

DEBTOR AND CREDITOR RELATIONSHIP

CHAPTER 187

HOUSE BILL NO. 1073

(Legislative Council)

(Interim Committee on Legislative Procedure and Arrangements)

TECHNICAL CORRECTIONS ACT

AN ACT to amend and reenact subsection 2 of section 13-03-18, sections 15-19-06, 15-28-10, 15-40.1-03, 15-52-19, 15-52-20, 15-52-21, 15-52-27, subsections 1 and 3 of section 15-61-02, sections 15-61-04, 16-04-07, 16-11-12, 16-15-05, 16-15-07, 16-15-09, 16-16-17.1, 16-18-17, 16-20-07, subsection 5 of section 16-20-08, sections 18-03-05, 18-05-04, 18-05-13, 18-10-09, 18-11-09, 18-11-22, 19-01-12, subsections 14 through 23 of section 19-02.1-02, subsections 4 through 10 of section 19-02.1-05, sections 19-03.1-23, 19-07-02, 21-03-23, 21-04-09, 21-05-05, 21-10-10, subsection 4 of section 23-07-01.1, sections 23-15.1-07, 24-01-13, 24-01-41.1, 24-02-11, 24-06-02, 24-06-07, 25-01.1-20, subsections 1 and 3 of section 25-04-07, subsections 10 through 14 of section 26-01-02, sections 26-01-10, 26-08-13, 26-10-02, 26-10-14, 26-10-16, 26-26-14, 26-27-14, 26-27.1-18, 26-27.2-18, 26-33-04, 27-11-26, subsection 6 of section 27-14-02, sections 29-01-06.1, 29-03-20, 29-05-31, and 29-12-13, subsection 9 of section 29-15-21, sections 29-21-15, 29-21-17, 29-21-25, 29-22-20, 29-26-16, 34-01-12, 35-20-13, 36-05-10, 37-12-14, 37-20-03, 38-10-08, subsection 1 of section 39-01-01, sections 39-01-13 and 39-04-06, introductory paragraph of subsection 2 of section 39-04-18, section 39-06.1-09, paragraph 16 of subdivision a of subsection 3 of section 39-06.1-10, and sections 39-07-11, 39-08-13, 39-23-08, 40-33-24, 43-03-02, 43-12-27, 43-12-31, 43-15-01, 43-15-14, 44-04-14, 44-08-12, 44-08-13, 47-11-01, 47-18-14, 47-19-18, 49-03-01.3, 49-09-09, 49-09-11, 52-02-09, 54-23A-04, 54-27-08, 54-48-06, 54-49.1-02, 65-05-09, 65-06-01, 65-06-02, 65-06-03, 65-06-04, and 65-06-05 of the North Dakota Century Code, relating to incorrect or obsolete references in statutes providing for insurance premium on a small loan, duties of school district election officials, budget of the division of independent study, constitution of county equalization funds, loans made from the medical center fund, procedures of the director of surplus property, application for name placement on the primary election ballot, posting of material in polling places, election contest procedures, voting eligibility of former residents, absent voter ballot procedure, charitable

contributions and payments by candidates, campaign contributions by corporations, appropriation desired by the state firemen's association, apportionment of insurance taxes received by cities, examinations of firemen's relief associations, deposit of funds of rural fire protection districts, seizure of products unlawful under the food and drug laws, prohibited practices under the Food, Drug, and Cosmetic Act, prohibited acts under the Uniform Controlled Substances Act, egg rules of the state laboratories department, municipal bond register, pledge of security in place of depository bond, county or township voucher form, operating cost estimates of the state investment board, reporting of physical or mental disorders, penalty for violating the model rocketry law, enforcement of highway laws, highway relocation assistance payments, highway department records, purchase of township road machinery, custody of funds of patients of state institutions, mentally deficient defendants, duties of the commissioner of insurance, insurance company examinations, insurance company property, evaluation of policies of cooperative or assessment life associations, penalty and prosecution for discrimination or misrepresentation with respect to insurance matters, licensing of sales representatives of contracts of hospital service corporations, nonprofit medical service corporations, nonprofit dental service corporations, and nonprofit vision service corporations, issuance and revocation of insurance vending machine licenses, bar admission without examination, suspension or revocation of certification of admission to bar, rights of defendant charged with multiple counts, jurisdiction of prize fighting violation, uniform traffic complaint and summons, summons issuance, change of judge, mistake in charging proper offense, trial on charge after mistake, discharge of accused, sealed verdict, hearing of evidence, payment of wages due surviving spouse or heirs, house mover's lien statement, livestock inspection, state guard commissions, administration of veterans' children scholarships, order for sale of mineral rights of an estate, definition of authorized emergency vehicles, record of process served on nonresident motor vehicle users, reciprocal highway use agreements, definition of moving violation, noncriminal traffic offense, magistrate's record of traffic offense convictions, accident report forms, budgets of the vehicle equipment safety commission, funds of jointly operated municipal utilities, persons exempt from architect licensure, duties of the state board of nursing, collection and cancellation of nursing scholarship loans, the definition of "device" under the pharmacist registration law, sale of drugs, poisons, medicines, and chemicals, examination of county officers' records, definitions and the use of facsimile signatures by authorized public officials, mode of transferring personal property, disposition of homestead sale proceeds, taking of acknowledgments by deputies, certificate of public convenience and necessity application, sale of railroad property under trust deed or upon mortgage foreclosure, compensation for

another railroad's property, unemployment compensation administration fund, state radio broadcasting dispatches, state treasury warrants, publication of emergency interim successors for legislators, natural resources council membership, and workmen's compensation for disaster emergency personnel; and to repeal chapter 15-62, section 27-07-03, chapter 39-15, subsection 5 of section 46-02-04, and sections 47-10-21, 47-10-22, and 49-03-01.2 of the North Dakota Century Code, relating to the state scholarship board, limited county court jurisdiction over unorganized territory, guest statute, printing of the publicity pamphlet, reservation of coal deposits, and limitation on issuance on orders and certificates of public convenience and of necessity to electric public utilities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 2 of section 13-03-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Notwithstanding any other provision of this chapter, any gain or advantage in the form of commission or otherwise, to the licensee or to any employee, affiliate, or associate of the licensee from such insurance or its sale shall not be deemed to be an additional or further charge in connection with the contract of loan. The insurance premium for such insurance may be collected from the borrower or included in the contract of loan at the time the loan is made, ~~but no interest or charges shall be made or received upon the insurance premium when included in the contract of the loan.~~ No licensee shall collect from the borrower at the time the loan is made any sum in excess of the premium then due, and no premium covering an insurance period of more than one year shall be collected.

SECTION 2. AMENDMENT.) Section 15-19-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-19-06. SPECIAL OPERATING FUND - DEPOSIT OF COLLECTIONS - TRANSFERS FROM GENERAL FUND APPROPRIATIONS - ADMINISTRATIVE OPERATIONAL FUND - PREPARATION OF BUDGET.) A special operating fund for the division of independent study shall be maintained within the state treasury and all income and fees collected by the division of independent study from any source shall be remitted monthly by the director to the state treasurer and credited to such special operating fund. All expenditures from such fund shall be within the limits of legislative appropriations and shall be made upon vouchers, signed and approved by the superintendent of public instruction. Upon approval of such vouchers by the ~~state auditing board~~ office of the budget, warrant-checks shall be prepared by the department of accounts and purchases. The state treasurer shall make periodic transfers upon order of the director of the department

of accounts and purchases from the division of independent study general fund appropriation to such special operating fund whenever its balance falls so low as to require supplementation.

The state board of public school education may, if it deems advisable, establish an administrative operational fund, of not to exceed ten thousand dollars, out of the special operating fund for the division of independent study. The administrative operational fund so established shall be deposited in the Bank of North Dakota and may be drawn upon by the state director of the division of independent study for the payment of necessary expenses in the administration and operation of the division of independent study within the limits and regulations prescribed by the board of public school education. The director shall submit a full, minute, and itemized statement of every expenditure made during the month to the board in accordance with such rules and regulations as the board may prescribe, and thereafter the board may, in its discretion, periodically authorize additional transfers to the administrative operational fund, but the balance in such fund shall never exceed ten thousand dollars, and any unencumbered balance therein at the end of any biennium shall revert to the state treasury. The administrative operational fund may not be used to pay salaries or expenses of the director. The board shall determine the amount of the bond to be posted by the director.

The director shall prepare the budget request of the division of independent study for submission to the state-budget-board office of the budget. The budget request shall be approved by the state board of public school education prior to its submission for consideration by the director of the budget.

SECTION 3. AMENDMENT.) Section 15-28-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-28-10. DUTIES OF ELECTION OFFICIALS - OTHER STATUTES APPLICABLE.) The provisions of sections 16-12-04, 16-12-05, 16-12-11, ~~16-12-15~~, 16-13-01, 16-13-04, 16-20-01, 16-20-06, 16-20-07, 16-20-08, ~~16-20-14~~, 16-20-15, 16-20-17, 16-20-19, ~~16-20-20~~, ~~16-20-21~~, 16-20-22, 16-20-23, and 16-20-24 shall apply to elections held under the provisions of sections 15-28-06 and 15-28-09. After the votes are canvassed, and within twenty-four hours after the polls are closed, the judges shall make their returns to the clerk of the school board. All expenses of elections held by a school district, except the notice of the annual election, shall be paid by the district.

* SECTION 4. AMENDMENT.) Section 15-40.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-03. COUNTY EQUALIZATION FUND - HOW CONSTITUTED.) There shall be in each county a county equalization fund which shall consist of the taxes collected by virtue of the mill levy made as provided by section 57-15-24 and payments from the state under the

* NOTE: Section 15-40.1-03 was also amended by section 2 of House Bill No. 1056, chapter 220.

provisions of this chapter ~~after the deductions are made as provided in section 15-39-23.~~ The distribution of moneys in county equalization funds shall only be made pursuant to the provisions of this chapter. If an apportionment of a county equalization fund is withheld from any district, it shall be retained in the fund and disbursed in the same manner as other moneys in the fund. Grants from the state under the provisions of this chapter shall be converted into and become a part of the county equalization fund of each county.

SECTION 5. AMENDMENT.) Section 15-52-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-19. LOAN PAYMENTS.) Loans authorized by ~~sections section 15-52-10 and sections 15-52-15~~ through 15-52-28 may be apportioned in such manner as to pay directly to the medical or dental school to which any applicant is admitted such funds as are required by that school for tuition and other expenses of study. The balance shall be paid directly to the applicant upon such terms and conditions as may be established by the university.

SECTION 6. AMENDMENT.) Section 15-52-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-20. LOAN CONDITIONS.) Loans granted by the university under ~~the terms of sections section 15-52-10 and sections 15-52-15~~ through 15-52-28 are to be upon the condition that the full amount thereof shall be repaid in cash with six percent interest annually from the date of each payment pursuant to a loan agreement, the repayment to be in yearly installments on a schedule set by the university and the first installment becoming due and payable one year from the date on which the applicant completes his internship if a medical student or one year from the date of graduation from a dental school if a dental student. If prior approval is obtained from the university, such first installment shall not become due and payable until one year from the date on which the applicant completes additional residency or other advanced study or military service of not more than three years' duration. In the case of applicants who have agreed to enter medical or dental practice in a North Dakota ~~municipality~~ city of five thousand population or less which is either without a qualified physician or dentist or in need of additional medical or dental personnel, each year of actual practice in ~~such municipality~~ the city shall be equivalent to repayment of one-fifth of the unpaid balance of the loan and of one-fifth of the accrued interest thereon. The term "practice" under the agreement and repayment provisions of this chapter includes employment in the state of North Dakota as a medical intern.

SECTION 7. AMENDMENT.) Section 15-52-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-21. LOAN AGREEMENT - SUIT - DEFENSES.) Each applicant before being loaned any funds hereunder shall enter into a contract with the university agreeing to the terms and conditions set forth

~~in the preceding~~ section 15-52-10 and sections 15-52-15 through 15-52-28 and rules and regulations promulgated thereunder. For the purposes of ~~sections~~ section 15-52-10 and sections 15-52-15 through 15-52-28*, the defenses of minority and of the statutes of limitation are hereby removed as to any applicant granted a loan by ~~the committee~~, and such contracts shall be in all respects legal and binding. The university may sue in its own name any applicant for any balance due on any such contract, and is authorized to compromise or settle litigation with respect to any such contract.

SECTION 8. AMENDMENT.) Section 15-52-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-27. PURPOSES OF LOAN FUND.) The purposes of ~~sections~~ section 15-52-10 and sections 15-52-15 through 15-52-28* are hereby declared to be to develop and maintain the North Dakota state medical center by making it possible for all qualified students attending such center to complete their education in medicine or in the case of dental students who are residents of the state of North Dakota to complete their education in dentistry.

SECTION 9. AMENDMENT.) Subsections 1 and 3 of section 15-61-02 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. The director of surplus property is hereby authorized and empowered to:
 - a. ~~to--acquire~~ Acquire from the United States of America under and in conformance with the provisions of section 203(j) of the Federal Property and Administrative Services Act of 1949,* as amended, hereinafter referred to as the "Federal Act", such property, including equipment, materials, books, or other supplies under the control of any department or agency of the United States of America as may be usable and necessary for purposes of education, public health, or ~~civil-defense~~ disaster emergency, including research for any such purpose, and for such other purposes as may now or hereafter be authorized by federal law.
 - b. ~~to--warehouse~~ Warehouse such property, ~~and~~.
 - c. ~~to--distribute~~ Distribute such property within the state to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities within the state, to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges and universities which have been held exempt from taxation under section 501(c)(3) of the United States Internal Revenue Code of 1954,* to ~~civil--defense~~ disaster emergency organizations of the state, or political

subdivisions and instrumentalities thereof, which are established pursuant to state law, and to such other types of institutions or activities as may now be or hereafter become eligible under federal law to acquire such property.

3. For the purpose of executing his authority under this chapter, the director of surplus property is authorized and empowered to adopt, amend, or rescind such rules and regulations and prescribe such requirements as may be deemed necessary; and take such other action as is deemed necessary and suitable, in the administration of this chapter, to assure maximum utilization by and benefit to health, educational, and ~~civil-defense~~ disaster emergency institutions and organizations within the state from property distributed under this chapter.

SECTION 10. AMENDMENT.) Section 15-61-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-61-04. TRANSFER CHARGES.) Any charges made or fees assessed by the director of surplus property for the acquisition, warehousing, distribution, or transfer of any property of the United States of America for educational, public health, or ~~civil--defense~~ disaster emergency purposes, including research, shall be limited to those reasonably related to the costs of care and handling in respect to its acquisition, receipt, warehousing, distribution or transfer by the director of surplus property and, in the case of real property, such charges and fees shall be limited to the reasonable administrative costs that the director of surplus property has incurred in effecting transfer.

The charges or fees assessed and collected by the director of surplus property shall be deposited with the state treasurer in the surplus property special fund and any funds not needed to administer the surplus property program under this chapter and not otherwise appropriated for such administrative costs are hereby appropriated to make refunds to donees in accordance with existing federal regulations 45 C.F.R. 14.5(2)(i), 45 C.F.R. 14.7(f) and 45 C.F.R. 14.7(d).

SECTION 11. AMENDMENT.) Section 16-04-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-07. APPLICATION BY OTHER PERSONS TO PLACE NAME ON BALLOT - PETITION - AFFIDAVIT.) An application to have a name placed on the primary election ballot for nomination for any office designated in this chapter may be made by five qualified electors by presenting the petition required in section 16-04-02 or section 16-04-04 to the proper official, ~~paying the filing fee required,~~ and subscribing and filing an affidavit in substantially the following form:

State of North Dakota,)
County of _____) ss.

A-----, B-----, C-----, D-----, and E-----, being duly sworn, each for himself, deposes and says that he is a qualified voter in the state of North Dakota, that he hereby makes application to have the name of ----- printed on the primary election ballot of the ----- party for the office of -----, to be voted for at the primary election to be held on the ----- day of -----, 19----; that said ----- is, to the best of his knowledge, information, and belief, a ----- and a qualified voter and eligible to hold the office of ----- under the constitution.

Subscribed and sworn to before me this ----- day of
-----, 19---

Notary Public, North Dakota.

However, an affidavit relating to a candidate on the no-party ballot shall not contain any reference to party affiliation. When such application is received by the proper officer, ~~and-is-accompanied-by-the-filing-fee-required-for-that-officer-if-any-by-section 16-04-05,-he~~ the officer shall place the name on the primary election ballot as a party or no-party candidate, as the case may be. The petition and affidavit provided for in this section shall not be filed without the written consent of the person to be nominated endorsed thereon.

SECTION 12. AMENDMENT.) Section 16-11-12 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-11-12. INSTRUCTIONS, ADVERTISEMENTS, AND BALLOTS POSTED IN POLLING PLACES.) Each county auditor shall cause to be printed on cards, in large type, full instructions to electors as to the manner of obtaining and preparing ballots and a copy of ~~section--16-01-08 and---ef--sections--12-11-26--and--12-11-28~~ sections 16-01-17 and 16-12-16. He shall furnish ten of such cards to the judges of election in each election precinct and the judges of election, at the opening of the polls, shall post at least one of such cards in each booth or compartment provided for the preparation of ballots and at least three of such cards in and about the polling place. One of the official ballots without the official stamp thereon shall be posted in each booth or compartment, and not less than three of such ballots shall be posted in other places in and about the polling place upon the morning of the election. The county auditor, at the time of delivering the ballots to the inspector of elections

in each precinct, shall deliver a minimum of five copies of the newspaper publication or other copy of the complete text of any constitutional amendment or initiated or referred measure to such inspector of elections. Not less than three of such newspaper publications or copies shall be posted in and about the polling place upon the morning of the election in addition to the ballots required to be posted by law.

SECTION 13. AMENDMENT.) Section 16-15-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-15-05. PROCEDURE IN TAKING TESTIMONY, DEPOSITIONS, HEARING ACTIONS - COSTS - AMENDMENTS TO PLEADINGS--~~ORDERS--AND--FINAL JUDGMENT.~~) All testimony and depositions taken in election contests brought under the provisions of this chapter may be taken in the same manner as in civil actions, and depositions may be taken in more than one place at the same time on leave of the court. Except as otherwise provided in this chapter, all matters relating to election contests shall be heard and tried as civil actions are tried. The costs shall be taxed as in other civil actions. ~~The court may order amendments to the notice--and--answer,--and--to--all other--proceedings,--as--provided--in--title--28,--Judicial--Procedure, Civil,--and--in--the--North--Dakota--Rules--of--Civil--Procedure--and--may--have power--to--make--all--orders--and--enter--final--judgment--as--in--a--civil action.~~

SECTION 14. AMENDMENT.) Section 16-15-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-15-07. WHEN ELECTION CONTESTS REFERRED TO REFEREE.) Any contest brought under the provisions of this chapter may be referred by the court to a master as provided in ~~title--28,--Judicial--Procedure, Civil,--and--in~~ the North Dakota Rules of Civil Procedure. If the parties to such contest do not consent to a reference, the court, in its discretion, may order the same.

SECTION 15. AMENDMENT.) Section 16-15-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-15-09. APPEAL - MANNER FOR TAKING - UNDERTAKING.) An appeal from a final judgment or decision in an election contest provided for in this chapter may be taken without making a motion for a new trial in the district court in the manner provided in ~~title--28,--Judicial--Procedure, Civil,--and--in~~ the North Dakota Rules of Civil Procedure, except that the undertaking on appeal shall be in a sum to be fixed by the judge of the district court but shall not be less than five hundred dollars. Such undertaking shall be approved by such judge, or by the clerk of the district court of the proper county under the direction of the judge.

SECTION 16. AMENDMENT.) Section 16-16-17.1 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-16-17.1. ELIGIBILITY OF FORMER RESIDENTS TO VOTE.) Each citizen of the United States who was a qualified elector in this state immediately prior to establishing residence in another state and who has not qualified for voting purposes due to the residency requirement of that state, may vote in North Dakota for president and vice president only, by applying for a separate ballot at least one day before the election in accordance with sections 16-16-18, 16-16-21, 16-16-22, 16-16-23, 16-16-24, ~~16-16-25*~~ and 16-16-26 of ~~this--chapter~~, provided the statements relative to new residents contained therein shall, for this purpose, be changed by the county auditor and inspector of elections to comply with ~~the-provisions-of~~ this section.

SECTION 17. AMENDMENT.) Section 16-18-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-17. OPENING BALLOT - VOTING OR REJECTING - DEPOSITING IN BALLOT BOX - PRESERVING.) At any time between the opening and closing of the polls on election day, the inspector of elections or judges of election of such precinct first shall open the outer envelope and compare the signature to such application for an absent voter's ballot with the signature to the statement provided for in section ~~16-19-09*~~ 16-18-09. If the judges find that the statement is sufficient and that the signatures correspond, and that the applicant is then a duly qualified elector of such precinct and has not voted at such election, they shall open the absent voter's envelope in such manner as not to destroy the statement thereon. They shall take out the ballot or ballots contained therein without unfolding the same, or permitting the same to be opened or examined, and after endorsing the same as other ballots are endorsed, they shall deposit the ballot in the proper ballot box and show by the records of such election that such elector has voted. If such statement is found to be insufficient, or that the said signatures do not correspond, or that such applicant is not then a duly qualified elector of such precinct, such vote shall not be allowed, but without opening the absent voter's envelope, the inspector of elections or judge of such election shall mark across the face thereof "rejected as defective" or "rejected as not an elector", as the case may be.

The subsequent death of an absentee voter after having voted by absentee ballot shall not constitute grounds for rejecting such ballot.

The absent voter's envelope when such absent vote is voted, and the absent voter's envelope with its contents unopened, when such absent vote is rejected, shall be deposited in the ballot box and shall be retained and preserved in the same manner as official ballots voted at such election are retained and preserved.

SECTION 18. AMENDMENT.) Section 16-20-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-20-07. CHARITABLE CONTRIBUTIONS AND PAYMENTS BY CANDIDATES PROHIBITED - EXCEPTIONS.) No person shall demand, solicit, ask, or invite any payment or contribution for any religious, charitable, or other such cause from any person who seeks to be, or has been, nominated to any office, and no such candidate shall make any such payment or contribution, nor promise or agree to make the same, if it shall be demanded or asked during the time he is a candidate for nomination or election. No payment or contribution for any purpose shall be made a condition precedent to the placing of a name on any caucus or convention ballot or nomination paper or petition, or the performance of any duty imposed by law on a political committee. The provisions of this section shall not prohibit any candidate from making:

1. ~~Any---candidate---for---office---from---making---contributions~~ Contributions for a religious or charitable purpose to any organization or purpose to which he ordinarily or customarily has contributed before~~7~~.
2. Contributions to any church organization or association of which he actually is a member~~7-08~~.
3. Contributions to the central committees of the political party with which he is affiliated, but any such contribution shall be deemed a part of the expenditures limited in section ~~16-20-03*~~ 16-20-04.

SECTION 19. AMENDMENT.) Subsection 5 of section 16-20-08 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. For the influencing of legislation of any kind, except in accordance with chapter ~~54-05*~~ 54-05.1.

SECTION 20. AMENDMENT.) Section 18-03-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-03-05. STATEMENT OF DESIRED APPROPRIATION SUBMITTED TO OFFICE OF THE BUDGET.) Not later than July first of each year next preceding a regular session of the legislative assembly, the director of the budget shall send to the secretary of the North Dakota firemen's association a suitable blank form to be filled out by such secretary with an itemized statement of the amount of money he considers necessary to promote the efficiency and growth of the different fire departments of the association, and to conduct the regional fire schools to be held during the succeeding biennium under the direction of the association. The secretary shall return the blanks properly filled out as provided in section ~~54-15-05*~~ 54-44.1-04.

SECTION 21. AMENDMENT.) Section 18-05-04 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-05-04. APPORTIONING INSURANCE TAX RECEIVED BY MUNICIPALITY CITY.) The amount received under section ~~18-04-06~~* 18-04-05 by the ~~municipal~~ city auditor in a ~~municipality~~ city having a paid fire department and a duly organized and incorporated firemen's relief association except as hereinafter provided shall be apportioned as follows: one-half thereof shall be placed in a fund to be disbursed by the governing body in maintaining the fire department, and one-half thereof shall be paid to the treasurer of the firemen's relief association. Instead of making such apportionment the governing body in its discretion may pay all or any portion of the one-half of the amount so received which would otherwise be disbursed in maintaining the fire department to the treasurer of the firemen's relief association if its financial condition shall make such disposition necessary or advisable.

* SECTION 22. AMENDMENT.) Section 18-05-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-05-13. STATE AUDITOR TO EXAMINE BOOKS OF RELIEF ASSOCIATION - REPORT OF UNAUTHORIZED SPENDING TO GOVERNOR - DUTY OF GOVERNOR.) The state auditor, annually, shall examine the books and accounts of the secretary and treasurer of each firemen's relief association receiving funds under the provisions of this chapter. If he finds that the money, or any part of it, has been or is being expended for unauthorized purposes, he shall report the facts to the governor. Thereupon, the governor shall direct the department of accounts and purchases not to prepare any warrants for the benefits of the fire department or relief association of the municipality in which such association is organized until it shall be made to appear to the state auditor who shall report the fact to the governor, that all moneys wrongfully expended have been replaced. The governor may take such further action as the emergency may demand. Each firemen's relief association shall pay into the state treasury fees for such annual examinations ~~at the same rate as fixed provided by section 6-01-21-2*~~ 54-10-14 for the examination of the books and accounts of ~~city auditors and city treasurers~~ political subdivisions.

** SECTION 23. AMENDMENT.) Section 18-10-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-10-09. FUNDS COLLECTED TO BE DEPOSITED.) The following shall be deposited in a state or national bank to the credit of the district fund and shall be drawn out only by warrant:

1. All funds collected on behalf of the district through the levy of taxes,
2. All donations, contributions, bequests, or annuities, and received by or on behalf of the district.
3. All borrowed money received by or on behalf of the district ~~shall be deposited in a state or national bank to~~

* NOTE: Section 18-05-13 was also amended by section 4 of House Bill No. 1243, chapter 102.

** NOTE: Section 18-10-09 was also amended by section 5 of House Bill No. 1243, chapter 102.

~~the--credit--of--the--district--fund--and--shall--be--drawn--out--only--by--warrant.~~

Such claim voucher shall be authorized by the board of directors and shall bear the signature of the treasurer and the countersignature of the president of such district. The secretary-treasurer of the district shall, at each annual public meeting of the district, present a financial report concerning the affairs of the district. ~~Once--each--year--at~~ At the same time the state ~~examiner*~~ auditor examines other county records he shall examine the records of the secretary-treasurer of the rural fire protection district, and the cost of such examination shall be paid by such district. The secretary-treasurer of the rural fire protection district shall bring his records to the office of the county auditor for such examination.

SECTION 24. AMENDMENT.) Section 18-11-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-11-09. APPORTIONING INSURANCE TAX RECEIVED BY ~~MUNICIPALITY~~ CITY.) The amount received under section ~~18-04-06~~ 18-04-05 by the ~~municipal--treasurer~~ city auditor in a ~~municipality~~ city having a paid fire department and a duly organized and incorporated firemen's relief association shall, except as hereafter provided, be apportioned as follows: one-half thereof shall be placed in a fund to be disbursed by the governing body of the ~~municipality~~ city in maintaining the fire department, and one-half thereof shall be paid to the secretary-treasurer of the firemen's relief association. In addition, thereto, the governing body of the ~~municipality~~ city may in its discretion pay all or any portion of the amount normally disbursed in maintaining the fire department to the secretary-treasurer of the firemen's relief association if its financial condition shall make such disposition necessary or advisable.

SECTION 25. AMENDMENT.) Section 18-11-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-11-22. STATE AUDITOR TO EXAMINE BOOKS OF RELIEF ASSOCIATION - REPORT OF UNAUTHORIZED SPENDING TO GOVERNOR - DUTY OF GOVERNOR.) The state auditor biennially shall examine the books and accounts of the secretary-treasurer of each firemen's relief association receiving funds under the provisions of this chapter. If he finds that the money, or any part of it, has been or is being expended for unauthorized purposes, he shall report the facts to the governor. Thereupon, the governor shall direct the state auditor to refuse to issue any warrants for the benefit of the fire department or relief association of the municipality in which such association is organized until it shall be made to appear to the state auditor, who shall report the fact to the governor, that all moneys wrongfully expended have been replaced. The governor may take such further action as the emergency may demand. Each firemen's relief association shall pay into the state treasury fees for such biennial examinations ~~at--the--same--rate~~ as ~~fixed~~ provided by section ~~6-01-21-2*--of--this--code~~ 54-10-14 for the examination of the books

and accounts of ~~city--auditors--and--city--treasurers~~ political subdivisions.

SECTION 26. AMENDMENT.) Section 19-01-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-01-12. SEIZURE OF UNLAWFUL PRODUCTS - SEARCH WARRANT.) A search warrant may be issued by any judge, county justice, or municipal judge* whenever probable cause is shown by affidavit or deposition under oath that any article, product, composition, or thing is being kept or is present upon certain premises which shall be particularly described or is in possession of any person who shall be named in the affidavit or deposition, and that such article, product, composition, or thing, is not in compliance with, or is being used or possessed contrary to, any applicable provision of this title or of any rule, regulation, standard, tolerance, or definition issued pursuant thereto. The search warrant shall be in substantially the form described in ~~section--29-29-06~~ the North Dakota Rules of Criminal Procedure. It shall particularly describe the premises or the person who has possession of such article and shall be signed by the judge ~~or-magistrate~~ with the name of his office, and shall be directed to any peace officer of the county or to the department or any of its agents. The warrant shall command the peace officer or agent of the department to search the persons or places named and to seize all and any products, articles, compositions, or things of the kind described therein which may be held in violation of any applicable provision of this title, and to bring such products, articles, compositions, or things before the judge ~~or-magistrate~~.

SECTION 27. AMENDMENT.) Subsections 14 through 23 of section 19-02.1-02 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

14. Dispensing or causing to be dispensed a different drug or brand of drug in place of the drug or brand of drug ordered or prescribed without the express permission in each case of the person ordering or prescribing.

~~15-to-20---Repealed-by-S-L-1971-ch--2357--§-49-~~

~~21---The-refusal-to-permit-entry-or-inspection-as-authorized-by subsection-5-of-section-19-02.1-23*-~~

- 22+ 15. The manufacture of drugs, or the supplying of drugs at wholesale or retail, unless a license to do so has first been obtained from the state board of pharmacy after application to the state board of pharmacy and the payment of a licensing fee of not to exceed three dollars.
- 23+ 16. The filling or refilling of any prescription in violation of subsection 1 of section 19-02.1-15.

SECTION 28. AMENDMENT.) Subsections 4 through 10 of section 19-02.1-05 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

4. Whenever the state laboratories director or any of his authorized agents shall find in any room, building, vehicle of transportation or other structure, any meat, seafood, poultry, vegetable, fruit or other perishable articles which are unsound, or contain any filthy, decomposed or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the state laboratories director or his authorized agent, shall forthwith condemn or destroy the same, or in any other manner render the same unsalable as human food.

~~5-and-6---Repealed-by-S-L-19717-eh-2357-§-49-~~

- 7- 5. Any person, firm, or corporation having an interest in the alleged article, equipment, or other thing proceeded against, or any person, firm, or corporation against whom a civil or criminal liability would exist if said merchandise is in violation of section 19-02.1-02 may, within twenty days following the seizure, appear and file answer to the complaint. The answer shall allege the interest or liability of the party filing it. In all other respects, the issue shall be made up as in other civil actions.
- 8- 6. Any article, equipment, conveyance, or other thing condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid to the treasurer of the state; but such article, equipment, or other thing shall not be sold under such decree contrary to provisions of this chapter.
- 9- 7. Whenever in any proceedings under this section the condemnation of any equipment or conveyance or other thing, other than a drug, is decreed, the court shall allow the claim of any claimant, to the extent of such claimant's interest, for remission or mitigation of such forfeiture if such claimant proves to the satisfaction of the court that all of the following:
 - a. He has not committed or caused to be committed any prohibited act referred to in ~~subsection--5*--of--this section--or--the--Uniform--Controlled--Substances--Act chapter 19-03.1~~, and has no interest in any drug or controlled substance referred to therein.

- b. He has an interest in such equipment, or other thing as owner or lienor or otherwise, acquired by him in good faith--and.
- c. He at no time had any knowledge or reason to believe that such equipment, conveyance, or other thing was being or would be used in, or to facilitate, the violation of the laws of this state relating to depressant, stimulant, or hallucinogenic drugs or counterfeit drugs.

~~10-~~ 8. When a decree of condemnation is entered against the article, equipment, conveyance, or other thing, court costs and fees and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the article.

* SECTION 29. AMENDMENT.) Section 19-03.1-23 of the 1977 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, provided that any person whose conduct is in violation of sections ~~12-44-25~~ 12-44-25.1, 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:
 - a. a A controlled substance classified in schedules I or II which is a narcotic drug, is guilty of a class A felony;
 - b. any Any other controlled substance classified in schedule I, II, or III, is guilty of a class B felony;
 - c. a A substance classified in schedule IV, is guilty of a class C felony;
 - d. a 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, provided that any person whose conduct is in violation of sections ~~12-44-25~~ 12-44-25.1, 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:

* NOTE: Section 19-03.1-23 was also amended by section 28 of House Bill No. 1044, chapter 172, and by section 4 of Senate Bill No. 2052, chapter 287.

- a. a A counterfeit substance classified in schedule I or II which is a narcotic drug, is guilty of a class A felony;
 - b. ~~any~~ Any other counterfeit substance classified in schedules I, II, or III, is guilty of a class B felony;
 - c. a A counterfeit substance classified in schedule IV, is guilty of a class C felony;
 - d. a 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, provided that any person whose conduct is in violation of sections ~~12-44-25~~ 12-44-25.1, 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 30. AMENDMENT.) Section 19-07-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-07-02. RULEMAKING POWER.) The department shall adopt and publish, only upon approval ~~by a majority vote at a meeting of the~~ poultry--improvement--board of the commissioner of agriculture, appropriate regulations to establish standards for candling, grading, and inspecting eggs as to size, quality, purity, strength, holding requirements, and sanitation, and shall be guided in establishing such standards by United States department of agriculture regulations governing the grading and inspecting of eggs.

SECTION 31. AMENDMENT.) Section 21-03-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-03-23. BOND REGISTER.) The county auditor shall keep a bond register in which shall be entered, as to each issue of bonds issued by a taxing district in the county required by the provisions of section 21-03-22 to be delivered to the county auditor after execution, a record of the date of issuance, the aggregate amount authorized, the aggregate amount issued, the number of bonds and the denomination of each, the date of maturity of each bond, the rate of interest, the amount of the levy on taxable property for each year certified by the taxing board, the amount levied on any other object of taxation by the municipality, the amount pledged or allocated from other sources of revenue of the municipality, and the amount of

any annual or periodic payments or distributions appropriated or allocated by the legislative assembly. Such bond register also shall contain similar information regarding each issue of certificates of indebtedness of each taxing district in the county. The state ~~commissioner-of-banking-and-financial-institutions~~ auditor shall prescribe for the use of the county auditors a uniform form of bond register.

SECTION 32. AMENDMENT.) Section 21-04-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-04-09. PLEDGE OF SECURITY IN PLACE OF DEPOSITORY BOND.) The board of any public corporation may accept from any banking corporation, as security for repayment of deposits, a pledge of securities in lieu of a personal or surety bond. When securities are so pledged to the board of any public corporation, such board shall require security in the amount of one hundred ten dollars for every one hundred dollars of public deposits. Securities which shall be eligible for such pledge shall be bills, notes, or bonds issued by the United States government, its agencies or instrumentalities, all bonds and notes guaranteed by the United States government, federal land bank bonds, bonds, notes, warrants, certificates of indebtedness and all other forms of securities issued by the state of North Dakota, its boards, agencies, or instrumentalities, or by any county, city, township, school district, park district, or other political subdivision of the state of North Dakota, whether payable from special revenues or supported by the full faith and credit of the issuing body, and bonds issued by any other state of the United States. Such securities may be delivered to and held for safekeeping by any bank or trust company, other than the depository, which the depository and the public corporation may agree upon, which bank or trust company prior thereto has been approved as a custodian for such purpose by the state ~~commissioner--of--banking-and-financial-institutions~~ auditor. Whenever any such securities are so deposited for safekeeping with any custodian, such custodian shall issue a receipt therefor jointly to the depository and the public corporation.

Any bank pledging such securities, at any time it deems it advisable or desirable, and without the consent of the board of the public corporation, may substitute other eligible securities for all or any part of the securities so pledged. The securities so substituted shall, at the time of such substitution, have a market value at least equal to the market value of the securities released and delivered to the depository.

In the event of such substitution the holder or custodian of the pledged securities shall, on the same day, forward by registered or certified mail to the public corporation and the depository bank a receipt specifically describing and identifying both the securities so substituted and those released and returned to the depository bank.

SECTION 33. AMENDMENT.) Section 21-05-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-05-05. VOUCHER FORM.) All blank forms for bills, claims, accounts, or demands against a county or township shall have printed thereon the provisions of section ~~21-05-04~~ 12.1-11-02.*

SECTION 34. AMENDMENT.) Section 21-10-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-10-10. COST OF OPERATION OF BOARD.) The biennial costs of operation of the board and its agents in carrying out the provisions of this chapter, shall be estimated by the board and prorated among the various funds enumerated under section 21-10-06 in proportion to the services rendered for such funds. Such estimates shall be submitted to the ~~state--budget--board~~ office of the budget and appropriations for the operations of the investment board shall be made from the respective funds in accordance with such proration estimates. The proportion allocated for services rendered to funds under the control of the board of university and school lands shall be paid from its legislative appropriation.

SECTION 35. AMENDMENT.) Subsection 4 of section 23-07-01.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. The physician-patient privilege provided for by ~~subsection 3-of-section-31-01-06*~~ rules 501 and 503 of the North Dakota Rules of Evidence may not be asserted to exclude evidence regarding the mental or physical incapacity of a person to safely operate a motor vehicle in the reports as required under the provisions of this section.

SECTION 36. AMENDMENT.) Section 23-15.1-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-15.1-07. PENALTY.) Any person who ~~shall-violate~~ violates any ~~provisions~~ provision of this chapter ~~shall-be~~ is guilty of a ~~class-C-misdemeanor~~ an infraction.

SECTION 37. AMENDMENT.) Section 24-01-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-01-13. ENFORCEMENT OF HIGHWAY LAWS - VEHICLE SIZE AND WEIGHT CONTROLLED.) The commissioner and each officer and inspector of the state highway department, designated by him, shall enforce the provisions of chapter 49-18, and shall have general police powers with respect to enforcement of all laws pertaining to the use of motor vehicles and trailers, other than passenger cars and motorcycles, upon the highways, roads and streets of this state and may:

1. Classify highways and enforce limitations as to weight and load of vehicles thereon as provided for under section 39-12-01.
2. Issue special written permits authorizing the operation of oversized or overweight vehicles as provided for under section 39-12-02.
3. Prohibit the operation, or may impose restrictions on vehicular use of highways during certain seasons of the year as provided for under section 39-12-03.
4. ~~Issue permits authorizing the operation of tractors or traction engines with movable tracks as provided for under subsection 4 of section 39-21-40*.~~

SECTION 38. AMENDMENT.) Section 24-01-41.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-01-41.1. RELOCATION OF PROPERTY OTHER THAN UTILITIES.) The legislative assembly assents that highway relocation assistance payments, as ~~defined in chapter 5 of title 23 of the Federal Aid Highway Act of 1968*~~ provided in the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [Pub. L. 91-646; 84 Stat. 1894; 42 U.S.C. 4601 et seq.], and such changes or amendments thereof which Congress may hereafter enact, are to be considered a necessary cost in the construction or reconstruction of public highways which are eligible for federal aid funds. The commissioner is authorized and empowered to expend highway funds for the cost of the state's participation in highway relocation assistance payments. Relocation assistance payments as ~~defined in chapter 5 of title 23 of the Federal Aid Highway Act of 1968*~~ provided in the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and such changes or amendments thereof which Congress may hereafter enact, shall not be construed as creating any element of damages recognized in eminent domain.

SECTION 39. AMENDMENT.) Section 24-02-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-02-11. RECORDS OF DEPARTMENT OPEN TO PUBLIC - CERTIFIED COPIES.) The commissioner shall be custodian of, and shall preserve, the files and records of the department. The files and records of the department shall be open to public inspection under reasonable regulations. Copies of said files and records, when certified by the commissioner as being true copies, shall be received in evidence in any court in the state with the same force and effect as the originals.

The books of account of the department shall be kept accurately and completely as shall be prescribed or approved by the

state ~~examiner~~ auditor, which shall show among other things the following facts:

1. The cost of maintaining the department, including the salaries and expenses of the individual members thereof.
2. The amounts of money expended for the construction or maintenance of the state highways, when and where, and upon what job or portion of the road expended, so that the cost per mile [1.61 kilometers] of such construction or maintenance can be ascertained with ease.
3. The amount of road equipment and materials purchased and when and where and from whom purchased. Such book also shall show the price paid for each item. The original invoice or a photographic copy thereof shall form a part of the permanent files and records in said department.

SECTION 40. AMENDMENT.) Section 24-06-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-06-02. TOWNSHIP MAY PURCHASE ROAD MACHINERY - CREDIT TERMS.) The board of supervisors of any township, ~~subject to the provisions of section 24-06-03*,~~ may contract for and purchase, upon credit or otherwise, any road machinery, implements, or equipment for the use of such township.

SECTION 41. AMENDMENT.) Section 24-06-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-06-07. ROAD MACHINERY - SALE, PURCHASE, LEASE.) In townships owning road machinery, the board of township supervisors may make such disposition of the same as in its discretion is best for the interests of the township, or it may purchase or lease such machinery as may be necessary. ~~No purchase, sale, or lease of machinery, involving a sum in excess of four hundred dollars, shall be undertaken unless such sale, purchase, or lease shall be authorized by the voters as prescribed in section 24-06-03.*~~

SECTION 42. AMENDMENT.) Section 25-01.1-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-01.1-20. CARE AND CUSTODY OF FUNDS BELONGING TO PATIENTS OF STATE INSTITUTIONS.) The superintendent of any state institution under the management and control of the supervising department, when the care and custody of any funds belonging to patients thereof are by law devolved upon him, shall keep accurate accounts of such funds in books provided for that purpose, and shall pay out such funds under such rules and regulations as may be prescribed by law or by the supervising department, taking proper vouchers therefor in all cases from the patient or responsible representative of such patient. Each superintendent shall give a bond in such sum as may be required by law, or as may be prescribed by the supervising

department, to be subject to the approval of the ~~commissioner--of banking--and--financial--institutions~~ state auditor, conditioned for the faithful performance of his duties and a due accounting for the funds entrusted to his care.

SECTION 43. AMENDMENT.) Subsections 1 and 3 of section 25-04-07 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. When in any cause, other than a proceeding before the juvenile court, it appears that a defendant may be mentally deficient to such an extent that he is unable to confer effectively with counsel or to participate adequately in his own defense, this issue shall be adjudicated in accordance with the procedures provided for in chapter ~~29-20~~ 12.1-04.^{*} When any person has been adjudicated unfit to stand trial by reason of mental deficiency, the court shall initiate a process for the determination of mental incompetency, or for a joint determination of incompetency and defective delinquency as provided hereinafter. If incompetency is established, the court shall appoint an appropriate guardian of the person.
3. The court may thereupon conduct a hearing on the joint question of incompetency and defective delinquency, with due notice to all interested parties in the manner provided for in chapter ~~30-10~~ 30.1-28.^{*} The court may hear the matter or may order a jury trial. A jury trial shall be had if demanded by the defendant or someone on his behalf.

SECTION 44. AMENDMENT.) Subsections 10 through 14 of section 26-01-02 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

10. ~~Repealed-by-S-L-19677-ch-1627--§-6-~~
- ~~11--To manage, control, and supervise the state hail insurance department-~~
- ~~12-~~ To manage, control, and supervise the state bonding fund.
- ~~13-~~ 11. To manage, control, and supervise the state fire and tornado fund and the insurance of public buildings therein.
- ~~14-~~ 12. To see that all the laws of this state respecting benevolent societies are executed faithfully, and to furnish to such societies blank forms for required reports.

SECTION 45. AMENDMENT.) Section 26-01-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-01-10. ~~COMMISSIONER-OF-BANKING-AND-FINANCIAL-INSTITUTIONS~~ STATE AUDITOR TO MAKE EXAMINATION WHEN COMMISSIONER OF INSURANCE IS DISQUALIFIED.) If the commissioner of insurance is a director, officer, agent, attorney, or stockholder of, or is interested directly in, any insurance company except as an insured, the examination of such company shall be made by the ~~commissioner--of banking--and--financial-institutions~~ state auditor or by some person appointed by him the state auditor. No officer or agent of any insurance company doing business in this state shall be appointed to examine the affairs of such company.

SECTION 46. AMENDMENT.) Section 26-08-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-08-13. REAL PROPERTY ACQUIRED BY DOMESTIC INSURANCE COMPANY - SALE - WHEN REQUIRED.) All property acquired by a domestic insurance company in any manner specified in subsections ~~27 3-and-4~~ 1, 2, and 3 of section 26-08-12* which is not necessary for the accommodation of the company or for the convenient transaction of its business shall be sold and disposed of within two years after the company shall have acquired title to the same, and as to any property so acquired which was necessary for the accommodation of the company or for the convenient transaction of its business, within two years after the same shall have ceased to be necessary for the accommodation of its business. No company shall hold any of such property for a period longer than is specified in this section unless it shall procure a certificate from the commissioner of insurance stating that the company's interests will suffer materially by the forced sale of the property. If such certificate is obtained, the time for the sale may be extended to such time as the commissioner shall direct therein. A company may select real estate acquired under the provisions of subsections 1, 2, and ~~37-and 4~~ of section 26-08-12* other than real estate used primarily for farming and agriculture, and hold the same as an investment for income, not exceeding the total amount permitted by law for such purpose, and such property so selected shall not be subject to the limitations of this section.

SECTION 47. AMENDMENT.) Section 26-10-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-10-02. COOPERATIVE AND ASSESSMENT LIFE ASSOCIATIONS - VALUATION OF POLICIES.) Cooperative or assessment life associations shall be admitted to transact business in this state upon compliance with the provisions of this title relating to the licensing and admission of life insurance companies without being required to value their policies in conformity with the provisions of ~~section 26-10-01*~~ chapter 26-10.1. All such associations shall value their policies in the same manner as year renewable term policies are valued, according to the standard of valuation of life insurance policies prescribed by the provisions of this title.

SECTION 48. 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 of insurance 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 49. AMENDMENT.) Section 26-10-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-10-16. STATE'S ATTORNEY TO PROSECUTE FOR DISCRIMINATION OR MISREPRESENTATION.) Upon evidence satisfactory to the commissioner of insurance that any of the provisions of sections 26-10-09 ~~to~~ ~~26-10-13*,~~ 26-10-10, 26-10-11, or 26-10-13.1 have been violated by an agent, solicitor, or representative of any life insurance company, or by any other person, he shall certify to the state's attorney of the county in which the violation occurred all evidence thereof in his possession, and such state's attorney shall prosecute the case.

SECTION 50. AMENDMENT.) Section 26-26-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-26-14. LICENSING OF SALES REPRESENTATIVES.) The sales representatives of any corporation subject to the provisions of this chapter, who may also act as sales representatives in the sale of nonprofit medical service contracts as defined in chapter 26-27, shall be subject to the laws pertaining to insurance agents as defined in chapter ~~26-17*~~ 26-17.1. The license or certificate for such sales representatives shall be issued on a form as prescribed by the commissioner of insurance, and the fee therefor shall be three dollars.

SECTION 51. AMENDMENT.) Section 26-27-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-27-14. LICENSING OF SALES REPRESENTATIVES.) The sales representatives of any corporation subject to the provisions of this chapter shall be subject to the laws pertaining to insurance agents as defined in chapter ~~26-17*~~ 26-17.1. The license or certificate for such sales representatives shall be issued on a form as prescribed by the commissioner of insurance, and the fee therefor shall be three dollars.

SECTION 52. AMENDMENT.) Section 26-27.1-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-27.1-18. LICENSING OF SALES REPRESENTATIVES.) The sales representatives of any corporation subject to the provisions of this chapter shall be subject to the laws pertaining to insurance agents as defined in chapter ~~26-17~~* 26-17.1. The license or certificate for such sales representatives shall be issued on a form as prescribed by the commissioner of insurance, and the fee therefor shall be three dollars.

SECTION 53. AMENDMENT.) Section 26-27.2-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-27.2-18. LICENSING OF SALES REPRESENTATIVES.) The sales representatives of any corporation subject to the provisions of this chapter shall be subject to the laws pertaining to insurance agents as defined in chapter ~~26-17~~* 26-17.1. The license or certificate for such sales representatives shall be issued on a form as prescribed by the commissioner of insurance, and the fee therefor shall be three dollars.

SECTION 54. AMENDMENT.) Section 26-33-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-33-04. REFUSAL TO ISSUE LICENSE AND REVOCATION OF LICENSE - NOTICE AND OPPORTUNITY TO BE HEARD.) The license for each device shall be subject to expiration, suspension, or revocation coincidentally with that of the agent or the insuring company. The commissioner also may suspend, revoke, or refuse to renew the license as to any device concerning which he finds any conditions upon which the device was licensed or referred to in section 26-33-02 have been violated, or no longer exist, or that the device is being used or operated by the agent in violation of the laws of this state; provided, that before suspending, revoking, or refusing to renew a license for a device, the commissioner shall conduct a hearing in the manner prescribed in ~~section 26-17-04~~* chapter 28-32 and shall make his determination upon the basis of the standards, conditions, and requirements of this section. An order of the commissioner may be reviewed by an aggrieved person as provided in ~~section 26-17-05~~* chapter 28-32.

SECTION 55. AMENDMENT.) Section 27-11-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-11-26. PROCEDURE AND PROOF REQUIRED FOR ADMISSION WITHOUT EXAMINATION.) An application for admission to the bar of this state made pursuant to the provisions of section 27-11-25 shall be made upon a written motion directed to the supreme court. Such motion shall be made by a member of the bar of this state and shall be filed with the clerk of such court. With such motion shall be filed the applicant's certificate of admission to practice in the foreign state and his affidavit disclosing the place or places in such foreign state where he has practiced, in the aggregate, for a period of more than ~~three~~ five years. He also shall give the name and post-office address of one or more of the district or circuit judges

who, during said time, have presided in the court or courts before which he has practiced. Where possible, he shall present the certificate of such judge or judges showing the above facts in support of his application. The affidavit of the applicant also shall disclose whether any proceedings in disbarment or suspension of his license to practice are pending against him or were pending against him at the time of his removal from the foreign jurisdiction and whether he still is an attorney at law in good standing in such foreign state. The applicant also must furnish the affidavits of at least two practicing attorneys of the foreign state who were fellow practitioners with the applicant stating that the applicant is of good moral character and a proper person to be licensed to practice law. Such application shall be referred to the state bar board which shall investigate the same and its sufficiency, including the moral qualifications of the applicant. Upon the report of the state bar board approving such application, a motion for admission upon such application may be made at any regular or special term of the supreme court.

SECTION 56. AMENDMENT.) Subsection 6 of section 27-14-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. Been convicted of any offense mentioned in ~~section 12-17-18, section 27-13-08, section 27-13-09, section 27-13-11, or section 27-13-12; or~~ ~~section 12-17-21,~~ section 27-13-08, section 27-13-09, section 27-13-11, or section 27-13-12; or

SECTION 57. AMENDMENT.) Section 29-01-06.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-01-06.1. RIGHTS OF DEFENDANT - EXCEPTION.) When the defendant is charged with a crime under a multiple count indictment or information as allowed by ~~section 29-11-10-1~~ the North Dakota Rules of Criminal Procedure, he may be tried on all counts in any one of the counties in which one of the offenses was committed.

SECTION 58. AMENDMENT.) Section 29-03-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-03-20. PRIZE FIGHTING VIOLATIONS - JURISDICTION.) The jurisdiction of a criminal action for the violation of ~~any of the provisions of sections 12-19-28, 12-19-29, and 12-19-30~~ section 53-01-19 is in any county:

1. In which any act is done toward the commission of the offense; or
2. Into, out of, or through which the offender passed to commit the offense; or
3. Where the offender is arrested.

OTHER TRAFFIC PRESENT-

_____ Cross _____ Oncoming _____ Pedestrian
 _____ Same direction

IN ACCIDENT-

_____ Ped. _____ Vehicle _____ Intersection
 _____ Right angle _____ Head on _____ Rear end
 _____ Ran off road _____ Other

Area: _____ School _____ Rural _____ Business
 _____ Industrial _____ Residential

Highway: _____ 2 Lane _____ 4 Lane _____ 4 Lane Divided
 Type _____

Gravel _____ Dirt _____

OFFENSE CONTRIBUTED MATERIALLY TO ACCIDENT-

_____ Yes _____ No

THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED DEFENDANT

You are hereby summoned to appear at the time and place designated below to answer to the charge above indicated to be made against you

Appearance

Before: Municipal Judge-County Justice-County Ct.

				A.M./P.M.
Location	Month	Day	Year	Time
		Dated this	_____	day of _____ 19____
				Officer _____

PROMISE TO APPEAR

I hereby consent and promise to appear at the time and place specified in the above summons, the receipt of a copy of which is hereby acknowledged, and I expressly waive earlier hearing.

Dated this _____ day of _____ 19____
 Defendant _____

SECTION 60. AMENDMENT.) Section 29-12-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-12-13. INFORMATION FILED OR INDICTMENT RETURNED - SUMMONS.) If an information is filed without a preliminary examination, or an indictment is returned against a corporation, the clerk of the district court must issue a summons in the corporate name of the corporation in the form prescribed in section-29-05-29 rule 4 of the North Dakota Rules of Criminal Procedure commanding it to appear and answer the information or indictment. Such summons must be served as a summons in a civil action is served.

SECTION 61. AMENDMENT.) Subsection 9 of section 29-15-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

9. Whenever a demand for a change of judge is filed in a criminal action, in accordance with the provisions of this section, and the party also asks for a change of place of trial upon any ground specified in ~~section--29-15-01~~ rule 21 of the North Dakota Rules of Criminal Procedure, the court shall proceed no further in the action and thereupon shall be disqualified to do any further act in said cause. In such case, the application for a change of place of trial shall be heard and determined by the judge designated by the supreme court to act in said action.

SECTION 62. AMENDMENT.) Section 29-21-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-21-15. MISTAKE IN OFFENSE CHARGED - OTHER PROCEEDINGS.) When it appears, at any time before verdict or judgment, that a mistake has been made in charging the proper offense, the defendant must not be discharged, if there appears good cause to detain him in custody, but the court must commit him, or require him to give bail for his appearance to answer to the offense, and also may require the witnesses to give bail for their appearance. The provisions of ~~section-29-14-11~~ rule 12 of the North Dakota Rules of Criminal Procedure as to the manner and time of prosecution, so far as applicable, shall govern the further proceedings under this section.

SECTION 63. AMENDMENT.) Section 29-21-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-21-17. TRIAL ON ORIGINAL CHARGE AFTER MISTAKE.) If, after a mistake in charging an offense as is provided in section 29-21-15, a new information is not filed nor a new indictment found as is provided in ~~section-29-14-11~~ rule 12 of the North Dakota Rules of Criminal Procedure, the court must proceed again to try the defendant on the original charge.

SECTION 64. AMENDMENT.) Section 29-21-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-21-25. COURT MUST DISCHARGE ACCUSED - EXCEPTION.) If a jury is discharged because the facts as charged do not constitute an offense punishable by law, the court must order that the defendant, if in custody, be discharged therefrom, or, if admitted to bail, that his bail be exonerated, or if he has deposited money instead of bail, that the money deposited be refunded to him, unless in its opinion a new information or indictment can be framed upon which the defendant can be legally convicted, in which case it may direct the state's attorney to file a new information, or, if an information cannot be legally filed sooner, it may direct that the case be submitted to the same or another grand jury, and the provisions of ~~section-29-14-11~~ rule 12 of the North Dakota Rules of Criminal Procedure, so far as applicable, as to the time and manner of the prosecution, shall govern the further proceedings under this section.

SECTION 65. AMENDMENT.) Section 29-22-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-22-20. SEALED VERDICT - PROCEEDINGS UPON.) The court, with the consent of the state's attorney and the defendant, may instruct the jurors that if they should agree upon a verdict during a temporary adjournment of the court, they may sign the same by their foreman, seal it in an envelope, and deliver it to the officer in whose charge they are, after which they may separate until the next convening of the court, at which time they shall reassemble in the jury box. As soon as convenient, the officer shall deliver the sealed verdict to the clerk. When the jurors have reassembled in open court, the envelope shall be opened and the same proceedings shall be had as upon the reception of other verdicts, except that the consent by the defendant to a sealed verdict shall constitute a waiver of his right to poll the jury as provided in section 29-22-19 rule 31 of the North Dakota Rules of Criminal Procedure.

SECTION 66. AMENDMENT.) Section 29-26-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-26-16. COURT TO HEAR EVIDENCE - DEGREE OF CRIME.) Upon a plea of guilty of a crime divided into degrees, the court, if such plea is accepted and the defendant does not designate in his plea the degree thereof, before passing sentence, must determine the degree, and the provisions, so far as applicable, of section 29-26-18 and of section 29-26-19 rule 32 of the North Dakota Rules of Criminal Procedure shall govern in said determination.

SECTION 67. AMENDMENT.) Section 34-01-12 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-01-12. EMPLOYER TO PAY SURVIVING SPOUSE OR HEIRS WAGES DUE.) For the purposes of this section, the word "employer" shall include every person, firm, partnership, corporation, the state of North Dakota, and all municipal corporations. If at the time of the death of any person, his employer is indebted to him for work, labor, or services performed, and no executor or administrator of his estate has been appointed, such employer, upon the request of the surviving spouse, or, if there is no surviving spouse, then upon the request of the person's next eligible heir or heirs as determined by section 56-01-04 30.1-04-03, forthwith shall pay said indebtedness to the said surviving spouse or heirs. The employer shall require proof of the claimant's or claimants' relationship to the decedent by affidavit and shall require claimant or claimants to acknowledge receipt of such payment in writing. Any payments made by an employer pursuant to the provisions of this section shall operate as a full and complete discharge of the employer's indebtedness to the extent of such payment, and no employer thereafter shall be liable therefor to the decedent's estate or the decedent's executor or administrator thereafter appointed. Any amount so received by a spouse or heirs shall be considered in diminution of the allowance provided for by section 30.1-07-02.

SECTION 68. AMENDMENT.) Section 35-20-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

35-20-13. LIEN STATEMENT FOR HOUSE MOVER'S LIEN - WHEN REQUIRED - CONTENTS - FILING - ENFORCEMENT - REQUIRING SUIT TO BE COMMENCED.) The lien provided for in section 35-20-12 must be perfected within ninety days after such moving is completed by recording a verified statement showing:

1. The labor performed and the materials furnished;
2. The price agreed upon, or if no price was agreed upon, the reasonable value of the work done and the materials furnished;
3. The name of the person for whom the work was performed; and
4. A description of the building moved and the description of the land upon which the building is located.

Such statement must be recorded in the office of the register of deeds of the county in which such building remains after moving. Unless such statement is recorded as aforesaid, any lien hereunder shall be deemed to be lost and waived. The house mover's lien provided for herein shall be enforced according to the provisions and procedure set out in section ~~35-12-21~~* 35-27-24; and the owner, his agent, or contractor may require suit to be commenced according to the provisions and procedure set out in section ~~35-12-22~~* 35-27-25.

SECTION 69. AMENDMENT.) Section 36-05-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-05-10. INSPECTION OF LIVESTOCK - FEES AND REGULATIONS GOVERNING.) When an animal enters a livestock auction market and before it is offered for sale, it shall be inspected for health by a veterinarian licensed in this state and approved by the livestock sanitary board and in the case of cattle for brands by a trained brand inspector, acting under rules promulgated by the North Dakota stockmen's association and the livestock sanitary board. Veterinary inspection shall include all livestock, whether it is to be moved interstate or intrastate. The veterinary inspector shall be recommended by the livestock auction agency and approved by the state livestock sanitary board. Such veterinarian shall be a local veterinarian or a veterinarian of the vicinity, unless there is no such veterinarian available. If the livestock agency fails to recommend such a veterinarian within a reasonable time, the board may in ten days' notice to such agency appoint a veterinarian. The services and duties of the veterinary inspector shall be under the supervision of the state livestock sanitary board and said inspector shall be relieved of his services by the board when he fails to perform such services and duties as required of him by the livestock sanitary board. This section shall not apply to veterinarians who

were approved by the livestock sanitary board prior to the ~~amendment and reenactment of this section~~ July 1, 1969. Fees for such inspection shall be paid to the veterinarian by the auction market company and shall be in an amount agreed upon by the auction market company and the veterinarian.

SECTION 70. AMENDMENT.) Section 37-12-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-12-14. LOCAL CIVIL--DEFENSE DISASTER EMERGENCY DIRECTORS MAY BE COMMISSIONED.) The governor may at any time commission any director of civil--defense disaster emergencies for a county or city as an officer in the state guard, and the rank of any director so commissioned shall be commensurate with the qualifications and experience of the director. The provisions of section 37-12-01, relating to conditions under which the state guard may be organized and maintained shall in no way prevent a local civil--defense disaster emergency director from being commissioned pursuant to the provisions of this section at any time. Any local civil--defense disaster emergency director so commissioned shall receive no additional remuneration or emolument as a result of his holding a commission in the state guard, and any remuneration or emolument received by him in his capacity as local civil--defense disaster emergency director shall be prescribed and paid by the political subdivision which he is serving. Any civil--defense disaster emergency director commissioned in the state guard shall be authorized to command such state guard as may be directed by the governor.

* SECTION 71. AMENDMENT.) Section 37-20-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-20-03. ADMINISTRATION.) The need for financial assistance for any child of a deceased or incompetent veteran of World War I or II shall be determined and established by the commissioner of veterans' affairs and his determination shall be subject to the approval of the veterans'-aid-commission administrative committee on veterans' affairs. Payment for board, room rent, tuition, books and supplies shall be made on vouchers approved by the commissioner of veterans' affairs subject to such rules and regulations as he may, with the approval of the commissioner of higher education, prescribe.

SECTION 72. AMENDMENT.) Section 38-10-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-10-08. ORDER OF LICENSE TO SELL OIL, GAS, OR MINERAL RIGHTS AND PROCEDURE THEREAFTER.) If it shall appear to the county court, after the hearing provided for in this chapter, that it is necessary, or for the advantage, benefit, and best interests of the estate and of the persons interested therein, to sell the whole or some fractional part of the oil, gas, or minerals in and under, and that may be produced from, land belonging to the estate, the court may enter its order of license authorizing the sale of the whole or

* NOTE: Chapter 37-20 was repealed by section 4 of Senate Bill No. 2390, chapter 215.

any fractional part thereof separately from the surface rights. ~~Such order shall conform to the provisions of sections 30-19-10--and 30-19-11.~~ Thereafter, further proceedings shall be had and conducted in compliance with the provisions of sections ~~30-19-12, 30-19-13,--30-19-14,--30-19-15,--30-19-17,--30-19-18,--30-19-29,--and 30-19-30~~ 30.1-13-04, 30.1-18-03, 30.1-18-04, 30.1-18-11, 30.1-18-15, and 30.1-19-08.

* SECTION 73. AMENDMENT.) Subsection 1 of section 39-01-01 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Authorized emergency vehicles:

a. Class A authorized emergency vehicles shall mean:

- (1) Vehicles of a governmentally owned fire department~~†~~.
- (2) Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this title or by a salaried employee of any municipal police department within the municipality or by any sheriff or deputy sheriff not to include special deputy sheriffs, or by the warden of the state penitentiary and his authorized agents~~†~~.
- (3) Ambulances~~†~~.
- (4) Vehicles operated by or under the control of the commissioner, and district deputy commissioner, and district deputy game warden of the North Dakota game and fish department~~†~~.
- (5) Vehicles owned or leased by the United States government used for law enforcement purposes~~† and~~.
- (6) Vehicles designated for the use of the adjutant general and assistant adjutant general in cases of emergency~~†~~.
- (7) Vehicles operated by or under the control of the director, assistant director, and park superintendents of the North Dakota parks and recreation department.

b. Class B authorized emergency vehicles shall mean wreckers and such other emergency vehicles as are authorized by the local authorities~~† and~~.

* NOTE: Subdivision c of subsection 1 of section 39-01-01 was also amended by section 1 of House Bill No. 1153, chapter 401.

- c. Class C vehicles by civil-defense disaster emergency directors while used in the performance of emergency duties.

* SECTION 74. AMENDMENT.) Section 39-01-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-01-13. COMMISSIONER TO KEEP RECORD OF PROCESS RECEIVED FOR NONRESIDENT MOTOR VEHICLE USERS.) The highway commissioner shall keep a record of all process served upon him under the provisions of section 39-01-11. Such record shall show the day and hour of service. If any defendant served under section 39-01-11 has made proof of financial responsibility by filing a certificate of insurance coverage, as provided in section ~~39-16-18~~ 39-16.1-09,* the commissioner shall mail a copy of such summons and complaint to the insurance carrier named in such certificate.

SECTION 75. AMENDMENT.) Section 39-04-06 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-06. WHEN REGISTRATION RESCINDED OR SUSPENDED.) The department shall rescind or suspend the registration of a motor vehicle:

1. When the department shall determine that a vehicle is unsafe or unfit to be operated or is not equipped as required by law; or
2. Whenever the person to whom the registration card or registration number plates therefor have been issued shall make or permit to be made any unlawful use of the same or permit the use thereof by a person or on a motor vehicle not entitled thereto; or
3. Whenever the ~~reciprocity~~ commissioner finds that a vehicle is registered in accordance with a reciprocity agreement, arrangement, or declaration and such vehicle is operated in violation of such agreement; or
4. When the department shall determine that a motor vehicle is not covered by security for payment of basic no-fault benefits and the liabilities covered under motor vehicle liability insurance as required by chapter 26-41.

Any registration suspended for any of the above reasons shall be restored upon compliance with the laws governing motor vehicle registration.

Whenever a check is returned to the department for want of payment the department shall rescind the registration of the motor vehicle covered by such check.

* NOTE: Section 39-01-13 was also amended by section 1 of House Bill No. 1283, chapter 405.

Any registration rescinded for want of payment of a check shall be restored upon payment of the registration fee and the additional sum of ten dollars for the cost of collection of the check.

SECTION 76. AMENDMENT.) The introductory paragraph of subsection 2 of section 39-04-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The following motor vehicles may be operated upon the highways, roads, and streets of this state without being registered, under such limitations as are herein specified, provided, however, that whenever the ~~reciprocity~~ commissioner determines that it is to the best interest of the state of North Dakota and determines by reciprocal agreement or otherwise that as great or greater privileges are not granted North Dakota residents while traveling in other states or territories, ~~they~~ the commissioner may cancel or limit the application of any exception to residents or motor vehicles from such other state or territory:

* SECTION 77. AMENDMENT.) Section 39-06.1-09 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-09. "MOVING VIOLATION" DEFINED.) For the purposes of section 39-06.1-06 and section 39-06.1-13, a "moving violation" means a violation of section 39-09-02, or an equivalent ordinance; or a violation of section 39-04-22; subsection 1 of section 39-04-37; sections ~~39-05-12~~ 39-04-55; 39-06-01; 39-06-14; 39-06-16; 39-08-09; 39-08-18; ~~39-09-05~~ 39-09-04.1; 39-09-09; 39-10.2-02; 39-10.2-03; 39-10.2-04; 39-10.2-05; 39-10.2-06; 39-12-04; 39-12-05; 39-12-06; 39-12-09; 39-24-02; or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of chapters 39-10 or 39-21, or equivalent ordinances, except those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

SECTION 78. AMENDMENT.) Paragraph 16 of subdivision a of subsection 3 of section 39-06.1-10 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- | | | |
|------|--|----------|
| (16) | Failing to yield
right of way
in violation of
sections 39-10-20,
39-10-22 through
39-10-26, 39-10-28,
39-10-31 39-10-33.3, or
39-10-44, or
equivalent
ordinances | 2 points |
|------|--|----------|

- * NOTE: Section 39-06.1-09 was also amended by section 2 of House Bill No. 1449, chapter 419, and by section 2 of House Bill No. 1628, chapter 418.

SECTION 79. AMENDMENT.) Section 39-07-11 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-07-11. MAGISTRATES TO KEEP RECORD OF CONVICTIONS OF TRAFFIC VIOLATIONS - RECORDS OF CONVICTION TO BE FORWARDED TO LICENSING AUTHORITY.) Every magistrate in this state, as defined in section 29-01-14, shall keep a full record of every case brought before him in which a person is charged with a violation of section ~~12-27-35~~ 12.1-16-03 or of any provision of chapters 39-05 through 39-13, and chapters 39-21 and 39-24, or with a violation of a municipal ordinance which is equivalent to any of the provisions of the foregoing statutes. Within ten days after a determination, in any manner provided by law, that a person charged has committed one of the foregoing offenses or violations, the magistrate shall forward a certification of that fact to the licensing authority.

SECTION 80. AMENDMENT.) Section 39-08-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-13. ACCIDENT REPORT FORMS.)

1. The commissioner shall prepare and supply to police departments, coroners, sheriffs, garages, and other suitable agencies or individuals, forms for accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, persons and vehicles involved, and contain information sufficient to enable the commissioner to determine whether the requirements for the deposit of security under ~~chapter 39-16~~ section 39-16-05 are applicable.
2. Every accident report required to be made in writing shall be made on the appropriate form approved by the commissioner and shall contain all the information required therein unless not available.
3. Every law enforcement officer who investigates a vehicle accident of which report must be made as required in this chapter, or who otherwise prepares a written report as a result of an investigation either at the time of and at the scene of the accident or thereafter by interviewing the participants or witnesses, shall forward a written report of such accident to the department within five days after his investigation of the accident.
4. Such written reports required to be forwarded by law enforcement officers and the information contained therein shall not be privileged or held confidential, except,

however, the opinion of the law enforcement or investigating officer, if included in the report, shall be confidential and not open to public inspection.

SECTION 81. AMENDMENT.) Section 39-23-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-23-08. BUDGETS.) Pursuant to section 1 of article VI of the compact, the vehicle equipment safety commission shall submit its budgets to the ~~state-budget-board~~ office of the budget.

SECTION 82. AMENDMENT.) Section 40-33-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-33-24. FUNDS OF JOINTLY OPERATED UTILITIES.) All funds of any jointly operated utility as provided in section 40-33-22 shall not be subject to the provisions of sections 40-33-10 and 40-33-11, but shall be kept separate and apart from all other funds of any participating municipality and shall be disbursed in the manner provided by the governing board thereof. All books and accounts of such jointly operated utility shall be examined periodically by the state ~~examiner~~ auditor, who shall be reimbursed by the utility for the costs of such examination. The state ~~examiner~~ auditor shall render reports upon such examinations to the governing bodies of the participating municipalities.

SECTION 83. AMENDMENT.) Section 43-03-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-03-02. PERSONS EXEMPT FROM REGULATIONS.) The provisions of this chapter shall not apply to the following:

1. A person making plans and specifications for a building to be constructed by or for himself.
2. A person supervising the erection, enlargement, or alteration of a building being constructed by or for himself.
3. A person preparing for a school board plans and specifications for, or supervising the erection or alteration of, one- or two-room school buildings costing not to exceed five thousand dollars.
4. ~~A--person--preparing--plans--and--specifications--for--the erection--or--alteration--of--school--buildings--for--the superintendent--of--public-instruction--in--carrying-out-the provisions-of-section-15-26-02*.~~
- 5- The employee of an architect acting under his employer's instruction, control, and supervision in preparing plans and specifications for the erection, enlargement, or alteration of buildings.

SECTION 84. AMENDMENT.) Section 43-12-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-12-27. DUTIES OF THE STATE BOARD.)

1. The state board may grant scholarship loans to students attending a school of nursing in accordance with the laws pertaining to registration of nurses or licensing of practical nurses and to professional graduate nurses meeting requirements for advanced study.
2. The state board shall make rules and regulations and establish standards, requirements and procedure in administering sections ~~43-12-25~~ 43-12-26.1 through 43-12-31 so as to encourage young men and women to enter the nursing profession.

SECTION 85. AMENDMENT.) Section 43-12-31 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-12-31. COLLECTION AND CANCELLATION.)

1. A rate of six percent per annum will be charged on any portion of the scholarship loan not repaid upon demand of the state board.
2. The note of the student of nursing scholarship loan recipient shall bear interest at the rate of three percent per annum. Before the note provided in sections ~~43-12-25~~ 43-12-26.1 through 43-12-31 has been called for payment, and when the recipient has satisfactorily completed the required basic course in nursing and has satisfactorily completed two full years of nursing in North Dakota the note and accrued interest thereon shall be canceled.
3. The note of the practical nurse student scholarship loan recipient shall bear interest at the rate of three percent per annum. Before the note provided in sections ~~43-12-25~~ 43-12-26.1 through 43-12-31 has been called for payment, and when the recipient has satisfactorily completed the required course in practical nursing and has satisfactorily completed one full year of practical nursing in North Dakota the note and accrued interest thereon shall be canceled.
4. The note of the professional graduate nurse scholarship loan recipient shall bear interest at the rate of three percent per annum. Before the note provided in sections ~~43-12-25~~ 43-12-26.1 through 43-12-31 has been called for payment, and when the recipient has satisfactorily completed the advanced course in nursing and has satisfactorily completed two full years of nursing in North Dakota the note and accrued interest thereon shall be canceled.

5. Upon satisfactory proof of the requirements herein set forth, the board shall notify the state treasurer to cancel the notes. Whenever less than two full years of nursing has been completed the notes may be canceled in the order of execution corresponding with the months of nursing which are completed. In the event of death or total disability of the recipient the notes and accrued interest shall be canceled.
6. After demand for payment of a scholarship loan has been made by the state board and payment is not made by collection or cancellation, the state board may contract with collection agencies located in the state for the collection of amounts due the state for scholarship loans granted.

* SECTION 86. AMENDMENT.) Section 43-15-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-15-01. DEFINITIONS.) In this chapter, unless the context or subject matter otherwise requires:

1. "Pharmacy" or "drug store" ~~shall-mean~~ means every store or shop where drugs, medicines, or chemicals are dispensed, displayed for sale, or sold, at retail for medicinal purposes, or where prescriptions are compounded, and which is duly registered by the state board of pharmacy.
2. "Board" ~~shall-mean~~ means the state board of pharmacy.
3. "Pharmacist" means a person to whom the board has issued a certificate of registration to practice the profession of pharmacy whose certificate has not expired, or been suspended.
4. "Prescription" means any order for drugs or medical supplies, where such order is written or signed or transmitted by word of mouth, telephone, telegram, or other means of communication by a duly licensed physician, dentist, veterinarian or other practitioner, licensed by law to prescribe and administer such drugs or medical supplies intended to be filled, compounded or dispensed by a pharmacist.
5. "Drugs" includes all substances and preparations recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, Official National Formulary and New and Non-official Drugs, or any official supplement to any of them.
6. ~~"Device,"--as--applied--to--section--12-43-12*--means instruments,--apparatus--or--contrivances,--including--their component-parts,--and--accessories,--intended+~~

* NOTE: Subsection 4 of section 43-15-01 was also amended by section 3 of Senate Bill No. 2356, chapter 465.

~~a--For-use-in-the-diagnosis,-cure,-mitigation,-treatment,-
or-prevention-of-disease-in-man-or-other-animals,-or~~

~~b--To-affect-the-structure-of-any-function-of-the-body-of
man-or-other-animal-~~

7- "Medicine" means a drug or combination of drugs, used in treating disease in man or other animals.

8- 7. "Dispense" includes sell, distribute, leave with, give away, dispose of, deliver or supply.

9- 8. "Original package" means the original carton, case, can, box, vial, bottle or other receptacle, put up by the manufacturer or wholesaler or distributor, with label attached, making one complete package of the drug article.

* SECTION 87. AMENDMENT.) Section 43-15-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-15-14. DRUGS, POISONS, MEDICINES, CHEMICALS - WHO MAY SELL.) No drug, poison, medicine, or chemical, except patent or proprietary preparations shall be manufactured, compounded, sold, or dispensed in this state for medicinal use by any person other than a registered pharmacist, assistant registered pharmacist, pharmacy intern enrolled in a school of pharmacy after the freshman year as provided in ~~subsection-4*-of~~ section 43-15-15, or regularly licensed physician, nor shall any person except a registered pharmacist, assistant registered pharmacist, or a regularly licensed physician, or pharmacy intern enrolled in a school of pharmacy after the freshman year as provided in ~~subsection-4*-of~~ section 43-15-15, dispense or compound a prescription of a medical practitioner except as provided in this chapter.

SECTION 88. AMENDMENT.) Section 44-04-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-04-14. EXAMINATION OF RECORDS OF COUNTY OFFICERS - STATE'S ATTORNEY TO PROSECUTE.) At the end of the term of office of each county officer, or whenever it may seem advisable, the board of county commissioners may secure an examination of the records in his office by the ~~commissioner--of-banking-and-financial-institutions~~ state auditor or other competent accountants. Any failure or irregularity discovered must be remedied or the state's attorney shall prosecute the officer guilty thereof for neglect as provided in section 44-04-03.

SECTION 89. AMENDMENT.) Section 44-08-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-08-12. DEFINITIONS.) As used in sections 44-08-12 through ~~44-08-15*~~ 44-08-14:

* NOTE: Section 43-15-14 was also amended by section 2 of House Bill No. 1557, chapter 467.

1. "Public security" means a bond, note, certificate of indebtedness, or other obligation for the payment of money, issued by this state or by any of its departments, agencies, public bodies, or other instrumentalities or by any of its political subdivisions.
2. "Instrument of payment" means a check, draft, warrant, or order for the payment, delivery, or transfer of funds.
3. "Authorized officer" means any official of this state or any of its departments, agencies, public bodies, or other instrumentalities or any of its political subdivisions whose signature to a public security or instrument of payment is required or permitted.
4. "Facsimile signature" means a reproduction by engraving, imprinting, stamping, or other means of the manual signature of an authorized officer.

SECTION 90. AMENDMENT.) Section 44-08-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-08-13. FACSIMILE SIGNATURE.) Any authorized officer, after filing with the secretary of state or, in the case of officers of any city, county, school district, or other political subdivision, with the clerk of such subdivision, his manual signature certified by him under oath, may execute or cause to be executed with a facsimile signature in lieu of his manual signature:

1. Any public security, provided that at least one signature required or permitted to be placed thereon shall be manually subscribed, but no such manual subscription shall be required as to interest coupons attached to such security.
2. Any instrument of payment.

Upon compliance with sections 44-08-12 through ~~44-08-15~~* 44-08-14 by the authorized officer, his facsimile signature has the same legal effect as his manual signature.

SECTION 91. AMENDMENT.) Section 47-11-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

47-11-01. MODE OF TRANSFER - GENERAL PROVISIONS.) The mode of transferring personal property other than the beneficial interest in an express trust is regulated, except as otherwise specifically provided in this title, and in title 41 ~~and--title--17--Uniform Consumer-Credit-Code*~~.

* SECTION 92. AMENDMENT.) Section 47-18-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- * NOTE: Section 47-18-14 was also amended by section 3 of House Bill No. 1582, chapter 488, and by section 3 of Senate Bill No. 2336, chapter 489.

47-18-14. PROCEEDS OF SALE EXEMPT - DISPOSITION.) If the sale of a homestead is made as provided in section 47-18-13, the proceeds thereof to the amount of the homestead exemption must be paid to the claimant and the residue applied to the satisfaction of the execution. When the execution is against a husband whose wife is living, the court may direct that the ~~forty~~ sixty thousand dollars be deposited in court to be paid out only on the joint receipt of the husband and wife, and it shall possess all the protection against legal process and voluntary disposition by the husband as did the original homestead premises whether paid directly to the claimant or to the husband and wife jointly.

SECTION 93. AMENDMENT.) Section 47-19-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

47-19-18. DEPUTIES MAY TAKE ACKNOWLEDGMENTS.) When any officer mentioned in sections 47-19-14, ~~47-19-15, and 47-19-16~~ 47-19-14.1, and 47-19-14.2 is authorized by law to appoint a deputy, the acknowledgment or proof may be taken by such deputy in the name of his principal as deputy, or by such deputy as deputy.

SECTION 94. AMENDMENT.) Section 49-03-01.3 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-03-01.3. EXCLUSIONS FROM LIMITATIONS ON ELECTRIC DISTRIBUTION LINES, EXTENSION AND SERVICE AND ON ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY.) Sections 49-03-01 through 49-03-01.5 shall not be construed to require any such electric public utility to secure such order or certificate for an extension of its electric distribution lines within the corporate limits of any municipality within which it has lawfully commenced operations; provided, however, that such extension or extensions shall not interfere with existing services provided by a rural electric cooperative or another electric public utility within such municipality; and provided duplication of services is not deemed unreasonable by the commission.

Sections 49-03-01 through 49-03-01.5 shall not be construed to require an electric public utility to discontinue service to customers thereof whose places receiving service are located outside the corporate limits of a municipality upon the effective date of sections 49-03-01 through 49-03-01.5; provided, however, that within ninety days after the effective date of sections 49-03-01 through 49-03-01.5, any electric public utility furnishing service to customers whose places receiving service are located outside the corporate limits of a municipality shall file with the commission a complete map or maps of its electric distribution system showing all places in North Dakota which are located outside the corporate limits of a municipality and which are receiving its service as of the effective date of sections 49-03-01 through 49-03-01.5. After ninety days from the effective date of sections 49-03-01 through 49-03-01.5, unless a customer whose place being served is located outside the corporate limits of a municipality is shown on said map

or maps, it shall be conclusively presumed that such customer was not being served upon the effective date hereof and cannot be served until after compliance with the provisions of sections section 49-03-01.1 and 49-03-01-2*.

SECTION 95. AMENDMENT.) Section 49-09-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-09-09. SALE UNDER TRUST DEED OR UPON MORTGAGE FORECLOSURE.) In case of sale of the property of a railroad by virtue of a trust deed or upon foreclosure of any mortgage, the persons acquiring title under such sale, and their associates, successors, and assigns, ~~ex-such-corporation-as-they-shall-organize according-to-section-49-08-02*, with all the powers--conferred--upon corporations--by--this--title,~~ thereafter shall have, exercise, and enjoy all described grants which were purchased at such sale, including all rights, privileges, grants, franchises, immunities, and advantages mentioned in such instruments possessed by the corporation making the same or contracting such debts so far as the same relate or appertain to that portion or line of road granted or mortgaged and purchased at such sale, and no further, as fully and absolutely in all respects as such corporation, its shareholders, officers, and agents might have done if such sale had not taken place.

SECTION 96. AMENDMENT.) Section 49-09-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-09-11. COMPENSATION FOR ANOTHER RAILROAD'S PROPERTY - DETERMINED ACCORDING TO LAW OF EMINENT DOMAIN.) If railroad corporations cannot agree upon an adjustment ~~as-provided-in-section 49-08-13*, sub-section-6,~~ and the amount of compensation to be paid for the purchase of necessary change of location and removal of any track previously laid, the same shall be ascertained and determined and the common, mutual, and separate rights shall be adjusted in the manner provided by law for the ascertainment and determination of damages for the taking of real property. The court may employ a competent engineer to define, locate, and plat the ground and assign to each corporation the part for the tracks and other conveniences for each and may require the removal or purchase of tracks previously laid so as justly to settle the rights of such corporation upon such ground, the damages to be paid being assessed in accordance with the law on eminent domain.

SECTION 97. AMENDMENT.) Section 52-02-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-02-09. UNEMPLOYMENT COMPENSATION ADMINISTRATION FUND - ADDITIONAL BOND REQUIRED OF TREASURER.) There shall be maintained in the state treasury a special fund to be known as the unemployment compensation administration fund. All money deposited or paid into this fund and the employment service account thereof shall be continuously available to the bureau for expenditure in accordance with the provisions of this law, and shall not lapse at any time or

be transferred to any other fund. The fund shall consist of any money appropriated by this state in accordance with section 52-02-11; all money received from the United States of America, or any agency thereof, and all money received from any other source for the administration of the North Dakota Unemployment Compensation Law; all money received from any agency of the United States or any other state as compensation for services or facilities supplied to such agency; all amounts received pursuant to any surety bond or any insurance policy or from other sources for losses sustained by the unemployment compensation administration fund or by reason of damage to property, equipment, or supplies purchased from money in such fund; and all proceeds realized from the sale or disposition of any such property, equipment, or supplies which may no longer be necessary for the proper administration of this law. Notwithstanding any provision of this section, all money requisitioned and deposited in this fund pursuant to section 52-03-07, subsection 4, shall remain a part of the unemployment compensation fund and shall be used only in accordance with the conditions specified in section 52-03-07. All moneys in this fund shall be deposited and administered, in the same manner and under the same conditions and requirements as is provided by law for other special funds in the state treasury. The fund is subject to audit by the United States treasury department, or its representatives, and no audit by the ~~state board of auditors, or by the office of the state examiner,~~ auditor shall be required. The state treasurer shall give a separate and additional bond conditioned for the faithful performance of his duties in connection with the unemployment compensation administration fund in an amount to be fixed by the bureau and in a form prescribed by law or approved by the attorney general. The premiums for such bond shall be paid from the moneys in the unemployment compensation administration fund.

SECTION 98. AMENDMENT.) Section 54-23A-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-23A-04. BROADCASTING DISPATCHES - REPORTS REQUIRED.) It shall be the duty of the director of institutions to broadcast all police dispatches and reports submitted, which in his opinion shall have a reasonable relation to or connection with, the apprehension of criminals, the prevention of crimes, or the maintenance of peace and order in the state, including civil-defense disaster emergency services. It shall also broadcast any other statement or report upon the request of any constitutional officer, or the head of any state department, providing such message relates to state business. Every sheriff, deputy sheriff, police officer, or other person securing a short wave length radio receiving and transmitting set under the provisions hereof, shall make a report to the director at such times and containing such information as the director shall by regulation require.

SECTION 99. AMENDMENT.) Section 54-27-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-27-08. HOW MONEYS PAID FROM STATE TREASURY - WARRANTS - WHEN NOT NECESSARY.) Except as otherwise provided, moneys shall be paid from the state treasury only upon the warrant or order prepared by the department of accounts and purchases drawn on the state treasurer. The state ~~examiner~~ auditor shall recommend a form for order and warrant-check of the state government which shall conform, so far as consistent with statutory requirements, to approved banking practice in order to facilitate handling of such instruments by banks and other depositories. When such order and warrant-check is signed by the state auditor the state treasurer shall accept such order or warrant with his signature, making such order and warrant-check negotiable. No warrant upon the treasurer shall be delivered or mailed to the payee or his agent or representative until such warrant has been signed by the treasurer and entered on the treasurer's books as a check drawn on a bank depository. Each warrant shall specify upon what fund or from what apportionment it is to be paid. The state treasurer may redeem outstanding bonds or pay interest on bonds when due without the warrant of the department of accounts and purchases, retaining such bond or interest coupon as his voucher for such payment until the next succeeding settlement.

SECTION 100. AMENDMENT.) Section 54-48-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-48-06. RECORDING AND PUBLICATION.) Each designation of an emergency interim successor shall become effective when the legislator or floor leader making the designation files with the secretary of state the successor's name, address, and rank in order of succession. The removal of an emergency interim successor or change in order of succession shall become effective when the legislator or floor leader so acting files this information with the secretary of state. All such data shall be open to public inspection. The secretary of state shall inform the governor, the ~~state--office--of--civil--defense~~ division of disaster emergency services, the chief clerk or secretary of the house concerned and all emergency interim successors, of all such designations, removals, and changes in order of succession. The chief clerk or secretary of each house shall enter all information regarding emergency interim successors for the house in its public journal at the beginning of each legislative session and shall enter all changes in membership or order of succession as soon as possible after their occurrence.

SECTION 101. AMENDMENT.) Section 54-49.1-02 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-49.1-02. NATURAL RESOURCES COUNCIL CREATED - MEMBERSHIP - OFFICERS - EXECUTIVE DIRECTOR.) There is hereby established a North Dakota natural resources council. The council shall be composed of the state engineer, the game and fish commissioner, the executive secretary of the state soil conservation committee, the reclamation director of the public service commission, the director of the state

~~park--service,--the--liaison-officer-of-the-state-outdoor-recreation agency parks and recreation department, the state forester, state geologist, the director of the state planning division, and the chief of the environmental health and engineering services division of the state health department.~~

The governor shall appoint a chairman and determine his salary within the limits of legislative appropriations made to the office of the governor. The chairman may appoint whatever employees are necessary to carry out the provisions of this chapter, within the limitations of legislative appropriations made to the office of the governor.

SECTION 102. AMENDMENT.) Section 65-05-09 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05-09. TEMPORARY TOTAL OR PERMANENT TOTAL DISABILITY - WEEKLY AND AGGREGATE COMPENSATION.) If an injury causes temporary total or permanent total disability, the fund shall pay to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds percent of the weekly wage of the claimant, computed to the next highest dollar, subject to a minimum of sixty percent and a maximum of one hundred percent of the average weekly wage in this state, computed to the next highest dollar. If an employee is disabled due to an injury, that employee's benefits will be based upon the wage at the time of the commencement of the first disability. However, if an employee suffers disability but is able to return to employment for a period of twelve months or more, that employee's benefits will be based upon the wage in effect at the time of the recurrence of the disability or upon the wage that employee received prior to the injury, whichever is higher; and the benefits shall be those in effect at the time of that recurrence. In case of temporary total or permanent total disability, there shall be paid to such disabled employee an additional sum of five dollars per week for each dependent child under the age of eighteen years living or unborn at the date of the injury, or born during the period of disability, and for each child over eighteen years and incapable of self-support due to physical or mental disability and whose maintenance is the responsibility of the claimant. Dependency awards for the children may be made directly to either parent or guardian at the discretion of the bureau. In no case shall the compensation or combined compensation and dependency award exceed the weekly wage of the claimant after deductions for taxes, except in the case of volunteer firemen and volunteer ~~civil--defense~~ disaster emergency trainees. When a claimant who is permanently and totally disabled and must be maintained in a nursing home or similar facility has no dependent parent, spouse, or children, part or all of his weekly compensation may be used by the bureau to help defray the cost of such care.

SECTION 103. AMENDMENT.) Section 65-06-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-06-01. "VOLUNTEER FIREMAN" ~~7~~ "VOLUNTEER CIVIL--DEFENSE DISASTER EMERGENCY TRAINEES" ~~7~~ "IN TRAINING" DEFINED.) The term "volunteer fireman" ~~shall--mean~~ means any active member of an organized volunteer fire department of this state and any other person performing services as a volunteer fireman for a municipality at the request of the chief or other person in command of the fire department of such municipality or of any other officer of such municipality having authority to demand such service. Firemen who are paid a regular wage or stipend by the municipality as such, or whose entire time is devoted to such services for the municipality, for the purpose of this chapter, shall not be deemed volunteer firemen.

The term "volunteer civil-defense disaster emergency trainee" ~~shall-mean~~ means any person serving without remuneration who is actively engaged in training to qualify as a civil-defense disaster emergency worker in the event of an enemy attack on this country, and who is registered with the civil-defense disaster emergency organization of a municipality, which has been officially recognized by the civil-defense director for-the-state-of-North-Dakota of the state division of disaster emergency services.

The term "in training" shall be limited to and ~~shall-mean~~ means only those periods of time, prior to an enemy attack on this country, during which such volunteer civil--defense disaster emergency trainee is receiving instruction, or is engaged in exercises or operations, in preparation for qualification as a civil defense disaster emergency worker in the event of an enemy attack on this country.

The term "municipality" when used in reference to volunteer civil-defense disaster emergency trainees ~~shall-mean~~ means state or district thereof, cities, counties, municipalities, or any other geographical entity of this state. This definition is not in any way intended to alter any interpretation or ruling in regard to the use of the term "municipality" when used in reference to volunteer firemen.

SECTION 104. AMENDMENT.) Section 65-06-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-06-02. VOLUNTEER FIREMEN AND VOLUNTEER CIVIL--DEFENSE DISASTER EMERGENCY TRAINEES DECLARED EMPLOYEES - COVERED BY WORKMEN'S COMPENSATION - TERMINATION.) Volunteer firemen and volunteer civil-defense disaster emergency trainees are employees of the municipalities which they serve and are entitled to the same protection and rights under the provisions of this title as are full-time paid employees of such municipalities, except, however, that the protection and rights granted to volunteer civil--defense disaster emergency trainees by this section shall terminate and cease in the event of an enemy attack on this country, except as to rights to benefits that shall have vested prior to the time of such attack.

SECTION 105. AMENDMENT.) Section 65-06-03 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-06-03. COMPENSATION BENEFITS - HOW DETERMINED.) The basis of compensation and benefits to be paid to volunteer firemen and volunteer ~~civil-defense~~ disaster emergency trainees under the terms of this chapter shall be determined in accordance with the provisions of section 65-05-09; provided, however, that the weekly wage of the claimant shall be determined from a computation of income derived from the claimant's business or employment.

SECTION 106. AMENDMENT.) Section 65-06-04 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-06-04. ASSESSMENT OF PREMIUMS.) For the purpose of making assessments of premiums to be charged against municipalities for protection of volunteer firemen and volunteer ~~civil-defense~~ disaster emergency trainees, the bureau shall make such survey as may seem advisable to ascertain the probable annual expenditures necessary to be paid out of the fund to carry out the provisions of this chapter, and shall fix the annual charges and assessments which shall be made against municipalities employing volunteer firemen and volunteer ~~civil--defense~~ disaster emergency trainees. Such charge shall be a fixed sum for each one hundred of the population of the municipality involved, the same to be uniform as to all such municipalities but in proportion to the population thereof. In determining the amount of premium charge, the bureau may apply the system of experience rating provided in this title, as applied to other risks. The bureau may also establish a minimum charge or assessment to be applicable to municipalities where the fixed rate or charge multiplied by the number of hundreds of the population thereof would amount to less than the amount of such minimum charge or assessment. The population of a municipality shall be that shown by the latest official North Dakota state or United States government census, whichever may be the later.

SECTION 107. AMENDMENT.) Section 65-06-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-06-05. REIMBURSEMENT BY STATE FOR LIABILITY IN EXCESS OF PREMIUMS COLLECTED.) Whenever liability on claims against the fund credited to the classification of volunteer ~~civil-defense~~ disaster emergency trainees exceeds the amount of premiums paid into such fund, such excess liabilities shall be a general obligation of the state of North Dakota and be reimbursed to the workmen's compensation bureau for credit to that fund by legislative appropriation.

* SECTION 108. REPEAL.) Chapter 15-62, section 27-07-03, chapter 39-15, subsection 5 of section 46-02-04, and sections 47-10-21, 47-10-22, and 49-03-01.2 of the North Dakota Century Code are hereby repealed.

Approved March 12, 1979

* NOTE: Chapter 15-62 was also repealed by section 1 of House Bill No. 1109, chapter 266.

CHAPTER 188

HOUSE BILL NO. 1379
(Representatives Richie, Langley, Wald)
(Senators Krauter, Strand)

CONSUMER FINANCE ACT LOAN MAXIMUM

AN ACT to amend and reenact section 13-03.1-03 and subsection 1 of section 13-03.1-15 of the North Dakota Century Code, relating to the maximum loan ceiling.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 13-03.1-03 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

13-03.1-03. SCOPE.) Persons licensed under the provisions of this chapter may engage in the business of lending in amounts of more than one thousand dollars and not more than ~~three~~ seven thousand five hundred dollars and contract for, exact, or receive, directly or indirectly, on or in connection with any such loan, any charges whether for interest, compensation, consideration, or expense, which in the aggregate are greater than that permitted by section 47-14-09. This chapter shall not apply to loans made under chapter 13-03, but persons licensed under that chapter may obtain licenses to make loans under this chapter.

SECTION 2. AMENDMENT.) Subsection 1 of section 13-03.1-15 of the 1977 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Every licensee may make loans, including revolving loans, in any principal amount not less than one thousand dollars and not more than ~~three~~ seven thousand five hundred dollars, and may contract for, receive, or collect on such loans, charges not in excess of one and one-half percent per month on the unpaid balance of principal. For the purpose of computing charges for a fraction of a month, whether at the maximum rate or less, every month shall be deemed to have thirty days and a day shall be considered one-thirtieth of a month.

Approved March 15, 1979

CHAPTER 189

SENATE BILL NO. 2206
(Committee on Industry, Business and Labor)
(At the request of the Securities Commissioner)

MONEY BROKER LICENSURE

AN ACT to provide for the licensure and regulation of those persons engaged in the business of finding lenders for persons or businesses desirous of obtaining funds; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. ADMINISTRATION.) The department of banking and financial institutions shall use its facilities to administer and enforce this chapter. Any person or persons delegated to administer this chapter shall not have financial interests directly or indirectly in any business which is subject to this chapter. The department of banking and financial institutions shall have the power to promulgate rules and regulations having the force and effect of law, reasonably necessary to carry out the provisions of this chapter, in accordance with chapter 28-32. Any hearing held and any orders issued pursuant to this chapter shall be in accordance with chapter 28-32. In addition to those powers set forth in chapter 28-32, the department of banking and financial institutions shall have additional powers as set forth in this chapter.

SECTION 2. MONEY BROKER LICENSE REQUIRED.) Except as otherwise herein provided, no person other than a money broker licensed and authorized under this chapter shall advertise or solicit either in print, by letter, in person, or otherwise in North Dakota, the right to find lenders or provide loans for persons or businesses desirous of obtaining funds for any purposes. As used in this chapter, the term "money broker" does not include banks, credit unions, savings and loan associations, insurance companies, small loan companies, consumer finance companies, or any other person or business regulated and licensed by the state of North Dakota.

SECTION 3. APPLICATION FOR MONEY BROKER LICENSE.) Every application for a money broker license, or for a renewal thereof, shall be made upon forms designed and furnished by the department of banking and financial institutions and shall contain any information

which the said department shall deem necessary and proper. The department of banking and financial institutions may further require any application to provide additional information which is not requested on the application form.

SECTION 4. FEE AND BOND TO ACCOMPANY APPLICATION FOR MONEY BROKER LICENSE.) The application for license shall be accompanied by the annual license fee for a money broker license, which is fixed at one hundred dollars, and by a surety bond in the sum of ten thousand dollars.

SECTION 5. EXPIRATION AND RENEWAL OF LICENSE.) All licenses required herein shall expire on June thirtieth of each year and may be renewed. Renewals shall be effective the succeeding July first. Applications for renewal must be submitted on or before the preceding thirtieth of June and must be accompanied by the required annual fees. The form and content of renewal applications shall be determined by the department of banking and financial institutions, and a renewal application may be denied upon the same grounds as would justify denial of an initial application. When a licensee has been delinquent in renewing his license, the department of banking and financial institutions may charge an additional fee of five dollars for the renewal of such license.

SECTION 6. POWERS OF THE DEPARTMENT OF BANKING AND FINANCIAL INSTITUTIONS.) Insofar as consistent with the provisions of law, the department of banking and financial institutions shall have the power to:

1. Determine the qualifications of all applicants based on financial responsibility, character and fitness, and issue license if approved.
2. Establish codes of ethical conduct for licensees.

SECTION 7. MANNER IN WHICH RECORDS TO BE KEPT.) Every money broker licensed under this chapter shall keep a record of all sums collected by them and of all loans completed as a result of their efforts for a period of six years from the date of last entry thereon.

SECTION 8. REVOCATION OF LICENSE - SUSPENSION OF LICENSE - SURRENDER OF LICENSE.)

1. The department of banking and financial institutions may, if they have reason to believe that grounds for revocation of a license exist, send by registered or certified mail to the licensee, a notice of hearing stating the contemplated action and in general the grounds thereof and setting the time and place for a hearing thereon. Such hearing shall be held in accordance with chapter 28-32 as shall be any appeal therefrom.

2. If the department of banking and financial institutions finds that probable cause for revocation of any license exists and that enforcement of the chapter requires immediate suspension of such license pending investigation they may, upon written notice, enter an order suspending such license for a period not exceeding thirty days, pending the holding of a hearing as prescribed in this chapter.
3. Any licensee may surrender his license by delivering it to the department of banking and financial institutions with written notice of its surrender, but such surrender shall not affect his civil or criminal liability for acts committed prior thereto.

SECTION 9. FRAUDULENT PRACTICES.) It shall be a fraudulent practice and it shall be unlawful:

1. For any person knowingly to subscribe to, or make or cause to be made, any material false statement or representation in any application or other document or statement required to be filed under any provision of this chapter, or to omit to state any material statement or fact necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading.
2. For any person, in connection with the procurement or promise of procurement of any lender or loan funds, directly or indirectly, to employ any device, scheme, or artifice to defraud.
3. For any person, in connection with the procurement or promise of procurement of any lender or loan funds, directly or indirectly, to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading.

SECTION 10. ORDERS AND INJUNCTIONS.) Whenever it shall appear to the department of banking and financial institutions either upon complaint or otherwise, that any person has engaged in, is engaging in, or is about to engage in any act or practice or transaction which is prohibited by this chapter, or by any order of the department of banking and financial institutions issued pursuant to any section of this chapter or which is declared to be illegal in this chapter, the department of banking and financial institutions may, in its discretion:

1. Issue any order, including but not limited to cease and desist, stop and suspension orders, which it deems necessary or appropriate in the public interest or for the protection of the public; provided, however, that any person aggrieved by an order issued pursuant to this

subsection may request a hearing before the department of banking and financial institutions if such request is made within ten days after receipt of the order. Such hearing shall be held in accordance with chapter 28-32 as shall be any appeal therefrom.

2. Apply to the district court of any county in this state for an injunction restraining such person and the agents, employees, partners, officers, and directors of such person from continuing such act, practice, or transaction of engaging therein or doing any acts in furtherance thereof, and for such other and further relief as the facts may warrant. In any proceeding for an injunction, the department of banking and financial institutions may apply for and on due showing be entitled to have issued the court's subpoena requiring the appearance forthwith of any defendants and their agents, employees, partners, officers, or directors, and the production of such documents, books, and records as may appear necessary for the hearing upon the petition for an injunction. Upon proof of any of the offenses described in this section, the court may grant such injunction as the facts may warrant. The court may not require the department of banking and financial institutions to post a bond.

SECTION 11. INVESTIGATIONS AND SUBPOENAS.)

1. The department of banking and financial institutions may in its discretion:
 - a. May make such public or private investigation within or outside this state as it deems necessary to determine whether any person has violated or is about to violate any provision of this chapter or any rule or order hereunder, or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder.
 - b. May require or permit any person to file a statement in writing, under oath or otherwise as the department of banking and financial institutions determines, as to all the facts and circumstances concerning the matter to be investigated.
 - c. May publish information concerning any violation of this chapter or any rule or order hereunder.
2. For the purpose of any investigation or proceeding under this chapter, the department of banking and financial institutions may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents

or records which the department of banking and financial institutions deems relevant or material to the inquiry.

3. In case of contumacy by, or refusal to obey a subpoena issued to, any person, the district court, upon application by the department of banking and financial institutions, may issue to the person an order requiring such person to appear before the department of banking and financial institutions, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.
4. No person is excused from attending and testifying or from producing any document or record before the department of banking and financial institutions, or in obedience to the subpoena of the department of banking and financial institutions, or in any proceeding instituted by the department of banking and financial institutions, on the ground that the testimony or evidence (documentary or otherwise) required of such person may tend to incriminate such person or subject such person to a penalty forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which such person is compelled, after claiming the privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual testifying is not exempt from prosecution and punishment for perjury or contempt committed in testifying.

SECTION 12. REMEDIES NOT EXCLUSIVE.) The remedies provided for in this chapter are in addition to and not exclusive of any other remedies provided by law.

SECTION 13. PENALTY.) Any person violating any of the provisions of this chapter or any rule or order of the department of banking and financial institutions 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.

Approved March 24, 1979

CHAPTER 190

SENATE BILL NO. 2180
(Committee on Industry, Business and Labor)
(At the request of the
Department of Banking and Financial Institutions)

COLLECTION AGENCY LICENSE FEE

AN ACT to amend and reenact section 13-05-04 of the North Dakota Century Code, relating to the annual license fee for collection agencies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 13-05-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

13-05-04. FEE AND BOND TO ACCOMPANY APPLICATION FOR COLLECTION AGENCY LICENSE.) The application shall be accompanied by the annual license fee for a collection agency license, which is fixed at ~~fifty~~ one hundred dollars. If the collection agency directly solicits, collects and handles money owed, the application shall be accompanied by a surety bond in the sum of five thousand dollars.

Approved March 13, 1979