

**SECOND ENGROSSMENT
with Senate Amendments**Fifty-ninth
Legislative Assembly
of North Dakota**REENGROSSED HOUSE BILL NO. 1259**

Introduced by

Representatives R. Kelsch, DeKrey, Delmore

Senators Fischer, Klein, Trenbeath

1 A BILL for an Act to create and enact chapter 53-12.1 of the North Dakota Century Code,
2 relating to a lottery; to amend and reenact subsection 5 of section 28-32-08.1, section
3 50-06-22, subsection 2 of section 50-09-14, subsection 2 of section 54-10-01, subsection 7 of
4 section 57-38-57, subsection 47 of section 57-39.2-04, and subsection 7 of section 57-39.2-23
5 of the North Dakota Century Code, relating to economic impact statements, the compulsive
6 gambling prevention and treatment fund, child support setoff, annual audits, compliance with
7 tax reporting requirements, and sales tax exemptions; to repeal chapter 53-12 of the North
8 Dakota Century Code, relating to a lottery; to provide a penalty; to provide a continuing
9 appropriation; and to declare an emergency.

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

11 **SECTION 1. AMENDMENT.** Subsection 5 of section 28-32-08.1 of the North Dakota
12 Century Code is amended and reenacted as follows:

13 5. This section does not apply to any agency that is an occupational or professional
14 licensing authority, nor does this section apply to the following agencies or
15 divisions of agencies:

- 16 a. Council on the arts.
- 17 b. Beef commission.
- 18 c. Dairy promotion commission.
- 19 d. Dry bean council.
- 20 e. Highway patrolmen's retirement board.
- 21 f. Indian affairs commission.
- 22 g. Board for Indian scholarships.
- 23 h. State personnel board.
- 24 i. Potato council.

- 1 j. Board of public school education.
- 2 k. Real estate trust account committee.
- 3 l. Seed commission.
- 4 m. Soil conservation committee.
- 5 n. Oilseed council.
- 6 o. Wheat commission.
- 7 p. State seed arbitration board.
- 8 q. North Dakota lottery.

9 **SECTION 2. AMENDMENT.** Section 50-06-22 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **50-06-22. Compulsive gambling prevention and treatment fund - Continuing**
12 **appropriation.** Funds deposited in the compulsive gambling prevention and treatment fund
13 under section ~~53-12-24~~ 53-12.1-09 are appropriated to the department on a continuing basis
14 for the purpose of providing the services under section 50-06-21.

15 **SECTION 3. AMENDMENT.** Subsection 2 of section 50-09-14 of the North Dakota
16 Century Code is amended and reenacted as follows:

17 2. Any person aggrieved by an action taken by the state agency or a child support
18 agency under section 14-09-25, chapter 35-34, this chapter, or by the North
19 Dakota lottery director under chapter ~~53-12~~ 53-12.1 to establish or enforce a child
20 support order may seek review of the action in the court of this state which issued
21 or considered the child support order. If an order for child support was issued by a
22 court or administrative tribunal in another state, any person aggrieved by an action
23 taken by the state agency or a child support agency under section 14-09-25,
24 chapter 35-34, this chapter, or by the North Dakota lottery director under chapter
25 ~~53-12~~ 53-12.1 to enforce that order may seek review of the action in any court of
26 this state which has jurisdiction to enforce that order, or if no court of this state has
27 jurisdiction to enforce that order, in any court of this state with jurisdiction over the
28 necessary parties. Any review sought under this subsection must be commenced
29 within thirty days after the date of action for which review is sought. A person who
30 has a right of review under this subsection may not seek review of the actions in a
31 proceeding under chapter 28-32.

1 **SECTION 4.** Chapter 53-12.1 of the North Dakota Century Code is created and
2 enacted as follows:

3 **53-12.1-01. Definitions.** As used in this chapter:

- 4 1. "Director" means the director of the lottery.
- 5 2. "Lottery" means the division of the attorney general's office created to operate a
6 lottery.
- 7 3. "Online lottery" means a game linked to a central computer via a
8 telecommunications network in which the player selects a specified group of
9 numbers or symbols out of a predetermined range of numbers or symbols.
- 10 4. "Retailer" means a person the lottery has licensed to sell or redeem a ticket.
- 11 5. "Ticket" means an original tangible evidence of play prescribed by the lottery and
12 produced by a lottery terminal or a properly and validly registered subscription play
13 to prove participation in a draw of a game for a chance to win a prize.

14 **53-12.1-02. Lottery - Administration - Line of credit.**

- 15 1. There is established a division of the attorney general's office called the North
16 Dakota lottery. Under the supervision of the attorney general, a director shall
17 administer the lottery as provided in this chapter. The director shall consider the
18 sensitive nature of the lottery, promote games, and ensure the integrity, security,
19 and fairness of the lottery's operation. The lottery is solely responsible for the
20 management and control over the operation of its games.
- 21 2. The attorney general's office may arrange a short-term line of credit with the Bank
22 of North Dakota should lottery funds on hand be insufficient to meet an immediate
23 major prize obligation. The line of credit is limited to the amount of each prize of
24 one hundred thousand dollars or more that relates to prize funds known to be due
25 and forthcoming to the lottery from other government-authorized lotteries through
26 the multistate lottery association. However, the line of credit may not exceed one
27 million dollars in the aggregate.

28 **53-12.1-03. Director - Responsibilities.**

- 29 1. The attorney general shall appoint a director who shall serve at the pleasure of the
30 attorney general.
- 31 2. Subject to policy of the attorney general, the director shall:

- 1 a. Employ those persons deemed necessary to operate the lottery and provide
- 2 secure facilities to house the lottery;
- 3 b. Enter a written agreement with one or more government-authorized lotteries,
- 4 or with an organization created and controlled by those lotteries, for
- 5 conducting and marketing a joint lottery game;
- 6 c. Provide for a secure computer data center and internal control system for the
- 7 reliable operation of the lottery;
- 8 d. Prepare and submit a budget for operating the lottery;
- 9 e. Operate the lottery so it is self-sustaining and self-funded;
- 10 f. Maintain books and records which accurately reflect each day's financial
- 11 transactions, including the sale of tickets, receipt of funds and fees, prize
- 12 payments, and expenses to ensure accountability;
- 13 g. License a retailer to sell or redeem a ticket;
- 14 h. Require a retailer to furnish proof of financial stability or post a bond in an
- 15 amount the director deems necessary to protect the financial interest of the
- 16 state;
- 17 i. Timely and efficiently transfer lottery funds due from a retailer;
- 18 j. Conduct a retailer promotion to promote the sale of a ticket;
- 19 k. As necessary, enter a contract for a promotional service, an annuity for the
- 20 payment of a prize, credit history report, security service, service from another
- 21 state agency, marketing and related service, gaming system and related
- 22 service, and other necessary service;
- 23 l. Based on reasonable ground or written complaint, suspend or revoke a
- 24 retailer's license or impose a monetary fine, or both, for a violation, by the
- 25 retailer or employee of the retailer, of a lottery law or rule;
- 26 m. Examine, or cause to be examined by an agent designated by the director,
- 27 any book or record of a retailer to ensure compliance with the lottery law and
- 28 rules;
- 29 n. Upon request, report to the legislative council regarding the operation of the
- 30 lottery;

- 1 o. Make quarterly and annual financial reports to the governor and attorney
2 general and a biennial report to the legislative assembly;
3 p. Have an annual audit, conducted by the state auditor, of the lottery. The
4 director shall present the audit report to the governor, state treasurer, and
5 legislative assembly;
6 q. As necessary, have an independent firm conduct a study and evaluation of
7 security; and
8 r. As necessary, conduct a survey of retailers and players or a study of
9 reactions of citizens to present and potential features of the lottery.

10 **53-12.1-04. Advisory commission - Penalty.**

- 11 1. There is created the lottery advisory commission, which is composed of five
12 members, three of whom are legislators selected by the chairman of the legislative
13 council and two of whom are selected by the attorney general. The term of office
14 is three years, expiring on June thirtieth with no more than two terms expiring in
15 any one year. Of the first members appointed, one must be appointed for a term
16 of one year, two must be appointed for terms of two years, and two must be
17 appointed for terms of three years. No member may be appointed to more than
18 two consecutive terms. Each member must be a citizen of the United States and a
19 resident of this state. A chairman of the commission must be chosen annually
20 from the membership of the commission by a majority of its members at the first
21 meeting of the commission each fiscal year. A member may serve as chairman for
22 more than one year.
- 23 2. The lottery advisory commission shall meet at least once a quarter and any
24 additional meetings as the chairman deems necessary. Special meetings may be
25 called by the chairman upon the written request of the director or any three
26 members of the commission.
- 27 3. The lottery advisory commission shall advise the director and attorney general on
28 policy and general operation of the lottery and shall serve as the audit committee.
- 29 4. A member of the lottery advisory commission who is not a permanent full-time
30 state employee is to be compensated at a rate of seventy-five dollars per day and
31 entitled to mileage and expenses as provided by law for state employees. A state

1 employee who is a member of the commission must receive that employee's
2 regular salary and is entitled to mileage and expenses, to be paid by the employing
3 agency.

4 5. No member of the lottery advisory commission, employee of the lottery, or any
5 individual who regularly resides in the same household as either of those
6 individuals may directly or indirectly, individually, as a partner of a partnership, or a
7 stockholder, director, or officer of a corporation, have an interest in the gaming
8 system or advertising agency vendor of the lottery. A knowing violation of this
9 subsection is a class B misdemeanor.

10 **53-12.1-05. Competitive bidding - Investigation of a vendor.** Before a contract for a
11 gaming system or marketing services is awarded, the director shall:

12 1. Use an open and competitive bid process which reflects the best interest of the
13 state. The director shall consider all relevant factors, including security,
14 competence, experience, timely performance, and maximization of net proceeds;
15 and

16 2. Conduct a thorough background investigation of the lottery's gaming system and
17 advertising agency vendors, all shareholders of ten percent or more interest, and
18 all senior officers and directors of the vendors, including a parent or subsidiary
19 corporation of the vendors. The director may use information of another
20 government-authorized lottery or other source to determine the qualification and
21 background of the vendors. The vendors shall submit appropriate investigation
22 authorizations. The director may require any appropriate information from the
23 vendors to preserve the integrity and financial security of the lottery.

24 **53-12.1-06. Retailer application - Fees - Display of license.**

25 1. An applicant for a license does not have a right to a license or granting of the
26 approval sought. A license issued or approval granted is a suspendable or
27 revocable privilege, and the holder does not acquire any vested interest in the
28 license or approval granted.

29 2. An applicant for a license that has had an application denied or a license revoked
30 may not reapply until at least one year has elapsed from the date of the denial or
31 revocation unless the director determines that the reason for the denial of the

1 application or revocation of the license has been remedied. A person who has had
2 an application denied or a license revoked for a second time may not reapply until
3 at least three years have passed since the date of the second denial or revocation.
4 The decision of the director to deny an application or revoke a license is final and
5 not appealable.

6 3. The director may charge an application fee to a person applying to become a
7 retailer and a license fee.

8 4. A retailer license is:

9 a. Renewable annually unless it is sooner relinquished, suspended, or revoked;

10 b. Not transferable or assignable to another person; and

11 c. Required to be conspicuously displayed at the retailer's site.

12 **53-12.1-07. Selection and qualifications of a retailer.**

13 1. The director shall select a person that the director deems best able to serve the
14 public convenience and promote the sale of a ticket. The director shall consider
15 relevant factors, including applicant's credit history, physical security and public
16 accessibility of the applicant's site, integrity, sufficiency of existing retailers to serve
17 the public convenience, especially in a geographically remote area of the state,
18 and volume of expected sales of tickets. A person lawfully engaged in
19 nongovernmental business on state property or a person within the exterior
20 boundary of an Indian reservation or on tribal trust land may be selected as a
21 retailer.

22 2. A retailer may not be the lottery's gaming system or advertising agency vendor or
23 an employee or agent of the vendor.

24 3. To be eligible as a retailer, an individual acting as a sole proprietor must:

25 a. Have a satisfactory credit check;

26 b. Be current in payment of all taxes, interest, and penalties owed to the state
27 and be current under a payment plan, excluding an item under formal dispute
28 or appeal pursuant to law;

29 c. Be at least eighteen years of age;

30 d. Be of good character and reputation;

- 1 e. Not have been convicted of a felony in this or any other jurisdiction, unless at
2 least ten years have passed since satisfactory completion of the sentence or
3 probation imposed by the court in each felony;
- 4 f. Not have been found to have knowingly violated a lottery law or rule;
- 5 g. Not have been found to have a background, including a criminal record, or
6 prior activities that pose a threat to the public interests of this state or to the
7 security and integrity of the lottery, create or enhance the dangers of
8 unsuitable or illegal practices in the conduct of lottery activities, or present
9 questionable business practices and financial arrangements incidental to the
10 lottery activity;
- 11 h. Not be a parent, stepparent, child, stepchild, spouse, or sibling who is a
12 regular member of the same household of an employee of the lottery or
13 member of the lottery advisory commission; and
- 14 i. Not have knowingly made a false statement of material fact to the lottery.
- 15 4. To be eligible as a retailer, a partnership must meet the requirement of
16 subdivision a of subsection 3 and each partner must meet the requirements of
17 subdivisions b through i of subsection 3.
- 18 5. To be eligible as a retailer, an organization other than a partnership must meet the
19 requirements of subdivisions a and b of subsection 3 and each officer and director
20 who is primarily responsible for making financial decisions and each shareholder
21 who owns ten percent or more of an ownership interest in the organization must
22 meet the requirements of subdivisions c through i of subsection 3.
- 23 **53-12.1-08. Purchase of ticket or payment of prize to certain persons prohibited -**
24 **Price of a ticket - Sale by retailer only - Retailer second chance drawing - Prize paid to**
25 **owner of a winning ticket - Prize subject to taxation - Discharge of liability - Penalty.**
- 26 1. A ticket may not be bought by or otherwise provided to, and a prize may not be
27 paid to, the following individuals or to a parent, stepparent, child, stepchild,
28 spouse, or sibling who is a regular member of the same household of the following
29 individuals:
- 30 a. A member of the lottery advisory commission or employee of the lottery,
31 unless authorized in writing by the director; or

- 1 b. An officer or employee of the lottery's gaming system vendor.
2 A person who knowingly violates this subsection is guilty of a class B
3 misdemeanor on the first offense and a class A misdemeanor on a subsequent
4 offense.
- 5 2. A retailer or employee of a retailer may buy a ticket and be paid a prize for a
6 winning ticket.
- 7 3. Only a retailer may sell a ticket. A retailer may sell a ticket only at the site stated
8 on the license. A retailer may not sell a ticket at a price greater than the price set
9 by the lottery rules. A person convicted of violating this subsection is guilty of a
10 class A misdemeanor on the first offense and a class C felony on a subsequent
11 offense.
- 12 4. A retailer may conduct a second chance drawing of entry forms or nonwinning
13 tickets to promote the sale of a ticket at that site.
- 14 5. No ticket may be sold or given to a minor. A retailer, employee of a retailer, or any
15 other person who knowingly violates this subsection is guilty of a class B
16 misdemeanor on the first offense and a class A misdemeanor on a subsequent
17 offense.
- 18 6. The prize to be paid or awarded for a winning ticket must be paid to the person
19 who the director determines is the owner of the ticket. However, the prize of a
20 deceased winning player must be paid to the lawful representative of the estate.
- 21 7. If an individual steals a ticket from a retailer, the individual is guilty of a class A
22 misdemeanor. However, if the total value of the tickets stolen exceeds five
23 hundred dollars, the offense is a class C felony.
- 24 8. A prize awarded is subject to state and federal income tax laws and rules.
- 25 9. A person who, with intent to defraud, falsely makes, alters, forges, passes, or
26 counterfeits a ticket or gift certificate issued by the lottery, regardless of the
27 amount gained, is guilty of a class C felony.
- 28 10. The state, members of the lottery advisory commission, and employees of the
29 lottery are discharged of all further liability upon payment of a prize.

30 **53-12.1-09. Operating fund - Continuing appropriation - Authorization of**
31 **disbursements - Net proceeds.** There is established within the state treasury the lottery

1 operating fund into which must be deposited all revenue from the sale of tickets, interest
2 received on money in the fund, and all other fees and moneys collected, less a prize on a
3 winning ticket or lottery promotion paid by a retailer and the retailer's commission. All money in
4 the fund is continuously appropriated for the purposes specified in this section. A payment of a
5 prize or expense or transfer of net proceeds by the lottery may be made only against the fund
6 or money collected from a retailer on the sale of a ticket. A disbursement from the fund must
7 be for the following purposes:

- 8 1. Payment of a prize as the director deems appropriate to the owner of a valid,
9 winning ticket;
- 10 2. Payment of an expense, including a gaming system or related service, supplies, a
11 survey, advertising and marketing, printing, promotion, a premium incentive item,
12 and reimbursement of the cost of a facility or service provided by another state
13 agency; and
- 14 3. Transfer of net proceeds:
 - 15 a. Starting July 1, 2005, fifty thousand dollars must be transferred to the state
16 treasurer each quarter for deposit in the compulsive gambling prevention and
17 treatment fund;
 - 18 b. An amount for the lottery's share of a game's prize reserve pool must be
19 transferred to the multistate lottery association; and
 - 20 c. The balance of the net proceeds, less holdback of any reserve funds the
21 director may need for continuing operations, must be transferred to the state
22 treasurer on at least an annual basis for deposit in the state general fund.

23 **53-12.1-10. Confidentiality of records.**

- 24 1. The following information and records of the lottery are confidential:
 - 25 a. Sales and income tax information, financial statements, and a credit report of
26 a retailer applicant or person seeking or doing business with the lottery, and
27 retailer application information other than the applicant's name and location;
 - 28 b. Information related to a person owing a debt to the state or having a debt
29 collected through a state agency that is made confidential by another state
30 law or rule;

- 1 c. Internal control and security procedures, security information on a winning
2 ticket, and information on a bid or contractual data, the disclosure of which is
3 harmful to the efforts of the lottery to contract for goods and services on
4 favorable terms;
- 5 d. Personal information on a winning player unless the player authorizes, in
6 writing, release of the information; and
- 7 e. Lottery sales data, the disclosure of which is harmful to the competitive
8 position of the lottery, retailer, or person seeking or doing business with the
9 lottery. However, a retailer may authorize the lottery to release the retailer's
10 lottery sales data.
- 11 2. To be confidential, information must relate to the security and integrity of the
12 lottery. Information and records may be disclosed within the attorney general's
13 office or to an authorized person in the proper administration of the lottery law and
14 rules or in accordance with a judicial order. Criminal history record check
15 information on an individual seeking or doing business with the lottery may be
16 released only according to chapter 12-60.

17 **53-12.1-11. Setoff of prize.**

- 18 1. A claimant agency and the director shall cooperate on the setoff of a lottery prize
19 against a delinquent debt. A claimant agency is an agency of the state of North
20 Dakota that a person owes money to or that collects money on behalf of another
21 party to satisfy a debt. The claimant agency and director shall share necessary
22 information, including the person's full name, social security number, and amount
23 and type of debt, through a mutually convenient method to timely achieve a setoff
24 of a prize.
- 25 2. The director shall establish a debt setoff process in which a lottery prize claim of
26 an amount equal to or greater than six hundred dollars must be used to setoff a
27 delinquent debt owed to or collected through a claimant agency.
- 28 3. If the director determines that a winning player owes a delinquent debt to or has a
29 delinquent debt collected through a claimant agency, the director shall set off the
30 amount of the debt from the prize due and notify the player, in writing, of the setoff.
31 If the setoff accounts for only a portion of the prize due, the remainder of the prize

- 1 must be paid to the player. The director shall transfer the setoff amount to the
2 claimant agency unless the player notifies the director, in writing, within thirty days
3 of the date of the notice of the setoff, that the player disputes all or part of the debt
4 owed to or collected through the claimant agency. If the director receives a
5 notification that the player disputes the setoff amount or claim upon which the
6 setoff is based, the director shall grant a hearing to the player to determine
7 whether the setoff is proper or the claim is valid, unless a review by a court is
8 authorized under section 50-09-14. At a hearing, no issue may be reconsidered
9 that the player has or could have previously litigated in a court or administrative
10 proceeding.
- 11 4. The lottery is discharged of all further liability for the amount of any debt setoff paid
12 to a claimant agency.
- 13 5. If two or more claimant agencies have delinquent accounts for the same player,
14 the director shall apportion the prize equally among them. However, a setoff to the
15 department of human services for child support payments has priority over all other
16 setoffs.
- 17 6. If the prize is insufficient to satisfy the entire debt, the remainder of the debt may
18 be collected by a claimant agency as provided by law or rule and resubmitted for
19 setoff against any other prize awarded.
- 20 7. If two or more claimant agencies make adverse claims to all or a part of a prize
21 payment, upon receipt of written notice from the claimant agencies setting forth
22 their claims, the director may deposit, in accordance with section 32-11-02, the
23 contested amount of the prize payment with the clerk of court in the district in
24 which an action pertaining to the contested amount is pending or with a
25 court-authorized depository. If one of the claims is for child support, the director
26 shall transfer the setoff amount to the state disbursement unit before depositing
27 any remaining prize payment or award. Any review of this transfer to the state
28 disbursement unit must be done pursuant to section 50-09-14. Upon making the
29 deposit or transfer, the state and its officials and employees are discharged and
30 relieved from further liability to any person or claimant agency related to the prize
31 payment.

1 **53-12.1-12. Rules.** The attorney general shall adopt rules governing the operation of
2 the lottery. The attorney general may adopt emergency rules as necessary without the grounds
3 otherwise required under section 28-32-03. The attorney general shall adopt rules to address
4 any matters necessary for the efficient operation of the lottery or convenience of the public,
5 including:

- 6 1. Type of retailer where a ticket may be sold;
- 7 2. Qualification for selecting a retailer and amount of application and license fees;
- 8 3. Licensing procedure;
- 9 4. Method used to sell a ticket, including a gift certificate and subscription;
- 10 5. Financial responsibility of a retailer;
- 11 6. Retailer promotions;
- 12 7. Amount and method of commission to be paid to a retailer, including a special
13 bonus or incentive;
- 14 8. Deadline for claiming a prize by the owner of a winning ticket, however, the
15 deadline may not exceed one year;
- 16 9. Manner of paying a prize to the owner of a winning ticket; and
- 17 10. Setoff of a prize.

18 **SECTION 5. AMENDMENT.** Subsection 2 of section 54-10-01 of the North Dakota
19 Century Code is amended and reenacted as follows:

- 20 2. Perform or provide for the audit of the general purpose financial statements and a
21 review of the material included in the comprehensive annual financial report of the
22 state and perform or provide for the audits and reviews of state agencies. Except
23 for the annual audit of the North Dakota lottery required by section ~~53-12-07~~
24 53-12.1-03, the state auditor shall audit or review each state agency once every
25 two years. The state auditor shall determine the contents of the audits and
26 reviews of state agencies. The state auditor may conduct any work required by
27 the federal government. The state auditor shall charge an amount equal to the
28 cost of the audit and other services rendered by the state auditor to all agencies
29 that receive and expend moneys from other than the general fund. This charge
30 may be reduced for any agency that receives and expends both general fund and
31 non-general fund moneys. Audits and reviews may be conducted at more frequent

1 intervals if requested by the governor or legislative audit and fiscal review
2 committee.

3 **SECTION 6. AMENDMENT.** Subsection 7 of section 57-38-57 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 7. The tax commissioner, upon written request from the director of the North Dakota
6 lottery, may provide a written statement to the director, employees, or agents of
7 the North Dakota lottery, in which the tax commissioner is limited to stating that the
8 lottery retailer applicant has complied or not complied with the requirements of this
9 chapter. The information obtained under this subsection is confidential and may
10 be used for the sole purpose of determining whether the applicant meets the
11 requirements of ~~subdivision d of subsection 4~~ subsections 3, 4, and 5 of section
12 ~~53-12-13 and subdivision d of subsection 1 of section 53-12-14~~ 53-12.1-07.

13 **SECTION 7. AMENDMENT.** Subsection 47 of section 57-39.2-04 of the North Dakota
14 Century Code is amended and reenacted as follows:

15 47. Gross receipts from the sale of lottery tickets under chapter ~~53-12~~ 53-12.1.

16 **SECTION 8. AMENDMENT.** Subsection 7 of section 57-39.2-23 of the North Dakota
17 Century Code is amended and reenacted as follows:

18 7. The tax commissioner, upon written request from the director of the North Dakota
19 lottery, may provide a written statement to the director, employees, or agents of
20 the North Dakota lottery, in which the tax commissioner is limited to stating that the
21 lottery retailer applicant has complied or not complied with the requirements of this
22 chapter. The information obtained under this subsection is confidential and may
23 be used for the sole purpose of determining whether the applicant meets the
24 requirements of ~~subdivision d of subsection 4~~ subsections 3, 4, and 5 of section
25 ~~53-12-13 and subdivision d of subsection 1 of section 53-12-14~~ 53-12.1-07.

26 **SECTION 9. REPEAL.** Chapter 53-12 of the North Dakota Century Code is repealed.

27 **SECTION 10. EMERGENCY.** This Act is declared to be an emergency measure.