lake, which impounds waters thereinto from a watershed or drainage area comprising eighty acres or more, into a watercourse without first securing a license or permit to do so, as provided by this chapter,

\*NOTE: Section 61-01-22 was also amended by section 1 of Senate Bill No. 2428, chapter 569.

shall be liable for all damage sustained by any person caused by draining such pond, lake, or slough, and shall be guilty of an infraction.

SECTION 639. AMENDMENT.) Section 61-01-25 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-01-25. PENALTY.) Any person violating any of the provisions of this chapter or any rule or regulation of the state engineer for which another penalty is not specifically provided is guilty of a class B misdemeanor.

SECTION 640. AMENDMENT.) Section 61-04-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-04-12. USE OF UNSAFE WORKS - PENALTY.) Any person using works for the storage, diversion, or carriage of water, at any time after an inspection thereof by the state engineer and receipt of notice from him that the same are unsafe for the purpose for which they are used, and until the receipt of notice from him that in his opinion they have been made safe, shall be guilty of a class A misdemeanor.

SECTION 641. AMENDMENT.) Section 61-14-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-14-06. MEASURING DEVICES - UNLAWFUL TO TAKE WATER WITHOUT USING.) Every ditch owner shall construct and maintain a substantial headgate at the point where the water is diverted, and shall construct a measuring device, of a design approved by the state engineer, at the most practicable point or points for measuring and apportioning the water as determined by the state engineer. The state engineer may order the construction of such device by the ditch owner and if not completed within twenty days thereafter the person in charge of the irrigation works, upon instructions from the state engineer, shall refuse to deliver water to such owner. The taking of water by such ditch owner until the construction of such device and the approval thereof by the state engineer shall be unlawful. Such devices shall be so arranged that they can be locked in place, and when locked by the person in charge of the irrigation works or his authorized agent, for the measurement or apportionment of water, it shall be unlawful to interfere with, disturb, or change the same, and the use of water through such device after having been interfered with, disturbed, or changed shall be prima facie evidence of the guilt of the person benefited by such interference, disturbance, or change.

SECTION 642. AMENDMENT.) Section 61-14-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-14-07. UNLAWFUL INTERFERENCE WITH RIGHTS TO USE OF WATER - PENALTY.) Any person interfering with or injuring or destroying any headgate, weir, benchmark, or other appliance for the diversion, storage, apportionment, or measurement of water, or for any hydrographic surveys, or who shall interfere with any person engaged in the discharge of duties connected therewith, shall be guilty of a class A misdemeanor, and also shall be liable for the injury or damage resulting from such unlawful act. The state engineer and the person in charge of an irrigation work, and their authorized assistants and agents, may enter upon private property for the performance of their respective duties, but shall do no unnecessary injury thereto.



SECTION 643. AMENDMENT.) Section 61-14-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-14-08. UNLAWFUL USE OF WATER AND WASTE.) The unauthorized use of water to which another person is entitled, or the willful waste of water to the detriment of another, shall be unlawful. It also shall be unlawful to begin or carry on any construction of works for storing or carrying water until after the issuance of a permit to appropriate such waters, except in the case of construction carried on under the authority of the United States.

SECTION 644. AMENDMENT.) Section 61-14-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-14-09. BRIDGES OVER DITCHES OR CANALS - PENALTY.) The owner of any ditch, canal, or other structure for storing or carrying water, shall construct and maintain a substantial bridge where the same crosses any highway or publicly traveled road, not less than fourteen feet wide, or shall reconstruct the road in a substantial manner and in a convenient location for public travel. The board of county commissioners shall be authorized to construct any bridge or road, if not built by the owner of the works within three days after the obstruction of the road, and may recover the expenses thereof and costs in a civil suit, unless the same shall be paid by the owner of the works within ten days after demand therefor. The board of county commissioners may make reasonable requirements as to the size and character of any such bridge along a public highway, or for the necessary reconstruction of such a road, and upon failure to comply therewith, may do the necessary work and collect the expense thereof and costs as hereinbefore provided. After the construction of such bridge or road as part of a public highway, the same shall be maintained by the board of county commissioners.

SECTION 645. AMENDMENT.) Section 61-14-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-14-10. OBSTRUCTING WORKS UNLAWFUL.) Whenever any appropriator of water has the right-of-way for the storage, diversion, or carriage of water, it shall be unlawful to place or maintain any obstruction which shall interfere with the use of the works, or prevent convenient access thereto.

SECTION 646. AMENDMENT.) Section 61-14-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-14-11. PENALTY.) If no penalty is provided specifically, any violation of the provisions of this chapter, declared herein to be unlawful, shall be a class B misdemeanor.

SECTION 647. AMENDMENT.) Section 61-14-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-14-15. UNAUTHORIZED DIVERSION OF WATER FROM IRRIGATION DITCHES - PENALTY.) It shall be an infraction for any person to divert any of the water from any irrigation ditch in this state or interfere in any manner whatever with any irrigation ditch without first having obtained the permission of the owner of such ditch or of the person or persons lawfully in charge thereof.

SECTION 648. AMENDMENT.) Section 61-15-08 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-15-08. DRAINAGE OF MEANDERED LAKE - PENALTY.) Any person who, without written consent of the state engineer, shall drain or cause to be drained, or who shall attempt to drain any lake or pond, which has been meandered by the government of the United States in the survey of public lands, shall be guilty of a class B misdemeanor.

SECTION 649. AMENDMENT.) Section 61-16-44 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-16-44. PENALTY FOR VIOLATION OF CHAPTER.) Any person violating any of the provisions of this chapter shall be guilty of a class B misdemeanor.

SECTION 650. AMENDMENT.) Section 61-20-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-20-04. ARTESIAN OR FLOWING WELLS - PENALTY FOR CERTAIN ACTIONS.) The owner or person in control of an artesian or flowing well, who:

1. Allows it to flow without a valve or other device for checking the flow as required by law, or without proper repair of pipes and valves;
2. Interferes with the well, valve, or other device;
3. Permits the water to waste unnecessarily; or
4. Permits the water to run upon the lands of another or into the ditches along any public road except a regularly established drainage ditch,

shall be guilty of a class B misdemeanor. The provisions of this section shall also apply to the officer or members of a board in charge of wells belonging to the state, or any county, township, or municipality.

SECTION 651. AMENDMENT.) Subsection 4 of section 61-21-39 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Any person violating any of the provisions of this section shall be guilty of a class B misdemeanor.

SECTION 652. AMENDMENT.) Section 61-21-57 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-21-57. PENALTY FOR VIOLATION OF RULES AND REGULATIONS.) If any person shall violate any valid rule or regulation promulgated by the board, he shall be guilty of an infraction. The board may bring a civil action to recover damages resulting from violations, plus costs of suit, and all sums recovered shall be deposited with the county treasurer to the credit of the proper drain fund.

SECTION 653. AMENDMENT.) Section 62-01-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

62-01-11. SELLING PISTOL TO MINORS PROHIBITED - PENALTY.) Any person who shall sell, barter, hire, lend, or give any pistol to any minor under the age of seventeen years shall be guilty of a class A misdemeanor.

SECTION 654. AMENDMENT.) Section 62-01-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

62-01-20. PENALTIES.) Any person who shall violate any provision of this chapter, for which another penalty is not specifically provided, shall be guilty of a class C felony.

SECTION 655. AMENDMENT.) Section 62-03-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

62-03-03. PENALTY.) Any person who violates any provision of this chapter is guilty of a class C felony.

SECTION 656. AMENDMENT.) Section 62-04-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

62-04-01. USE AND SALE OF "SILENCER" PROHIBITED - PENALTY.) Any person who sells, offers for sale, or uses any device for or attachment to any firearm which will silence or deaden the sound or natural report of the weapon when it is discharged shall be guilty of a class A misdemeanor. The use of any such device by a member of the national guard or of the regular army, on any rifle range in this state under the supervision of a commissioned officer shall not be a violation of this section.

SECTION 657. AMENDMENT.) Section 62-04-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

62-04-03. USE OF FIREARMS BY CHILDREN PROHIBITED - PENALTY.) Any parent, guardian, or other person having charge or custody of any minor under fifteen years of age who permits that minor to carry or use in public any firearm of any description loaded with powder and lead, except when he is in the company and under the direct control of the parent, guardian, or other person authorized by the parent or guardian, is guilty of a class B misdemeanor.

SECTION 658. AMENDMENT.) Section 62-04-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

62-04-05. MANUFACTURE, USE, AND SALE OF BLANK CARTRIDGE FIREARMS AND FIRECRACKERS PROHIBITED.) Any person who manufactures, uses, sells, or keeps for sale within this state any blank cartridge pistol, blank cartridge revolver, or other blank cartridge firearm, or blank cartridge caps containing dynamite, or firecrackers exceeding more than three inches in length and one-half inch in diameter, is guilty of a class A misdemeanor.

SECTION 659. AMENDMENT.) Subsection 1 of section 63-01.1-15 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Any person who violates the provisions of subsection 2 of section 63-01.1-12 shall be guilty of a class B misdemeanor. The weed control officers or control authorities shall institute necessary criminal actions under this subsection.

SECTION 660. AMENDMENT.) Section 64-03-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-03-01. FALSE WEIGHTS AND MEASURES.) It shall be unlawful for any person to:

1. Offer or expose for sale, sell, use, or have in his possession a false scale, weight, measure, or weighing or measuring device, for use in buying or selling any commodity or thing, or any weight, measure, or weighing or measuring device which has not been sealed as provided by section 64-02-13.
2. Dispose of any condemned weight, measure, or weighing or measuring device, or remove any tag placed thereon by any authorized employee of the department.
3. Sell, offer, or expose for sale less than the quantity represented.
4. Sell, offer for sale, or have in his possession for the purpose of selling, any device or instrument to be used or calculated to falsify any weight or measure.
5. Refuse to pay any fee charged for testing and sealing or condemning any scale, weight, measure, or weighing or measuring device.

SECTION 661. AMENDMENT.) Section 64-03-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-03-02. FALSE WEIGHTS - UNLAWFUL FOR PUBLIC USE.) It shall be unlawful for any person to knowingly and fraudulently make use of a weight, measure, scale, balance, or beam for the purpose of purchase or sale, or to keep such device for public use, which does not conform to the legal standard of weights and measures of the state, or to alter a weight, measure, scale, balance, or beam after it has been adjusted and sealed so that it does not conform to such standard.

SECTION 662. AMENDMENT.) Section 64-03-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-03-03. FRAUDULENTLY INCREASING WEIGHT.) It shall be unlawful for any person to place or conceal in any bag, bale, box, barrel, or other package containing goods usually sold by weight any foreign substance for the purpose of increasing the weight of such container or package.

SECTION 663. AMENDMENT.) Section 64-03-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-03-05. FUEL REQUIRED TO BE WEIGHED - CORRECT SCALE WEIGHT - SLIP DELIVERED.) It shall be unlawful for any person to sell or deliver any coal, lignite, or briquette fuel within any city in this state,

where adequate weighing facilities exist, without first having the same weighed or without delivering to the purchaser a duplicate scale weight slip showing the true weight thereof.

SECTION 664. AMENDMENT.) Section 64-03-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-03-06. STAMPING FALSE WEIGHT OR TARE.) It shall be unlawful for any person to knowingly mark or stamp false or short weight or false tare on any cask or package, or to knowingly sell or offer for sale any cask or package so marked.

SECTION 665. AMENDMENT.) Section 64-03-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-03-07. VIOLATION OF PROVISIONS RELATING TO STANDARD MEASUREMENTS AND WEIGHTS UNLAWFUL.) It shall be unlawful for any person to, in buying, take any greater number of pounds or cubic feet to the bushel, barrel, ton, cord, gallon, or fractional part, as the case may be, than is provided by the standards established in this title, or to, in selling, give any less number, unless both parties to the sale have actual knowledge of the variation from the standards as established in this title.

SECTION 666. AMENDMENT.) Section 64-03-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-03-09. GENERAL PENALTY.) Any person who shall violate any of the provisions of this title wherein a specific penalty has not been provided shall be guilty of a class B misdemeanor.

SECTION 667. AMENDMENT.) Section 64-04-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-04-05. PENALTY.) Any person who violates any of the provisions of this chapter or fails to comply with its requirements or any of the rules and regulations issued hereunder, shall be deemed guilty of a class B misdemeanor.

SECTION 668. AMENDMENT.) Section 65-01-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-01-05. EMPLOYMENT OF THOSE UNPROTECTED BY INSURANCE UNLAWFUL - EFFECT OF FAILURE TO SECURE COMPENSATION - PENALTY - INJUNCTION.) It shall be unlawful for any employer to employ anyone, or to receive the fruits of the labor of any person, in a hazardous employment as defined in this title, without first making application for workmen's compensation insurance coverage for the protection of such employees by notice to the bureau of the intended employment, the nature thereof, and the estimated payroll expenditure for the coming twelve-month period. Failure to secure workmen's compensation coverage for employees by application for workmen's compensation insurance shall constitute a class A misdemeanor. Where the employer is a corporation, the president, secretary, treasurer, or person with primary responsibility shall be liable for the failure to secure workmen's compensation coverage under this section. In addition to the penalties prescribed above the bureau may, by injunction proceedings as provided for in this title, enjoin any employer from unlawfully employing uninsured workers.

SECTION 669. AMENDMENT.) Section 65-01-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-01-10. WAIVER OF RIGHTS TO COMPENSATION VOID - DEDUCTION OF PREMIUM FROM EMPLOYEE PROHIBITED - PENALTY.) No agreement by an employee to waive his rights to compensation under the provisions of this title shall be valid. No agreement by any employee to pay any portion of the premium paid or payable by his employer into the fund shall be valid, and any employer who deducts any portion of such premium from the wages or salary of any employee entitled to the benefits of this title is guilty of an infraction.

SECTION 670. AMENDMENT.) Section 65-03-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-03-02. PENALTY FOR VIOLATION OF SAFETY RULE OR REGULATION - FINE - PENALTY PREMIUM RATING - EXTENSION OF TIME TO COMPLY.) Any employer who shall fail to comply with any reasonable safety rule or regulation made in accordance with the provisions of this chapter, within twenty days after notice from the bureau or its authorized agent, shall be guilty of an infraction, and the bureau may penalize the premium rating of the employer guilty of such violation in an amount not exceeding ten percent during the year or years in which such violation continues. Upon application and a proper and sufficient showing that the rule or regulation cannot be complied with within the twenty days herein specified, the bureau may extend such time for such period as the facts in each case warrant, but not to exceed three months.

SECTION 671. AMENDMENT.) Section 65-05-24 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05-24. ACCEPTING COMPENSATION AFTER MARRIAGE - PENALTY.) If any person entitled to compensation under this chapter whose compensation ceases upon his or her marriage, fails to notify the bureau of such marriage within sixty days, such person shall be guilty of a class A misdemeanor.

SECTION 672. AMENDMENT.) Section 65-12-07 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-12-07. CERTIFICATE OF INSPECTION REQUIRED - PENALTY.) It shall be unlawful for any person to willfully operate a boiler in this state without a valid certificate of inspection. Such operation of a boiler shall constitute a class A misdemeanor on the part of the owner, user, or operator thereof.

\* SECTION 673. REPEAL.) Chapters 19-19, 24-11, and 36-10; and sections 4-01-18, 4-24-01, 4-24-02, 4-24-03, 4-24-04, 4-24-05, 6-08-05, 6-08-12, 6-08-13, 6-08-17, 6-08-18, 6-08-19, 6-09-13, 7-08-06, 8-08-06, 8-08-10, 8-10-06, 8-10-07, 8-10-08, 11-15-15, 11-15-23, 11-18-12, 11-23-11, 11-29-32, 12-44-22, 12-44-26, 12-44-39, 12-46-07, 12-46-21, 12-52-06, 14-07-18, 15-08-21, 15-35-08, 15-35-13, 15-40-1-20, 15-49-07, 15-62-1-14, 16-01-08, 16-01-12, 16-12-15, 16-13-06, 16-16-25, 16-18-18, 16-18-19, 16-20-11, 16-20-13, 16-20-14, 18-01-12, 18-08-03, 19-01-15, subsections 1 and 2 of section 19-03-1-31, sections 19-04-02, 19-04-07, subsection 1 of section 19-05-13, sections 19-05-15, 21-03-33, 21-03-48, 21-03-49, 21-05-04, 21-07-04, 23-02-34, 23-02-41, 23-05-10, 23-09-13, 23-09-15,

23-10-08, 23-12-02, 23-12-05, 23-12-06, 24-02-14, 24-09-13, 24-09-14, 24-12-06, 25-03-18, 25-05-29, 26-06-11, 26-06-12, 26-07-16, 26-12-50, 27-07-17, 27-07-18, 27-10-01, 27-10-02, 28-26-05, 29-06-13.1, 29-08-27, subsection 8 of section 29-17-36, sections 29-27-06, 29-28-34, 29-29-19, 31-01-08, 33-12-29, 33-12-30, 33-12-31, 33-12-32, 34-01-07, 34-01-09, 34-01-10, 34-01-18, subsection 8 of section 34-13-15, sections 35-01-26, 35-22-13, 35-27-08, 36-06-08, 36-09-16, 36-14-17, 36-14-18, 36-21-04, 37-01-17, 37-01-18, 37-25-09, 38-04-03, 39-02-07, 39-04-42, 39-05-07, 39-05-16, 39-05-25, 39-05-34, 39-08-12, 39-21-47, 40-09-15, 40-13-06, 40-13-12, 40-50-10, 43-04-47, 43-28-26, 44-04-02, 44-04-11, 44-04-17, 46-02-16, 47-16-24, 48-05-05, 49-07-02, 49-07-04, 49-07-05, 49-11-07, 49-12-02, 49-12-05, 49-12-07, 49-12-08, 49-12-09, 49-12-10, 49-12-12, 49-12-16, 49-12-22, 49-12-24, 49-13-15, 49-13-17, 49-13-19, 49-13-21, 49-13-23, 49-13-26, 49-13-28, 49-15-18, 49-17-02, 49-17-03, 49-17-04, 49-18-44, 49-19-22, 49-19-24, 49-19-25, 49-20-12, 49-20-13, 50-01-23, 50-01-24, 50-01-25, 50-09-23, 50-24-39, 51-05-06, 51-07-08, 51-08-04, 51-08-05, 51-12-04, 51-12-05, 51-12-06, 51-12-07, 52-06-38, 52-06-39, 52-09-19, 53-05-07, 54-05-01, 54-06-09.1, 54-14-06, 54-16-07, 57-02-13, subsection 3 of section 57-02-21, sections 57-02-45, 57-15-18, 57-15-33, 57-15-40, 57-22-33, 57-24-05, 57-35-15, 57-36-20, 57-36-21, subsection 4 of section 57-36-25, subsection 5 of section 57-36-26, section 57-37-32, subsection 2 of section 57-38-57, subsection 3 of section 57-39.2-18, subsection 2 of section 57-40.2-15, sections 57-45-15, 57-51-13, 58-12-06, 60-02-34, 60-05-05, 60-06-06, 61-01-10, 61-01-11, 61-01-12, 61-01-13, 61-06-23, 61-08-15, 62-01-02, 62-02-06, 62-04-02, 64-03-04, 64-03-08, and 65-01-07 of the North Dakota Century Code; and sections 2-05-09, 4-02.1-24, 5-01-03, 5-01-05.3, 5-01-12, 5-02-07, 5-02-08, 8-10-07.1, 12-44-25, 12-44-27, 12-48.1-04, 12-49-04, 12-60-14, 19-03.1-29, subsection 3 of section 19-03.1-31, subsection 2 of section 19-05-13, subsection 3 of section 39-08-01, sections 44-08-15, 49-21-21, subsection 4 of section 57-02-08.1, sections 61-01-18, and 65-05-31 of the 1973 Supplement to the North Dakota Century Code, are hereby repealed.

\*NOTE: Section 12-44-25 was amended by section 3, section 12-44-27 was amended by section 4, section 12-48.1-04 was amended by section 8, and section 19-03.1-29 was amended by section 12 of Senate Bill No. 2046, chapter 110; chapter 23-02 was repealed by section 34 of House Bill No. 1107, chapter 223; section 23-12-02 was also repealed by section 1 of Senate Bill No. 2057, chapter 225; section 34-01-10 was also repealed by section 1 of House Bill No. 1035, chapter 296; chapter 38-04 was repealed by section 1 of Senate Bill No. 2267, chapter 313; chapter 51-05 was repealed by section 2 of Senate Bill No. 2173, chapter 449; chapter 54-05 was repealed by section 8 of Senate Bill No. 2368, chapter 465; section 57-02-45 was also repealed by section 2 of House Bill No. 1597, chapter 524; chapter 57-37 was repealed by section 3 of Senate Bill No. 2778, chapter 528; sections 61-01-12 and 61-01-13 were also repealed by section 1 of House Bill No. 1053, chapter 568.

Approved April 8, 1975

## CHAPTER 107

SENATE BILL NO. 2165  
(Committee on Political Subdivisions)  
(At the request of the Secretary of State)

## FILING OF JAIL RULES

AN ACT to amend and reenact section 12-44-06 of the North Dakota Century Code, relating to the filing of jail rules in the Secretary of State's office.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 12-44-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44-06. RULES DELIVERED TO BOARD OF COUNTY COMMISSIONERS AND SHERIFF - MUST BE POSTED.) Each judge of the district court, as soon as practicable, shall cause a copy of the rules to be delivered to the board of county commissioners in the several counties in his judicial district. The board of county commissioners forthwith shall cause the same to be printed, and shall furnish to the sheriff sufficient copies of the rules. The sheriff, on the receipt of the rules, shall cause a copy thereof to be posted in some conspicuous place and in each cell or cell block of the jail.

Approved March 13, 1975



## CHAPTER 108

SENATE BILL NO. 2044  
(Kautzmann, Barth, Iszler)  
(From Legislative Council Study)

## INDUSTRIAL SCHOOL DISCIPLINARY COMMITTEE

AN ACT to amend and reenact sections 12-46-10.1 and 12-46-18 of the North Dakota Century Code, relating to the disciplinary committee and to the employment and compensation of students at the state industrial school.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 12-46-10.1 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-46-10.1. DISCIPLINARY COMMITTEE - MEMBERS - DUTIES.) The superintendent of the North Dakota industrial school shall appoint a disciplinary committee. The membership of this committee should include one cottage supervisor, one member of the professional staff, and may include one student and one member of the general public, as determined by the superintendent. The committee shall hear all charges of serious breach of discipline and recommend to the superintendent what disciplinary action should be administered. The committee will maintain records of its actions. These records shall be subject to review by the director of institutions, the attorney general, or any legislative committee at their request. Nothing in this section shall be construed to prevent the superintendent from placing a child under close supervision immediately after that child commits a serious breach of discipline, however, within forty-eight hours the disciplinary committee shall hear the case and make its recommendations to the superintendent concerning further action to be taken, if any.

SECTION 2. AMENDMENT.) Section 12-46-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-46-18. EMPLOYMENT AND COMPENSATION OF PERSONS COMMITTED.) Every person committed to the state industrial school or its auxiliary facilities may receive a stipend as determined by the superintendent, and approved by the director of institutions, within the limits of appropriations made by the legislative assembly for such purpose.

Approved February 28, 1975

## CHAPTER 109

SENATE BILL NO. 2045  
(Kautzmann, Barth, Iszler)  
(From Legislative Council Study)

AFTERCARE PROGRAM FOR  
INDUSTRIAL SCHOOL

AN ACT to amend and reenact sections 12-46-13, 12-52-01, 12-52-02, 12-52-03, 12-52-04, 12-52-05, and 12-52-07 of the North Dakota Century Code, relating to the state industrial school, who may be sent there, and to parole and discharge from that institution; and to repeal sections 12-46-16 and 12-52-06 of the North Dakota Century Code, relating to penalties for violation of parole from the state industrial school and to the minority of persons committed to the state industrial school.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 12-46-13 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-46-13. WHO MAY BE SENT TO STATE INDUSTRIAL SCHOOL - COURT PROCEDURE.) Whenever a person under the age of eighteen years is found guilty in any district court or county court with increased jurisdiction of a crime or public offense, other than murder, the court instead of entering judgment against such person, if in its judgment the accused is a proper subject therefor, may direct an order entered in the minutes of the court that the person be committed to the state industrial school until the person attains the age of eighteen years. If the person so committed is of the age that he will not have been committed for at least two years before he attains the age of eighteen years, the court may extend the commitment beyond the date he attains the age of eighteen years, but the entire commitment shall not exceed a period of two years.

SECTION 2. AMENDMENT.) Section 12-52-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-52-01. DIRECTOR OF INSTITUTIONS TO ADMINISTER AFTERCARE PROGRAM.) The director of institutions may provide an aftercare program for persons committed to the state industrial school and may establish facilities in, and rules and regulations under, which such persons may receive aftercare.

SECTION 3. AMENDMENT.) Section 12-52-02 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-52-02. AFTERCARE GRANTED ON RECOMMENDATION OF SUPERINTENDENT.) No aftercare program shall be provided for any person committed to the North Dakota industrial school or placed under the guardianship, control, and custody of the superintendent, unless the superintendent recommends the program to the director of institutions, and some suitable person will receive the person to be placed in the aftercare program under conditions approved by the

superintendent. Nothing in this chapter shall prevent the placing of any person into his own home or into a licensed foster home under any program administered by the social service board of North Dakota.

SECTION 4. AMENDMENT.) Section 12-52-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-52-03. RECOMMITMENT TO THE STATE INDUSTRIAL SCHOOL FOR VIOLATION OF AFTERCARE RULES.) A person placed in an aftercare program shall be under the guardianship and control of the director of institutions, and is subject, at any time until the expiration of the time for which he was committed, to be taken into actual custody and returned to the state industrial school. The director of institutions may enforce the rules and regulations made by him for the administration of aftercare programs and the placement of students in them, and when he is satisfied that a person placed in an aftercare program has violated any of the rules or regulations, he may order that person to be taken into actual custody and returned to the state industrial school, and to be detained therein until the expiration of the time for which he was committed, or until he is again placed in an aftercare program. The director shall maintain a record of any such order, and a certified copy of the order may be delivered to any peace officer, or any officer or employee of the state industrial school, for service and return. It shall be the duty of the officer or employee to receive the order and to apprehend and immediately deliver the person named in the order to the superintendent of the state industrial school.

SECTION 5. AMENDMENT.) Section 12-52-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-52-04. OFFICER'S OR EMPLOYEE'S RETURN ON ORDER OF RECOMMITMENT.) The officer or employee executing an order of the director of institutions for the apprehension and return of a person to the state industrial school shall endorse on the order a return of his doings thereunder and deliver the same, together with the person named therein, to the superintendent of the school. The superintendent shall give to the officer or employee a certificate acknowledging the receipt of the person, order, and return.

SECTION 6. AMENDMENT.) Section 12-52-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-52-05. OFFICER'S FEE ON RECOMMITMENT - EXCEPTION.) The fee of any officer, except an officer or employee of the state industrial school, executing an order of the director of institutions for the apprehension and return of a person to the state industrial school shall be the same as that for like service in criminal actions.

SECTION 7. AMENDMENT.) Section 12-52-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-52-07. DISCHARGE FOR GOOD CONDUCT.) The director of institutions may discharge any student from the state industrial school at any time upon satisfactory evidence of reformation and as a reward for good conduct and diligence in study. If the student has no parent, guardian, or other person to whom to return, the director of institutions shall arrange for and procure some suitable person to receive, employ, and care for the person so discharged, without charge to the state.

SECTION 8. REPEAL.) Section 12-52-06 of the North Dakota Century Code and section 12-46-16 of the 1973 Supplement to the North Dakota Century Code are hereby repealed.

Approved March 12, 1975

## CHAPTER 110

SENATE BILL NO. 2046  
(Nething, Kautzmann, Iszler, Barth)  
(From Legislative Council Study)

## PENAL INMATES AND CONTROLLED SUBSTANCES

AN ACT to create and enact sections 12-46-24 and 12-51-11 of the North Dakota Century Code, relating to the delivery to, or possession of, alcoholic beverages or controlled substances by inmates of the state farm or the state industrial school; to amend and reenact sections 12-44-25, 12-44-27, 12-44-28, 12-47-21, 12-48-05, 12-48.1-04, the first paragraphs of subsections 1 and 2 of section 19-03.1-23, subsection 3 of section 19-03.1-23, and sections 19-03.1-29 and 48-05-06 of the North Dakota Century Code, relating to the delivery or possession of alcoholic beverages or controlled substances, and to the delivery or possession of such substances to, or by, inmates of the penitentiary or a county jail, or to certain state institutions; and providing penalties.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1.) Section 12-46-24 of the North Dakota Century Code is hereby created and enacted to read as follows:

12-46-24. PROHIBITION ON DELIVERY OR POSSESSION OF ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES TO OR BY STUDENTS - PENALTIES.)

1. It shall be unlawful for any person to deliver or administer, whether or not for a consideration, any alcoholic beverage or controlled substance to any student, or to any other person for redelivery or administration to a student, during the time of the student's commitment to the state industrial school. This subsection shall not apply to the delivery or administration of controlled substances or alcoholic beverages in accordance with the orders or prescription of a duly licensed physician and the approval, except in emergency circumstances, of the superintendent.
2. No student shall, during his commitment to the state industrial school, possess any controlled substance or alcoholic beverage unless the substance or beverage was delivered to him or was possessed in accordance with the prescription or orders of a licensed physician.

3. Any person, other than an official or employee of the state industrial school, who violates subsection 1 of this section by delivering or administering a controlled substance is guilty of a class B felony. Any official or employee of the state industrial school who violates subsection 1 of this section by delivering or administering a controlled substance is guilty of a class A felony. Any person who violates subsection 1 of this section by delivering an alcoholic beverage is guilty of a class A misdemeanor.
4. Any person who violates subsection 2 of this section by possessing a controlled substance shall be guilty of a class B felony. Any person who violates subsection 2 of this section by possessing alcoholic beverages shall be guilty of a class A misdemeanor. The district court may waive juvenile jurisdiction over a child above sixteen years of age charged with an offense under subsection 2 of this section. The person shall then be transferred to the appropriate court for criminal prosecution.
5. As used in this section, "controlled substance" is as defined in subsection 4 of section 19-03.1-01, and includes counterfeit substances as defined in subsection 5 of section 19-03.1-01.

SECTION 2.) Section 12-51-11 of the North Dakota Century Code is hereby created and enacted to read as follows:

12-51-11. PROHIBITION ON DELIVERY OF ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES TO OR BY INMATES - PENALTIES.)

1. It shall be unlawful for any person to deliver or administer, whether or not for a consideration, any alcoholic beverage or controlled substance to any inmate of the state farm, or to any other person for redelivery to an inmate of the state farm. This subsection shall not apply to the delivery or administration of controlled substances or alcoholic beverages in accordance with the orders or prescription of a duly licensed physician and the approval, except in emergency circumstances, of the warden.
2. No state farm inmate shall possess any controlled substance or alcoholic beverage unless the substance or beverage was delivered to him or was possessed in accordance with the prescription or orders of a licensed physician.
3. Any person, other than an official or employee of the penitentiary, whether or not he is employed at the state farm, who violates subsection 1 of this section by delivering or administering a controlled substance is guilty of a class B felony. Any official or employee of the penitentiary who violates subsection 1 of this section by delivering or administering a controlled substance is guilty of a class A felony. Any person who violates

subsection 1 of this section by delivering alcoholic beverages is guilty of a class A misdemeanor.

4. Any person who violates subsection 2 of this section by possessing a controlled substance shall be guilty of a class B felony. Any person who violates subsection 2 of this section by possessing alcoholic beverages shall be guilty of a class A misdemeanor.
5. As used in this section, "controlled substance" is as defined in subsection 4 of section 19-03.1-01, and includes counterfeit substances as defined in subsection 5 of section 19-03.1-01.

SECTION 3. AMENDMENT.) Section 12-44-25 of the 1973 Supplement to the North Dakota Century Code is hereby amended and re-enacted to read as follows:

**\*12-44-25. NO CONTROLLED SUBSTANCES OR ALCOHOLIC BEVERAGES SHALL BE ALLOWED PRISONERS - PENALTY.)**

1. No sheriff, jailer, or other person, shall give, sell, or deliver to any prisoner for any cause whatever, any controlled substance or alcoholic beverage unless a physician prescribes it.
2. No prisoner in a county jail shall possess any controlled substance or alcoholic beverage unless in accordance with the prescription of a licensed physician.
3. Any person, other than a sheriff, his deputies, or jailers, who violates subsection 1 of this section by selling or delivering a controlled substance shall be guilty of a class B felony. Any sheriff, deputy, or jailer who violates subsection 1 by selling or delivering a controlled substance shall be guilty of a class A felony. Any person who otherwise violates subsection 1 shall be guilty of a class A misdemeanor. Any prisoner who violates subsection 2 of this section by possessing a controlled substance is guilty of a class B felony. A prisoner who otherwise violates subsection 2 is guilty of a class A misdemeanor.
4. As used in this section, "controlled substance" is as defined in subsection 4 of section 19-03.1-01, and includes counterfeit substances as defined in subsection 5 of section 19-03.1-01.

SECTION 4. AMENDMENT.) Section 12-44-27 of the 1973 Supplement to the North Dakota Century Code is hereby amended and re-enacted to read as follows:

**\*12-44-27. VIOLATION OF SECTION 12-44-26 BY OFFICER - PUNISHMENT.)** If any sheriff or jailer shall place or keep together prisoners of different sex contrary to the provisions of section 12-44-26, he shall be guilty of an infraction, and a second conviction shall make him ineligible to hold the office of sheriff, deputy

**\*NOTE:** Section 12-44-25 was repealed by section 673 of Senate Bill No. 2039, chapter 106.

**\*NOTE:** Section 12-44-27 was repealed by section 673 of Senate Bill No. 2039, chapter 106.

sheriff, jailer, or keeper of any jail for the term of five years.

SECTION 5. AMENDMENT.) Section 12-44-28 of the 1973 Supplement to the North Dakota Century Code is hereby amended and re-enacted to read as follows:

\*12-44-28. POSSESSING ALCOHOLIC BEVERAGES IN JAIL BUILDING - MISDEMEANOR.) If any person shall have any alcoholic beverage in his possession in any building housing a county jail with the intent to carry or deliver the same to any prisoner confined therein, he shall be guilty of a class B misdemeanor.

SECTION 6. AMENDMENT.) Section 12-47-21 of the 1973 Supplement to the North Dakota Century Code is hereby amended and re-enacted to read as follows:

12-47-21. ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES PROHIBITED - PHYSICIAN'S ORDERS - USE OF TOBACCO - PENALTY.)

1. No alcoholic beverages or controlled substances shall be brought into the penitentiary or upon the grounds thereof, nor be delivered to an inmate thereof, except by the direction in writing of the penitentiary physician noted in his medical records.
2. No inmate shall possess any controlled substance or alcoholic beverage, unless it has been prescribed by the penitentiary physician and noted in his medical records.
3. No alcoholic beverages or other articles of indulgence shall be allowed any inmate except by order of the physician, such order to be in writing and for a definite and limited period. The warden may make a moderate allowance of tea, coffee, or tobacco to inmates as a reward for industry and good behavior.
4. Any person, other than an official or employee of the penitentiary or state hospital, violating the provisions of subsection 1 of this section by bringing in or delivering a controlled substance shall be guilty of a class B felony. Any official or employee of the penitentiary or state hospital who violates subsection 1 by bringing in or delivering a controlled substance is guilty of a class A felony. Any person otherwise violating the provisions of subsection 1 of this section shall be guilty of a class A misdemeanor. Any inmate violating the provisions of subsection 2 of this section shall be guilty of a class B felony, and any sentence of imprisonment imposed shall run consecutively to any sentence which the offender may currently be serving.
5. As used in this section, "controlled substance" is as defined in subsection 4 of section 19-03.1-01, and includes counterfeit substances as defined in subsection 5 of section 19-03.1-01; "penitentiary" includes those

\*NOTE: Section 12-44-28 was also amended by section 96 of Senate Bill No. 2039, chapter 106.

those portions of the physical structures of the Jamestown state hospital which are used to house prisoners; and "inmate" means a person incarcerated in the penitentiary or the Jamestown state hospital.

SECTION 7. AMENDMENT.) Section 12-48-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-48-05. CONDITIONS FOR EMPLOYING INMATES OUTSIDE OF THE PENITENTIARY.) The director of institutions may employ such inmates of the penitentiary as he may deem advisable, who are not needed to carry on the work of the penitentiary or the industries established at the penitentiary, upon work at other state institutions or upon the construction and improvement of public highways, under the following conditions:

1. Prisoners may be employed, under proper supervisors and guards, to improve the grounds and perform other labor at the various institutions controlled and maintained by the state. When prisoners are so employed, the institution at which the work is done shall pay all salaries and necessary expenses of maintenance, including the cost of transportation to and from the penitentiary, and furnish the necessary tools and equipment required in carrying on said work;
2. Prisoners may be employed upon the public highways of any county when an agreement has been entered into by the director of institutions and the board of county commissioners of such county, upon the conditions governing the employment of prisoners at state institutions;
3. Prisoners at all times shall be under the supervision of the warden and the director of institutions, and under the direct charge of proper officers and guards appointed by them;
4. Prisoners so employed shall be placed upon their honor not to attempt to escape nor to receive or deliver controlled or counterfeit substances as defined in section 19-03.1-01 or alcoholic beverages;
5. Prisoners so employed shall be clothed in plain, inconspicuous garb; and
6. Prisoners so employed shall not be compelled to work more than ten hours in any one day.

SECTION 8. AMENDMENT.) Section 12-48.1-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

\*12-48.1-04. WILLFUL FAILURE TO RETURN - POSSESSING OR DELIVERING CONTROLLED SUBSTANCES OR ALCOHOLIC BEVERAGES.) Any inmate released from actual confinement under a release plan who willfully

\*NOTE: Section 12-48.1-04 was repealed by section 673 of Senate Bill No. 2039, chapter 106.



fails to return to the designated place of confinement at the time specified in the plan shall be deemed to have escaped from the penitentiary. Any inmate at large under a release plan who possesses or delivers to another any alcoholic beverage or controlled substance shall be guilty of an offense under section 12-47-21. As used in this section, "controlled substance" is as defined in subsection 4 of section 19-03.1-01, and includes counterfeit substances as defined in subsection 5 of section 19-03.1-01.

SECTION 9. AMENDMENT.) The first paragraph of subsection 1 of section 19-03.1-23 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- \* 1. Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance, provided that any person whose conduct is in violation of sections 12-44-25, 12-44-28, 12-46-24, 12-47-21, or 12-51-11 shall not be prosecuted under this subsection. Any person who violates this subsection with respect to:

SECTION 10. AMENDMENT.) The first paragraph of subsection 2 of section 19-03.1-23 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- \* 2. Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance, provided that any person whose conduct is in violation of sections 12-44-25, 12-44-28, 12-46-24, 12-47-21, or 12-51-11 shall not be prosecuted under this subsection. Any person who violates this subsection with respect to:

SECTION 11. AMENDMENT.) Subsection 3 of section 19-03.1-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- \*3. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter, provided that any person whose conduct is in violation of sections 12-44-25, 12-44-28, 12-46-24, 12-47-21, or 12-51-11 shall not be prosecuted under this subsection. Any person who violates this subsection is guilty of a class C felony; except that any person who violates this subsection regarding possession of marijuana, shall be guilty of a class A misdemeanor.

SECTION 12. AMENDMENT.) Section 19-03.1-29 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

\*19-03.1-29. DISTRIBUTION TO PERSONS UNDER AGE EIGHTEEN.)

\*NOTE: Section 19-03.1-23 was also amended by section 168 and section 19-03.1-29 was repealed by section 673 of Senate Bill No. 2039, chapter 106.

Any person eighteen years of age or over who violates subdivision b, c, or d of subsection 1 of section 19-03.1-23 by distributing any controlled substance other than a narcotic drug listed in schedules I, II, III, IV, and V, to a person under eighteen years of age who is at least three years his junior is punishable by the fine authorized by subdivisions b, c, and d of subsection 1 of section 19-03.1-23, by a term of imprisonment up to twice that authorized by subdivisions b, c, and d of subsection 1 of section 19-03.1-23, or both. Any person eighteen years of age or over who violates subdivision a of subsection 1 of section 19-03.1-23 by distributing any controlled substance listed in schedules I and II which is a narcotic drug to a person under eighteen years of age who is at least three years his junior is punishable by imprisonment for a term not to exceed twice that authorized by subdivision a of subsection 1 of section 19-03.1-23.

SECTION 13. AMENDMENT.) Section 48-05-06 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-05-06. ALCOHOLIC BEVERAGES AND DRUGS IN CHARITABLE INSTITUTIONS PROHIBITED.) Every person who shall take, send, or introduce any alcoholic beverage or controlled substance into any of the buildings or upon any of the premises of any charitable institution of this state, or of any county, or city thereof, except upon the express authority of the physician or chief executive officer of such institution, given in writing, is guilty of a class A misdemeanor. As used in this section, "controlled substance" shall be as defined in subsection 4 of section 19-03.1-01, and shall include counterfeit substances as defined in subsection 5 of section 19-03.1-01.

Approved March 12, 1975

## CHAPTER 111

HOUSE BILL NO. 1049  
(Eagles, Irving, Olson, Winkjer)  
(From Legislative Council Study)

## PENITENTIARY INMATE FUNDS

AN ACT to amend and reenact sections 12-47-15, 12-47-31, 12-48-14, 12-48-15, and 12-48-21 of the North Dakota Century Code, relating to the appointment of an acting warden in the absence of the warden and his deputy, to clothing and transportation allowances provided to inmates upon release, compensation of inmates, and to disposition of moneys earned by penitentiary inmates; and to repeal sections 12-47-30, 12-48-16, 12-48-17, 12-48-18, 12-48-19, and 12-51-08 of the North Dakota Century Code, relating to the expense of transporting inmates to and from the state hospital and the cost of committing inmates to the state farm, and to the disposition of penitentiary inmates' earnings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 12-47-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-47-15. ABSENCE OF WARDEN AND DEPUTY WARDENS.) The warden and the deputy wardens shall not be absent from the penitentiary at the same time except by permission of the director of institutions. When the warden and the deputy wardens are absent, the warden must designate in writing one of his staff members to act as warden, and must inform the director of institutions, in writing, of his choice prior to each absence.

SECTION 2. AMENDMENT.) Section 12-47-31 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-47-31. DISCHARGE OF INMATES - CLOTHING-TRANSPORTATION.) Every person sentenced to the penitentiary, when discharged, or released on parole may be provided as determined by the warden, based upon need, appropriate clothing and transportation to a point within the state.

SECTION 3. AMENDMENT.) Section 12-48-14 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-48-14. COMPENSATION OF INMATES.) Prisoners engaged in carrying on the work of the penitentiary and its industries shall receive compensation in an amount to be determined by the director of institutions, provided that compensation for labor, except in a prison industry, shall not exceed one dollar per day. The warden shall assign a reasonable daily task to be performed by each prisoner, and the compensation of the prisoner shall be determined by the amount of work he performs on such task. All prisoners faithfully performing the daily task assigned shall receive the maximum compensation determined by the director of institutions, and whenever it becomes necessary in carrying on this work for a prisoner to labor in excess of ten hours per day, he shall receive such additional compensation as is allowed by the director of institutions. The compensation of all prisoners working at the penitentiary industries may receive pay based upon actual production of salable items as determined by the director of institutions, to be paid out of such funds as may be appropriated by the legislative assembly.

SECTION 4. AMENDMENT.) Section 12-48-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-48-15. DISPOSITION OF MONEYS EARNED - WARDEN TO KEEP ACCOUNT OF MONEY EARNED BY INMATES.) The warden of the penitentiary shall keep an inmate's account for each inmate. Fifty percent of the earnings of each inmate shall be deposited to the credit of his account until he has accumulated in that account the sum of one hundred dollars from his earnings at the penitentiary, or such portion thereof as he has earned at the time of his release. All moneys in the inmate's account shall be paid to him in full at the time of his release. All moneys from any other source received by the inmate are to be kept in the inmate's account established pursuant to this section. The warden, through his staff, is responsible for guiding the inmate in making proper use of his funds to pay his obligations, and, if possible, to provide for his dependent relatives, or to provide himself with medical, surgical, or dental treatment or services not generally provided by the state. The portion of each inmate's earnings required to be deposited and accumulated by this section shall not be available to the inmate until his release. The remainder of the inmate's earnings shall be available to the inmate under the supervision and control of the warden and his designees.

SECTION 5. AMENDMENT.) Section 12-48-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-48-21. DISPOSITION OF UNCLAIMED MONEY.) Any money which has been earned by any inmate and credited to his account shall be transferred to the general fund in the state treasury if such money is not claimed within one year after the inmate earning it has been released from the penitentiary unless the law makes other specific

provision for its disposition.

SECTION 6. REPEAL.) Sections 12-48-16, 12-48-17, 12-48-18, and 12-48-19 of the North Dakota Century Code, and sections 12-47-30 and 12-51-08 of the 1973 Supplement to the North Dakota Century Code are hereby repealed.

Approved April 9, 1975

## CHAPTER 112

SENATE BILL NO. 2043  
(Hoffner, Barth, Iszler, Kautzmann, Nething)  
(From Legislative Council Study)

## INMATE ELIGIBILITY FOR WORK RELEASE

AN ACT to amend and reenact section 12-48.1-02 of the North Dakota Century Code, relating to the eligibility of penitentiary inmates for work release programs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 12-48.1-02 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-48.1-02. CONDITIONS OF ELIGIBILITY FOR RELEASE PROGRAMS.) An inmate shall be eligible for programs outside the institution when the warden determines the inmate is not a high security risk, not likely to commit a crime of violence, and is likely to be rehabilitated by such program. The parole board, after a determination by the warden as provided above, may authorize participation in outside programs, notwithstanding the fact that the inmate has not yet completed a minimum sentence imposed for an offense committed prior to July 1, 1975. An inmate may make application to the warden for permission to participate in such programs. If the warden approves or disapproves the application, he shall forward it to the parole board. The application shall include a statement that the inmate agrees to abide by all terms and conditions of the particular plan adopted for him, and shall state the name and address of the proposed employer, if any, and shall contain such other information as the parole board may require. The parole board may approve, disapprove, or defer action on an application approved by the warden. The plan shall be signed by the inmate prior to participation in the program. Approval may be revoked for any reason by the warden or the parole board at any time after being granted. The parole board and warden shall prescribe rules of conduct and treatment for all inmates on release programs. Short leaves, not to exceed seventy-two hours, may be granted, by the parole board, upon recommendation by the warden, to inmates who have been on work or education release programs for at least thirty days. All rules adopted by the parole board and the warden relating to release programs and short leaves shall conform, to the extent allowable by law, with executive order no. 11755 issued by the president of the United States.

Approved January 30, 1975

## CHAPTER 113

HOUSE BILL NO. 1425  
(Olson)

## PAROLE FOR STATE FARM INMATES

AN ACT to amend and reenact sections 12-51-05, 12-59-05, 12-59-07, 12-59-15, and 12-59-16 of the North Dakota Century Code, to provide that inmates at the state farm are eligible for parole.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 12-51-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-51-05. LAWS GOVERNING MANAGEMENT OF STATE FARM.) The laws relating to the government and management of, and parole from, the penitentiary, so far as the same may be applicable and not inconsistent with the provisions of this chapter, in all respects shall apply to the government and management of, and parole from, the state farm as to the duties and authority of the director of institutions and his employees used at said state farm.

SECTION 2. AMENDMENT.) Section 12-59-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-59-05. CONSIDERATION BY BOARD - GUARANTEE.) Within one year after his admission to the penitentiary, or within six months after his admission to the state farm, and at such intervals thereafter as it may determine, the board shall consider all pertinent information regarding each prisoner, including the circumstances of his offense, his presentence report, his previous social history and criminal record, his conduct, employment, and attitude in prison and the reports of such physical and mental examinations as have been made.

SECTION 3. AMENDMENT.) Section 12-59-07 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-59-07. REQUIREMENTS PRECEDENT TO PAROLE.) No parole shall be granted to any person confined in the penitentiary or state farm unless:

1. He has maintained a good record at the penitentiary or

state farm for a reasonable period prior to his application for a parole and the board is convinced that the applicant will conform to all the rules and regulations adopted by said board; or

2. A detainer has been lodged by another authority.

SECTION 4. AMENDMENT.) Section 12-59-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-59-15. BREACH OF PAROLE - ORDER OF RECOMMITMENT.) Any person shall be deemed to be in the custody and under the control of the board while on parole, and shall be subject, at any time until the expiration of the term for which he was sentenced, to be taken into actual custody and returned to the penitentiary or state farm. The board shall enforce the rules and regulations made by it for the paroling of persons committed to the penitentiary or state farm. When it shall appear to the board after a full hearing that a person out on parole has violated any of such rules or regulations, it may order that such person be taken into actual custody and recommitted to and confined in the penitentiary or state farm as provided in his sentence. The board shall enter any such order in the record of its proceedings. A copy of the order certified by the clerk of the board may be delivered to any sheriff or other peace officer of the state for service and return, and it shall be the duty of any such officer to receive the same, to apprehend and immediately to return any person named in the order, and to deliver him to the warden of the penitentiary. The warden shall receive and reimprison such person in accordance with the terms of his original sentence.

SECTION 5. AMENDMENT.) Section 12-59-16 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-59-16. EXECUTION OF ORDER OF RECOMMITMENT - FEES AND PAYMENT THEREOF.) The officer executing an order for the recommitment of a prisoner to the penitentiary or state farm shall endorse a return of his doings thereon, and shall deliver the execution, a copy of the order of recommitment, and his return to the warden, with the person named therein. The warden shall deliver to such officer a certificate acknowledging the receipt of the person, the certified copy of the order, and the return, and such certificate shall be retained by the officer making the return. The fees of an officer for executing such an order shall be the same as are prescribed for the commitment of a person to the penitentiary or the state farm under a sentence of the court, but in no case shall such fees exceed the sum of one hundred dollars.

Approved March 19, 1975



## CHAPTER 114

SENATE BILL NO. 2332  
(Hoffner)

## SUSPENSION OF SENTENCES

AN ACT to amend and reenact sections 12-53-01, 12-53-06, 12-53-07, 12-53-10, 12-53-11, and 12-53-12 of the North Dakota Century Code, relating to when a sentence for a misdemeanor or felony may be suspended, to placing a defendant on probation when a felony sentence is suspended, to the duty of the clerk of court when a felony sentence is suspended, to arrest of a person under suspended sentence for breach of probation conditions, to revocation of suspension and termination of probation after hearing, and to release from probation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 12-53-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-53-01. WHEN SENTENCE FOR MISDEMEANOR OR FELONY MAY BE SUSPENDED.) When a defendant has pleaded or has been found guilty of a crime for which the court or magistrate may sentence him either to the penitentiary or to the county jail, the court or magistrate may suspend the execution of the sentence imposed, in the manner provided in this chapter, if it shall appear:

1. That the character of the defendant and the circumstances of the case are such that he is not likely again to engage in an offensive course of conduct; and
2. That the public good does not demand or require that the defendant shall suffer the penalty imposed by law.

Sentencing under the provisions of this section shall be preferred to other forms of sentencing.

SECTION 2. AMENDMENT.) Section 12-53-06 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-53-06. WHEN SENTENCE FOR FELONY SUSPENDED COURT MUST PLACE DEFENDANT ON PROBATION.) When a defendant has been found

guilty of a felony for which the sentence may be suspended under this chapter, if the facts set forth in section 12-53-01 appear and the court shall suspend the sentence, the order suspending such sentence shall provide that the defendant shall be placed on probation upon such terms and conditions as the court may determine. The effect of the order suspending the sentence and placing the defendant on probation shall be to place said defendant under the control and management of the parole board, and he shall be subject to the same rules and regulations as apply to persons paroled from the penitentiary after a period of imprisonment therein

SECTION 3. AMENDMENT.) Section 12-53-07 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-53-07. DUTY OF CLERK OF COURT WHEN FELONY SENTENCE IS SUSPENDED - RELEASE OF DEFENDANT - STATISTICAL DATA.) Whenever the court shall make its order that the sentence imposed upon a person convicted of a felony shall be suspended and such person placed on probation as provided in this chapter, it shall be the immediate duty of the clerk of the court in which the judgment is entered to make full copies of the judgment of the court with the order for the suspension of the execution of the sentence thereunder and the reasons assigned by the court for such suspension, and to certify the same to the clerk of the parole board. Upon the entry in the records of the court of an order for such suspension and probation, the defendant shall be released from custody as soon as the terms and conditions set by the court and the requirements of the parole board have been met properly and fully. It shall also be the duty of the clerk of court, upon the disposition of any criminal case, to transmit to the parole board statistical data, in accordance with regulations issued by the board, regarding all defendants whether found guilty or discharged.

SECTION 4. AMENDMENT.) Section 12-53-10 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-53-10. ARREST OF PERSON UNDER SUSPENDED SENTENCE FOR BREACH OF PROBATION CONDITIONS.) Any person who has been placed upon probation under the provisions of this chapter after having been convicted of a felony and who has violated the conditions of his probation shall be subject to arrest upon the order of the parole board or the court in the same manner as in the case of an escaped convict. When such person does not conduct himself in accordance with the rules and regulations or terms and conditions of his probation, any parole officer or peace officer may arrest such person without a warrant or other process and convey him to the penitentiary. Upon such arrest and detention, the parole officer or peace officer shall immediately notify the court and the parole board and shall submit to the court and the parole board in writing a report showing in what manner the probationer has violated the conditions of his release.

SECTION 5. AMENDMENT.) Section 12-53-11 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-53-11. COURT MAY REVOKE SUSPENSION AND TERMINATE PROBATION AFTER HEARING.) The court, after a full investigation and a personal hearing, may revoke the suspension of the sentence of a person convicted of a felony and placed on probation and may terminate the probation and cause said person to suffer the penalty of the sentence previously imposed upon him, if the court shall determine at such hearing that the probationer has violated any of the rules and regulations prescribed for the conduct of probationers. When the probation has been terminated, the original sentence shall be considered as beginning upon the first day in custody as defined in section 12.1-32-02(2), but not to include any time spent while released on bond prior to trial. Costs incurred in bringing the probationer before the court shall be borne by the county wherein the probation was granted.

SECTION 6. AMENDMENT.) Section 12-53-12 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-53-12. RELEASE FROM PROBATION - PERIOD OF PROBATION.) Whenever it is the judgment of the court that a person on probation has satisfactorily met the conditions of his probation, it shall cause to be issued to said person a final discharge from further supervision. The length of the period of probation shall not be more than the maximum term for which he might have been imprisoned, except that in cases where the defendant has been found guilty of abandonment or nonsupport of spouse or children, the period may be continued for as long as responsibility for support continues.

Approved March 27, 1975

## CHAPTER 115

SENATE BILL NO. 2186

(Committee on Judiciary)

(At the request of the Law Enforcement Council)

RECORDS MANAGEMENT FOR  
LAW ENFORCEMENT

AN ACT to amend and reenact section 12-61-03 of the North Dakota Century Code, relating to the powers and duties of the North Dakota Combined Law Enforcement Council.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 12-61-03 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-61-03. POWERS AND DUTIES.) The powers and duties of the council shall be:

1. To hire a director and such personnel as may be necessary;
2. To cooperate with and assist all federal, state, and local law enforcement agencies and officials;
3. To make legislative recommendations on matters affecting law enforcement;
4. To accept gifts or grants or contract with persons or organizations, including the federal government, on such terms as may be beneficial to the state;
5. To make recommendations for the operation of the bureau of criminal identification and apprehension;
6. To conduct law enforcement training programs and prescribe rules of operation for same;
7. To recommend selection standards for the hiring of police officers;
8. To prescribe minimum standards of training prior to carrying a sidearm;
9. To recommend suitable uniforms and equipment for police officers, having due regard for the size of the department and duties of the officers; and
10. To establish and coordinate the development of a uniform records management system for North Dakota law enforcement agencies.

Approved March 27, 1975