

HEALTH AND SAFETY

CHAPTER 215

H. B. No. 598

(Wheeler, Aamoth, Dahlund, Burk)

AMBULANCE SERVICE

AN ACT

Relating to counties or municipalities of the state of North Dakota; providing for the establishment of ambulance service therein; and declaring an emergency.

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

§ 1.) Any county or municipality of the state of North Dakota, by itself, or in combination with any other county or municipality of the state of North Dakota, may, acting through its governing body, establish, maintain, contract for, or otherwise provide ambulance service for such county or municipality; and for this purpose, out of any funds of such county or municipality not otherwise committed, may buy, rent, lease or otherwise contract for all such vehicles, equipment or other facilities or services which may be necessary to effectuate such purpose.

§ 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 14, 1959.

CHAPTER 216

H. B. No. 565

(Van Sickle, Muggli, Aamoth,
(Dahlund, Poling)DISINTERMENT AND REMOVAL OF BODIES
IN CEMETERIES

AN ACT

To provide for disinterment and removal of bodies in cemeteries under certain circumstances.

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

§ 1. Definitions.) In this Act, unless the context otherwise requires, the term:

1. "Human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition or cremated remains.
2. "Cemetery" means any one, or a combination of more than one, of the following, in a place used, or intended to be used, and dedicated, for cemetery purposes:
 - a. A burial park, for earth interments.
 - b. A mausoleum, for crypt or vault interments.
 - c. A crematory, or a crematory and columbarium, for cinerary interments.
3. "Burial park" means a tract of land for the burial of human remains in the ground, used or intended to be used, and dedicated, for cemetery purposes.
4. "Cemetery authority" includes a cemetery corporation, association, or other person owning or controlling cemetery lands or property.
5. "Cemetery business, cemetery businesses" and "cemetery purposes" are used interchangeably and mean any and all business and purposes requisite to, necessary for, or incident to, establishing, maintaining, operating, improving, or conducting a cemetery, interring human remains, and the care, preservation, and embellishment of cemetery property, including but not limited to, any activity or business designed for the benefit, service, convenience, education, or spiritual uplift of property owners or persons visiting the cemetery.

§ 2. Municipal Ordinance for Disinterment.) The governing body of any municipality may, by ordinance and under such rules and regulations as it may adopt, provide for the disinterment and removal of all human remains from any cemetery

which is within the municipality, or owned and controlled by the municipality and located without its boundaries, whenever the governing body finds that the further maintenance of all or any part of the cemetery as a burial place for the human dead threatens or endangers the health, safety, comfort or welfare of the public.

§ 3. County Order for Disinterment.) The board of county commissioners of any county may, by resolution and under such rules and regulations as it may adopt, order the disintering and removal of all human remains from any cemetery which is within the county and outside the boundaries of any municipality, whenever the board finds that the further maintenance of all or any part of the cemetery as a burial place for the human dead threatens or endangers the health, safety, comfort or welfare of the public.

§ 4. Declaration of Intent.) The cemetery authority of any cemetery from which human remains are ordered removed by a municipal ordinance or county resolution adopted in accordance with this Act, shall declare its intention and purpose to disinter and remove the remains in accordance with such movement orders, and to reinter the remains in another cemetery or cemeteries outside the limits of the municipality or county or to deposit the remains in a mausoleum or columbarium.

§ 5. Contents of Declaration.) Any resolution or declaration of intention to disinter and remove human remains pursuant to this Act adopted or declared by any cemetery authority shall specify and declare that at any time after the expiration of six months from and after the first publication of the notice of the resolution or declaration, the human remains then remaining in all or any part of the cemetery will be removed by the cemetery authority.

§ 6. Publication.) Notice of a declaration of intention to remove the human remains from all or any part of any cemetery shall be given by publication in a newspaper of general circulation published in the municipality or county in which the cemetery or the portion from which removals are to be made is situated. Publication shall be at least once each week for eight successive weeks.

§ 7. Heading and Contents.) The notice shall be entitled "Notice of Declaration of Intention to Remove Human Remains from . . . (insert name of cemetery) in accordance with the provisions of . . . (insert authority such as ordinance, resolution or statute) of the (insert name of municipality or county) and shall specify a date not less than six months after the first publication when the cemetery authority causing the

notice to be published will proceed to remove the remains then remaining in such cemetery or the portion from which removals are to be made.

§ 8. Posting of Copies.) Copies of the notice shall within ten days after the first publication be posted in at least three conspicuous places in the cemetery or the portion from which removals are to be made.

§ 9. Mailing to Plot Owners.) A copy of the notice shall be mailed to every person who owns, holds, or has the right of interment in, any plot in the cemetery or part affected, whose name appears upon the records of the cemetery. The notice shall be addressed to the last known post office address of the plot owner as it appears from the records of the cemetery, and if his address does not appear or is not known, then to him at the city, or city and county, in which the cemetery land is situated. If such persons who own, hold, or have a right of interment in, any plot of the cemetery or part affected are unknown or cannot be located, the publication of the notice of declaration of intent to disinter provided for in section 6 of this Act shall be deemed to be proper and sufficient notice to such persons.

§ 10. Mailing to Heirs of Persons Interred.) The notice shall also be mailed to each known living heir at law of any person whose remains are interred in the cemetery, if his address is known. If the heirs of any person whose remains are interred in the cemetery are unknown or cannot be found, the publication of the notice of the declaration of intent to disinter provided for in section 6 of this Act shall be sufficient and proper notice to such persons.

§ 11. Notice of Desire To Be Present During Disinterment and Reinterment.) At any time before the date fixed for the removal of remains by the cemetery authority, any relative or friend of any person whose remains are interred in the cemetery from which removals are to be made may give the cemetery authority written notice that he desires to be present when the remains are disinterred or are reinterred.

The notice to the cemetery authority shall specify:

1. The name of the person whose remains are to be disinterred.
2. As accurately as possible, the plot where the remains are interred.
3. The date of interment.
4. An address at which the required notices may be given by the cemetery authority.

The notice may be delivered, or forwarded by registered or certified mail, to the office or principal place of business of the cemetery authority proposing to make removals.

After receipt of such notice before the date fixed for the removal of the remains by the cemetery authority, it shall give written notice to the person requesting it of the time when the remains shall be disinterred and of the time when and the place where they will be reinterred. This notice shall be given by delivery, or by mail, to the person requesting it at least ten days prior to the date specified for the disinterment of the remains.

Whenever a request of notice is given by a relative or friend, the cemetery authority shall not disinter the remains referred to until the notice of the time of disinterment is given the relative or friend, as provided in this section.

§ 12. Voluntary Removal.) At any time prior to the removal by a cemetery authority of the remains of any person, any relative or friend of the decedent may voluntarily remove and dispose of the remains. The person desiring to cause the removal shall, prior to removal, deliver to the cemetery authority an affidavit stating the name of the decedent whose remains it is desired to remove and, so far as is known to affiant, the date of burial and the names and places of residence of the heirs at law of the decedent. If the person desiring to cause the removal is not an heir at law of the person whose remains he desires to remove, the removal shall not be made by him until he has delivered to the cemetery authority the written consent of a majority of the known heirs at law of the decedent who are residents of this state. The statements in the affidavit are sufficient evidence of the number, names, and residences of the heirs at law for all of the purposes of this Act, and the written consent of the majority of the heirs at law named in the affidavit is sufficient authority for the cemetery authority to permit the removal of the remains.

§ 13. Removal by Purchaser or Owner of Plot or Right of Interment.) Removal of all remains in a plot without the filing of an affidavit of consent may be caused by any of the following:

1. The purchaser or owner of the plot.
2. The purchaser or owner of the right of interment in the plot.
3. Any one of joint purchasers or owners of the plot or of the right of interment in the plot.

§ 14. Removal by Heirs of Grantee of Plot or Right of Interment; Affidavit.) If the right, title or interest of any grantee of any plot or of the right of interment therein has passed by succession to the heir or heirs at law of the grantee without distribution by order of court, the heir or heirs at law may remove the remains of persons interred in the plot. The affi-

davit of any heir at law setting out the facts of heirship shall be accepted by the cemetery authority as sufficient evidence of the fact of the transfer.

§ 15. Removal of Appurtenances to Interment Space.)

Whenever remains are removed by a relative or friend of a decedent, under the provisions of this Act, the person causing the removal is entitled to remove any vault, monument, headstone, coping or other improvement appurtenant to the interment space from which the remains have been removed. The affidavit or written consent given under the provisions of this Act are sufficient authority for the cemetery authority to permit the removal of any such appurtenance. If such appurtenances remain on the plot for more than ninety days after the removal of the last human remains, they may be removed and disposed of by the cemetery authority, and thereafter no person claiming any interest in the plot, or any such appurtenance shall maintain in any court any action in relation to any such appurtenance.

§ 16. Removal and Reinterment by Cemetery Authority.)

After the completion of notice, and after the expiration of the period of six months specified in the notice, any cemetery authority may cause the removal of all human remains interred in the cemetery or portion from which the remains have been ordered removed, and may reinter such remains in any other place in this state where interments are permitted, without further notice to any person claiming any interest in the cemetery, or portion affected, or in the remains interred therein. Whenever any remains are removed from any cemetery or portion of a cemetery pursuant to this Act by a cemetery authority, such remains shall be reinterred as near as possible to the cemetery from which such remains were taken. The remains of each person reinterred shall be placed in a separate and suitable receptacle and decently and respectfully interred under rules and regulations adopted by the cemetery authority making the removal, and the state department of health of the state of North Dakota.

§ 17. Disposal of Lands.) Whenever human remains have been ordered removed under this Act, and the cemetery authority has made and published notice of intention to remove such remains, the portions of the cemetery in which no interments have been made, and those portions from which all human remains have been removed, may be sold, mortgaged, or otherwise encumbered as security for any loan or loans made to the cemetery authority. No order of any court shall be required prior to the making of any such sale, mortgage, or other encumbrance of such lands; but any sale of such cemetery lands made by any cemetery corporation or

association controlled by a governing body shall be fairly conducted and the price paid shall be fair and reasonable and all such sales shall be confirmed, as to the fairness and reasonableness of the price paid, by the district court of the county in which the lands are situated.

§ 18. Recordation of Removal of Human Remains; Acknowledgment.) After the removal of all human remains interred in any part or the whole of the cemetery lands, the cemetery authority shall file for record in the office of the county recorder of the county or municipality in which the lands are situated a written declaration reciting that all human remains have been removed from the lands described in the declaration.

The declaration shall be acknowledged in the same manner as acknowledgments of deeds to real property by the president and secretary, or other corresponding officers of the cemetery authority, or by the person owning or controlling the cemetery lands, and thereafter any deed, mortgage, or other conveyance of any part of such lands is conclusive evidence in favor of any grantee or mortgagee named therein, and his successor or assigns, of the fact of the complete removal of all human remains therefrom.

§ 19. Proceeds of Sale of Land; Use.) Money payable or to become payable as the purchase price or on account of the purchase price of unused cemetery lands, or lands from which all remains have been removed is not subject to garnishment, attachment or execution, but shall be used exclusively for any or all of the following purposes:

1. Acquisition of lands and improvements for cemetery purposes.
2. Disinterment, removal, and reinterment of bodies, pursuant to this Act.
3. Endowment care of graves, markers, and cemetery embellishments.
4. The payment of expenses incidental to the disinterment, removal, and reinterment.
5. Any other purpose consistent with the objects for which the cemetery authority owning the cemetery is created or organized.

§ 20. Use of Funds to Pay Expense of Removal.) Whenever any cemetery corporation or association has declared for removal and has published notice of its intention to make removals under this Act, it may employ any money in its treasury to defray the expense of removal, including:

1. The expense of purchasing or otherwise providing a suitable place for the interment of remains in any other cemetery.

2. The expenses of disinterment, transportation and reinterment.
3. The expenses of removal and disposal of vaults, monuments, headstones, copings, or other improvements.
4. All necessary expenses incident to the sale or mortgaging of any land from which removals have been made.
5. All other expenses necessarily incurred in carrying out the removal, and reinterment, or disposing of remains so removed.
6. All expenses incident to any of the above purposes.

§ 21. Endowment Care Fund for Cemetery on Reinterment.)

From the money remaining in the treasury of the cemetery corporation or association after completing the removal and reinterment of the remains from its cemetery lands and the payment of all incidental expenses, the cemetery corporation or association shall set aside an adequate endowment care fund for the maintenance and care of the cemetery in which the remains have been interred. After making provisions for an endowment care fund to provide for maintenance and care, the governing body of the cemetery corporation or association may use such portion of the funds then remaining as it may determine to be just and fair in reimbursing those who voluntarily and at their own cost and expense removed the remains of friends or relatives from the cemetery lands from which the remains were ordered removed. Such reimbursement shall not be greater in amount than the average cost to the cemetery corporation or association for removals directly made by it. Any balance remaining in the fund may be used for such other purposes as the cemetery corporation or association may lawfully declare.

§ 22. Use of Funds for Perpetual or Other Care or Improvement of Cemetery of Reinterment.) Whenever any cemetery corporation or association having a governing body has caused the removal of remains from all or any portion of its cemetery and has funds in its treasury which are not required for other purposes, it may set aside, invest, use, and apply from such unexpended funds such sum as, in the judgment of the governing body, it is necessary or expedient to provide for the perpetual or other care or improvement of any cemetery in which the disinterred remains may be reinterred. In lieu of itself investing, using or applying the funds for care or improvement, the cemetery corporation or association may transfer the funds to any other corporation under such conditions and regulations as in the judgment of the governing body will insure their application to the purposes of care or improvement. Before any such transfer of funds is made, the cemetery corporation or association shall obtain an order authorizing the transfer from the district court of the county

where the cemetery or portion from which the remains were removed is situated. The order shall be obtained upon petition of the cemetery corporation or association, after such notice by publication as the court may direct, and any member or former plot owner may support or oppose the granting of the order by affidavit or otherwise. Before making the order, proof shall be made to the satisfaction of the court that notice has been given and that it is for the best interest of the cemetery corporation or association that the transfer be made.

§ 23. Interment of Decedent in Religious Cemetery; Compliance With Religious Requirements in Removing Remains.) The heirs, relatives or friends of any decedent whose remains have been interred in any cemetery owned, governed or controlled by any religious corporation or by any church or religious society of any denomination or by any corporation sole administering temporalities of any religious denomination, society or church, or owned, governed or controlled by any person or persons as trustee or trustees for any religious denomination, society or church shall not disinter, remove, reinter or dispose of any such remains except in accordance with the rules, regulations and discipline of such religious denomination, society or church.

The officers, representatives or agents of the church or religious society shall be the sole judge of the requirements of the rules, regulations and discipline of such religious denomination, society or church.

Approved March 12, 1959.

CHAPTER 217

H. B. No. 546
(Poling, Berntson, Saugstad,
(From LRC Study)

RABIES CONTROL COMMITTEE

AN ACT

Providing for the establishment of a rabies control committee and providing for its members and powers and duties.

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

§ 1. Rabies Control Committee; Members; Powers and Duties.) There is hereby established a rabies control committee consisting of the director of the state health department who shall be chairman, the game and fish commissioner, the

commissioner of agriculture and labor, and the state veterinarian. The members shall meet at such times as the chairman shall direct and the members shall not receive compensation for their service on the rabies control committee. It shall be the duty of the committee to prevent and control rabies in any area in the state that the committee has determined to be an emergency area because of the prevalence of rabies. The committee shall place its primary emphasis on human exposure cases; however, they shall be authorized to provide rabies vaccine for dogs and cats in an emergency area and may employ a veterinarian to administer such vaccine. The committee may also provide rabies vaccine for humans if requested to do so by the attending physician of the person to receive such vaccine. In addition, the committee shall have the authority to quarantine, vaccinate, or exterminate any animal in an area which has been designated by the committee as an emergency rabies area. If requested to do so by local authorities the committee may assist them in the prevention and control of rabies where an emergency exists. The rabies control committee is further authorized to apply to the emergency commission for any necessary moneys needed to carry out the provisions of this Act.

§ 2. Rabies Extermination Team.) The rabies control committee shall establish a rabies extermination team which shall be composed of such members of the game and fish department and the predatory animal and rodent control division of the department of agriculture and labor as the committee may direct. It shall be the duty of the extermination team, upon direction of the rabies control committee, to exterminate or quarantine those animals suspected of having rabies and to carry out such other preventative measures as the committee may from time to time direct.

Approved February 21, 1959.

CHAPTER 218

H. B. No. 614

(Haugland, Fitch, Berntson, Link, Beede, Bye)

COMPENSATION OF HEALTH COUNCIL MEMBERS

AN ACT

To amend and reenact section 23-0102 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to compensation of members of the health council.

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

§ 1. **Amendment.**) Section 23-0102 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-0102. Health Council; Members; Terms of Office; Vacancies; Compensation; Officers; Meetings.) The health council shall consist of nine members appointed by the governor in the following manner: Two persons shall be appointed from a list of four submitted by the state hospital association, two persons shall be appointed from a list of four submitted by the state medical association, one shall be appointed from a list of two submitted by the state dental association, one shall be appointed from a list of two submitted by the state nurses association, one shall be appointed from a list of two submitted by the state pharmaceutical association and there shall be appointed two lay persons with broad civic interests representing varied segments of the population. The members of the first health council shall be appointed within thirty days after this chapter becomes effective to serve for the following terms: three members for one year, three members for two years, and three members for three years, from the date of their appointment or until their successors are duly appointed. On the expiration of the term of any member, the governor, in the manner hereinbefore provided, shall appoint for a term of three years, persons to take the place of members whose terms on said council are about to expire. The officers of said council shall be elected annually. The following persons shall serve in an advisory capacity to the health council: the state health officer, the attorney general, the state superintendent of public instruction, the chairman of the board of administration, the state fire marshal, the executive secretary of the state board of nurse examiners, the executive director of the state board of public welfare and such other persons as the governor may designate. The council shall meet in January and June of each year and at such other times as the council or its chair-

man may direct. The council shall have as standing committees, a health committee and a hospital committee and such other committees as said council may find necessary. The health committee shall consist of one of the representatives of the state medical association, one of the representatives of the state hospital association, the representative of the state dental association, the representative of the state nurses association and two of the representatives of civic interests. The hospital committee shall consist of two representatives of the hospital association, one of the representatives of the state medical association, the representative of the state nurses association and one of the representatives of civic interests. The members of these committees shall be selected by the chairman of the health council from its own membership. The chairman shall have the responsibility of assigning to the special committees, problems relating to the respective fields. The members of the council shall receive fifteen dollars per day, not to exceed thirty days in any one year, and their necessary travel and subsistence expenses while attending council meetings, or in the performance of such special duties as the council may direct. Such per diem and expenses shall be audited and paid in the manner in which the expenses of state officers are audited and paid. The compensation provided for in this section shall not be paid to any member of the council who receives salary or other compensation as a regular employee of the state, or any of its political subdivisions, or any institution or industry operated by the state.

Approved March 14, 1959.

CHAPTER 219

S. B. No. 207
(Longmire and O'Brien)

BURIAL COSTS OF OLD AGE ASSISTANCE RECIPIENTS

AN ACT

To amend and reenact subsection 5 of section 23-0603 and section 50-0734 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to the obligation of counties in paying burial costs of persons receiving old age assistance.

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

§ 1. Amendment.) Subsection 5 of section 23-0603 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5. If the deceased left no husband, wife, or kindred answering the foregoing description and did not leave means sufficiently to defray his funeral expenses, including the cost of a casket, the county welfare board of the county in which the deceased had residence for poor relief purposes or if such residence cannot be established, then the county in which the death occurs, shall employ some person to arrange for and supervise the burial. The necessary and reasonable expense thereof, not exceeding two hundred fifty dollars, shall be borne by the county. The county also shall pay reasonable costs of transporting the body to the place of burial when burial is made in a cemetery out of the county in which death occurred, but not exceeding one hundred dollars.

§ 2. Amendment.) Section 50-0734 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0734. Recovery From the Estate of Recipient of Assistance.) On the death of any recipient of old age assistance under the provisions of this chapter, the total amount of assistance paid under this chapter shall be allowed as a preferred claim against the estate of such person in favor of the state, after funeral expenses for recipient and his or her spouse, not to exceed in each individual case two hundred fifty dollars, and such expenses of the last illness of recipient and spouse as are authorized or paid by the county agency, have been paid, and after the expenses of administering the estate, including the attorney's fees approved by the court, has been paid. No claim shall be enforced against the following:

1. Real estate of a recipient for the support, maintenance, or comfort of the surviving spouse or a dependent;
2. Personal property necessary for the support, maintenance, or comfort of the surviving spouse or a dependent;
3. Personal effects, ornaments, or keepsakes of the deceased, not exceeding in value two hundred dollars.

Approved March 17, 1959.

CHAPTER 220

H. B. No. 663

(Poling, Klingler, Muggli, Johnson, Haugland)

FIREWORKS DEFINITION

AN ACT

To amend and reenact section 23-1501 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to the definition of fireworks; and to amend and reenact section 23-1506 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to the penalty for violations of chapter 23-15 of the 1957 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. Amendment.) Section 23-1501 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1501. Fireworks Defined.) The term fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives other than toy paper caps are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky-rockets, Roman candles, daygo bombs, sparklers or other fireworks of like construction, any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. Nothing in this regulation shall be construed as applying to toy paper caps containing not more than twenty-five hundredths of a grain of explosive composition per cap.

No person, firm or corporation shall offer fireworks for sale to individuals at retail before the 27th day of June and after the 5th day of July in any calendar year. No person, firm or corporation shall offer fireworks for sale unless such person, firm or corporation has operated a retail business wherein merchandise was assessed by local taxing authorities on April 1st in the year immediately preceding the fireworks sale.

Expressly excepted from the term "fireworks" and expressly permissible for sale and use in this state shall be all fireworks enumerated as ICC Class C. Common Fireworks

as the same are defined in the regulations of the Interstate Commerce Commission and, more specifically, shall include and be limited to the following:

(1) Star Lights, with wood spike cemented in one end, total pyrotechnic composition not to exceed twenty grams each in weight. (10 ball);

(2) Helicopter Type Flyers, total pyrotechnic composition not to exceed twenty grams each in weight;

(3) Cylindrical Fountains, total pyrotechnic composition not to exceed seventy-five grams each in weight. The inside tube diameter shall not exceed $\frac{3}{4}$ inch;

(4) Cone Fountains, total pyrotechnic composition not to exceed fifty grams each in weight;

(5) Wheels, total pyrotechnic composition not to exceed sixty grams in weight, for each driver unit, but there may be any number of drivers on any one wheel. The inside bore of driver tubes shall not be over $\frac{1}{2}$ inch;

(6) Illuminating Torches and Colored Fire in any form, total pyrotechnic composition not to exceed one hundred grams each in weight;

(7) Sparklers and Dipped Sticks, total pyrotechnic composition not to exceed one hundred grams each in weight. Pyrotechnic composition containing any chlorate shall not exceed five grams;

(8) Comets and Shells, of which the mortar is an integral part, except those designed to produce an audible effect, total pyrotechnic composition not to exceed forty grams each in weight;

(9) Lady Fingers, (not to exceed seven-eighths of an inch in length or one-eighth inch in diameter,) total pyrotechnic composition not to exceed one-half grain each in weight;

(10) Whistles without report, total pyrotechnic composition not to exceed forty grams each in weight;

No person shall sell any of the permissible fireworks enumerated above to any person under the age of twelve (12) years.

§ 2. Amendment.) Section 23-1506 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1506. Violation a Misdemeanor.) Any person violating the provisions of this Act (chapter) shall be guilty of a misdemeanor, and shall be punished by a fine of \$100.00 or by imprisonment in the county jail for not more than 30 days or by both such fine and imprisonment.

Approved March 11, 1959.