

GENERAL PROVISIONS

CHAPTER 82

HOUSE BILL NO. 1058
(Legislative Council)
(Interim Judiciary Committee)

TECHNICAL CORRECTIONS

AN ACT to amend and reenact sections 2-04-05, 2-06-10, 4-10-20, subsection 2 of section 4-14-09, subsection 1 of section 4-18.1-04, section 4-18.1-13, subsection 14 of section 4-35-05, section 10-15-23, subsection 4 of section 11-10-10, subsection 6 of section 11-11-14, sections 11-12-02, 11-15-24, 12-60-19, 14-02-10, 14-06.1-12, subsection 4 of section 14-09-09.1, sections 14-10-07, 14-13-03, 15-10-12, 15-10-12.1, 15-10-18, 15-20.1-03, 15-20.4-04, 15-21-13, 15-28-10, 15-34.2-02, 15-34.2-16, 15-40.2-03, 15-40.2-08, 15-40.2-09, 15-41-04, 15-47-06, 15-47-17, 15-52-03, 15-60-01, subsections 4 and 5 of section 15-62.3-01, section 15-62.3-02, subsection 4 of section 15-65-03, section 16.1-03-11, subsection 2 of section 16.1-05-03, sections 16.1-12-09, 20.1-01-22.1, 20.1-01-25.1, 21-03-07, 21-11-08, 23-16-08, 24-08-01, 24-08-05, 25-01.1-17, 25-01.2-03, 25-02-02, 26-21.2-10, 27-01-01.1, 27-05-01, 27-05-08, 27-05-22, 27-09.1-21, 27-19-08, subsection 5 of section 27-20-02, section 27-20-04, subsection 2 of sections 28-32-03 and 29-06-15, sections 29-30.1-04, 30.1-02-02, 30.1-28-02, subdivision a of subsection 1 of section 30.1-28-12, sections 31-01-06.3, 32-35-04, 37-25-06, 38-09-15, 38-11-04, 39-04-18, 39-06-19, 39-06-29.1, 39-06-50, subsection 1 of section 39-26-02, sections 40-11-06, 40-11-13, 40-18-06, 40-21-13, 40-24-09, 40-24-16, 40-38.1-09, 40-45-16, subsection 6 of section 40-58-18, subsection 4 of section 41-09-35, subsection 1 of section 41-09-40, sections 43-07-22, 44-08-04, 45-05-03, 47-16-17, 47-18-28, 47-19-14.8, 48-03-03, subsections 18 and 20 of section 50-06-05.1, sections 50-06.2-02, 50-06.2-03, 50-19-01, 50-19-09, 50-20-01, 50-20-02, 50-20-04, 50-20-05, 50-22-02.1, subsection 3 of section 50-25.1-02, sections 51-13-07, 52-01-03, 52-04-13, 52-04-17, subdivision b of subsection 3 of section 52-06-04, sections 52-06-14, 52-06-15, 52-06-16, 52-06-17, 52-06-22, 52-06-37, 52-10-02, 52-10-03, 52-10-04, 52-10-05, 52-10-07, 52-11-01, 54-01-05.2, subsections 4 and 5 of section 54-01-05.5, sections 54-03-10, subsections 1 and 3 of section 54-06-04, section 54-06-04.1, subsections 14, 15, 16, and 17 of section 54-12-01, sections 54-14-01.1, 54-17.1-02, 54-23-24, 54-23-25, 54-27-10,

54-27-11, 54-35-01, 54-35-02.1, 54-35-02.7, 54-48-05, 54-48-06, 55-08-02.1, subsection 11 of section 55-08-03, subsection 1 of sections 57-15-16 and 57-15-17, section 57-51.1-05, subsection 1 of section 57-55-10, sections 57-58-05, 61-07-24, 61-08-12, 61-21-43.1, 61-21-67, 61-24.2-03, 61-24.2-14, and 61-31-09 of the North Dakota Century Code, relating to inaccurate or obsolete references; and to repeal sections 10-18.1-10, 10-28-17, 14-10-18, 14-12.1-41, 15-38.1-15, 19-03.1-42, 23-06.1-08, 26-21.1-14, chapter 26-40.1, sections 27-09.1-19, 27-11-03, 27-11-05, 27-11-16, 27-11-18, 27-11-25, 27-11-26, 27-11-27, 27-20-58, 28-20.1-07, 34-12-13, 38-08-09.14, 40-51.2-19, 43-29-18, 43-33-19, 50-06-05, 54-34.1-06, 59-04.1-15, 61-16-16, 61-16-45, and 61-16-47.1 of the North Dakota Century Code, relating to statutory interpretation, blood donation, medical malpractice, admission to practice of law, the social service board, the state planning division, and water and flood control and culverts.

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

SECTION 1. AMENDMENT. Section 2-04-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-04-05. Procedure for adoption of zoning regulations.

1. ~~Notice and hearing-~~ No airport zoning regulations shall be adopted, amended, or changed under this chapter except by action of the legislative body of the political subdivision in question, or the joint board provided for in subsection 2 of section 2-04-03 after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of the hearing shall be published in an official ~~paper~~ newspaper, or a ~~paper~~ newspaper of general circulation, in the political subdivision or subdivisions in which is located the airport hazard area to be zoned.
2. ~~Airport zoning commission-~~ Prior to the initial zoning of any airport hazard area under this chapter, the political subdivision or joint airport zoning board which is to adopt the regulations shall appoint a commission, to be known as the airport zoning commission, to recommend the boundaries of the various zones to be established and the regulations to be adopted therefor. ~~Such~~ The commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the legislative body of the political subdivision or the joint airport zoning board shall not hold its public hearings or take other action until it has received the final report of such commission. Where a city ~~plan~~ planning commission

or ~~comprehensive~~ zoning commission already exists, it may be appointed as the airport zoning commission.

* SECTION 2. AMENDMENT. Section 2-06-10 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-06-10. Bonds and other obligations. An authority shall have the ~~power to~~ may borrow money for any of its corporate purposes and issue its bonds therefor, including refunding bonds, in such form and upon such terms as it may determine, payable out of any revenues of the authority, including grants or contributions from the federal government or other sources, which bonds may be sold at not less than ninety-eight percent of par plus the interest accrued on the bonds to the date of the delivery thereof. Bond issues sold at private sale shall bear interest at a rate or rates and be sold at a price resulting in an average net interest cost not exceeding twelve percent per annum. There is no interest rate ceiling on those issues sold at public sale or to the state of North Dakota or any of its agencies or instrumentalities. Any bonds issued pursuant to this chapter by an authority, or by a governing body exercising the powers thereof, shall be payable, as to principal and interest, solely from revenues of an airport or air navigation facility or facilities, and shall so state on their face, but if any such issue of bonds constitutes an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, each bond of the issue shall be an equally valid and binding special obligation of the authority or municipality, as the case may be, in accordance with its terms, in an amount proportionate to the total amount of the issue which is within such the limitation or restriction. Neither the commissioners of an authority nor the governing body of a municipality nor any person executing such bonds shall be liable personally thereon by reason of the issuance thereof, except to the extent that the bonds, if constituting an indebtedness, exceed any applicable limitation or restriction.

In case any of the commissioners or officers of an authority or municipality whose signatures appear on any bonds or coupons cease to be such commissioners or officers after authorization but before the delivery of the bonds, the signature shall, nevertheless, be valid and sufficient for all purposes, the same as if the commissioners or officers had remained in office until delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

Any bond reciting in substance that it has been issued by the authority or municipality pursuant to this chapter and for a purpose or purposes authorized by this chapter shall be conclusively deemed, in any suit, action, or proceeding involving the validity or enforceability of the bond or the security therefor, to have been issued pursuant to this chapter and for such purpose or purposes.

Bonds issued by an authority or municipality pursuant to this chapter are declared to be issued for an essential public and

* NOTE: Section 2-06-10 was also amended by section 1 of Senate Bill No. 2491, chapter 85.

governmental purpose and, together with interest thereon, and income therefrom, shall be exempt from all taxes.

For the security of any such bonds the authority or municipality may by resolution make and enter into any covenant, agreement, or indenture authorized to be made as security for revenue bonds issued under chapter 40-35. The sums required from time to time to pay principal and interest and to create and maintain a reserve for the bonds may be made payable from any and all revenues referred to in this chapter, prior to the payment of current costs of operation and maintenance of the facilities. Whenever bonds are issued under this chapter and made payable from revenues of an airport involving municipalities with over ten thousand population, the governing body of the municipality, if at any time all revenues, including taxes, appropriated and theretofore collected for such bonds are insufficient to pay principal or interest then due, shall levy a general tax upon all of the taxable property in the municipality for the payment of the deficiency. If at any time a deficiency is likely to occur within one year for the payment of principal and interest due on the bonds, the governing body, in its discretion, may levy a general tax upon all the taxable property in the municipality for the payment of the deficiency. The taxes shall not be subject to any limitation of rate or amount applicable to other municipal taxes, provided that the initial resolution authorizing bonds for airport financing shall be published in the official paper newspaper, and any owner of taxable property within the city may within sixty days after such publication file with the city auditor a protest against the adoption of the resolution. If the governing body finds the protests to have been signed by the owners of taxable property having an assessed valuation equal to twenty percent or more of the assessed valuation of all taxable property within the city, as theretofore last finally equalized, all further proceedings under the initial resolution shall be barred.

SECTION 3. AMENDMENT. Section 4-10-20 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-10-20. Prosecution for violations - Duty of attorney general and state's attorney. Upon a complaint made by the commissioner, after a hearing as provided in section ~~4-10-17~~ 4-10-19, alleging a violation of this chapter or of any regulation rule duly made ~~thereunder~~ adopted under this chapter, the attorney general, or the state's attorney of the county wherein the case arises, immediately shall cause appropriate legal proceedings to be commenced and prosecuted for the enforcement of the penalties provided in this chapter. No prosecution ~~shall~~ may be instituted under this section unless the commissioner has held a hearing as provided in section 4-10-19.

SECTION 4. AMENDMENT. Subsection 2 of section 4-14-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Each of the practices described in this subsection is declared to be an unfair trade practice. It shall be is unlawful for any person to be engaged in such practices. No person who is a dealer in or a vendor of dairy products, for sale to a retailer or who sells dairy products to any person for retail sales shall:
- a. Give or extend discounts on dairy products sold to retail outlets, except for standard printed public discounts which fairly represent costs savings which may be passed on to the consumer.
 - b. ~~Repeated by omission from this code as unconstitutional, see 81 NW 2d 639.~~
 - e- Make payments of money, credit, gifts, or loans to retail outlets as rental for the storage or display of dairy products on the premises where they are offered for sale.
 - d7 e- ~~Repeated by omission from this code as unconstitutional, see 81 NW 2d 639.~~
 - f- c. Maintain or make repairs of any equipment owned by a retail outlet, except that used exclusively for dairy products, charging comparative, competitive commercial fees and charges for the service and parts.
 - g- ~~Repeated by omission from this code as unconstitutional, see 81 NW 2d 639.~~
 - h- d. Give any gift of money, merchandise, services or materials of any value to any retail outlet, except bona fide charities, except such services heretofore specifically permitted.

SECTION 5. AMENDMENT. Subsection 1 of section 4-18.1-04 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. There is hereby created a milk stabilization board to consist of five members, ~~who shall be~~ appointed by the governor. The board shall consist of one person who is a dairy farmer selling to a processor, who shall be selected by the governor from two names submitted to him by the North Dakota milk producers association; one person who is a processor, who shall be selected by the governor from two names submitted to him by the North Dakota dairy industries association; one person who is a retailer, who shall be selected by the governor from two names submitted to him by the North Dakota association of food retailers; and two persons shall be selected by the governor who are consumers, and who are not otherwise engaged in the milk business. No appointee shall have held elective or

appointive public office during the period of two years immediately preceding his appointment and no appointee shall hold any other public office, either elective or appointive, during his term of office as a member of the milk stabilization board; and not. Not more than three members of the said milk stabilization board shall, at the time of the appointment or thereafter during their respective terms of office, be members of the same congressional district reside on the same side of a continuous line following the eastern boundaries of Bottineau, McHenry, Wells, Kidder, Logan, and McIntosh Counties.

SECTION 6. AMENDMENT. Section 4-18.1-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-18.1-13. Construction. ~~Nothing contained in this~~ This chapter shall be construed to does not prohibit the issuing of trading stamps by retailers in connection with the sale of milk products or frozen dairy products except in those instances where a retailer offers trading stamp bonuses to purchasers of milk products or frozen dairy products.

If any portion of this chapter is held invalid or unconstitutional, such holding shall not affect the validity of the chapter as a whole, or of any part thereof which can be given effect without the part so held to be unconstitutional or invalid.

The authority of the board to regulate milk products or frozen dairy products moving in interstate commerce shall be construed to be as great as, but not to exceed, the limits imposed by the Constitution of the United States Constitution.

SECTION 7. AMENDMENT. Subsection 14 of section 4-35-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14. "Labeling" means the label and all other written, printed, or graphic matter:
 - a. Accompanying the pesticide or device; and
 - b. To which reference is made on the label or in literature accompanying or referring to the pesticide, except when accurate nonmisleading references are made to current official publications of the board; the United States environmental protection agency; the United States departments of agriculture and interior; the United States department of health, education, and welfare and human services; state agricultural colleges; and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

SECTION 8. AMENDMENT. Section 10-15-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

10-15-23. Missing securities or records.

1. When a security issued by a cooperative is missing, the cooperative shall issue a duplicate security if the owner so requests and furnishes an indemnity acceptable to the cooperative.
2. When records showing ownership of securities or apportionment of equity interest in the assets are missing and the information therein contained is necessary to a proposed redemption of the interest, the cooperative may give notice and redeem as follows:
 - a. The cooperative shall set aside an amount equal to the value of the interests to be redeemed.
 - b. The cooperative shall give notice of such redemption to all owners of interests of which the cooperative has knowledge.
 - c. If there are interests, the ownership of which is unknown to the cooperative, it shall publish notice of the redemption at least once a month for four months both in a publication circulated among members of cooperatives in the area, if any, and in a newspaper of general circulation in the area.
 - d. Any unclaimed outstanding interest represented by the missing records may then be terminated in accordance with section ~~10-15-34~~ 10-15-34.1.

SECTION 9. AMENDMENT. Subsection 4 of section 11-10-10 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. The salaries of the judges of county courts shall be as ~~set out~~ provided in section 27-07.1-04. The county superintendent of schools shall receive for any trips necessarily made within his county in the performance of school district reorganization duties the same mileage as he receives under the provisions of section 11-10-15. The board of county commissioners of any county may, by resolution, increase the salary of any full-time county official provided in this section ~~or section 27-08-08~~, if, in the judgment of such board, by reason of duties performed, the official merits the increase. The salary of a county official shall not be reduced during ~~his or her~~ the official's term of office. Any county official performing duties on less than a full-time basis may be paid a reduced salary set by the board of county commissioners. In the event the county has for its

employees, a group insurance program for hospital benefits, medical benefits, or life insurance, or a group retirement program, financed in part or entirely by the county, such benefits may be in addition to the salaries payable to county officials.

SECTION 10. AMENDMENT. Subsection 6 of section 11-11-14 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. To establish election precincts in the county in areas outside the boundaries of incorporated cities except as provided in chapter ~~16-09~~ 16.1-04.

SECTION 11. AMENDMENT. Section 11-12-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-12-02. Notice of election - How given. Notice of an election on the question of increasing or decreasing the number of county commissioners shall be given in the notice of election prescribed by section ~~16-06-02~~ 16.1-13-05.

SECTION 12. AMENDMENT. Section 11-15-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-15-24. Transportation of prisoner. The sheriff of each county shall conduct to the penitentiary all persons convicted in his county and sentenced to be confined in said the penitentiary as soon as may be after such conviction. The sheriff may conduct patients to the state hospital when directed to do so by the county ~~mental health board~~ court.

* SECTION 13. AMENDMENT. Section 12-60-19 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-60-19. Cooperation of bureau. The bureau shall work and cooperate with the ~~combined law enforcement council~~ as heretofore established criminal justice training and statistics division in the course of training specified in sections ~~12-61-09, 12-61-10, and 12-61-11~~ 12-62-05, 12-62-07, and 12-62-08, and in such other related fields as ~~said council~~ the division and the bureau may deem feasible.

SECTION 14. AMENDMENT. Section 14-02-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-02-10. Uniform Single Publication Act. No person shall have more than one cause of action for damages for libel or slander or invasion of privacy or any other tort founded upon any single publication or exhibition or utterance, such as any one edition of a

* NOTE: Section 12-60-19 was repealed by section 6 of House Bill No. 1175, chapter 556.

newspaper or book or magazine or any one presentation to an audience or any one broadcast over radio or television or any one exhibition of a motion picture. Recovery in any action shall include all damages for any such tort suffered by the plaintiff in all jurisdictions.

A judgment in any jurisdiction for or against the plaintiff upon the substantive merits of any action for damages founded upon a single publication or exhibition or utterance as described in this section shall bar any other action for damages by the same plaintiff against the same defendant founded upon the same publication or exhibition or utterance.

~~This section shall be so interpreted as to effectuate its purpose to make uniform the law of these states or jurisdictions which enact it.~~

This section may be cited as the Uniform Single Publication Act.

This section shall is not be retroactive as to causes of action existing on July 1, 1953.

* SECTION 15. AMENDMENT. Section 14-06.1-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-06.1-12. Citizen advisory structure. The executive director shall establish an advisory body to the ~~department~~ bureau which shall consist of citizen members representing each planning region of the state. Membership may represent displaced homemakers, local service providers, appropriate agencies, employers, educators, and the general public. The advisory body shall provide public information and community education regarding the program and appropriate recommendations to the executive director regarding the planning, operation, and evaluation of the activities mandated by this chapter. This body shall annually provide written evaluation of the program to the executive director who will provide this evaluation to the legislative assembly each biennium in addition to the evaluation required in accordance with section 14-06.1-13.

SECTION 16. AMENDMENT. Subsection 4 of section 14-09-09.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. An assignment made under this section shall be binding upon the employer and successor employers one week after service upon the employer of a true copy of the assignment signed by the obligor-employee and annexed to a copy of the order, by personal service or by registered or certified mail, until further order of the court or as provided in section 14-09-09.4. For purposes of sections 14-09-09.1 through 14-09-09.5 14-09-09.4, the term

* NOTE: Section 14-06.1-12 was also amended by section 8 of House Bill No. 1454, chapter 176.

employer includes the state and federal governments and the political subdivisions of the state.

SECTION 17. AMENDMENT. Section 14-10-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-10-07. Marriage of minors under supervision of juvenile court may be annulled - Penalty. A minor, while under the supervision or custody of the juvenile court or the superintendent of the North Dakota industrial school, shall not marry without the order of the juvenile court or of the superintendent of the industrial school, as the case may be. Any such marriage made without such order is subject to annulment in a proceeding brought in district court by the state's attorney or by any person authorized by law to bring such annulment action. A person knowingly aiding, abetting, or encouraging such marriage is guilty of a class A misdemeanor.

SECTION 18. AMENDMENT. Section 14-13-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-13-03. Definitions. In this chapter unless the context or subject matter otherwise requires:

1. "Appropriate authority in the receiving state" as used in paragraph 1 of Article V of the compact with reference to this state shall mean means the director of the social services division of child welfare of the department of human services.
2. "Appropriate public authorities" as used in Article III of the compact shall, with reference to this state, mean means the social services division of child welfare of the department of human services, and such the division shall receive and act with reference to notices required by said Article III.

* SECTION 19. AMENDMENT. Section 15-10-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-10-12. Board may accept gifts and bequests - State treasurer to have custody of school funds. The state board of higher education may, subject to the limitations of section 15-10-12.1, receive donations, gifts, grants, and bequests offered or tendered to or for the benefit of any institution of higher education under its control or subject to its administration, and all moneys coming into the hands of the board as donations, gifts, grants, and bequests shall be used for the specific purpose for which they are donated or given. A special operating fund, for each institution of higher education under the control of the board or subject to its administration, shall be maintained within the state treasury and all institutional income and institutional collections of public funds of each

* NOTE: Section 15-10-12 was also amended by section 1 of House Bill No. 1060, chapter 555.

institution, except institutional funds received as donations, gifts, grants, and bequests, shall be placed in such special fund for the use of the institution for which such money was raised. All rent, interest, or income from land, money, or property, donated or granted by the United States and allocated to specific institutions of higher learning under the terms of the Enabling Act and the state Constitution of North Dakota shall be deposited in such special operating fund of each institution and expended in accordance with the provisions of section 159 1 of article IX of the Constitution of North Dakota. The director of the office of management and budget shall direct the state treasurer to make transfers from each institution's general fund appropriation to each institution's special operating fund on a monthly basis in amounts as may be necessary for the operation and maintenance of each institution for the next month, except that at the beginning of the twenty-fourth month of the biennium the balance of funds not transferred from the general fund appropriation shall be deposited in the special operating funds of such institutions. All such transfers shall be subject to proration in the same manner as other appropriations are prorated in the event insufficient funds are available to meet expenditures from the general fund. Sinking funds for the payment of interest and principal of institutional revenue bonds shall be deposited pursuant to section 15-55-06.

SECTION 20. AMENDMENT. Section 15-10-12.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-10-12.1. Acceptance of buildings and campus improvements - Approval of budget committee section. The state board of higher education may, with the approval of the budget committee section of the legislative council, authorize the use of land under the control of the board and construct buildings and campus improvements thereon which are financed by donations, gifts, grants, and bequests. The budget committee of the legislative council section may establish guidelines regarding the types of gifts for minor improvements which shall not require the approval of such committee the budget section based upon the financial impact of such construction projects upon the state of North Dakota. The state board of higher education may, with the approval of the budget committee of the legislative council section, authorize the sale of any real property or buildings which an institution of higher learning has received by gift or bequest. The budget committee section may prescribe such conditions for the sale of the property as it deems necessary, including, but not limited to, requiring an appraisal and the advertisement for bids.

SECTION 21. AMENDMENT. Section 15-10-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-10-18. Tuition of nonresidents at schools under control of state board of higher education. At all state institutions of higher education, tuition shall be charged and collected from each nonresident student in such amount as shall be determined by the state board of higher

education, with the approval of the ~~committee on budget~~ section of the legislative council.

SECTION 22. AMENDMENT. Section 15-20.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20.1-03. Powers and duties of state board relating to vocational education. The state board shall have all authority necessary to cooperate with the United States ~~office of education in the~~ department of health, education, and welfare, or other department or agency of the United States of America in the administration of acts of Congress relating to vocational education, including the following powers and duties:

1. To administer any legislation enacted by the legislative assembly of this state pursuant to or in conformity with acts of Congress relating to vocational education.
2. To administer the funds provided by the federal government and by this state for the promotion of vocational education, and to contract with:
 - a. Any public or private institution or agency, board of trustees of any agricultural and training school, or school district of this state; or
 - b. Any public or private institution or agency, or political subdivision of another state.
3. To formulate plans for the promotion of vocational education in such subjects as are an essential and integral part of the public school system of education in this state.
4. To provide for the preparation of teachers.
5. To fix the compensation of such officers and assistants as may be necessary to administer the federal acts and the provisions of this chapter relating to vocational education and to pay the same and other necessary expenses of administration from any funds appropriated for such purpose.
6. To make studies and investigations relating to vocational education.
7. To promote and aid in the establishment of schools, departments, or classes, and to cooperate with local communities in the maintenance of vocational schools, departments, or classes.
8. To prescribe the qualifications and provide for the certification of teachers, directors, and supervisors.

9. To cooperate with governing bodies of school districts and with organizations and communities in the maintenance of classes for the preparation of teachers, directors, and supervisors of vocational education, to maintain classes for such purposes under its own direction and control, and to establish and control, by general regulations, the qualifications to be possessed by persons engaged in the training of vocational teachers.

SECTION 23. AMENDMENT. Section 15-20.4-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20.4-04. Minimum standards. All postsecondary educational institutions shall be accredited by national or regional accrediting agencies recognized by the United States ~~office~~ department of education. The board may additionally require such further evidence and make such further investigation as in its judgment may be necessary. Any postsecondary educational institution domiciled in this state seeking its first authorization to operate may be issued a provisional authorization to operate on an annual basis until ~~such~~ the institution becomes eligible for accreditation by a recognized accrediting agency. Upon completion of the accreditation process, the institution shall submit evidence of accreditation, or a substantial good faith showing of progress toward such status. Only upon accreditation shall an institution become eligible for a regular authorization to operate.

* SECTION 24. AMENDMENT. Section 15-21-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-21-13. School supplies, blanks, record books, forms, and school library lists. The superintendent of public instruction shall prepare and cause to be printed and furnished to the proper officers or persons, district clerks' record books and warrant books, ~~school treasurers' record books,~~ school registers, and reports, statements, notices, and returns needed or required to be used in the schools or by the school officers of the state. In preparing and furnishing the warrant book, he shall prepare a form for order and warrant checks of the school district which will 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. ~~Such~~ A warrant shall be so drawn that when signed by the ~~treasurer~~ clerk in an appropriate place it becomes a check on the school district depository. He shall prepare and furnish to school officers, through the county superintendents, lists of publications approved by him as suitable for district libraries. Such lists shall contain the lowest price at which each publication can be purchased and such other information relative to the purchase of district libraries as he may deem requisite. No warrant ~~upon the treasurer~~ shall be delivered or mailed to the payee or his agent or representative until ~~such~~ the warrant has been

* NOTE: Section 15-21-13 was also amended by section 1 of House Bill No. 1181, chapter 205.

signed by the ~~treasurer~~ clerk and entered on the ~~treasurer's~~ clerk's books as a check drawn on a bank depository.

SECTION 25. 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, 16-13-01, 16-13-04, 16-20-01, 16-20-06, 16-20-07, 16-20-08, 16-20-15, 16-20-17, 16-20-19, 16-20-22, 16-20-23, and 16-20-24~~ shall Sections 16.1-08-02, 16.1-10-01, 16.1-10-06, 16.1-10-06.1, 16.1-10-07, 16.1-10-08, 16.1-13-22, 16.1-13-23, 16.1-13-30, 16.1-15-01, 16.1-15-04, and 16.1-16-04 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 26. AMENDMENT. Section 15-34.2-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34.2-02. Transportation of nonresident students - Agreement - Exception.

1. The school board of any school district may furnish vehicular transportation to nonresident students. No transportation shall be furnished unless the district of the students' residence and the admitting district have entered into an agreement for such transportation. Any district that furnishes transportation to nonresident students but has not entered into an agreement with the district of the students' residence therefor, shall not be entitled to receive any county equalization fund or state payments for the transportation of the nonresident students.
2. Notwithstanding the provisions of subsection 1, transportation may be provided to nonresident students whose parents or guardians have entered into an agreement for the payment of tuition costs for such students, and have agreed to pay the transportation costs. The amount of such transportation costs shall be determined by the school board of the admitting district, and shall not exceed the average per-pupil cost of transportation.

SECTION 27. AMENDMENT. Section 15-34.2-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34.2-16. Transportation of nonpublic elementary and high school students - Conditions. When authorized by the school board of a public

* NOTE: Section 15-34.2-02(1) was also amended by section 1 of House Bill No. 1193, chapter 212.

school district providing transportation for public elementary and high school students, elementary and high school students attending nonpublic schools may be transported on public schoolbuses to and from the point or points on established public schoolbus routes on such days and during the times that the public school district may authorize and agree to the transportation of such students only when there is passenger room available on such buses, according to the legal passenger capacity for such buses, when such buses are scheduled according to the provisions of this section; provided, however, no payments shall be made from county equalization funds or state funds for any mileage costs for any deviation from the established public routes which may be caused by any agreement entered into pursuant to this section.

* SECTION 28. AMENDMENT. Section 15-40.2-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.2-03. Legislative intent relating to tuition Tuition payments. It is the intent of the legislative assembly that school districts educating pupils in other school districts shall pay the full cost of education. Such costs shall be determined on the basis of average daily membership and shall include annual expenditures from the general fund and annual educational expenditures from all special funds; provided, that only those expenditures permitted in determining the educational cost per pupil in section 15-40.1-06 shall be included in determining average current operating expenses. To such average current operating expense in the county for elementary or high school students, as the case may be, shall be added double the statewide total of all school districts' annual expenditures from sinking and interest funds, plus double the statewide total of all school districts' annual tax receipts to the building funds, including any amounts expended from school districts' general funds for capital outlay, divided by the average daily membership of the state. From this amount, the following shall be deducted for each individual pupil:

1. Such payments as are received for him from the county equalization fund and state payments received by the admitting district, less the average amount per North Dakota resident pupil enrolled in the school district realized from a twenty-mill school district levy; and
2. A credit applied for any school taxes paid to the admitting district by the parent or guardian of the admitted pupil.

The amount remaining shall be the tuition charge for the individual pupil, and shall be paid under the provisions of this chapter.

If the district of residence and the parent or guardian are both paying tuition, the credit allowed under this section for taxes paid to the admitting district by the parent or guardian shall be

* NOTE: Section 15-40.2-03 was also amended by section 3 of House Bill No. 1634, chapter 226.

credited to the district of residence and the parent or guardian in proportion to the amount of tuition paid by each.

Nothing contained in this chapter shall affect the right of a school district to charge and collect such tuition as may be fixed by agreement from pupils who are not residents of this state, in accordance with ~~the provisions of~~ section 15-40.2-10.

* SECTION 29. AMENDMENT. Section 15-40.2-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.2-08. Residency determination in child placement cases - Decision by three-member committee - Provisions of section 15-40.2-05 to apply. For purposes of applying this chapter, the school district in which a child resides shall be construed to be the residence district of such child:

1. At the time any court order or order of a juvenile supervisor shall have been issued requiring such child to stay for any prescribed period at a foster home, or home maintained by any nonprofit corporation, or any referrals made from a state-operated institution;
2. At the time of any placement for any prescribed period of time by a county or state social service agency with the consent of the parent or guardian at a foster home or home maintained by any nonprofit corporation; or
3. At the time of any voluntary admission to Grafton state school or any state-licensed child care home or agency.

Such residence district shall be liable for tuition upon claim of the admitting district; provided, that both the residence district and the admitting district be notified of the placement, admission, or court order at the time the same is ordered. Notification shall be made by the placement agency. Where the parent or parents of the child were residents of the district at the time of placement under subsections 1 through 3, but such parent or both parents have subsequently moved elsewhere, so that there is no parent residing in said residence district, then the tuition and excess cost due the admitting district shall be paid by the state from funds appropriated by the legislative assembly for the foundation aid program. If the child is handicapped or otherwise requires special education or related services approved by the director of special education, the residence district shall be liable for the cost of tuition and for the excess educational costs related to such special education unless the child does not have a parent or legal guardian residing in North Dakota, in which case, the state shall pay the cost of tuition and the excess educational costs. In the event of placement by a county or state social service agency with the consent of the parent or guardian, or the voluntary admission to any state-licensed child care home or agency, including referrals made therefrom, the determination of tuition may be subject to an appeal

* NOTE: Section 15-40.2-08 was also amended by section 1 of Senate Bill No. 2184, chapter 228.

filed with the county superintendent of schools and the three-member committee referred to in section 15-40.2-05, which shall within fifteen days consult with the school boards of the districts concerned and with the parent or guardian of the pupil concerned and render a decision in regard to the tuition charges. Those provisions of section 15-40.2-05 relating to multicounty districts, notification of unpaid tuition, and withholding of county equalization fund payments and state payments shall apply to this section.

SECTION 30. AMENDMENT. Section 15-40.2-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.2-09. Attendance in public schools or institutions of bordering states, when permitted - Continuation of attendance when district annexed or reorganized. Students may attend a school in a bordering state under the following circumstances:

1. A student who lives within forty miles [64.37 kilometers] of another state or in a county bordering on another state may, with the approval of the school board, attend a public school or institution in a bordering state, and the school board of the school district within which such student resides may contract with the bordering state for the education of such student.
2. A student who resides within a school district which is annexed to or reorganized with another district or districts, and which has been sending students to a school district in a bordering state because of proximity or terrain, shall be permitted to attend or continue attending school in the district in the bordering state.

If a request for attendance is denied under subsection 1 or subsection 2 by the school board of the district in which the student resides, an appeal may be made to the three-member committee referred to in section 15-40.2-05. The decision of the committee may be appealed by the school board, or the parent or guardian of the student, to the state board of public school education, whose decision shall be final. In the event that the district does not comply with a decision requiring that tuition charges be paid, county equalization fund payments and state payments shall be withheld as provided in section 15-40.2-05.

Payments shall be made by the county of the pupil's residence to the school district or institution in the bordering state for attendance under the provisions of this section in an amount equal to the per-pupil payments as provided in ~~section~~ section 15-40.1-07 or 15-40.1-08, as the case may be, and the remainder of the pupil's tuition as determined under section 15-40.2-10 shall be paid by the district of the pupil's residence. Pupils attending public schools or institutions in bordering states in accordance with this section shall be certified by the district or institution in the bordering

state to the county superintendent of the county of the pupil's residence, and payments shall be made from the county to the school district or institution in the bordering state.

This section shall not be construed to require the district of residence to provide pupil transportation, or payments in lieu thereof, for pupils for whom the payment of tuition has been approved.

SECTION 31. AMENDMENT. Section 15-41-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-41-04. Duties of director of secondary education. The director of secondary education shall:

1. Become affiliated with the faculties of the schools of education in the institutions of higher education in this state for the purpose of coordinating the practical and theoretical instruction in the high schools with the instruction in ~~such~~ the schools of education.
2. Perform such duties as shall be prescribed by the superintendent of public instruction, and such duties may include instructional duties in the schools of education of this state during the summer terms thereof.
3. Supervise, under the direction of the superintendent of public instruction, the instruction, discipline, and other conditions affecting the efficiency of high schools receiving financial aid from the state or tuition from state funds, and make written reports upon ~~such~~ the schools.

No moneys shall be paid to any high school ~~out of~~ by the state ~~equalization fund~~ until the director of secondary education has reported upon the school and the work of ~~such~~ the school has been approved by the superintendent of public instruction.

SECTION 32. AMENDMENT. Section 15-47-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-06. Election procedure in all school districts - Canvass of boards - Tie vote - Absent voters. An election in a public school district, except as otherwise provided in this title, shall be conducted and the votes shall be canvassed in the manner provided by the laws of this state for the election of county officers. Immediately after the polls are closed, the judges shall proceed to count and canvass the votes for each office and the person receiving the highest number of votes for an office shall be declared elected. If the election results in a tie, the clerk of the district immediately, and in writing, shall notify the candidates between whom the tie exists, and within three days after the election, and at a time

agreed upon by said candidates, the election shall be decided in the presence of the judges and clerks of election in a manner agreed upon by said candidates. A record of the proceedings shall be made in the records of the clerk of the district. Returns shall be made to the school board showing the number of votes cast for each person for any office, and such returns shall be signed by the judges and clerks of election and filed with the clerk of the district within two days thereafter. The school board shall canvass all election returns and shall declare the result of any election within three days thereafter, and the result of the election shall be entered upon the records of the board. The person receiving the highest number of votes for each office in the district shall be declared elected. Absent voters' ballots may be used in any school district election in accordance with the provisions of chapter 16-18 16.1-07.

SECTION 33. AMENDMENT. Section 15-47-17. of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-17. School census to be taken by county superintendent of schools in defunct district within Indian reservation. If the school board of a school district within an Indian reservation in this state shall ~~cease to exist or function,~~ the county superintendent of schools of the county within which the Indian reservation is situated shall cause the school census or enumeration to be taken and reported as required by this title. ~~The cost of taking the census shall be paid out of that part of the county equalization fund apportionable to the United States and shall be deducted therefrom and paid by the county treasurer upon the presentation of a bill therefor approved by the county superintendent of schools.~~

SECTION 34. AMENDMENT. Section 15-52-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-03. Medical center advisory council - Members, terms, meetings. In order to assure the proper coordination and integration of the North Dakota state medical center with all other health and welfare activities of the state, a permanent medical center advisory council is hereby established to advise, consult, and make recommendations to the university administration, and to the several agencies represented on said ~~medical center advisory~~ the council concerning the program of the North Dakota state medical center, the adaptation thereof to the needs of the state and to the requirements and facilities of the several agencies involved, and the use of the North Dakota state medical center and its facilities by the various institutions and agencies of the state and its political subdivisions. ~~The medical center advisory council shall consist of eleven members; two to be named by the governor; one to be named by and from the membership of each of the following: The department of human services, the state board of higher education, or such boards or departments as shall succeed them or any of them~~ any state entity that succeeds the board, the executive director of the department of human services, or a designee of the director; the

state health officer of the North Dakota state department of health; one to be named by and from the membership of the North Dakota state medical association; and one to be named by and from the membership of the North Dakota hospital association; and the remaining four members shall be the persons serving as chairmen of the area health education center governing bodies in the cities of Grand Forks, Fargo, Bismarck, and Minot, North Dakota.

The representatives named by the state agencies and boards above referred to shall be selected to serve as members of the medical center advisory council for periods of at least one year, but in no instance may they serve longer than their term of office on the public agency. The representatives from the North Dakota state medical association and the North Dakota hospital association shall serve a term of three years or until their successors are named and qualified. The two members appointed by the governor shall serve for three-year terms as representatives of the public at large. The directors of the area health education centers shall serve during the term of their directorships.

The ~~medical~~ center advisory council shall name its own chairman and the dean of the university of North Dakota medical school shall serve as executive secretary thereof. The ~~medical~~ center advisory council shall meet not less than twice each year, and, from time to time, on its own motion or upon request of the university administration, to consider plans and programs of action for the North Dakota state medical center, and make its recommendations thereon to the several agencies of the state and its political subdivisions involved and to the legislative assembly.

SECTION 35. AMENDMENT. Section 15-60-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-60-01. Definitions. The following terms whenever As used or referred to in this chapter shall have the following meanings, except in these instances where, unless the context clearly indicates otherwise:

1. "Board" shall mean means the state board of public school education.
2. "Construction" shall mean and ~~include~~ means acquisition and construction, and the term "to construct" shall mean and ~~include~~ means to acquire and to construct in such manner as may be deemed desirable.
3. "Department" shall mean means the department of public instruction.
4. "Fund" shall mean means the state school construction fund created by this chapter.

5. "Improvement" shall mean and include means extension, enlargement, and improvement, and the term "to improve" shall mean and include means to extend, to enlarge, and to improve in such manner as may be deemed desirable.
6. "Project" shall mean means any structure, facility, or undertaking which the state school construction board is authorized to construct or improve, under the provisions of this chapter.

SECTION 36. AMENDMENT. Subsections 4 and 5 of section 15-62.3-01 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

4. "Final unmet financial need" means that need which remains after deducting any amounts available from the United States department of health, education, and welfare in the form of a basic educational opportunity grant, or from the state of North Dakota in the form of a North Dakota student assistance grant or a tuition assistance grant, or both.
5. "Financial need" means the difference between (a) the student's financial resources available, including those available from the student's parents as determined by a need analysis as defined in the 1977-78 student financial aid handbook issued by the United States department of health, education, and welfare, and (b) the student's anticipated annual expense while attending the accredited private institution. Financial need for each student shall be calculated each year.

SECTION 37. AMENDMENT. Section 15-62.3-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-62.3-02. Administration of tuition assistance grant program. The agency shall:

1. Administer the North Dakota tuition assistance grant program, and may adopt rules pursuant to chapter 28-32 with respect to program administration.
2. Receive from the accredited private institutions a computation of financial need for each eligible student, to which shall be attached a copy of a corroborating needs analysis from an agency authorized by the United States department of health, education, and welfare to process family financial statements.
3. Disburse tuition assistance grants.
4. Annually report to the legislative assembly on funds distributed to students of each accredited private

institution, including the amounts disbursed, the number of full-time and part-time students assisted, the final unmet need of each student, if any, and funds returned because of discontinued student attendance.

SECTION 38. AMENDMENT. Subsection 4 of section 15-65-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. To receive gifts and contributions from public and private sources to be expended through the stations to provide educational broadcasting facilities and programs, provided before accepting any tax-producing facilities the commission must first be given the approval by the budget section of the legislative council's subcommittee on budget council.

SECTION 39. AMENDMENT. Section 16.1-03-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-03-11. State committee - Meetings - Organization - Vacancies. The state committee shall meet on or before July first of each odd-numbered year. The committee shall organize by selecting a chairman, vice chairman, vice chairwoman, if provided for in the rules of the party, secretary, and treasurer and by adopting rules and modes of procedure. The officers elected need not be members of the committee, but they shall become voting members of the committee after their election. These officers, together with the national committeeman, national committeewoman, a representative of state elected officials who are members of that party, the party's ~~floor~~ majority or minority leaders in the house of representatives and senate and four district chairmen to be selected by the state committee, shall constitute the executive committee of the state committee. If a vacancy occurs in the office of committee treasurer, the committee chairman may appoint a person to serve as acting treasurer. The vacancy shall be permanently filled for the balance of the term by a majority vote of the state committee at the first committee meeting following the occurrence of the vacancy. A vacancy in an office of the state committee, other than a party district chairman, shall be filled upon a majority vote of the state committee.

SECTION 40. AMENDMENT. Subsection 2 of section 16.1-05-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. ~~Not more than eight days nor less than three~~ At least fifteen days before each primary, general, or special statewide or legislative district election, each county auditor or his designated representative shall conduct a course on election laws and election procedures for all members of each election board in the county. The course shall be conducted at such place or places throughout the

county as the county auditor deems necessary. Attendance at the course is mandatory for members of the election board and optional for poll clerks at the discretion of the board of county commissioners of each county, and the auditor shall notify the members of the election boards, and poll clerks if applicable, of the time and place of the course. The county auditor shall also notify the state's attorney of the time and place of the course. The state's attorney shall attend all sessions of the course to give advice on election laws. On the date of such course or courses, the county auditor may deliver to all election inspectors at such meeting the official ballots, suitable manila envelopes, and all other materials as provided in chapter 16.1-06. Each person attending the course or courses provided for herein shall be compensated as hereinafter provided. Poll clerks attending the course at the discretion of the board of county commissioners shall be reimbursed for expenses and mileage and compensated for performance of election duties as are members of election boards pursuant to section 16.1-05-05.

SECTION 41. AMENDMENT. Section 16.1-12-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-12-09. Filling vacancy existing on no-party ballot - Petition required - Time of filing. Whenever a vacancy shall exist on a no-party ballot for a state office or for judge of a district court, such vacancy may be filled by filing with the secretary of state, at least fifty-five days prior to the general election and before four p.m. on the fifty-fifth day, a written petition as provided in section ~~16.1-11-03~~ 16.1-11-06, stating that the petitioner desires to become a candidate for election to the office for which a vacancy exists. If the petition is mailed, it shall be in the physical possession of the secretary of state before four p.m. on the fifty-fifth day prior to the general election. The petition for the nomination of any person to fill such vacancy shall be signed by qualified electors equal in number to at least two percent of the total vote cast for the office of governor in the state or district, at the most recent general election at which the office of governor was voted upon, but in no case shall more than three hundred signatures be required.

Whenever a vacancy shall exist on a no-party ballot in a county or district within a county, the vacancy may be filled by filing with the county auditor at least fifty-five days prior to the general election and before four p.m. of the fifty-fifth day a written petition as provided in section 16.1-11-11, stating that the petitioner desires to become a candidate for election to the office for which a vacancy exists. If such petition is mailed or otherwise delivered, it shall be in the possession of the county auditor before four p.m. on the fifty-fifth day prior to the general election. The petition for the nomination of any person to fill the vacancy shall be signed by qualified electors equal in number to at least thirty percent of the total vote cast for the office of

governor at the most recent general election in the county or district at which the office of governor was voted upon, but in no case shall more than three hundred signatures be required.

A vacancy in the no-party ballot shall be deemed to exist when:

1. A candidate nominated at the primary election shall die, resign, or otherwise become disqualified to have his name printed on the ballot at the general election.
2. No candidates were nominated at the primary election because the office did not yet exist.
3. The timing of the vacancy in an office makes it impossible to have it placed on the primary ballot.

SECTION 42. AMENDMENT. Section 20.1-01-22.1 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-22.1. Hunting on utility lines prohibited --Penalty. No person may hunt birds resting on utility lines or fixtures adjacent to such lines. Any person violating this section shall be guilty of a class B misdemeanor.

SECTION 43. AMENDMENT. Section 20.1-01-25.1 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-25.1. Tampering with traps unlawful --Penalty. No person shall in any manner willfully destroy, molest, disturb, or tamper with any net, trap, crib, or other contrivance being used by the department for the purpose of catching or holding wildlife. No unauthorized person shall remove any wildlife from any net, trap, crib, or other contrivance being used by the department. Any person violating this section shall be guilty of a class B misdemeanor.

* SECTION 44. AMENDMENT. Section 21-03-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-03-07. Election required - Exceptions. No municipality, and no governing board thereof, except school districts, shall issue bonds without being first authorized to do so by a vote equal to sixty-six and two-thirds percent, in the case of municipalities having a population of less than five thousand, or a vote of sixty percent in the case of municipalities having a population of five thousand or more, of all the qualified voters of such municipality voting upon the question of such issue except:

1. As otherwise provided in section 21-03-04.

* NOTE: Section 21-03-07(2) was also amended by section 3 of House Bill No. 1589, chapter 149.

2. The governing body may issue bonds of the municipality for the purpose and within the limitations specified by subdivision g of subsection 2 of section 21-03-06; subsection 2, subdivision g, and subsection 7 of section 21-03-06; subsection 7, without an election.
3. Any municipality, as defined and listed in section 21-03-06, may issue its bonds for the replacement of municipally owned public buildings within such municipality upon the authorization of sixty percent of the electors voting upon the question of such issue in the following cases:
 - a. When such building has been destroyed by fire, wind, explosion, or other cause.
 - b. When, after a public hearing, the governing body of such municipality shall adopt a resolution declaring it necessary to replace a municipally owned public building for the reason that such building has become unsafe or inadequate for use and occupancy as a public building, or for keeping the public records or property of such municipality housed therein. The governing body of such municipality shall give notice of such public hearing by a statement published once each week for two successive weeks in the official county newspaper, if the municipality is other than a city, or, if the municipality is a city, in the city's official newspaper as provided in section 40-01-09. Such statement shall set forth the time and place of the hearing and the reasons therefor.
4. The governing body of any municipality having a population of five thousand or more may issue bonds of the municipality for the purpose of providing funds to meet its share of the cost of any federal aid highway project undertaken under an agreement entered into by authority of such governing body with the United States government, the commissioner of the state highway department, the board of county commissioners, or any of them, including, but without limitation, the cost of any construction, improvement, financing, planning, and acquisition of right of way of a federal aid highway routed through the municipality and of any bridges and controlled access facilities thereon and any necessary additional width or capacity of the roadway thereof greater than that required for federal or state highway purposes, and of any necessary relaying of utility mains and conduits, curbs and gutters, and the installation of utility service connections and street lights; provided that the portion of the total cost of such project to be paid by the municipality under such agreement, including all items of cost incurred directly by the municipality and all amounts to be paid by it for work done or contracted for by other

parties to the agreement, shall not exceed a sum equal to thirty percent of the total cost, including engineering and other incidental costs, of all construction and reconstruction work to be done plus fifty percent of the total cost of all right of way to be acquired in connection therewith. Nothing herein shall be deemed to prevent any municipality from appropriating funds for or financing out of taxes, special assessments, or utility revenues any work incidental to any such project, in the manner and to the extent otherwise permitted by law, and the cost of any work so financed shall not be included in computing the portion of the project cost payable by the municipality, within the meaning of this subsection, unless such work is actually called for by the agreement between the municipality and the other governmental agencies involved.

5. The governing body of any city may also by resolution adopted by a two-thirds vote authorize and issue general obligation bonds of the city for the purpose of providing funds to pay the cost of any improvement of the types stated below, to the extent that the governing body determines that such cost should be paid by the city and should not be assessed upon property specially benefited thereby; provided that the initial resolution authorizing such bonds shall be published in the official paper newspaper, and any owner of taxable property within the city may within sixty days after such publication file with the city auditor a protest against the adoption of the resolution. If the governing body finds such protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the city, as theretofore last finally equalized, all further proceedings under such initial resolution shall be barred. This procedure is authorized for the financing of the following types of improvements:
 - a. Any street improvement, as defined in subsection 2 of section 40-22-01, to be made in or upon any federal or state highway or any other street designated by ordinance as an arterial street.
 - b. The construction of a bridge, culvert, overpass, or underpass at the intersection of any street with a stream, watercourse, drain, or railway, and the acquisition of any land or easement required for that purpose.
 - c. Any improvement incidental to the carrying out of an urban renewal project, the issuance of bonds for which is authorized by subsection 4 of section 40-58-13.

Nothing herein shall be deemed to prevent any municipality from appropriating funds for or financing out of taxes, special assessments or utility revenues any work incidental to any such improvement, in the manner and to the extent otherwise permitted by law.

6. The school board of any school district may issue bonds of the municipality for the purposes and within the limitations specified by subsection 4 of section 21-03-06; ~~subsection 4~~, upon the authorization of sixty percent of the electors voting upon the question of such issue.
7. The governing body of any city may also by resolution adopted by a two-thirds vote dedicate the mill levies as authorized by sections 57-15-42 and 57-15-44 and may authorize and issue general obligation bonds to be paid by these dedicated levies for the purpose of providing funds for the purchase, construction, reconstruction, or repair of public buildings or fire stations; provided, that the initial resolution authorizing ~~such~~ the mill levy dedication and general obligation bonds shall be published in the official paper newspaper, and any owner of taxable property within the city may within sixty days after ~~such~~ publication file with the city auditor a protest against the adoption of the resolution. If the governing body finds such protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the city, as theretofore last finally equalized, all further proceedings under ~~such~~ the initial resolution shall be barred.
8. The governing body of any city having a population of twenty-five thousand persons or more may use the provisions of subsection 4 to provide funds to participate in the cost of any construction, improvement, financing, and planning of any bypass routes, interchanges, or other intersection improvements on a federal or state highway system which is situated in whole or in part outside of the corporate limits of the city; provided, that the governing body thereof shall determine by resolution that the undertaking of such work is in the best interest of the city for the purpose of providing access and relieving congestion or improving traffic flow on municipal streets.

All questions of population shall be governed by the last state or federal census.

SECTION 45. AMENDMENT. Section 21-11-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-11-08. General obligation state of North Dakota bonds, natural resources power development series - Bond purpose. An issue of general

obligation bonds of the state, to be designated as State of North Dakota Bonds, Natural Resources Power Development Series, in an aggregate amount not to exceed at any time the amount appropriated in section 21-11-07 plus any additional sums hereafter appropriated by the legislative assembly for the making of loans under this chapter, is hereby authorized for the sole purpose of providing funds to be loaned in accordance with loan agreements made and executed as herein provided, and under the conditions, in the manner and for the purpose stated in the initiated constitutional amendment approved by the people at the general election held November 6, 1962, authorizing the state of North Dakota to issue its general obligation bonds and to use the proceeds thereof to make loans to privately or cooperatively owned enterprises to plan, construct, acquire, equip, improve, and extend facilities for converting natural resources into power and generating and transmitting such power, and to acquire real and personal property and water and mineral rights needed for such facilities section 14 of article X of the Constitution of North Dakota.

SECTION 46. AMENDMENT. Section 23-16-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-16-08. Offering or advertising to dispose of infants prohibited. No hospital providing maternity care shall in any way offer to dispose of any child or advertise that it will give children for adoption or hold itself out, directly or indirectly, as being able to dispose of children, however, such hospitals may inform an unmarried mother of child placing agencies licensed by the social services division of child welfare of the state social service board department of human services.

SECTION 47. AMENDMENT. Section 24-08-01 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-08-01. Construction of bridges by board of county commissioners - Petition - Bids - Rejection. Whenever a majority of the freeholders of a civil township, or a majority of the freeholders living within a radius of three miles [4.83 kilometers] of the proposed location, shall petition the board of county commissioners for a bridge at a specified location within such township, or within any incorporated city, if the cost of ~~such~~ the bridge shall exceed the sum of five hundred dollars, the board of county commissioners shall view and investigate the necessity of ~~such~~ the proposed bridge. If the board approves the petition, it shall proceed to advertise in the official ~~paper~~ newspaper of the county, for a period of thirty days, the plans and specifications of the proposed bridge, asking for sealed bids for the building of such bridge, to be submitted to it at the next regular or special meeting, at which the board shall proceed to examine all proposals or bids for the building of such bridge. The board shall award the contract to the lowest responsible bidder, requiring ~~such~~ the bidder to give a bond in a sum not less than the amount stipulated in the bid or contract, conditioned for the

faithful compliance with the terms of such the bid, or contract, such the bond to be approved by the board and filed in the office of the county auditor but the board may reject all bids. If all bids are rejected, the board shall readvertise as provided herein. Provided, however, that in any case where the amount of the lowest responsible bid is less than fifteen thousand dollars, the board shall have the authority to refuse all bids received, and to proceed to construct such the bridge under its own supervision, and in the manner deemed by it most expedient, and to enter into contracts for the labor or material to be used in the construction of the same bridge.

SECTION 48. AMENDMENT. Section 24-08-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-08-05. Petition for bridges across navigable rivers. Whenever one-third of the resident taxpayers of any county, as appears by the last preceding assessment roll of such the county, shall petition the board of county commissioners praying for requesting an appropriation to build a bridge across any navigable river on the line of any such the county, setting forth therein the location of such the bridge as near as may be, its estimated cost, the necessity therefor to accommodate the general traveling public, the manner in which it is proposed to pay for such the structure, and the time when it will be completed, such the petition to be duly verified by the affidavits of at least fifteen of the petitioners therein named, the board of county commissioners shall publish a notice in the official paper newspaper of the county, once each week for three consecutive weeks, briefly stating the object of such the petition and that the same will be heard and considered at the next regular meeting of such board. At the time appointed for the hearing of such the petition, the board of county commissioners shall investigate the need for such bridge, and if it finds the same to be necessary and that the consent of the federal government has been obtained to span such river, it, by resolution duly entered upon the minutes of the board, shall appropriate toward the building of such bridge, from the county treasury, a sum not exceeding one-half of the estimated cost of such the bridge. The appropriation shall be upon condition that a sufficient bond be given, conditioned that the remaining one-half or more, as the case may be, of the cost of such the bridge will be paid.

SECTION 49. AMENDMENT. Section 25-01.1-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-01.1-17. Moneys remitted to state treasurer. All moneys belonging to the state, derived from any source at any of the institutions under the control of the supervising department shall be accounted for and remitted to the state treasurer not later than the tenth day of each month. The state treasurer shall maintain a special operating fund within the state treasury for each remitting institution. All rents, interests, or income from land, money, or

property donated or granted by the United States and allocated to specific charitable institutions under the terms of the Enabling Act and the state Constitution of North Dakota shall be deposited in such special operating fund of each institution and expended in accordance with the provisions of section 159 1 of article IX of the Constitution of North Dakota. The state treasurer shall make periodic transfers upon order of the director of the department of accounts and purchases office of management and budget from each institutional general fund appropriation to the appropriate institutional special operating fund whenever its balance falls so low as to require supplementation. All funds for necessary expenditures of such institutions shall be drawn from the special operating fund in the state treasury as provided by this chapter.

SECTION 50. AMENDMENT. Section 25-01.2-03 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-01.2-03. Presumption of incompetence prohibited - Discrimination prohibited - Deprivation of constitutional, civil, or legal rights prohibited. No developmentally disabled person shall be presumed to be incompetent or shall be deprived of any constitutional, civil, or legal right solely because of admission to or residence at an institution or facility or solely because of receipt of services for developmentally disabled persons. However, nothing in this section shall be construed to limit or modify the provisions of section 16-01-04 16.1-01-04. The constitutional, civil, or legal rights which may not be varied or modified under the provisions of this section include, but are not limited to:

1. The right to vote at elections;
2. The free exercise of religion;
3. The right of reasonable opportunities to interact with members of the opposite sex; and
4. The right to confidential handling of personal and medical records.

SECTION 51. AMENDMENT. Section 25-02-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-02-02. Additional hospital for mentally ill located at Rugby. The additional hospital for the mentally ill authorized by amendment to section 13 of article IX of the Constitution of North Dakota which was approved by the electors of the state at the general election in November, 1916, shall be located at or near Rugby, North Dakota.

* SECTION 52. AMENDMENT. Section 26-21.2-10 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* NOTE: Section 26-21.2-10 was repealed by section 26 of House Bill No. 1054, chapter 332.

26-21.2-10. Criminal proceedings - Penalty. Whenever it appears to the commissioner that any insurer or any director, officer, employee, or agent thereof has committed a willful violation of this chapter, the commissioner may cause initiate criminal proceedings to be instituted by in the district court for of the county in which the principal office of the insurer is located or if such insurer has no such office in the state, then by in the district court for of Burleigh County against such insurer or the responsible director, officer, employee, or agent thereof. Any insurer which willfully violates this chapter may be fined not more than ten thousand dollars is guilty of a class B misdemeanor. Any individual who willfully violates this chapter may be fined not more than ten thousand dollars or, if such willful violation involves the deliberate perpetration of a fraud upon the commissioner, imprisoned not more than two years or both is guilty of a class A misdemeanor.

SECTION 53. AMENDMENT. Section 27-01-01.1 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-01-01.1. Budgeting and financing of the supreme court and district courts. The state court administrator shall submit a comprehensive budget for the supreme court and the district courts to the legislative assembly. An informational copy of the budget shall be delivered to the state director of the budget office pursuant to section 54-44.1-13. The budget for the district courts shall include all salary and expenses for the district courts, including the juvenile courts, and their employees except the clerks of district courts and their deputies and employees, whose salaries and expenses shall be paid by the counties. Each county shall provide the district court in that county with adequate chamber, court, and law library quarters, and lights and fuel. Any equipment, furnishings, and law libraries in the control and custody of the district court on January 1, 1980, and any such property acquired from that date until July 1, 1981, shall continue to be in district court's custody and control until the state court administrator determines such items are no longer needed by the court. Upon that determination custody and control of the property shall revert back to the county. Each district court law library maintained by the state shall be available for use by the county court in that county.

SECTION 54. AMENDMENT. Section 27-05-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-05-01. Judicial districts - Number, composition, number of judges. There shall be six The judicial districts in this state composed of the following named counties, respectively, and are as designated by rule of the supreme court. The number of judges in each of said the judicial districts one or more judges shall be chosen as hereinafter provided. is as follows:

1. District one shall consist of the counties of Nelson, Grand Forks, Griggs, Steele, Barnes, Traill, and Cass, and The northwest judicial district shall have five judges.
2. District two shall consist of the counties of Pembina, Walsh, Towner, Cavalier, Renville, Pierce, Benson, Ramsey, Bottineau, Renville, and McHenry, and The northeast judicial district shall have three judges.
3. District three shall consist of the counties of Richland, Ransom, Sargent, Dieke, LaMoore, McIntosh, Logan, and Emmen, and shall have two The northeast central judicial district shall have three judges.
4. District four shall consist of the counties of Stutsman, Wells, Foster, Eddy, McLean, Sheridan, Burleigh, and Kidder, and shall have three The east central judicial district shall have four judges.
5. District five shall consist of the counties of Divide, Burke, Ward, Mountrail, Williams, and McKenzie, and The southeast judicial district shall have three judges.
6. District six shall consist of the counties of Bowman, Adams, Hettinger, Slope, Golden Valley, Mercer, Oliver, Merton, Stark, Grant, Dunn, Billings, and Sioux and The south central judicial district shall have three five judges.
7. A southwest judicial district shall have three judges.

The governor shall, within thirty days after the effective date of this section, in order to fill vacancies created by this section, appoint two additional district judges for judicial district one and one additional district judge for judicial district five, all of whom shall hold office until the next general election and until their successors are elected and have qualified. Chambers for the additional judges in judicial district one shall be at Fargo and at Grand Forks and chambers for the additional judge in judicial district five shall be at Minot.

SECTION 55. AMENDMENT. Section 27-05-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-05-08. Chambers - Residence.

1. The locations of the chambers of the district judges in each of the respective districts, until changed by order of the supreme court, shall be as follows:
 - a. First judicial district, in the cities of Grand Forks, Fargo, and Valley City;

- b- Second judicial district, in the cities of Devils Lake, Rugby, and Grafton;
- c- Third judicial district, in the cities of Wahpeton and Lisbon;
- d- Fourth judicial district, in the cities of Bismarck and Jamestown;
- e- Fifth judicial district, in the cities of Minot and Williston;
- f- Sixth judicial district, in the cities of Mandan, Dickinson, and Hettinger determined by rule of the supreme court.

2. Each district judge shall reside within the county where his the judge's chambers are located, and, for the purposes of this section, the chief justice of the supreme court shall designate the respective chambers within the district to which each district judge is assigned.

SECTION 56. AMENDMENT. Section 27-05-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-05-22. District judges to act only within their districts - Exceptions. No judge of a district court of this state shall hear or determine any action, special proceeding, motion, or application, or make any order, or give any judgment, in any action or proceeding pending or about to be commenced in a judicial district other than the one for which he was elected, except:

1. Upon the written request of a judge of such other district;
2. When, upon the application of either party to such action or proceeding and upon due notice to the opposite party, if he shall have appeared and is entitled to such notice, it shall be made to appear by affidavit to the satisfaction of such judge that the judges of such other district are absent from their district, incapacitated, or disqualified to act therein. Such application shall be made only to a judge of a district adjoining that in which such action or proceeding is pending or about to be commenced, and upon the hearing thereof counter affidavits may be used;
3. When designated by the supreme court to perform duties in another district as authorized by section 27-02-25;
4. When designated by the supreme court to act in such other district in the place and stead of a district judge

thereof who has been disqualified by the filing of an affidavit of prejudice; or

- 5- 4. A motion upon notice may be heard by a judge of a district court in which the action or proceeding is not pending in the cases provided by law only, either in the district in which the action or proceeding is pending or in an adjoining district, but such motion when heard by the judge of the district in which the action or proceeding is pending can be heard only in such district.

SECTION 57. AMENDMENT. Section 27-09.1-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-09.1-21. District courts and county courts having increased jurisdiction may use each other's jury panels. A judge of the district court or the judge of a county court having increased jurisdiction may, by order, use an undischarged jury panel ordered, drawn, and summoned by the other, at any general, special, or adjourned term of the court for a county mutually served by such courts and for which no jury panel has been ordered.

SECTION 58. AMENDMENT. Section 27-19-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-19-08. Limitations upon jurisdiction. Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property belonging to any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any federal treaty, agreement, or statute, or with any regulation made pursuant thereto; or shall confer jurisdiction upon the state to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein. The civil jurisdiction herein accepted and assumed shall include but shall not be limited to the determination of parentage of children, termination of parental rights, commitments by county mental health boards or county judges courts, guardianship, marriage contracts, and obligations for the support of spouse, children, or other dependents.

SECTION 59. AMENDMENT. Subsection 5 of section 27-20-02 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. "Deprived child" means a child who:
- a. Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for ~~the~~ the child's

physical, mental, or emotional health, or morals, and the deprivation is not due primarily to the lack of financial means of ~~one~~ the child's parents, guardian, or other custodian;

- b. Has been placed for care or adoption in violation of law; or
- c. Has been abandoned by ~~one~~ the child's parents, guardian, or other custodian.

SECTION 60. AMENDMENT. Section 27-20-04 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-20-04. Concurrent jurisdiction. The juvenile court has concurrent jurisdiction with the county ~~courts of increased jurisdiction~~ court of proceedings to treat or commit a mentally retarded or mentally ill child or an alcohol or drug abusing child otherwise subject to the jurisdiction of the juvenile court.

SECTION 61. AMENDMENT. Subsection 2 of section 28-32-03 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Rules approved by the attorney general as to legality, adopted by an administrative agency, and filed with the office of the legislative council shall become effective the first day of the month after the month of publication as provided for in section 28-32-03.1, except that:
 - a. If a later date is required by statute or specified in the rule, the later date shall be the effective date.
 - b. Subject to applicable constitutional or statutory provisions, an emergency rule shall become effective immediately upon approval by the attorney general, or at a stated date ~~less than ten days following~~ prior to the first day of the month after the month of publication in the code or code supplement, if the agency finds that this effective date is necessary because of imminent peril to the public health, safety, or welfare. The agency's finding and a brief statement of reasons therefore shall be filed with the rule. The agency shall take appropriate measures to make emergency rules known to every person who may be affected by them.

SECTION 62. AMENDMENT. Subsection 2 of section 29-06-15 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. An officer of the United States customs service or the immigration and naturalization service, without a warrant,

may arrest a person if all of the following circumstances exist:

- a. The officer is on duty.
- b. One or more of the following situations exist:
 - (1) The person commits an assault or other crime, defined and punishable under chapter 12.1-17, against the officer or against any other person in the presence of the officer.
 - (2) The officer has reasonable cause to believe that a crime, as defined in paragraph 1, has been committed and reasonable cause to believe that the person to be arrested has committed it.
 - (3) The officer has reasonable cause to believe that a felony has been committed and reasonable cause to believe that the person to be arrested has committed it.
 - (4) The officer has received positive information from an authoritative source that a peace officer holds a warrant for the person's arrest.
- c. The officer has received training in the laws of this state equivalent to the training provided for a police officer under chapter ~~12-61~~ 12-62.

SECTION 63. AMENDMENT. Section 29-30.1-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-30.1-04. ~~Uniformity of interpretation - Short title. This chapter shall be so construed as to effectuate its general purpose to make uniform the law of these states which enact it, and it may be cited as the Uniform Rendition of Accused Persons Act.~~

* SECTION 64. AMENDMENT. Section 30.1-02-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

30.1-02-02. (1-302) Subject matter jurisdiction.

1. To the full extent permitted by the constitution, the court has jurisdiction over all subject matter relating to guardianship, probate, and testamentary matters, including:
 - a. Estates of decedents, including construction of wills and determination of heirs and successors of decedents.

* NOTE: Section 30.1-02-02 was also amended by section 2 of House Bill No. 1056, chapter 352.

- b. Estates of protected persons.
 - c. Protection of minors and incapacitated persons.
 - d. Trusts, to the extent necessary for the exercise of the court's jurisdiction over probate and testamentary matters.
2. The district court has subject matter jurisdiction over trusts, except as provided in subdivision d of subsection 1, and of all causes at law and equity not inconsistent with the exclusive original jurisdiction vested in the court by the ~~North Dakota~~ Constitution of North Dakota over probate and testamentary matters, the appointment of administrators and guardians, the settlement of accounts of executors, administrators, and guardians, the sale of land by executors, administrators, and guardians, and such other probate jurisdiction as conferred by law. The district court also has appellate jurisdiction over proceedings in the court as ~~provided in chapter 30-26~~.

SECTION 65. AMENDMENT. Section 30.1-28-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

30.1-28-02. (5-302) Venue. The venue for guardianship proceedings for an incapacitated person is in the place where the incapacitated person resides or is present. If the incapacitated person is admitted to an institution pursuant to order of a county ~~mental health board~~ court, venue is also in the county in which that ~~mental health board~~ court sits.

SECTION 66. AMENDMENT. Subdivision a of subsection 1 of section 30.1-28-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- a. To the extent that it is consistent with the terms of any order by a court of competent jurisdiction ~~or county mental health board~~ relating to detention or commitment of the ward, he is entitled to custody of the person of his ward and may establish the ward's place of abode within or without this state.

SECTION 67. AMENDMENT. Section 31-01-06.3 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

31-01-06.3. Addition counselor - Client privilege - Definitions. As used in sections 31-01-06.3 through 31-01-06.6:

1. "Client" means a person who consults or is examined or interviewed by a counselor.

2. "Confidential communication" means a communication which is not intended to be disclosed to third parties, except persons present to further the interest of the client in the consultation, examination, or interview, persons reasonably necessary for the transmission of the communication, or persons who are participating in the diagnosis and treatment under the direction of the counselor, including members of the client's family.
3. "Counselor" means an addiction counselor who has been certified by the professional standards and certification committee appointed by the state health officer executive director of the department of human services in accordance with qualifications established by that committee or who is reasonably believed by the client so to be, while engaged in the diagnosis or treatment of a physical, mental, or emotional condition, including alcohol or any addiction.
4. "Privilege" means the counselor-client privilege authorized under sections 31-01-06.3 through 31-01-06.6.

SECTION 68. AMENDMENT. Section 32-35-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

32-35-04. Other laws applicable. The provisions of ~~chapter 32-34~~ sections 32-34-04 through 32-34-13 for the proceeding under the writ of mandamus, ~~except the first three sections thereof,~~ apply to this proceeding.

SECTION 69. AMENDMENT. Section 37-25-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-25-06. Method of payment - Deduction of sums due educational aid fund and veterans' aid fund. Upon submission to him of satisfactory proof that the applicant is entitled to payment under this chapter, the adjutant general shall compute the amount of payment due the applicant, make a record thereof, and forward a voucher for the payment to the department of accounts and purchases office of management and budget, which shall cause a warrant-check to be issued for the amount of the claim. Payment shall be made from funds appropriated by the legislative assembly, pursuant to the former article 87 of the articles of amendment to the Constitution of North Dakota adopted by the forty-first legislative assembly as senate concurrent resolution no. 17, and approved by the people at the primary election held in September 1970. Where the veteran or the applicant for payment under this chapter is indebted to the veterans' aid fund of the state of North Dakota, the adjutant general shall determine the amount of such indebtedness and certify such determination to the department of accounts and purchases office of management and budget, together with the record of payment due. Within the limits of the payment due, the amount of such indebtedness shall be paid to the veterans' aid fund and the applicant shall be paid the difference, if any, to which he may be

entitled. Grants or stipends paid by the state to any veteran for educational assistance under chapter 37-24 shall be deducted from the adjusted compensation payable to such veteran under this chapter, and the department of veterans' affairs shall certify to the adjutant general the names of those veterans who have received educational assistance and the amounts received therefor; also, the names of those veterans who will receive educational assistance and the amounts to be received within ten days after it is determined that such veteran is eligible for and will receive such educational assistance.

SECTION 70. AMENDMENT. Section 38-09-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-09-15. Public offering of leases - State. Before leasing any land or interest therein or any mineral rights reserved therein, the state of North Dakota or any of its departments or agencies shall first advertise the lands offered for lease in the official ~~paper~~ newspaper of the county in which ~~such~~ the lands are situated, and in ~~some~~ a newspaper of general circulation published in the city of Bismarck, ~~said~~. The advertisement ~~to~~ shall be made by publication in the official newspaper of ~~said~~ the county once each week for at least two weeks, the last publication to be at least ten days before the day of ~~such~~ the leasing. The leasing shall be held at the office of the department or agency owning or controlling ~~such~~ the lands and the notice as published shall contain a statement showing the legal description of the lands to be leased, the time and place where the leasing will be held, and such other information as may be deemed by ~~such~~ the state or department or agency thereof to be applicable. Should publication of any notice of the leasing of mineral rights be inadvertently omitted by any newspaper or should ~~such~~ the notice as published contain typographical errors, the state or department or agency may, in its discretion, proceed with the scheduled leasing where it appears that the omission or error is not prejudicial to the state's interest.

SECTION 71. AMENDMENT. Section 38-11-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-11-04. Offering of mineral leases to be public. Prior to the execution of a mineral lease by any agency of the state of North Dakota, that agency owning or controlling the mineral interest shall first advertise the minerals offered for lease in the official ~~paper~~ newspaper of the county or counties in which ~~such~~ the lands are located, and in a newspaper of general circulation published in the city of Bismarck. ~~Such~~ The advertisement shall be published once a week for at least two weeks, the last publication to be at least ten days prior to the day of ~~such~~ the leasing. The notice as published shall contain a statement showing the legal description of the lands to be leased, the time and place where the leasing will be held, and such other information as may be deemed by the leasing agency to be applicable. The leasing shall be by public auction held at the offices of the agency owning or controlling state-owned minerals.

* SECTION 72. AMENDMENT. Section 39-04-18 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-18. Motor vehicles exempt from registration fees - Reciprocal use of state highways by foreign licensed motor vehicles --Penalty.

1. Except as provided in this section, every motor vehicle as defined in subsection 34 of section 39-01-01, trailer or semitrailer designed to be towed by a truck or tractor, and farm trailer operated or intended to be operated upon any highway, road, or street in this state shall be registered annually with the department. Any vehicle being operated on highways, roads, or streets of this state shall display license plates as furnished by the department upon payment of the fees prescribed in this chapter.

Upon satisfactory proof to the department that a motor vehicle owned by a resident of this state was not used upon any of the highways of this state in any one or more years, the motor vehicle may be registered upon payment of the registration fee for the current year.

Any resident of the state of North Dakota, serving in the armed forces of the United States for a period of time greater than one year, may relicense any motor vehicle owned by him without paying any fee or penalties for the intervening years when the vehicle was not licensed, providing the veteran shows by suitable affidavit that the vehicle was not in use during any year in which it was not licensed. The vehicle shall be licensed for the license fee applicable to the month of the year in which application for license is made.

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 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, the commissioner may cancel or limit the application of any exception to residents or motor vehicles from such other state or territory:
 - a. Farm tractors as defined in subsection 17 of section 39-01-01, special mobile equipment and road rollers and other road construction or maintenance machinery that cannot be operated on the highways and streets of this state in a normal operating manner.

* NOTE: Section 39-04-18(2) was also amended by section 1 of Senate Bill No. 2170, chapter 425.

- b. Motor vehicles owned by or in possession of Indian mission schools or by this state or any of its agencies, departments, or political subdivisions, including school districts possessing a motor vehicle or vehicles used for driver education instruction; provided, however, that the vehicles shall display license plates provided by the motor vehicle department at actual cost.

Each new automobile loaned or furnished by a licensed North Dakota new car dealer to a school district in North Dakota to be used exclusively for instructing pupils in the driver education and training program conducted by the school district will be assigned an official license plate bearing a decal with the words "driver education" appearing on it. The license plates shall be used only on the automobiles furnished by dealers and used in the driver education program, and for no other purpose except for garaging and safekeeping of the automobile.

No person shall use an automobile bearing official license plates bearing a decal with the words "driver education" appearing on it as provided for in this subdivision for any purpose other than driver education course instruction. ~~Any person using a driver education motor vehicle for purposes other than for instruction shall be guilty of a class B misdemeanor.~~ No person shall be is in violation of this subdivision in the event if he is required by the dealer or a school administrator to house or otherwise protect the vehicle at his home or other facility.

- c. Motor vehicles registered in any other state or territory when coming into this state a distance not exceeding twenty miles [32.19 kilometers]; provided, however, that such motor vehicles have displayed thereon the current license plates issued by the state or territory in which they are registered and provided further that the owners or operators thereof are not residents of this state for any purpose and are not gainfully employed or stationed in this state. Nor shall such vehicles be required to pay any other tax, and no registration fee or tax shall be required when such vehicles do not leave the incorporated limits of any city while in the state of North Dakota within a zone circumscribed by a line running parallel to the corporate limits of any city or contiguous cities and twenty miles [32.19 kilometers] distant therefrom. ~~Nothing contained in this section shall be construed as preventing~~ This section does not prevent trucks from coming into the state such distance as shall be necessary to reach the nearest railway shipping station.

- d. Motor vehicles owned and operated by the United States government, or any foreign government, or any of their agencies or departments; provided, however, that such motor vehicles shall display identification plates.
- e. Passenger motor vehicles registered in any other state or territory; provided, however, that such motor vehicles have displayed thereon the current license plates issued by the state or territory in which they are registered and provided further that the owners or operators thereof are not residents of this state for any purpose and are not gainfully employed or stationed in this state.
- f. Motor vehicles owned and operated by a manufacturer of motor vehicles when such motor vehicles are operated or moved such distance as may be authorized by the registrar of motor vehicles from the factory where manufactured or assembled, to a depot or place of shipment, or other point of delivery; provided, however, that such vehicles have displayed in plain sight the name and address of the manufacturer and a written permit from local police authorities.
- g. Motor vehicles owned and operated by a licensed North Dakota motor vehicle dealer from a railway depot, warehouse, salesroom, or place of shipment; provided, however, that such vehicles have displayed in plain sight the name and address of the dealer and a written permit from the local police authorities.
- h. Motor vehicles owned and operated by nonresidents engaged in harvest of agricultural products from July fifteenth through November fifteenth of any one year; provided, however, that such motor vehicles have displayed thereon a decal or other means of identification issued by the registrar of motor vehicles upon payment of a fee of twenty-five dollars.
- i. Passenger motor vehicles owned and operated by nonresident military personnel stationed in this state, provided such motor vehicle is registered in the state or territory whereof such military person is a resident, and provided further that current license plates from such state or territory are displayed on such motor vehicle.
- j. Passenger motor vehicles or pickup trucks not exceeding ten thousand pounds [4535.92 kilograms] gross weight owned and operated by a disabled veteran under the provisions of Public Law 79-663 [38 U.S.C. 1901]; provided, however, that such vehicles display a distinctive license plate issued by the registrar of motor vehicles upon the payment of one dollar. This

exemption shall also apply to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight subsequently purchased or acquired by such a disabled veteran; provided, that it shall be allowed only with respect to one such motor vehicle owned by such a disabled veteran at any one time.

- k. Motor vehicles having not over two axles owned and operated by nonresidents and any motor vehicle of three axles or more operated in this state pursuant to a proportional licensing or other agreement or arrangement with any jurisdiction having motor vehicle registration authority.
- l. Motor vehicles owned and operated by the holder of a valid building mover's permit issued by the public service commission, or by a resident well driller; provided, however, that such vehicles are used only for moving buildings or building moving equipment, or on which is mounted well-drilling equipment; provided, further, that such vehicles display a special license plate issued by the registrar of motor vehicles upon the payment of a fee of twenty-five dollars for two axle trucks, fifty dollars for single axle truck-tractor units, and seventy-five dollars for each tandem axle truck-tractor unit.

Any vehicle which has been issued this special motor vehicle license may be registered under the regular motor vehicle registration law, by payment of the difference between the amount paid for the special motor vehicle license and the regular registration fee for such vehicle and surrendering of such special license plate.

Any vehicle which has been issued this special motor vehicle license and is found being operated upon the highways of this state without being equipped with special house-moving or well-drilling equipment, shall forfeit the fee paid and, in addition, shall be required to register under the regular motor vehicle registration law of this state. None of the above limitations shall be construed as restricting the operation of the special licensed vehicle when such operation would not require a greater fee than that paid for this operation.

- m. Any trailer, semitrailer, or farm trailer when the gross weight, not including the weight of the towing vehicle, does not exceed one thousand five hundred pounds [680.39 kilograms] and it is not for hire or commercial use, or when used to transport recreational

vehicles or boats and it is not for hire or commercial use.

- n. Any vehicle which is driven or moved upon a highway only for the purpose of crossing the highway from one property to another. The crossing shall be made at an angle of approximately ninety degrees to the direction of the highway.
- o. Passenger motor vehicles or pickup trucks not exceeding ten thousand pounds [4535.92 kilograms] gross weight owned and operated by a resident who, while serving in the United States armed forces, was a prisoner of war and has received an honorable discharge from the United States armed forces; provided, however, that the vehicles display a distinctive license plate issued by the registrar of motor vehicles upon the payment of one dollar. This exemption shall also apply to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight subsequently purchased or acquired by such a former prisoner of war; provided, that the exemption provided by this subdivision shall be allowed only with respect to one motor vehicle owned by such a former prisoner of war at any one time.

3- Any person violating any of the provisions of this section shall be guilty of a class B misdemeanor.

* SECTION 73. AMENDMENT. Section 39-06-19 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-19. Expiration of license - Renewal. Every operator's license issued under the provisions of this chapter shall expire and be renewed according to the following schedule: this section. The expiration date of operator's license for every person whose year of birth occurred in a year ending in an odd numeral shall be twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of operator's license for every person whose year of birth occurred in a year ending in an even numeral shall be twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral. Application with fee for renewal of license shall be presented to the commissioner not prior to ninety days before the expiration date of the operator's license. The commissioner may require an examination of an applicant as upon an original application. Every application for renewal of a license by an applicant under the age of twenty-one or over the age of seventy shall be accompanied by a certificate of examination from either the driver licensing or examining authorities or a physician or an optometrist, licensed in this or another state, containing a statement as to the corrected and uncorrected vision of the

* NOTE: Section 39-06-19 was also amended by section 3 of House Bill No. 1182, chapter 429.

applicant. An application for a motor vehicle operator's license from an applicant applying for first license under the age of twenty-one may be accompanied by a certificate of examination from a physician or an optometrist, licensed in this or another state, containing a statement as to the corrected and uncorrected vision of the applicant, in lieu of the eye examination conducted by the driver licensing authorities. No certificate of examination shall be dated more than six months prior to the date of the driver license application. Every person submitting application and fee for renewal of license one year or more after expiration of license, except an applicant whose military, or merchant marine service, as defined in section 16-18-01, has terminated less than sixty days prior to such application, shall be treated as a new driver and subject to the examination as upon an original application. The fee for every operator's license shall be eight dollars.

* SECTION 74. AMENDMENT. Section 39-06-29.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-29.1. Authority to suspend licenses of juveniles. The highway commissioner may suspend the license of a juvenile without preliminary hearing when the report of the action of a juvenile court is forwarded to the commissioner under the provisions of section 39-06-29 ~~39-07-11~~, and such report indicates that there has been a commission of those offenses listed under section 39-06-31.

SECTION 75. AMENDMENT. Section 39-06-50 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-50. Uniformity of interpretation-- Short title. This chapter shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those states which enact it. This chapter may be cited as the Uniform Motor Vehicle Operator's License Act.

SECTION 76. AMENDMENT. Subsection 1 of section 39-26-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "Abandoned motor vehicle" means a motor vehicle, as defined in section 39-01-01, that has remained for a period of more than forty-eight hours on public property illegally or lacking vital component parts, or has remained for a period of more than forty-eight hours on private property without consent of the person in control of such property or in an inoperable condition such that it has no substantial potential further use consistent with its usual functions unless it is kept in an enclosed garage or storage building. It shall also mean means a motor vehicle voluntarily surrendered by its owner to a person duly licensed under section 39-26-10. An antique automobile, as defined in section 39-04-43 ~~39-04-10.4~~, and

* NOTE: Section 39-06-29.1 was repealed by section 39 of Senate Bill No. 2373, chapter 415.

other motor vehicles to include parts car and special interest vehicles, shall not be considered an abandoned motor vehicle within the meaning of this chapter.

SECTION 77. AMENDMENT. Section 40-11-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-11-06. Publication of ordinances. The title and penalty clause of every ordinance imposing any penalty, fine, imprisonment, or forfeiture for a violation of its provisions, after the final adoption of such the ordinance, shall be published in one issue of the official paper newspaper of the municipality city.

SECTION 78. AMENDMENT. Section 40-11-13 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-11-13. Fines and forfeitures for violation of ordinances paid into municipal treasury. All fines, penalties, and forfeitures collected for offenses against the ordinances of a municipality city, including those fines, penalties, and forfeitures collected as a result of a judgment of a district court or county court of increased jurisdiction rendered pursuant to section 40-18-19, shall be paid into the municipality's city's treasury at such time and in such manner as may be prescribed by ordinance.

SECTION 79. AMENDMENT. Section 40-18-06 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-18-06. Salary of municipal judge - Payment of fees into treasury. The municipal judge shall be paid a salary by the municipality and shall not be paid in relation to fees or fines collected by the municipal court. The municipal judge's salary shall not be reduced during his term of office. In all criminal actions and in all actions instituted under any ordinance of the city, however, he shall collect the same following fees as are allowed by section 33-01-23, and such:

1. For issuing summons or warrant of arrest and all proceedings prior to trial, two dollars.
2. For entry of default judgment or sentence upon plea of guilty or order binding over on waiver, two dollars.
3. For trial of issue of fact or preliminary hearing, four dollars.
4. For issuing execution and all proceedings subsequent to entry of judgment, one dollar.
5. For taking affidavit or acknowledgment other than in pending proceedings, twenty-five cents.

The fees shall be paid by him into the city treasury at the end of each month. At the end of each month, the municipal judge shall make and file with the city auditor a written report under oath showing an account of all fees collected by him in such actions during the preceding month and showing the actions in which such the fees were collected. His salary shall not be paid to him until he has complied with the provisions of this section.

SECTION 80. AMENDMENT. Section 40-21-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-21-13. Municipal elections to be governed by rules applicable to county elections - Absent voting. The manner of conducting, voting at, keeping poll lists, and canvassing votes at municipal elections, and contests of the results of such elections shall be governed, as nearly as possible and except as otherwise provided in this chapter, by the laws of this state applicable to elections and contests in the case of county officers. Absent voters' ballots may be used in municipal elections in accordance with the provisions of chapter 16-18, as amended 16.1-07.

SECTION 81. AMENDMENT. Section 40-24-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-24-09. Payments in full of assessments - Payments to county ~~municipal treasurer or city auditor~~ - Receipts. The owner of any property against which an assessment shall have been made under this title for the cost of any improvement may pay in full or in part the amount remaining unpaid and the unpaid interest accumulated thereon. The payment in full shall discharge the lien of the assessment upon his property. The payment may be made to the county treasurer upon all installments of the assessments which have been certified to the county auditor, and may be made to the ~~municipal treasurer~~ city auditor upon all portions of the assessment which have not been certified. Any person desiring to pay any portion of the assessment to the ~~municipal treasurer~~ city auditor shall obtain from the city auditor a certificate of the amount due upon the assessment which has not been certified to the county auditor and shall present such certificate to the ~~municipal treasurer~~ city auditor. The ~~municipal treasurer~~ city auditor shall receive and collect such amount and issue duplicate receipts, one to be delivered a receipt to the person paying the assessment and the other to be deposited with the city auditor, who shall note upon his records the payment of the assessment.

SECTION 82. AMENDMENT. Section 40-24-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-24-16. County treasurer to certify and receipt for amount of special assessments collected - Contents of certificate - Procedure for abatement. Special assessments of any kind certified to the county auditor by the city auditor shall be paid to the county treasurer and included in the receipt required by section 57-20-08. In the event that the

county treasurer receives less than the full amount of taxes and special assessments due at any time on any lot or tract of real estate, he shall allocate the amount of such payment between taxes and special assessments in proportion to the respective amounts of taxes and special assessments which are then due. When prorating any tax payment received prior to October ~~15~~ fifteenth, the term "due", as it pertains to real estate taxes, shall include only the first installment of real estate taxes. Special assessments shall not be subject to abatement or refund by proceedings under chapter 57-23, but shall be reviewed and corrected only in the manner and upon the conditions provided in chapter 40-26. The county treasurer, at the time set by law for the payment to the ~~municipal treasurer~~ city auditor of all the taxes and special assessments collected by him during the preceding month, shall certify in ~~duplicate~~ the amounts of special assessments collected. The certificate shall state specifically the lot or known subdivision thereof as it appears on the tax books of the county treasurer, and the block, addition, amount collected, and the amount credited to each lot or known subdivision thereof, and the year for which the sum was collected. ~~One copy of such~~ The certificate shall be furnished ~~to the municipal treasurer and one copy to the city auditor.~~

SECTION 83. AMENDMENT. Section 40-38.1-09 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-38.1-09. Contributions by political subdivision to establishment of municipal arts council without election authorized. To aid and facilitate the organization of the municipal arts council, the governing body of any city where the population is less than two thousand five hundred may appropriate annually from its general fund, or from any other moneys received for similar purposes from federal, state, and private sources, a sum not to exceed five dollars per capita. Such appropriation shall be made without submitting the same to vote as provided in section ~~40-38-02~~ 40-38.1-02.

SECTION 84. AMENDMENT. Section 40-45-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-45-16. Increase of assessments by city having police retirement system based upon actuarial tables. If the ~~one and one-half~~ mill levy provided for in section 40-45-02, together with contributions from beneficiaries and funds received from other sources as provided in this chapter, ~~shall be~~ is inadequate or insufficient to establish a retirement system based upon actuarial tables, the governing body, in order to establish such system upon an actuarial basis, may increase the amount of the contributions from beneficiaries.

SECTION 85. AMENDMENT. Subsection 6 of section 40-58-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. An ordinance adopted by the governing body of the municipality may authorize the public officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ~~article~~ chapter, including the following power in addition to others herein granted:
 - a. To investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation;
 - b. To administer oaths, affirmations, examine witnesses and receive evidence;
 - c. To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted;
 - d. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of such ordinance; and
 - e. To delegate any of his functions and powers under such ordinance to such officers, agents and employees as he may designate.

SECTION 86. AMENDMENT. Subsection 4 of section 41-09-35 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. When under subsections 1 ~~or~~ 2 and 3 or subsections 2 and 3, a secured party has an interest in accessions which has priority over the claims of all persons who have interest in the whole, he may on default subject to the provisions of part 5 remove his collateral from the whole but he must reimburse any encumbrancer or owner of the whole who is not the debtor and who has not otherwise agreed for the cost of repair of any physical injury but not for any diminution in value of the whole caused by the absence of the goods removed or by any necessity for replacing them. A person entitled to reimbursement may refuse permission to remove until the secured party gives adequate security for the performance of this obligation.

SECTION 87. AMENDMENT. Subsection 1 of section 41-09-40 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The proper place to file in order to perfect a security interest is as follows:

- a. When the collateral is equipment used in farming operations, or farm products, or accounts, or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods, then in the office of the register of deeds in the county of the debtor's residence or if the debtor is not a resident of this state then in the office of the register of deeds in the county where the goods are kept, and in addition when the collateral is crops, as provided in subdivision b of this subsection.
- b. When the collateral is crops growing or to be grown, timber to be cut, or is minerals or the like (including oil and gas), or accounts subject to subsection 5 of section 41-09-03, or when the financing statement is filed as a fixture filing (section 41-09-34) and the collateral is goods which are or are to become fixtures, then in the office where a mortgage on the real estate concerned would be filed or recorded.
- c. In all other cases, in the office of the secretary of state.

SECTION 88. AMENDMENT. Section 43-07-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-07-22. Enforcement responsibility. The commissioner of labor shall have ~~has~~ the primary responsibility of enforcing the ~~provisions of~~ sections 43-07-20 and ~~43-07-22~~ 43-07-21 and is hereby ~~authorized to~~ may make reciprocal agreements or arrangements with any other state or territory exempting the application of the ~~provisions of~~ sections 43-07-20 through 43-07-22, and is ~~authorized to~~ may examine records of employment relative to public contracts for such purposes. However, any person being adversely affected because of noncompliance with section 43-07-20 may also institute an appropriate civil action, and any person having knowledge of a violation may file a criminal complaint with the proper official.

* SECTION 89. AMENDMENT. Section 44-08-04 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-08-04. Expense account - Amount allowed - Verification. Except as provided in section 44-08-04.1, each elective or appointive officer, employee, representative, or agent of this state, or of any of its subdivisions, agencies, bureaus, boards, or commissions, may make claim for meals and lodging while engaged within this state in the discharge of a public duty away from his normal working and living residence for all or any part of any quarter of a day. Claims may also be made for meals which are included as part of a registration fee for a conference, seminar, or other meeting, and for meals attended at the request of and on behalf of the state or any of its

* NOTE: Section 44-08-04 was also amended by section 2 of House Bill No. 1429, chapter 495.

subdivisions, agencies, bureaus, boards, or commissions. Such claims shall be allowed even if the city at which such meeting is held or meal is provided is the claimant's normal working and living residence. Upon approval of such claim, it shall be paid as an allowance at the following rates for each quarter of any twenty-four-hour period:

1. First quarter shall be from six a.m. to twelve noon and the sum shall not exceed three dollars and fifty cents. No reimbursement may be made if travel began after seven a.m.
2. Second quarter shall be from twelve noon to six p.m. and the sum shall not exceed five dollars.
3. Third quarter shall be from six p.m. to twelve midnight and the sum shall not exceed eight dollars and fifty cents.
4. Fourth quarter shall be from twelve midnight to six a.m. and the sum shall be the actual lodging expenses not to exceed twenty-five dollars.
5. Provided, however, that the preceding four subsections shall not be applicable unless the person concerned has been out of the headquarters or normal place of employment for four hours or overnight.

Verifications of claims shall not be required for the first three quarters listed above and only a lodging receipt shall be required for the fourth quarter.

Such persons engaged in travel outside state boundaries shall receive twenty-three dollars a day for meals and in addition thereto actual lodging expenses. Verification by receipt for such out-of-state travel expense shall be required only for lodging expense claimed.

Those persons engaged in foreign travel shall receive reimbursement for meals at a rate not to exceed two times the regular out-of-state meal allowance. Verification by receipt for such foreign travel expense shall be required only for the lodging expense claimed.

The head of any department, institution, or agency of this state may set a rate for such expenses less than those set forth in this section for any person or persons under his authority. Verification of any other type of expense not prescribed by this section shall be as prescribed by the office of the budget except no receipt shall be required for taxi or cab fares up to and including the sum of ten dollars. The office of management and budget shall disapprove any claim it shall determine to be in error or unlawful or not within the limits of legislative appropriations. The travel expenses of the governor, governor's personal traveling aides,

lieutenant governor, judges of the supreme court, district courts, and county courts of increased jurisdiction, and members of the legislative assembly shall not be limited by the expense allowance limitations prescribed by this section.

SECTION 90. AMENDMENT. Section 45-05-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

45-05-03. Rules of construction.

1. The rule that statutes in derogation of the common law are to be strictly construed shall have has no application to this title.
2. The law of estoppel shall apply applies under this title.
3. The law of agency shall apply applies under this title.
4. This title shall be so interpreted and construed as to effect its general purpose to make uniform the law of these states which enact it.
- 5- This title shall does not be construed so as to impair the obligations of any contract existing when the title goes into effect, nor to affect any action or proceedings begun or right accrued before this title takes effect.

SECTION 91. AMENDMENT. Section 47-16-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

47-16-17. When lessee may terminate lease. The lessee of real property may terminate the lease before the end of the term agreed upon:

1. When the lessor does not fulfill his obligations, if any, within a reasonable time after request, as to placing and securing the lessee in the quiet possession of the property leased, or putting it into a good condition, or repairing it; or
2. When the greater part of the property leased, or that part which was, and which the ~~lessor~~ lessee had reason to believe was, the material inducement to the lessor to enter into the contract, perishes from any cause other than the ordinary negligence of the lessee.

SECTION 92. AMENDMENT. Section 47-18-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

47-18-28. Appeal from order of district court. On the hearing of an application, such as is provided in section 47-18-23, any of the

kindred of the mentally ill person may appear and be heard in the premises and may appeal from any order made on the subject to the district court for the county in which the land is situated in the manner provided for appeals in chapter 30-26.

SECTION 93. AMENDMENT. Section 47-19-14.8 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

47-19-14.8. Short title --Uniformity of interpretation. Sections 47-19-14.1 through 47-19-14.8 may be cited as the "Uniform Recognition of Acknowledgments Act", and the act shall be so interpreted as to make uniform the laws of these states which enact it.

SECTION 94. AMENDMENT. Section 48-03-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-03-03. Discrimination as to interest on public buildings prohibited. There shall be no discrimination in respect to interest on investments made or to be made in any of the following public buildings owned, managed, and controlled wholly by the state of North Dakota:

1. The capitol building.
2. The university or other educational buildings.
3. The ~~twine plant~~, state mill, Bank of North Dakota, or other industrial buildings.
4. The state hospital ~~for the insane~~ or other charitable institutions.
5. The memorial building, bridges, or highways, or any other public building or structure.

SECTION 95. AMENDMENT. Subsections 18 and 20 of section 50-06-05.1 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

18. To act as the official agency of the state in the administration of the food stamp program and to direct and supervise county administration of that program. Provided, however, that the department with the consent of the budget section of the legislative council committee on budget ~~may terminate~~ the program should the rate of federal financial participation in administrative costs provided under Public Law 93-347 be decreased or limited, or should the state or counties become financially responsible for all or a portion of the coupon bonus payments under the Food Stamp Act.

20. To act as the official agency of the state in the administration of the energy assistance program; to direct and supervise county administration of that program; and to take such actions, give such directions, and promulgate ~~adopt~~ such rules and regulations, subject to review in the courts of this state, as may be necessary or desirable to carry out the provisions of this subsection. Provided, however, that the department with the consent of the budget section of the legislative committee on budget council may terminate the program should the rate of federal financial participation in administrative costs be decreased or limited to less than fifty percent of total administrative costs, or should the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits.

* SECTION 96. AMENDMENT. Section 50-06.2-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06.2-02. Definitions. As used in this chapter:

1. ~~"Area social service center"~~ means a regional social service center established by the state agency pursuant to ~~section 50-06-05.1.~~
- 2- "Comprehensive social services" means services included in the comprehensive social services plan published by the state agency and social services required by state law or state agency regulation or federal law or regulation as a condition for the receipt of federal financial participation in programs administered under the provisions of this title.
- 3- 2. "County agency" means the county social service board in each of the counties of the state established under section 50-01-07.
- 4- 3. "County plan" means the county social services plan required by section 50-06.2-04.
- 5- 4. "Human service center" means a regional center established under section 50-06-05.3.
- 6- 5. "State agency" means the department of human services.

** SECTION 97. AMENDMENT. Section 50-06.2-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06.2-03. Powers and duties of the state agency. The state agency shall have the following powers or duties under this chapter:

- * NOTE: Section 50-06.2-02 was also amended by section 2 of House Bill No. 1309, chapter 523.
- ** NOTE: Section 50-06.2-03 was also amended by section 3 of House Bill No. 1309, chapter 523.

1. To act as the official agency of the state in the administration of the social services programs for individuals and families in conformity with state and federal requirements including titles IV-B and XX of the Social Security Act, as amended.
2. To prepare, at least biennially, a comprehensive social services plan which shall:
 - a. Include social services determined essential in effectuating the purposes of this chapter.
 - b. Detail the social services identified by the state agency for provision by human service centers and ~~area social service centers~~ and the services which the county agencies have agreed to make available in approved county plans as a condition for the receipt of any funds allocated or distributed by the state agency.
3. To make available, through ~~area centers~~, county agencies, or human service centers, any or all of the services set out in the comprehensive social services plan on behalf of those individuals and families determined to be eligible for those services under criteria established by the state agency.
4. To supervise and direct the comprehensive social services administered by county agencies and human service centers through standard-setting, technical assistance, approval of county and regional plans, preparation of the comprehensive social services plan, evaluation of comprehensive social service programs, and distribution of public money for services.
5. To take actions, give directions, and adopt rules as necessary to carry out the provisions of this chapter.

SECTION 98. AMENDMENT. Section 50-19-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-19-01. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. "Division" shall ~~mean~~ means the social services division of ~~child welfare~~ of the department of human services.
2. "Maternity home for unmarried mothers" shall ~~mean~~ means any hospital, home, or other premises, operating especially to provide social services and maternity care to unmarried mothers and their infants, which receives more than one unmarried woman during any period of six months for shelter, care, or treatment during pregnancy,

or delivery, or within sixty days after delivery. It ~~shall~~ does not apply to include any hospital, home, or other premises owned or operated by state or federal governments.

SECTION 99. AMENDMENT. Section 50-19-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-19-09. Reporting births. The licensee of a maternity home for unmarried mothers shall report each birth occurring within the home to the state department of health in accordance with the provisions of chapter ~~23-02~~ 23-02.1, and to the division as may be provided by law.

SECTION 100. AMENDMENT. Section 50-20-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-20-01. Births out of wedlock to be reported. All births out of wedlock in the state of North Dakota shall be reported to the social services division of child welfare of the department of human services within twenty-four hours after the birth occurs. ~~Such~~ The report shall include the date and place of birth, the sex of the child, the name of the mother, the name of the attending physician, and such other information as the division may require.

SECTION 101. AMENDMENT. Section 50-20-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-20-02. Births with congenital deformities to be reported. All births in North Dakota of children with a visible congenital deformity shall be reported to the social services division of child welfare within three days after such birth occurs. ~~Such~~ The report shall include the date and place of birth, the sex of the child, the names of the parents, the name of the physician or other person attending birth, a diagnosis and description of the deformity, and such other information as the division may require.

SECTION 102. AMENDMENT. Section 50-20-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-20-04. Report forms. The social services division of child welfare shall prepare forms for reporting the information necessary to promote the best interest of a child born out of wedlock or with a congenital deformity. A supply of such forms is to be made available to maternity homes or hospitals and legally qualified physicians and others regularly attending births.

SECTION 103. AMENDMENT. Section 50-20-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-20-05. Savings clause. Nothing in this chapter shall be construed as superseding or affecting the requirements of registering births with the state registrar of vital statistics as set forth in chapter 23-02 23-02.1.

SECTION 104. AMENDMENT. Section 50-22-02.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-22-02.1. Registration of professional fundraiser, professional solicitor, and charitable organizations who engaged them. The secretary of state or his designee shall examine each initial application of charitable organizations for the right to solicit funds and each renewal application of charitable organizations for the right to solicit funds, ~~and if~~. If the solicitation is to be made in whole or in part by a professional fundraiser or professional solicitor, the secretary of state shall determine whether or not approve registration if the arrangement for payment is found to be in conformity with conforms to the requirements of this chapter and all relevant rules and regulations, it shall be approved for registration. Any applicant who is denied approved registration may, within fifteen days from the date of notification of such denial, request in writing a hearing before the secretary, ~~which of state.~~ The hearing shall be held within fifteen days from the date of the request.

No person shall act as a professional fundraiser or professional solicitor for a charitable organization subject to the provisions of this chapter unless he has first registered with the secretary of state. Applications for such registration shall be in writing, under oath or affirmation in the form prescribed by the secretary of state, and must contain such information as the secretary of state may require. The application for registration by professional fundraiser or professional solicitor shall be accompanied by an annual fee in the sum of one hundred dollars. A partnership or corporation which is a professional fundraiser or professional solicitor may register for and pay a single fee on behalf of all its members, officers, agents, and employees. However, the names and addresses of all officers, agents, and employees employed to work under the direction of a professional solicitor or fundraiser must be listed in the application.

Every charitable organization engaging a professional solicitor or fundraiser and which submits a proper registration to the department secretary of state shall pay an annual registration fee of twenty-five dollars if the charitable organization solicits and receives gross contributions from the public of twenty-five thousand dollars or less during the immediate preceding fiscal year. Every charitable organization engaging a professional solicitor or fundraiser which submits a proper registration to the department secretary of state shall pay an annual registration fee of one hundred dollars if the charitable organization solicits and receives gross contributions in excess of twenty-five thousand dollars during the immediate preceding fiscal year. A parent organization filing

on behalf of one or more chapters, branches, or affiliates and a federated fundraising organization filing on behalf of its member agencies shall pay a single annual registration fee for itself and such chapters, branches, affiliates, or member agencies included in the registration statement. If any charitable organization, professional fundraiser, or professional solicitor fails to file any registration application or other information required to be filed by the secretary of state under this chapter or otherwise violates the provisions of this chapter, the secretary of state, upon notice by registered or certified mail to its or his last known address, may deny or suspend the application for registration if the information is not filed or if the existing violation is not discontinued within two weeks after the formal notification or receipt of such notice. All proceedings under this chapter shall be conducted in accordance with chapter 28-32 unless otherwise specifically herein provided.

SECTION 105. AMENDMENT. Subsection 3 of section 50-25.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. "Division" means the social services division of ~~community services~~ of the department of human services.

SECTION 106. AMENDMENT. Section 51-13-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-13-07. Penalties. Any person who shall willfully violate any provisions of violates this chapter shall be is guilty of a class A misdemeanor. A willful violation of sections 51-13-02 or 51-13-03 by any person shall bar his recovery of any finance charge, or delinquency or collection charge, or ~~refinancing~~ charge on the retail installment contract involved.

* SECTION 107. AMENDMENT. Section 52-01-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-01-03. Disclosure of information. Except as otherwise provided in this section, information obtained from any employing unit or individual pursuant to the administration of the North Dakota Unemployment Compensation Law and determinations as to the benefit rights of any individual shall be held confidential and shall not be disclosed or be open to public inspection in any manner revealing the individual's or employing unit's identity. Any claimant or his legal representative shall be supplied with information from the records of the job insurance division, to the extent necessary for the proper presentation of his claim in any proceeding under the North Dakota Unemployment Compensation Law with respect to such claim. Subject to such restrictions as the bureau by regulations may prescribe, such information may be made available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the

* NOTE: Section 52-01-03 was also amended by section 2 of Senate Bill No. 2185, chapter 536.

maintenance of a system of public employment offices, or the bureau of internal revenue of the United States department of the treasury, and information obtained in connection with the administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service. Upon a request, the bureau shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under the North Dakota Unemployment Compensation Law. The bureau may request the comptroller of the currency of the United States to cause an examination of the correctness of any return or report of any national banking association, rendered pursuant to the provisions of the North Dakota Unemployment Compensation Law, and in connection with such request, may transmit any such report or return to the comptroller of the currency of the United States as provided in subsection c of section 3305 of the federal Internal Revenue Code.

The unemployment compensation job insurance division of the bureau may upon request of the state tax commissioner or the workmen's compensation bureau furnish to such commissioner or bureau a list or lists of employers showing only the names, addresses, and bureau file identification numbers of such employers, provided that any list so furnished shall be used by the tax commissioner or the workmen's compensation bureau only for the purpose of administering the duties of such commissioner or bureau.

SECTION 108. AMENDMENT. Section 52-04-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-04-13. Priority rights to contributions upon legal dissolutions or distributions. In the event of any distribution of an employer's assets pursuant to an order of any court under the laws of this state, including any receivership, assignment for the benefits of creditors, adjudicated insolvency, composition, or similar proceeding, contributions then or thereafter due shall be paid in full prior to all other claims except taxes and claims for wages of not more than two hundred fifty dollars to each claimant, earned within four months of the commencement of the proceeding. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the federal Bankruptcy Reform Act of 1898, as amended, 1978 [Pub. L. 95-598; 92 Stat. 2583] contributions then or thereafter due shall be entitled to such priority as is provided in section 64a 507 of that Act [11 U.S.C. 104(a) 507], as amended. In any action for the recovery of delinquent and defaulted contributions, the remedies of garnishment or attachment, or both, shall be available. No exemptions except absolute exemptions shall be allowed against any levy under execution pursuant to judgment recovered in such action.

SECTION 109. AMENDMENT. Section 52-04-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-04-17. Administrative determinations of coverage. The job insurance division may, upon its own motion or upon application of an employing unit, and after notice and opportunity for hearing, make findings of fact and on the basis thereof, determinations with respect to whether an employing unit constitutes an employer and whether services performed for or in connection with the business of an employing unit constitute employment. Appeal from any such determination may be taken to the bureau within fifteen days after the mailing of notice of such the findings and determination to the employing unit, or, in the absence of mailing, within fifteen days after the delivery of such the notice. Proceedings in such appeals shall be had in the same manner as in appeals from a decision of an appeal tribunal. A determination of the division, in the absence of appeal therefrom, and a determination of the bureau upon an appeal, together with the record of the proceeding under this section shall be admissible in any subsequent proceeding under the North Dakota Unemployment Compensation Law, and if supported by substantial evidence and in the absence of fraud shall be conclusive, except as to errors of law, upon any employing unit which was a party to the proceeding under this section.

SECTION 110. AMENDMENT. Subdivision b of subsection 3 of section 52-06-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

b. Which are:

- (1) Agricultural labor as defined in subdivision m of subsection 17 of section ~~51-01-01~~ 52-01-01, or domestic service as defined in subdivision n of subsection 17 of section 52-01-01; or
- (2) Services performed by an employee of this state or a political subdivision thereof, as provided in subdivision f of subsection 17 of section 52-01-01, or by an employee of a nonprofit educational institution which is not an institution of higher education, as provided in paragraph 3 of subdivision h of subsection 17 of section 52-01-01; except to the extent that assistance under title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such services.

SECTION 111. AMENDMENT. Section 52-06-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-06-14. Appeal tribunals - How comprised - Duties - Fees - Alternates - Chairman. The bureau shall appoint one or more impartial appeal

examiners known as the appeal tribunal, who shall hear and decide appealed claims. Each such tribunal shall consist of a referee selected in accordance with the provisions of chapter 52-02, or a body composed of three members, one of whom shall be a referee who shall serve as chairman and who shall be a salaried full-time member of the staff of the ~~unemployment compensation~~ job insurance division, and one of whom shall be a representative of employers, and the other of whom shall be a representative of employees. Each of the latter two members may be selected without regard to section 52-02-06 and shall serve at the pleasure of the bureau and be paid a fee of twenty-five dollars per day of active service on such tribunal, plus necessary expenses. The bureau may designate alternates to serve in the absence or disqualification of any member of an appeal tribunal. The chairman shall act alone in the absence or disqualification of any other member or his alternates. In no case shall the hearings proceed unless the chairman of the appeal tribunal is present.

SECTION 112. AMENDMENT. Section 52-06-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-06-15. Appeal tribunal's decision - Copy to be furnished - To be final - Exception. The parties shall be notified promptly of an appeal tribunal's decision upon an appeal taken as is provided in section 52-06-13 and shall be furnished with a copy of the decision and the findings and conclusions in support thereof. ~~Such~~ The decision shall be ~~is~~ final unless, within twelve days after the date of mailing the notice thereof to the party's last known address, or in the absence of such mailing, within twelve days after the delivery of such notice, further review is initiated pursuant to ~~subsection 3~~ section 52-06-16 52-06-19.

SECTION 113. AMENDMENT. Section 52-06-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-06-16. When redeterminations made by division - Notice. The job insurance division may reconsider a determination of a claim whenever it finds:

1. That an error in computation or identity has occurred in connection therewith;
2. That wages of the claimant pertinent to such determination but not considered in connection therewith have been newly discovered; or
3. That benefits have been allowed or denied or the amount of benefits fixed on the basis of a misrepresentation of facts.

No such redetermination shall be made after one year from the day of the original determination, except that a reconsidered determination

involving a finding that benefits have been allowed or denied or the amount of benefits fixed on the basis of nondisclosure or misrepresentations of fact may be made within two years from the date of the determination. Notice of any such redetermination shall be given promptly to the parties entitled to the notice or original determination, and in the manner prescribed in section 52-06-12.

SECTION 114. AMENDMENT. Section 52-06-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-06-17. Appeal from redetermination - Regulations governing. If the amount of benefits is increased upon such redetermination, an appeal from the redetermination, solely with respect to the matters involved in such increase, may be filed in the manner and subject to the limitations provided in this chapter. If the amount of benefits is decreased upon such redetermination, the matters involved in such decrease shall be subject to review in connection with an appeal from any determination upon a subsequent claim for benefits which may be affected in amount or duration by such redetermination. Subject to the same limitations and for the same reasons, the job insurance division may reconsider the determination in any case in which the final decision has been rendered by an appeal tribunal, the bureau, or a court, and may apply to that body or court which rendered such final decision to issue a revised decision.

SECTION 115. AMENDMENT. Section 52-06-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-06-22. Rule of decision. The final decisions of the bureau or of an appeal tribunal and the principles of law declared by it in arriving at such decisions, unless expressly or impliedly overruled by a later decision of the bureau or by a court of competent jurisdiction, shall be binding upon the bureau and any appeal tribunal in subsequent proceedings which involve similar questions of law. In any subsequent proceeding, if the job insurance division or any appeal tribunal has serious doubt as to the correctness of any principle so declared, such the division or appeal tribunal may certify its findings of fact in such the case, together with the question of law involved, to the bureau, which after giving notice and reasonable opportunity for hearing upon the law to all parties to such proceeding thereupon shall certify to the division, or to the appeal tribunal, and such the parties, its answer to the questions submitted. If the question thus certified to the bureau arises in connection with a claim for benefits, the bureau in its discretion may remove to itself the entire proceedings on such claim, and after proceeding in accordance with the requirements of the North Dakota Unemployment Compensation Law with respect to proceedings before an appeal tribunal, shall render its decision upon the entire claim. Any decision made under the North Dakota Unemployment Compensation Law after the removal of the proceedings upon a claim to the bureau, shall have the effect of a decision

under section 52-06-19 and shall be subject to judicial review within the same time and to the same extent.

SECTION 116. AMENDMENT. Section 52-06-37 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-06-37. Action for libel or slander not to be predicated upon disqualification for benefits. No action for slander or libel, either civil or criminal, shall be predicated upon information furnished by an employer to the ~~unemployment compensation~~ job insurance division in connection with the imposition of any of the disqualifications set forth in section 52-06-02.

SECTION 117. AMENDMENT. Section 52-10-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-10-02. Definitions. For the purposes of this chapter:

1. "Employee" includes an officer of a state or political subdivision as well as all persons employed in and by regulatory boards, commissions, or councils recognized and established by the statutes of the state of North Dakota, except part-time elected persons or persons hired on a fee basis, if excluded by the federal-state agreement.
2. "Employer" means the state of North Dakota, and all its political subdivisions, and all of their departments and instrumentalities.
3. "Employment" means any service performed by an employee in the employ of the state, or any political subdivision thereof for such employer, except (a) service which in the absence of an agreement entered into under this chapter would constitute "employment" as defined in the Social Security Act; or (b) service which under the Social Security Act may not be included in an agreement between the state and the secretary of health, ~~education,~~ and ~~welfare~~ human services. Service which under the Social Security Act may be included in an agreement only upon certification by the governor in accordance with section 218(d) (3) of that chapter [42 U.S.C. 418] shall be included in the term "employment" if and when the governor issues, with respect to such service, a certificate to the secretary of health, ~~education,~~ and ~~welfare~~ human services pursuant to subsection 2 of section 52-10-07.
4. "Federal Insurance Contributions Act" means subchapters A and B of chapter 21 of the federal Internal Revenue Code of 1954 [26 U.S.C. 3101 et seq.], as such codes have been or may be from time to time amended; and the term "employees tax" means the tax imposed by section 3101 of ~~such~~ the Internal Revenue Code of 1954 [26 U.S.C. 3101].

5. "Political subdivision" includes an instrumentality of a state, of one or more of its political subdivisions, or of a state and one or more of its political subdivisions, but only if such the instrumentality is a juristic entity which is legally separate and distinct from the state or subdivision and only if its employees are not by virtue of their relation to such the juristic entity employees of the state or subdivisions.
6. "Secretary of health, ~~education~~, and ~~welfare~~ human services" includes any individual to whom the secretary of health, ~~education~~, and ~~welfare~~ human services has delegated any of his functions under the Social Security Act with respect to coverage under such Act of employees of states and their political subdivisions.
7. "State agency" means the ~~unemployment compensation job insurance~~ division of the job service North Dakota.
8. "Social Security Act" means the act of the Congress of the United States approved August 14, 1935, chapter 531 [49 Stat. 620; 42 U.S.C. 301 et seq.], officially cited as the "Social Security Act", including regulations and requirements pursuant thereto, as ~~such the~~ the Act has been and may from time to time be amended.
9. "Wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that ~~such the~~ the term ~~shall~~ does not include that part of such remuneration which, even if it were for "employment" within the meaning of the Federal Insurance Contributions Act, would not constitute "wages" within the meaning of that Act.

SECTION 118. AMENDMENT. Section 52-10-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-10-03. Federal-state agreement - Interstate instrumentalities.

1. The state agency, with the approval of the governor, is hereby authorized to enter on behalf of the state into an agreement with the secretary of health, ~~education~~, and ~~welfare~~ human services consistent with the terms and provisions of this chapter, for the purpose of extending the benefits of the federal old-age and survivors' insurance system to employees of the state or any political subdivision with respect to services specified in such agreement which constitute "employment" as defined in section 52-10-02. ~~Such The~~ The agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification, and termination of the agreement, administration, and other appropriate provisions as the state agency and the secretary of

health, education, and welfare human services shall agree upon, but, except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreement shall provide in effect that:

- a. Benefits will be provided for employees whose services are covered by the agreement, and their dependents and survivors, on the same basis as though such services constituted employment within the meaning of title II of the Social Security Act [42 U.S.C. 401 et seq.].
- b. The state will pay to the secretary of the treasury, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages, as defined in section 52-10-02, equal to the sum of the taxes which would be imposed by the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that Act.
- c. Such The agreement shall be effective with respect to services in employment covered by the agreement performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the last day of the sixth calendar year preceding the year in which such the agreement is entered into or in which the modification of the agreement making it applicable to such services, is entered into, except that an agreement or modification entered into after December 31, 1955, and prior to January 1, 1960, shall be effective with respect to services performed after December 31, 1955; or after a later date specified in such modification.
- d. All services which constitute employment as defined in section 52-10-02 and are performed in the employ of the state by employees of the state, shall be covered by the agreement; all services which constitute employment as defined in section 52-10-02 and are performed in the employ of any municipality except elected officials, shall be covered by the agreement, notwithstanding the provisions of section 52-10-05, which provides for plans for coverage of employees.
- e. All services which (1) constitute employment as defined in section 52-10-02, (2) are performed in the employ of a political subdivision of the state, and (3) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the state agency under section 52-10-05, shall be covered by the agreement.
- f. The agreement shall include all services described in either subdivision d or e and performed by individuals

to whom section 218(c)(3)(C) of the Social Security Act [42 U.S.C. 418] is applicable, and shall provide that the service of any such individual shall continue to be covered by the agreement in case he thereafter becomes eligible to be a member of the retirement system.

- g. The agreement shall include all services described in either subdivision d or e and performed by individuals in positions covered by a retirement system with respect to which the governor has issued a certificate to the secretary of health, ~~education,~~ and ~~welfare~~ human services pursuant to subsection 2 of section 52-10-07.
2. Any instrumentality jointly created by this state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states: (a) to enter into an agreement with the secretary of health, ~~education,~~ and ~~welfare~~ human services whereby the benefits of the federal old-age and survivors' insurance system shall be extended to employees of such instrumentality, (b) to require its employees to pay, and for that purpose to deduct from their wages, contributions equal to the amounts which they would be required to pay under subsection 1 of section 52-10-04 if they were covered by an agreement made pursuant to subsection 1 of this section, and (c) to make payments to the secretary of the treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement, shall, to the extent practicable, be consistent with the terms and provisions of subsection 1 and other provisions of this chapter.

SECTION 119. AMENDMENT. Section 52-10-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-10-04. Contributions by employees of the state and of political subdivisions.

1. Every employee of the state or of a political subdivision and every employer shall be required to pay for the period of such coverage, into the contribution fund established by section 52-10-06, contributions, with respect to wages, as defined in section 52-10-02, equal to the amount of the tax which would be imposed by the Federal Insurance Contributions Act if such services constituted employment within the meaning of that Act. Such employee's liability shall arise in consideration of the employee's retention in the service of the state or of a political subdivision or his entry upon such service, after the enactment of this chapter.

2. The employees contribution imposed by this section shall be collected by deducting the amount of the contribution from wages as and when paid, but failure to make such deduction shall not relieve the employee from liability for such contribution.
3. If more or less than the correct amount of the contribution imposed by this section is paid or deducted with respect to any remuneration, proper adjustments, or refund if adjustment is impracticable, shall be made, without interest, in such manner and at such times as the state agency shall prescribe.
4. In addition to the contributions required in subsection 1, every employer shall be required to pay for the period of coverage, into the contribution fund established by section 52-10-06, contributions, with respect to wages as defined in section 52-10-02, equal to one-tenth of one percent after June 1959. The purpose of this contribution is to provide a fund out of which the legislative assembly may appropriate for the administration of this chapter and chapter 52-09. The ~~unemployment compensation~~ job insurance division will maintain complete and accurate records of all contributions under this subsection, and appropriations made therefrom. If on the first day of June in any year the accumulated contributions under this subsection, less appropriations, exceeds one hundred thousand dollars, or more, the tax shall be suspended during the succeeding year, and until such year in which, on the first day of June of the previous year, the accumulated contributions, less appropriations, are less than one hundred thousand dollars, at which time the tax shall be reimposed and collected as herein provided.

SECTION 120. AMENDMENT. Section 52-10-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-10-05. Plans for coverage of employees of political subdivisions.

1. Each political subdivision of the state is hereby authorized to submit for approval by the state agency a plan for extending the benefits of title II of the Social Security Act [42 U.S.C. 401 et seq.], in conformity with applicable provisions of such Act, to employees of such political subdivision. Each such plan and any amendment thereof shall be approved by the state agency if it finds that such plan, or such plan as amended is in conformity with such requirements as are provided in regulations of the state agency, except that no such plan shall be approved unless:

- a. It is in conformity with the requirements of the Social Security Act and with the agreement entered into under section 52-10-03;
 - b. It provides that all services which constitute employment as defined in section 52-10-02 and are performed in the employ of the political subdivision by employees thereof, shall be covered by the plan;
 - c. It specifies the source or sources from which the funds necessary to make the payments required by subdivision a of subsection 3 and by subsection 4 are expected to be derived and contains a reasonable assurance that such sources will be adequate for such purpose;
 - d. It provides for such methods of administration of the plan by the political subdivision as are found by the state agency to be necessary for the proper and efficient administration of the plan;
 - e. It provides that the political subdivision will make such reports, in such form and containing such information, as the state agency may from time to time require, and comply with such provisions as the state agency or the secretary of health, education, and welfare human services may from time to time find necessary to assure the correctness and verification of such reports; and
 - f. It authorizes the state agency to terminate the plan in its entirety, in the discretion of the state agency, if it finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the state agency and may be consistent with the provisions of the Social Security Act.
2. The state agency shall not finally refuse to approve a plan submitted by a political subdivision under subsection 1, and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby.
 3. a. Each political subdivision as to which a plan has been approved under this section shall pay into the social security contribution fund, with respect to wages, as defined in section 52-10-02, at such time or times as the state agency may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the state agency under section 52-10-03.

- b. Each political subdivision required to make payments under subdivision a is authorized, in consideration of the employee's retention in, or entry upon, employment after enactment of this chapter, to impose upon each of its employees, as to services which are covered by an approved plan, a contribution with respect to his wages, as defined in section 52-10-02, not exceeding the amount of employee tax which would be imposed by the Federal Insurance Contributions Act if such services constituted employment within the meaning of that Act, and to deduct the amount of such contribution from his wages as and when paid. Contributions so collected shall be paid into the social security contribution fund in partial discharge of the liability of such political subdivision or instrumentality under subdivision a. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.
4. Delinquent payments due under subdivision a of subsection 3 shall bear interest at the rate specified in the Social Security Act at 42 U.S.C. 418 and may be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state. In no case shall the interest imposed hereby be less than five dollars. In addition, penalty may be assessed on delinquent reports if such penalty is provided for in the Social Security Act at 42 U.S.C. 418. Any such penalty shall be under the terms, conditions, and in the amounts specified in the Social Security Act. In no case shall any penalty imposed hereby be less than five dollars.
5. a. Where the state, or any political subdivision as defined in section 52-10-02, is liable for an amount due under an agreement pursuant to this chapter, the state, or such political subdivision shall remain so liable until the secretary of health, ~~education,~~ and ~~welfare~~ human services is satisfied that the amount due has been paid to the secretary of the treasury.
- b. Notwithstanding subdivision a, the state, or any political subdivision as defined in section 52-10-02, shall not be liable for an amount due under an agreement pursuant to this chapter, with respect to the wages paid to individuals, after the expiration of the latest of the following periods:
- (1) Three years, three months, and fifteen days after the year in which such wages were paid;

- (2) Three years after the date on which such amount became due; or
- (3) Three years, three months, and fifteen days after January 1, 1962,

unless prior to the expiration of such period the secretary of health, ~~education~~, and ~~welfare~~ human services makes an assessment of the amount due from the state, or any political subdivision.

SECTION 121. AMENDMENT. Section 52-10-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-10-07. Referenda and certification.

1. With respect to employees of the state and political subdivisions who are under the provisions of chapter 52-09 or who may by election come under the provisions of such that chapter, the governor is empowered to authorize a referendum, and with respect to the employees of any political subdivision who are under a locally administered retirement system, he shall authorize a referendum upon request of the governing body of such subdivision; and with respect to employees covered by any other retirement system, he may authorize a referendum; and in either case the referendum shall be conducted and the governor shall designate an agency or individual to supervise its conduct, in accordance with the requirements of section 218(d)(3) of the Social Security Act [42 U.S.C. 418], on the question of whether service in positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under an agreement under this chapter. The notice of referendum required by section 218(d)(3)(C) of the Social Security Act [42 U.S.C. 418] to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the agency or individual designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this chapter.
2. Upon receiving evidence satisfactory to him that with respect to any such referendum the conditions specified in section 218(d)(3) of the Social Security Act [42 U.S.C. 418] have been met, the governor, or an official designated by the governor to act in his behalf in respect to this subsection, shall so certify to the secretary of health, ~~education~~, and ~~welfare~~ human services.

SECTION 122. AMENDMENT. Section 52-11-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-11-01. Retirement for certain state employees.

1. The unemployment compensation division and the state employment service performing the services provided in this title, Job service North Dakota and the North Dakota national guard are authorized either jointly or severally to establish employee retirement programs by contract with an insurance company, state or national bank and trust company, or an investment company, authorized under the law to do business in this state. Such state agencies shall prepare specifications of the terms of such retirement programs which shall be submitted to not less than three such companies with a request for bids upon such retirement program contracts. After the submission of at least three bids, the executive director of the unemployment compensation division, director of the state employment service, job service North Dakota and the adjutant general shall jointly or separately compare such bids, and with the approval of the governor, shall execute joint or separate contracts for such retirement programs with the company submitting the lowest and best bid.
2. The employing agency shall be authorized to withhold the employee's share of the contributions required under such retirement program from the salary paid each employee of such agency. The amount of such withholding shall be an adjustable percentage rate of the employee's salary sufficient to provide financing of the required employee's contributions to such retirement plan as such plan was originally contracted and as it has been or will be amended, provided that such percentage rate shall not exceed the percentage rate which may be fixed for withholding from federal employees for employee contributions to the federal retirement program under civil service. The employing agency shall be authorized to pay a sum as prescribed in the program contract toward the cost of such retirement program, which sum shall not be in excess of the amount approved by the appropriate federal agency supervising the payment or reimbursement of salary and retirement program costs. The amount withheld from the wages due an employee and the amount to be paid by the employing agency shall be paid to the company holding such retirement program contract in accordance with the terms of such contract.
3. The employing agency's share of the costs of such retirement program shall be paid from any funds made available to it for this purpose by the United States government, and in the case of employees of such agencies for whom the state does not receive federal payments for

salary costs, such employer's share may be made from any appropriations made available for the purpose of paying such salaries. Payments may be made for prior service of employees in accordance with the terms of the retirement program contract, and in accordance with the availability of funds. The contract shall specify the terms and conditions under which employee contributions may be withdrawn from the program and for the crediting of the employer's contributions to future payments due from the employing agency. Provision may be made in the contract for optional payment of benefits to survivors of covered employees. Each agency participating in the retirement program shall be authorized to do all things necessary for the proper administration of the program, but no benefits payable under the terms of the retirement program contract shall ever become an obligation of the state.

SECTION 123. AMENDMENT. Section 54-01-05.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-01-05.2. Sale of state-owned land - Notice. Except as provided by section 54-01-05.5, whenever any department or agency of the state other than the board of university and school lands and the Bank of North Dakota is authorized to sell such real property, the same property shall be sold for cash by the county auditor or other person designated by the department or agency concerned at public auction at the front door of the courthouse in the county wherein such real in which the property lies, after. A notice of sale shall have been published in the official paper newspaper of the county wherein such in which the property lies for three successive weeks, with the last publication to be not less than ten days before the day of sale. The notice shall be given in the name of the administrative head of the department or agency concerned, and shall must state the place, day, and hour of the sale, the description of the real property thus to be sold, and that the state reserves the right to reject any and all bids.

SECTION 124. AMENDMENT. Subsections 4 and 5 of section 54-01-05.5 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

4. If a legislative bill required to be prefiled pursuant to this section becomes law, land to be sold shall be offered at public auction conducted by the state land department commissioner of university and school lands pursuant to rules promulgated by the department commissioner. No land shall be sold at auction for less than appraised value. The buyer or buyers shall additionally pay the cost of preparing the land for sale as determined by the state land department commissioner. If more than one appraisal is provided, the appraised value of the land to be sold shall be as determined by the commissioner of university

and school lands, but shall not be less than the lowest appraisal or higher than the highest appraisal.

5. All rules ~~promulgated~~ adopted by the department commissioner under this section shall be ~~promulgated~~ adopted pursuant to chapter 28-32 and shall be published in the North Dakota Administrative Code.

SECTION 125. AMENDMENT. Section 54-03-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03-10. Compensation of speaker, ~~floor~~ majority and minority leaders, committee chairmen, and employees. The speaker of the house, the house majority ~~floor~~ leader, the senate majority ~~floor~~ leader, the house minority ~~floor~~ leader, and the senate minority ~~floor~~ leader shall each receive as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of five dollars per day for each calendar day during any regular, special, or organizational session. Chairmen of the substantive standing committees shall receive additional compensation of three dollars for each calendar day during any regular, special, or organizational session. The additional compensation provided by this section shall be paid in the manner provided in section 54-03-20. The legislative assembly, by concurrent resolution, shall fix the compensation of the other officers and employees elected or appointed. The provisions of this section shall be retroactive to January 1, 1971.

SECTION 126. AMENDMENT. Subsections 1 and 3 of section 54-06-04 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. The following executive and administrative officers and departments shall submit to the governor and the office of management and budget reports covering their operations for the two preceding fiscal years, except as otherwise provided by law, not later than the first day of December each year after the regular session of the legislative assembly:
 - a. Secretary of state.
 - b. State auditor.
 - c. Commissioner of insurance.
 - d. Attorney general.
 - e. Commissioner of agriculture.
 - f. Superintendent of public instruction.
 - g. State tax commissioner.

- h. Public service commission.
 - i. State board of higher education.
 - j. Director of institutions.
 - k. Highway commissioner.
 - l. State laboratories department.
 - m. Department of human services.
 - n. Workmen's compensation bureau ~~including the unemployment division.~~
 - o. Director of the office of management and budget.
 - p. State treasurer.
 - q. Commissioner of labor.
3. The state director of the budget officer and the legislative council shall make biennial reports as prescribed by law, which may, at their discretion, be included in the governmental biennial reports.

* SECTION 127. AMENDMENT. Section 54-06-04.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-06-04.1. State agencies, departments, and institutions charging fees shall make reports. All state agencies, departments, and institutions which license, inspect, or regulate private business activities or products and charge fees for such services, except the secretary of state, shall prepare and submit to the state auditor's office, before August thirty-first of each year, a report for the last fiscal year giving information about the costs of providing each service and the fees charged for the granting or providing of such service. The report shall accurately present the costs and revenues in accordance with the various categories of service and such report shall be completed and supported by such accounting records and allocation procedures as are acceptable to the state auditor. The report shall be filed with the ~~committee on budget~~ section of the legislative council, in addition to other filings as required by law.

** SECTION 128. AMENDMENT. Subsections 14, 15, 16, and 17 of section 54-12-01 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

14. ~~Serve as superintendent of criminal identification and perform all duties incident to the proper and efficient conduct of that office.~~

* NOTE: Section 54-06-04.1 was also amended by section 1 of House Bill No. 1050, chapter 553.

** NOTE: Section 54-12-01(14) was also amended by section 4 of House Bill No. 1175, chapter 556.

- 15- Attend to and perform any other duties which from time to time may be required by law.
- 16- 15. Appoint the state fire marshal and supervise the operation of the state fire marshal department.
- 17- 16. Give written opinions, when requested by the governing body or city attorney of a city in the state of North Dakota.

SECTION 129. AMENDMENT. Section 54-14-01.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-14-01.1. Office of the budget to assume functions of auditing board - Substitution of phrases - Legislative statement.

1. The office of the budget authorized in chapter 54-44.1 shall assume all of the functions performed, prior to the effective date of this section, by the state auditing board. Wherever the phrases "state auditing board", "auditing board", or the word "board", when used in reference to the state auditing board, may appear in the Century Code, they shall be construed to mean the "office of the budget".
2. The legislative assembly intends that the budget committee section of the legislative council, or the division of that committee section known as the legislative audit and fiscal review committee, shall periodically review the actions of the office of the budget under this chapter. For that purpose, the committee budget section or the legislative audit and fiscal review committee may call the director of the budget, or any employee or employees of the office of the budget before it, along with such of the records of the office as may be deemed necessary.

SECTION 130. AMENDMENT. Section 54-17.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-17.1-02. Authority for issuing bonds of North Dakota Vietnam conflict adjusted compensation series - Purpose of issue. An issue of not to exceed nineteen million dollars general obligation bonds of the state of North Dakota is hereby authorized and directed under the conditions, in the manner, and for the purpose stated in the amendment former article 87 of the articles of amendment to the Constitution of North Dakota, adopted by the forty-first legislative assembly of the state of North Dakota as senate concurrent resolution no. 17 and approved by the people at the primary election held in September 1970, and the generally applicable provisions of the constitution and statutes of the state of North Dakota. The preparation, handling, issuance, sale, and delivery of such issue of bonds shall be under the supervision and control of the industrial commission of North

Dakota, which. The commission is hereby authorized and directed to negotiate a satisfactory sale of such issue of bonds as soon after the effective date of this chapter as may be necessary to provide funds for the payment of adjusted compensation to veterans of the Vietnam conflict. Such The issue of bonds is authorized for the purpose of providing funds to be used in payment of adjusted compensation to North Dakota veterans of the Vietnam conflict and the administrative expenses resulting therefrom and such the funds are hereby appropriated for such that purpose.

SECTION 131. AMENDMENT. Section 54-23-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-23-24. Inventory of assets of a permanent nature (or inventory of fixed assets). The director of institutions, annually on June thirtieth of each year, shall require the chief executive officer of each institution under his charge to make a complete, minute, and accurate inventory of all assets of a permanent nature or fixed assets, and such inventory shall be in accordance with the provisions of section 44-04-07. The inventory of the twine plant shall be taken September first of each year.

SECTION 132. AMENDMENT. Section 54-23-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-23-25. Moneys remitted to state treasurer. All moneys belonging to the state, derived from any source at any of the institutions under the control of the director of institutions shall be accounted for and remitted to the state treasurer not later than the tenth day of each month and the state treasurer shall maintain a special operating fund within the state treasury for each remitting institution receiving funds from such sources. All rents, interest, or income from land, money, or property, donated or granted by the United States and allocated to specific penal or charitable institutions under the terms of the Enabling Act and the Constitution of North Dakota shall be deposited in such special operating fund of each institution and expended in accordance with the provisions of section 159 1 of article IX of the Constitution of North Dakota. The state treasurer shall make periodic transfers upon order of the director of the office of management and budget from each institutional general fund appropriation to the appropriate institutional special operating fund whenever its balance falls so low as to require supplementation. All funds for necessary expenditures of such institutions shall be drawn from the special operating fund in the state treasury as provided by this chapter.

SECTION 133. AMENDMENT. Section 54-27-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-27-10. Appropriations - When available. Unless otherwise authorized as provided in this section, seventy-five percent of the appropriations made by the legislative assembly for the line items of salaries and wages, fees and services, and supplies and materials and operating expenses for any state institution, department, board, commission, or bureau in the executive branch of state government for the biennium, except institutions under the jurisdiction and supervision of the state board of higher education, shall become available on the first day of July next succeeding the enactment by the legislative assembly. The remaining twenty-five percent of any such appropriations shall be available only at the beginning of the fourth quarter of the biennium. No state institution, department, board, commission, or bureau in the executive branch of government for which an appropriation for salaries and wages, fees and services, and supplies and materials and operating expenses is made shall disburse more than seventy-five percent of such appropriation during the first eighteen months of the biennium nor incur any expense or liability which shall be discharged from such appropriation or for which such appropriation shall become available. Whenever it is made to appear to the emergency commission by a verified petition submitted by a state institution, department, board, commission, or bureau in the executive branch of state government that the percentage of the appropriation for fees and services and supplies and materials operating expenses allocated for the first three-quarters of the biennium will not be adequate to properly perform its duties and functions, because of seasonal or other unusual circumstances, it may authorize a revision of the allocated percentage in any such items, except salaries and wages, provided it will not deprive such state institution, department, board, commission, or bureau from maintaining its office for the fourth quarter of the biennium.

* SECTION 134. AMENDMENT. Section 54-27-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-27-11. Appropriation - Record kept by office of management and budget and treasurer - Duties and limitations. The office of management and budget and state treasurer each shall keep a record in their office showing:

1. The total amount appropriated for maintenance for each state officer or agency, and of each separate item thereof.
2. The amount equal to seventy-five and twenty-five percent of the total appropriated and each separate item thereof.
3. The amount disbursed and the balance on hand.

The office of management and budget shall not issue any warrant during the first eighteen months of each biennium in excess of seventy-five percent of any item appropriated for salaries and wages, fees and services, and supplies and materials and operating

* NOTE: Section 54-27-11 was also amended by section 4 of House Bill No. 1060, chapter 555.

expenses for any state official or state agency in the executive branch of government nor shall the state treasurer pay such warrant. The duties and limitations imposed upon the office of management and budget and state treasurer shall apply only to the total amount appropriated for salaries and wages, fees and services, and supplies and materials and operating expenses for the biennium but not to separate amounts appropriated for those line items, for all penal and charitable institutions of this state and all institutions under the jurisdiction and supervision of the state board of higher education. The administrative department, office, or board shall keep a record showing the amount, equal to seventy-five and twenty-five percent, respectively, of the total amount and of each separate item appropriated for salaries and wages, fees and services, and supplies and materials and operating expenses for all such institutions under its control and shall be responsible for the enforcement of the restrictions upon the disbursement of all moneys appropriated to such institutions for such purposes.

SECTION 135. AMENDMENT. Section 54-35-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-35-01. Council - Created - Members - Vacancy - Terms. There shall be a legislative council which is hereinafter referred to as the "legislative council" or the "council". The legislative council shall consist of the majority and minority ~~five~~ leaders of the house and of the senate plus five senators and six representatives to be chosen biennially before the close of each regular legislative session. In the house of representatives ~~such~~ the council members shall be chosen in the same manner as the members of other committees from the list of nine members recommended by each political faction and shall be divided equally between such factions, except that the speaker shall by virtue of his office be one of the three members appointed from his faction. In the senate ~~such~~ the council members shall be chosen by the lieutenant governor, three from the majority faction and two from the minority faction, such council members to be chosen from a list of seven members recommended to him by each such faction. In the event there shall be less than nine members of the minority faction in the house of representatives or less than seven members of the minority faction in the senate, the names of all members of the minority faction with the exception of the minority ~~five~~ leader shall be recommended. Any vacancy occurring when the legislative assembly is not in session shall be filled by the selection of another member of the legislative assembly belonging to the same faction as the member originally appointed, ~~said~~ the selection to be made by the remaining senate or house members of the council, depending upon which body has the vacancy. Each senator and each representative chosen to serve on the council shall serve until a new council has been selected at the next regular legislative session; provided, however, that no senator, not a holdover, who is not reelected to the senate, and no representative, who is not reelected to the house of representatives, shall serve as a member of the council beyond the closing day of the term to which he was elected. Any vacancy

occurring because any member of the council is not reelected, shall be filled for the period from the beginning of the session until a new council is selected, in the same manner as the original council is selected.

SECTION 136. AMENDMENT. Section 54-35-02.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-35-02.1. Legislative audit and fiscal review committee. For the purposes of studying and reviewing the financial transactions of this state; to assure the collection and expenditure of its revenues and moneys in compliance with law and legislative intent and sound financial practices; and to provide the legislative assembly with formal, objective information on revenue collections and expenditures for a basis of legislative action to improve the fiscal structure and transactions of this state, the legislative council shall create a division of the ~~committee on budget~~ section of the legislative council entitled the legislative audit and fiscal review committee. The lieutenant governor shall serve as a member of the ~~committee on budget~~ section and as chairman of the legislative audit and fiscal review committee. Other members of the committee shall be appointed in the same manner as other members of legislative council committees. The lieutenant governor shall be compensated for the time spent and for expenses incurred in attendance at sessions of the committee and other official duties of such committee in the same amounts as other committee chairmen of the council.

SECTION 137. AMENDMENT. Section 54-35-02.7 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-35-02.7. Garrison diversion overview committee - Duties. The legislative council shall create a legislative council committee entitled the Garrison diversion overview committee. The committee shall consist of the ~~five~~ majority and minority leaders and their assistants from the house and senate, the speaker of the house, the president pro tempore of the senate selected at the end of the immediately preceding legislative session, and the chairmen of the house and senate standing committees on natural resources. If a member of the committee named in this section is unable to serve on the committee, the chairman of the legislative council may appoint another member of the legislative assembly to fill the vacancy. The committee shall be responsible for legislative overview of the Garrison diversion project and related matters; and for any necessary discussions with adjacent states on water-related topics. Staff services for the committee shall be provided by the legislative council staff. The committee shall report to the legislative council in the same manner as do other interim legislative council committees.

SECTION 138. AMENDMENT. Section 54-48-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-48-05. Contingent method of designating successors. Prior to an attack, if a legislator fails to designate the required minimum number of emergency interim successors within thirty days following the effective date of this chapter or, after such period, if for any reason the number of emergency interim successors for any legislator falls below the required minimum and remains below such minimum for a period of thirty days, then the ~~floor~~ majority or minority leader of the same political party in the same house as such the legislator shall promptly designate as many emergency interim successors as are required to achieve such minimum number, but ~~such floor~~ the leader shall not assign to any of his designees a rank in order of succession higher than that of any remaining emergency interim successor previously designated by a legislator for succession to his own powers and duties. Each emergency interim successor designated by a ~~floor~~ majority or minority leader shall serve at the pleasure of the person designating him, but the legislator for whom the emergency interim successor is designated or any subsequent incumbent of his office may change the rank in order of succession or replace at his pleasure any emergency interim successor so designated.

SECTION 139. 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~~ majority or minority 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~~ majority or minority 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 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 140. AMENDMENT. Section 55-08-02.1 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-08-02.1. Outdoor recreation interagency council - Composition - Functions. A state outdoor recreation interagency council shall

exist and shall be composed of the state engineer of the water conservation commission, commissioner of the state game and fish department, superintendent of the state historical board, commissioner of the state highway department, executive secretary of the North Dakota state soil conservation committee, state parks and recreation director, chairman of the state water conservation commission, state health officer, director of the economic development commission, state forester, ~~director of the North Dakota travel division,~~ and the commissioner of the state land department university and school lands. The governor or his designee shall be council chairman.

The members of the council shall be vested with the power, authority, and duty to:

1. ~~Deal~~ Shall deal with the distribution of state general fund appropriations which are to be matched with federal outdoor recreation grants-in-aid at the state level. Each member shall have one vote in such matters.
2. ~~Meet~~ Shall meet periodically at the call of the chairman and shall keep minutes and other financial records dealing with such meetings.
3. ~~Cooperate~~ Shall cooperate with the United States or any appropriate agency thereof, particularly in connection with the distribution and use of federal aid funds which the state may become eligible to receive.
4. ~~Encourage~~ Shall encourage cooperation among public, voluntary, and commercial agencies and organizations.
5. Subject to the approval of the governor, may adopt and promulgate and may amend, modify, or revise such rules and regulations for the conduct of its affairs as may be deemed necessary, including the time, place, and notice of regular meetings, call and notice of special meetings, and number of members required for a quorum to transact business.

SECTION 141. AMENDMENT. Subsection 11 of section 55-08-03 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11. The director may provide for marking and posting of park and highway signs which shall indicate metric measures within all state parks, state campgrounds, state recreation areas, or reserves. Such park and highway signs shall be marked and posted in a manner which shall conform as far as possible with such metric highway signs as the state highway commissioner shall approve pursuant to section 24-01-08.* 39-13-06.

SECTION 142. AMENDMENT. Subsection 1 of section 57-15-16 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The governing body of any school district shall levy taxes annually for a school building fund, not in excess of twenty mills, which levy shall be in addition to and not restricted by the levy limitations prescribed by law, when authorized to do so by sixty percent of the electors voting upon the question at a regular or special election in any school district. The governing body of such school district may create such building fund by appropriating and setting up in its budget for such an amount not in excess of twenty percent of the current annual appropriation for all other purposes combined, exclusive of appropriations to pay interest and principal of the bonded debt, and not in excess of the limitations prescribed by law. In all cases where a portion or all of the proceeds of such levy have been allocated by contract to the payment of rentals upon contracts with the state board of public school education as administrator of the state school construction bond fund, such levy shall be made annually by the governing body of the school district until the full amount of all such obligations is fully paid. Any portion of a levy for a school building fund which has not been allocated by contract with the state school construction fund board of public school education must be allocated by the governing body pursuant to section 57-15-17. Upon the completion of all payments to the state school construction fund, such levy may be discontinued at the discretion of the governing body of the school district, or upon petition of twenty percent of the electors who voted in the last school election, the question of discontinuance of the levy shall be submitted to the electors of the school district at any regular or special election and, upon a favorable vote of sixty percent of the electors voting, such levy shall be discontinued. Any school district, executing a contract or lease with the state school construction board of public school education, which contract or lease requires the maintenance of the levy provided in this section, shall immediately file a certified copy of such contract or lease with the county auditor or auditors of the county or counties in which such school district is located. The county auditor or auditors shall register such contract or lease in the bond register in substantially the manner provided in section 21-03-23. Upon the filing of such contract or lease with the county auditor or auditors, the school district shall be without power to discontinue such levy and such levy shall automatically be included in the tax levy of such school district from year to year by the county auditor or auditors until a sufficient sum of money has been collected to pay to the state treasurer for the retirement of all obligations of such school district with

the state school construction board of public school education.

SECTION 143. AMENDMENT. Subsection 1 of section 57-15-17 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. a. All revenue accruing from appropriations or tax levies for a school building fund together with such amounts as may be realized for building purposes from all other sources, shall be placed in a separate fund known as a school building fund, and shall be deposited, held, or invested in the same manner as the sinking funds of such school district or in the purchase of shares or securities of federal savings ~~and loan associations~~ or state-chartered ~~building savings~~ and loan associations within the limits of federal insurance.
- b. Such ~~The~~ funds shall be used solely and exclusively for any of the following purposes:
 - (1) The erection of new school buildings, or additions to old school buildings, or the making of major repairs to existing buildings.
 - (2) The payment of rentals upon contracts with the state school construction board of public school education.
 - (3) The payment of rentals upon contracts with municipalities for vocational education facilities financed pursuant to chapter 40-57.
 - (4) Within the limitations of school plans as provided in subsection 2 of section 57-15-16.
- c. Such ~~The~~ funds shall be paid out by the custodian thereof only upon order of the school board, signed by the president and the clerk of ~~said the~~ school district, and such ~~the~~ order must recite upon its face the purpose for which such payment is made.

SECTION 144. AMENDMENT. Section 57-51.1-05 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-51.1-05. Administration of oil extraction tax. For the purposes of administering the tax imposed by section 57-51.1-02, the provisions of chapter 57-51, ~~but not including section 57-51-08,~~ pertaining to the administration of the oil and gas gross production tax law not in conflict with the provisions of this chapter, including but not limited to the provisions of that chapter relating to the filing of returns, deduction of the tax by the purchaser or producer in making

settlement with any owner of the oil, payment of the tax and interest and penalties thereon, refunds, attachment of liens for failure to pay the tax, and civil and criminal penalties for failure to comply with the provisions of that chapter, shall govern the administration of the tax imposed by section 57-51.1-02.

* SECTION 145. AMENDMENT. Subsection 1 of section 57-55-10 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. A mobile home described in this subsection to the extent herein limited shall be is exempt from taxation under this chapter, provided that any such the mobile home shall have displayed on it a tax decal as provided in section 57-55-06:
 - a. If it is owned and used as living quarters of a military person on active military duty in this state who is a resident of another state.
 - b. If it is owned and occupied by a welfare recipient who meets the requirements of section 57-02-21, provided such the mobile home is not permanently attached to the land and classified as real property. For the purposes of this subdivision, "welfare recipient" means any person who is certified to the county director of tax equalization by the county social service board as receiving the major part of his income from any state or federal public assistance program.
 - c. If it is owned and used as his living quarters by a disabled veteran or his unremarried widow who meets the requirements of subsection 20 of section 57-02-08.
 - d. If it is owned and used as the living quarters for a blind person who meets the requirements of subsection 22 of section 57-02-08.
 - e. If it is owned and used by a person who uses it as his living quarters and who qualifies for the homestead credit provided in section 57-02-08.1, and such the mobile home shall be regarded for the purposes of this exemption as the homestead of the person claiming the exemption.

SECTION 146. AMENDMENT. Section 57-58-05 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-58-05. Certifications not to include school district replacement revenue. The certifications of the state tax commissioner to the state treasurer in the year 1976, and each year thereafter, which are made pursuant to section 57-58-01, shall not include any

- * NOTE: Section 57-55-10 was also amended by section 4 of House Bill No. 1370, chapter 666, and section 23 of House Bill No. 1373, chapter 598.

personal property tax replacement revenue which would otherwise be due school districts, ~~nor shall it include personal property tax replacement revenue related to county equalization fund levies and the per capita school tax;~~ provided, however, that such certifications shall include any amounts due school districts for junior colleges and public recreation systems of such districts. The certification of the county auditor of each county to the state tax commissioner in the year 1976, and each year thereafter, as provided in section 57-58-01, shall not include any amount for taxes levied for school districts ~~or the county equalization fund~~ except for amounts due such districts for junior colleges and public recreation systems.

SECTION 147. AMENDMENT. Section 61-07-24 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-07-24. Hearing of petition - Notice of filing and hearing. The court shall fix the time for the hearing of the petition provided for in section 61-07-23 and shall order the clerk of court to give and publish a notice of the filing of the petition, stating the time when and the place where the court will hear the petition, and stating further that any person interested in the organization of the district, or in the proceedings for the issuance of bonds or improvement warrants, or in the assessments levied, or in the special action taken by the board, as the case may be, on or before the day fixed for hearing of the petition, may answer the petition. The petition may be referred to and described in the notice as the petition of ----- (name of petitioner) ~~praying~~ requesting that the proceedings set forth therein be examined, approved, and confirmed by the court. Such The notice shall be given by publishing the same in the official ~~paper~~ newspaper of the county in which the petition is filed, once each week for two consecutive weeks. Such The hearing shall be held, in the discretion of the court, not less than fifteen days nor more than sixty days after the last publication of such the notice.

* SECTION 148. AMENDMENT. Section 61-08-12 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-08-12. Advertising required before district sells issue of bonds - Contents of notice - Who to receive notice. No irrigation district shall enter into any contract for the sale of any issue of its bonds which exceeds the total sum of one hundred thousand dollars without first advertising for bids in the manner prescribed in this section. A notice calling for bids shall be published at least once in the official ~~paper~~ newspaper of one of the counties in which the district is situated not less than fifteen days nor more than thirty days before the date specified therein for receiving such bids. Such The notice may be in any form but shall specify the amount of bonds offered for sale and the date or dates of the maturity thereof, and such the notice shall specify that the bids shall be sealed and in writing, and shall state the time when and place where

* NOTE: Section 61-08-12 was also amended by section 30 of Senate Bill No. 2064, chapter 680.

such the bids will be received and will be opened. A copy of such the notice shall be mailed to the tax commissioner at Bismarck not less than ten days before the date specified for the opening of bids. Failure to publish such notice or to send a copy thereof to the tax commissioner shall not impair the validity of such bonds but shall render unenforceable any executory contract entered into for the sale thereof.

SECTION 149. AMENDMENT. Section 61-21-43.1 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-21-43.1. Removal of obstructions to drain - Notice and hearing - Appeal - Injunction. If the board ~~shall determine~~ determines that an obstruction to a drain has been caused by the negligent act or omission of a landowner or his tenant, the board shall notify such the landowner by registered or certified mail at his post office of record. A copy of such the notice shall also be sent to the tenant, if any. Such The notice ~~shall must~~ specify the nature and extent of the obstruction, the opinion of the board as to its cause, and ~~shall must~~ state that if such obstruction is not removed within such period as the board shall determine, but not less than thirty days, the board shall procure removal of said obstruction and assess the cost thereof, or such portion as the board shall determine, against the property of the landowner responsible. The notice ~~shall must~~ also state that the affected landowner may, within fifteen days of the date the notice is mailed, demand in writing a hearing upon the matter. Upon receipt of such demand the board shall set a hearing date within fifteen days from the date the demand is received. In the event of an emergency the board may, immediately upon learning of the existence of the obstruction, apply to a court of proper jurisdiction for an injunction prohibiting such a landowner or his tenant to maintain such an obstruction. Any assessments levied under ~~the provisions of~~ this section shall be collected in the same manner as other assessments authorized by this chapter. If, in the opinion of the board, more than one landowner or tenant has been responsible, the costs may be assessed on a pro rata basis in accordance with the proportionate responsibility of the landowners. Any landowner aggrieved by action of the board under the provisions of this section may appeal the decision of the board to the district court of the county in which the land is located in accordance with the procedure provided for by sections ~~61-16-36~~ 61-16.1-54 through ~~61-16-39~~ 61-16.1-57. A hearing as provided for in this section shall not be a prerequisite to such appeal.

SECTION 150. AMENDMENT. Section 61-21-67 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-21-67. Closing of noncomplying drain - Notice and hearing - Appeal - Injunction. If the board ~~shall determine~~ determines that a drain, lateral drain, or ditch has been opened or established by a landowner or tenant contrary to the provisions of this chapter or any rules or regulations promulgated adopted by the board, the board

shall notify the landowner by registered or certified mail at the landowner's post office of record. A copy of the notice shall also be sent to the tenant, if any. The notice shall must specify the nature and extent of the noncompliance and shall state that if the drain, lateral drain, or ditch is not closed or filled within such period as the board shall determine, but not less than thirty days, the board shall procure the closing or filling of the drain, lateral drain, or ditch and assess the cost thereof, of such portion as the board shall determine, against the property of the landowner responsible. The notice shall must also state that the affected landowner may, within fifteen days of the date the notice is mailed, demand in writing a hearing upon the matter. Upon receipt of such demand, the board shall set a hearing date within fifteen days from the date the demand is received. In the event of an emergency, the board may immediately apply to the appropriate district court for an injunction prohibiting the landowner or tenant from maintaining the drain, lateral drain, or ditch. Any assessments levied under ~~the provisions of~~ this section shall be collected in the same manner as other assessments authorized by this chapter. If, in the opinion of the board, more than one landowner or tenant has been responsible, the costs may be assessed on a pro rata basis in accordance with the proportionate responsibility of the landowners. Any landowner aggrieved by action of the board under the provisions of this section may appeal the decision of the board to the district court of the county in which the land is located in accordance with the procedure provided for by sections ~~61-16-36~~ 61-16.1-54 through ~~61-16-39~~ 61-16.1-57. A hearing as provided for in this section shall not be a prerequisite to such appeal.

SECTION 151. AMENDMENT. Section 61-24.2-03 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-24.2-03. Creation of district by election - Secretary of state to certify result - District to be corporate agency of state. A vote upon the question of the creation of the district and authorization of a mill levy may be held in the first election in the city of Dickinson and any other governmental entity, following July 1, 1979. The election results shall be determined in the manner provided by section ~~40-21-12~~, and shall also be certified to the secretary of state. The secretary of state shall receive, record, and maintain the certification of the result of the election in the manner provided by section ~~16-13-26~~ 16.1-15-27. The district shall be established by a sixty percent majority of the votes cast in any governmental entity in favor of the creation of the district. Upon the determination of the secretary of state that the district has been created in accordance with law, he shall certify that fact to the governmental entities within the district. If so created, the district shall be a corporate agency of this state, a body politic and corporate with the authority to exercise the powers specified in this chapter, including the power to certify a mill levy as provided by section 61-24.2-08, and an administrative agency within the meaning of chapter 28-32.

Laws applicable to elections generally and not inconsistent with this section shall govern the elections required by this section.

SECTION 152. AMENDMENT. Section 61-24.2-14 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-24.2-14. Addition of other governmental entity to district. Upon filing with the county commission a petition containing the signatures of ten percent of the eligible electors residing in the governmental entity, voters within that governmental entity may join the district upon a favorable vote of sixty percent majority of the eligible electors residing therein, exclusive of any cities within the entity, provided that the governing body's application for membership be approved by the board of directors of the district. The county auditor of each county shall certify the results of the election to the secretary of state in the manner provided by section ~~16-13-24~~ 16.1-15-25. The board of directors, as a condition of approval of such application, may require the levy of such taxes within said governmental entity as may be equitable to equalize the burden of such governmental entity with the obligations paid or assumed by the other governmental entities in the district. Such governmental entity is hereby authorized to levy such taxes as may be necessary to carry out its part of the agreement for becoming a part of the district, which levy shall be in addition to the amount which may otherwise be legally levied by that governmental entity.

SECTION 153. AMENDMENT. Section 61-31-09 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-31-09. Drainage of wetlands. The ~~commissioner~~ shall direct the state engineer, and the state engineer shall be required, to notify the commissioner of any drainage permit application pursuant to section ~~61-01-22~~ 61-16.1-41 which has been denied by the state engineer. The ~~commissioner~~ shall direct each water resource district, and each Each water resource district shall be required, to notify the commissioner of any drainage permit application pursuant to section ~~61-01-22~~ 61-16.1-41 which has been denied by a water resource district. ~~Such~~ The notice shall be sent to the commissioner by certified mail not later than ten days after the decision. After receipt of any such the notice, the commissioner shall investigate the wetland area proposed to be drained to determine whether it would be eligible for inclusion in the state waterbank program, and shall take appropriate action to attempt to enter into an agreement under this chapter with the landowner for conservation of the wetland area.

* **SECTION 154. REPEAL.** Sections 10-18.1-10, 10-28-17, 14-10-18, 14-12.1-41, 15-38.1-15, 19-03.1-42, 23-06.1-08, 26-21.1-14, 27-09.1-19, 27-11-03, 27-11-05, 27-11-16, 27-11-18, 27-11-25, 27-11-27, 27-20-58, 28-20.1-07, 34-12-13, 38-08-09.14, 43-29-18, 43-33-19, 50-06-05, 54-34.1-06, 61-16-16, and 61-16-45 of

* **NOTE:** Section 26-21.1-14 was also repealed by section 26 of House Bill No. 1054, chapter 332.

the North Dakota Century Code and chapter 26-40.1 and sections 27-11-26, 40-51.2-19, 59-04.1-15, and 61-16-47.1 of the 1981 Supplement to the North Dakota Century Code are hereby repealed.

Approved March 15, 1983