

time female help may be employed ten hours in one day and seven days in one week, but not to exceed forty-eight hours in any one week. An emergency, as herein referred to, is defined to exist in the case of sickness of more than one female employee, in which case a doctor's certificate must be furnished, for the protection of human life, in the case of the holding of banquets, conventions, celebrations, session of the legislature in any city wherein such session is held and during the time such body is in session, or where a female is employed as reporter in any of the courts of the State of North Dakota.

Approved February 20, 1939.

INSURANCE

CHAPTER 154

H. B. No. 290—(Arneson of Nelson)

BENEVOLENT ASSOCIATIONS ACT, AMENDMENT

An act to amend and re-enact Section 8 of Chapter 145 of the Session Laws of North Dakota, for the year 1937, relating to all benevolent corporations, association[s] or societies operating on voluntary or involuntary assessment or contribution plan.

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

§ 1. AMENDMENT.] Section 8 of Chapter 145 of the Session Laws of North Dakota for the year 1937, be amended and re-enacted to read as follows:

§ 8. ENTIRE CONTRACT. INCONTESTABILITY. SUICIDE.] The certificate of membership together with the application therefor shall constitute the entire contract, and shall be incontestable after one (1) year from its date of issue, except for fraud, non-payment of assessments or military or naval service in time of war. In no case shall death from acute or chronic diseases occurring more than one (1) year after the date of issue of said certificate be construed as grounds for non-payment, regardless of any provision or statement in the application and certificate contained; and in no case shall full payment be refused under any such certificate where the member's death occurs more than one (1) year after its date of issue, from acute, sub-acute or chronic diseases. In event of the member's suicide, within one (1) year from the date of issue of the certificate, the society's liability shall be limited to an amount equal to all membership fees and assessments paid.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 13, 1939.

CHAPTER 155

H. B. No. 223—(Committee on Insurance)

DEPOSIT REQUIREMENTS, DOMESTIC LIFE INSURANCE COMPANIES

An act to amend and re-enact Section 4847 of the Civil Code of the Compiled Laws of North Dakota for 1913.

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

That Section 4847 be amended and re-enacted as follows:

§ 4847. COMMISSIONER ASCERTAINS VALUE OF POLICIES. SECURITIES TO BE DEPOSITED.] As soon as practicable after the filing of such statement the Insurance Commissioner shall ascertain the net cash value of every policy in force upon the basis of the American table of mortality and four and one-half per cent interest, or actuaries combined experience table of mortality and four per cent interest, in all companies organized under the laws of this State. The company may make such valuation and make and file the same with such annual statement, and it shall be received by the Insurance Commissioner upon satisfactory proof of its correctness. The net cash value of all policies in force in any such company being ascertained, the Insurance Commissioner shall notify it of the amount, and within thirty days thereafter, the officers thereof shall deposit with the Insurance Commissioner the amount of the ascertained value in the securities specified in Chapter 156 of the Session Laws of 1907 (Sections 4861, 4862 herein); provided, however, that no stock or mutual company organized under the laws of this State shall be required to make a deposit of such securities in an amount exceeding one hundred thousand dollars; and when securities in that amount shall have been deposited then such insurance company may, and the Insurance Commissioner shall accept, in lieu of further deposit, a detailed, verified statement setting forth a list of the items of security held by such insurance company with sufficient particularity; and such securities so specified in such list, although retained by such insurance company, shall be kept separate and distinct from its other securities and shall be held as a deposit for the policyholders of said company under the provisions of this section.

The Insurance Commissioner may at any time make a personal examination of the books, papers, securities and business of any such life insurance company or authorize any other suitable person to make the same, and he or the person so authorized may examine under oath any officer or agent of the company, or others, relative to its business and management. If upon such examination the Insurance Commissioner is of the opinion that the company is insolvent, or that its condition is such as to render a further continuance of its business hazardous, then the Insurance Commissioner may require such insurance company to forthwith deposit in his office all of such securities so listed and specified in said list, and not deposited; provided, however, that nothing therein contained shall be construed as preventing or prohibiting any domestic life insurance company from depositing such securities in an amount to exceed the cash value of its policies.

Approved March 3, 1939.

CHAPTER 156

S. B. No. 120—(Committee on Insurance)

FOREIGN INSURANCE COMPANIES WRITING FIDELITY AND SURETY

An act to amend and re-enact Section 4907, Compiled Laws of the State of North Dakota for 1913, to make more certain the requirement that all foreign insurance companies have a capital of two hundred and fifty thousand dollars (\$250,000.00) as a condition to writing fidelity and surety risks in this State, and repealing all acts in conflict herewith.

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

§ 1. AMENDMENT.] That Section 4907 of the Compiled Laws of the State of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 4907. MUST COMPLY WITH LAWS OF STATE.] Every corporation not organized under the laws of the State of North Dakota, to be qualified to act as surety or guarantor, must comply with the requirements of every law of this State applicable to such company, and to foreign insurance companies doing business thereunder; must be authorized under the laws of the State wherein incorporated, and under its charter to be surety upon such bond, undertaking, recognizance or obligation, must have fully paid up and safely invested an unimpaired capital, namely the capital stock of a stock insurance company or the surplus of a mutual insurance company, of at least two hundred and fifty thousand dollars; must have good

and available assets exceeding its liabilities, which liabilities for the purpose of this article, shall be taken to be its capital stock, debts outstanding, and a premium reserve at the rate of fifty per centum of the current annual premiums on each outstanding bond or obligation of like character in force; must file with the Commissioner of Insurance a certified copy of its certificate of incorporation, a written application to be authorized to do business in this State, also with such application, and in each year thereafter, a statement, verified under oath, made up to December thirty-first preceding, stating the amount of its paid up cash capital, particularizing each item of investment, the amount of premiums upon existing bonds, undertakings and obligations of like character in force upon which it is surety, the amount of liability for unearned portion thereof, estimated at the rate of fifty per centum of the current annual premiums on such bond, undertaking, recognizance and obligation in force, stating also the amount of debts outstanding, obligations of all kinds, and such further facts as may be by the laws of this State required of such company in transacting business therein; and if such company be organized under the laws of any other State than this State, it must have on deposit with a State officer of one of the States of the United States not less than one hundred thousand dollars in securities prescribed by law, deposited with and held by such officer for the benefit of the holders of its obligations. It must also, by a duly executed instrument, filed in his office, constitute and appoint the Commissioner of Insurance of this State and his successors, its true and lawful attorney, upon whom all process in any action or proceeding against it may be served, and therein must agree that any process which may be served upon its attorney shall be of the same force and validity as if served upon the corporation, and that the authority thereof shall continue in force irrevocable, so long as any liability of the company remains outstanding in this State. Service upon such attorney shall be deemed sufficient service upon the corporation.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 15, 1939.

CHAPTER 157**S. B. No. 121—(Committee on Insurance)**

ADMISSION OF FOREIGN MUTUAL INSURANCE COMPANIES

An act to amend and re-enact Chapter 161 of the Session Laws of 1931, relating to the admission of foreign mutual insurance companies, and declaring an emergency.

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

§ 1. AMENDMENT.] That Chapter 161 of the Session Laws of 1931, be and the same is hereby amended and re-enacted to read as follows:

§ 1. No foreign mutual insurance company shall hereafter be admitted for transaction of business in this State until it shall have accumulated assets in excess of all liabilities in an amount not less than one hundred thousand dollars, (\$100,000).

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 15, 1939.

CHAPTER 158**H. B. No. 396—(Delayed Bills Committee)**

HAIL INSURANCE ACT, AMENDMENTS

An act amending and re-enacting Section 189b11 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as amended by Section 10 of Chapter 137, Laws of 1933, in reference to State hail insurance, crop affidavit, insurability and liens; repealing acts in conflict herewith, and declaring an emergency.

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

§ 1. AMENDMENT.] Section 189b11 of the 1925 Supplement to the Laws of North Dakota, as amended by Section 10, Chapter 137, Session Laws of 1933, is amended and re-enacted to read as follows:

§ 189b11. CROP AFFIDAVIT, INSURABILITY AND LIENS.] In making application for State hail insurance as provided by Section 189b9 of this act, the owner, tenant, or cropper, shall furnish the complete information required in the application blank, and he shall be bound by such information. If lands are bought on contract, the contract owner shall be deemed the party responsible

for the payment of the hail indemnity taxes and the record or title owner, in such case, shall not in any way, determine as to whether or not such insurance should be carried. Where the cropper is a tenant, he shall, in making application for State hail insurance, secure the owner's consent in writing to such application but such consent may be filed on separate forms or letter to be made a part of the application. Provided, that an owner may make regular application for insurance on his proportionate share of crop. It is further provided that every lease, oral or written, on land subject to hail indemnity tax, hereafter made, shall be deemed to include, as a covenant and agreement on the part of the lessee or cropper, an undertaking to pay his share of hail indemnity taxes properly chargeable against the land, and the landlord shall have a first lien upon all the crops grown upon the land, belonging to any such tenant or share cropper as security for the payment of tenant's share of the said hail indemnity taxes, unless the contrary shall be clearly expressed in writing and made a part of the lease. Every vendee or mortgagee of crops grown on rented land shall be charged with notice of such lien. Such lien may be enforced in the same manner as a seed, labor, or thresher's lien and with like effect or the amount thereof may be subjected to other provisions of the contract relative to the division of the crop. It is further provided that contracts for sale of lands and mortgages executed prior to the approval of this act must be recorded within ninety days of the effective date of this act in order to preserve their status as a prior lien to the hail indemnity taxes levied hereunder. No regular application for hail insurance shall be approved by the Commissioner of Insurance where the records of the county auditor show any unpaid hail indemnity taxes except as hereinafter provided. Provided that applications for hail insurance may be approved where the records of the county auditor show unpaid hail indemnity taxes for one year of the last preceding four years. Provided, however, that an application may be approved when an owner makes proof that he is not liable for payment of indemnity taxes levied against the land and remaining unpaid on account of foreclosure of a superior lien.

On May 15th of every year the sheriff of each and every county in the State shall furnish the Hail Insurance Commissioner a list of sheriff's certificates in his county, issued on foreclosure of mortgages, and on which the period of redemption extends through part or all of the then current cropping year. Provided that listings for insurance on such premises shall in no event be approved by the Commissioner of Insurance. Special policies may, however, be issued for insurance in all cases not insurable on regular applications if proper applications in accordance with provisions of Section 25 of this act be filed with the Hail Insurance Department direct.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith, are hereby repealed.

§ 3. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 16, 1939.

CHAPTER 159

H. B. No. 320—(Joiner)

HAIL TAX REFUND, ASSIGNMENT, CANCELLATION

An act to amend and re-enact Section 2 of Chapter 156 of the Session Laws of 1935, relating to hail tax refund, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 2 of Chapter 156 of the Session Laws of 1935, be and the same is hereby amended and re-enacted to read as follows:

§ 2. REFUND, ASSIGNMENT, CANCELLATION.] The holder of the certificate must make application for the refund to the Commissioner of Insurance, tendering his certificate, and an assignment thereof, to the Hail Insurance Department, and making proof satisfactory to the Commissioner of Insurance that the title of the land has been lost under a paramount lien, and that he has not been compensated in any way for the money paid for the certificate. Upon being so satisfied, the Commissioner of Insurance shall refund to the holder, such amount with interest. Upon making any such refund, the Commissioner shall take an assignment of the certificate in trust for the benefit of the Hail Insurance Department, and in case the tax debtor becomes the owner of the land effected [affected], the hail indemnity tax, represented by such certificate, shall again attach as a lien upon his interest. Provided further, that any time after the expiration of three years from the time the title of the land has been lost, under a paramount lien, and the land effected has not reverted back to the original owner within such three year period, the Commissioner of Insurance shall, upon satisfactory proof, cancel the hail tax of record and cancel the said hail indemnity tax certificate and the assignment thereof, so held in trust and surrender the same to the county auditor; but in no event shall such tax sale certificate be cancelled prior to the expiration of ten (10) years from the date of the tax sale certificate or where there has been a subsequent hail indemnity tax paid, then ten (10) years from the payment of the last subsequent hail indemnity tax paid, or in case of sales heretofore made under the six (6) year limitation, then prior to the

expiration of the six (6) years from the date of such tax sale certificate or last subsequent hail tax paid.

§ 3. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 16, 1939.

CHAPTER 160

S. B. No. 69—(Committee on Insurance)

TAXATION OF INSURANCE COMPANIES

An act to amend and re-enact Section 4924, Compiled Laws of North Dakota for the year 1913, as amended by Chapter 79 of the Session Laws of 1921, relating to the taxation of insurance companies.

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

§ I. AMENDMENT.] That Section 4924, Compiled Laws of North Dakota for the year 1913, as amended by Chapter 79 of the Session Laws of 1921, be and the same is hereby amended and re-enacted as follows:

§ 4924. Every insurance company doing business in this State, except stock and mutual companies organized under the laws of this State, shall at the time of making annual statement of business done as required by law, pay to the Commissioner of Insurance two and one-half per cent of the gross amount of premiums, considerations for annuities, membership fees and policy fees received in this State during the preceding year. Upon payment of such sum, the Commissioner of Insurance shall issue the annual certificate provided by law.

Approved March 15, 1939.

CHAPTER 161**S. B. No. 131—(Guthrie)**

RECIPROCAL INSURANCE AGENTS' LICENSES

An act to amend and re-enact Chapter 151 of the Session Laws of North Dakota for 1935, providing for licenses for reciprocal fire and life insurance underwriters.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 151 of the Session Laws of North Dakota for 1935 be and it is hereby amended and re-enacted to read as follows:

§ 1. UNDERWRITERS' LICENSES REQUIRED.] A nonresident insurance agent or solicitor placing insurance, through a resident insurance agent of this State, shall be permitted to do so only where he first shall have made written application for, and procured from the Commissioner of Insurance, a license therefore upon a form prescribed by the Commissioner of Insurance and upon the payment of a fee of \$10.00. Such license shall expire one year from its date and in no case shall be granted to a resident of any State which does not permit the licensing of an agent of this State under like circumstances.

Approved March 15, 1939.

MARRIAGE

CHAPTER 162**H. B. No. 267—(Boulden, Bolmeier)**

SYPHILIS TESTS BEFORE MARRIAGE

An act providing for serological test, for syphilis for all persons applying for marriage licenses; prohibiting marriage of any person afflicted with syphilis in communicable form; providing for proofs of serological test to be required by and submitted to county judges before the issuance of a marriage license; repealing acts and parts of acts inconsistent with or in conflict herewith making an appropriation for the State Health Department to enable it to comply with the provisions hereof.

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

§ 1. It shall be necessary for all persons intending to be mar-