

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the  
Capitol in the City of Bismarck, on Tuesday, the fifth day of January,  
one thousand nine hundred and ninety-nine**

HOUSE BILL NO. 1044  
(Legislative Council)  
(Judiciary Committee)

AN ACT to amend and reenact section 4-22-47, subsection 4 of section 6-08-16, subsection 7 of section 6-08-16.2, sections 11-19-05, 11-19-11, 14-03-20, subsection 3 of section 16.1-01-09, sections 16.1-11-10, 16.1-11.1-02, 16.1-12-02.1, 16.1-13-05, 16.1-14-20, 16.1-15-45, 21-01-06, 27-06-07, 29-05-31, 32-09.1-07, subsection 5 of section 32-09.1-09, sections 35-22-07, 37-07-03, 37-08-02, subsection 1 of section 43-25-11, sections 47-16-36, 57-09-06, 57-20-05, 57-24-20, 57-24-24, 57-25-05, 57-27-06, 57-27-07, 57-27-08, 57-27-09, 57-28-05, 57-28-07, 57-28-16, 58-16-03, 60-02-13, 61-05-15, 61-06-10, 61-24-03, 61-24.5-06, and 61-24.5-07 of the North Dakota Century Code, relating to corrections of twentieth century statutory references.

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

**SECTION 1. AMENDMENT.** Section 4-22-47 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-22-47. Consolidation of districts - Petition - Referendum - Conduct of referendum.** Two or more districts may be consolidated into one district by compliance with this chapter. A petition for consolidation of soil conservation districts must be filed with the state soil conservation committee and must be signed by at least twenty-five qualified electors living in each district. Upon the filing of a petition, the committee by resolution shall fix a date for a referendum to be held in each district and shall direct the supervisors to cause notice of the referendum to be posted in at least five conspicuous places within the district and to be published once each week for two consecutive weeks before the referendum in a newspaper of general circulation in the districts involved. Only qualified electors living within the district are eligible to vote at the referendum. The notice must state the date of the referendum, identify each polling place for holding the referendum, the time when the polls will open and close, and the question to be submitted to the qualified electors. The notice must be substantially in the following form:

On the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, a referendum will be held at \_\_\_\_\_  
(Designate polling place or places)  
to the qualified electors within \_\_\_\_\_ soil conservation  
(Name of district)  
district the question as to whether \_\_\_\_\_ soil conservation  
(Name of districts)  
districts embracing the following townships \_\_\_\_\_  
(Designate townships, by number and range)  
shall be consolidated into one soil conservation district.

The ballot must be in the following form:

Shall \_\_\_\_\_ soil conservation districts embracing the  
(Names of districts)  
following townships \_\_\_\_\_ be  
(Designate townships, by number and range)  
consolidated into one soil conservation district?

Yes \_\_\_\_\_  
No \_\_\_\_\_

The board of supervisors of the district shall appoint the board of election for each polling place. The board of election must consist of one inspector, one judge, and one clerk. Members of the election board are entitled to receive five dollars for their services.

**SECTION 2. AMENDMENT.** Subsection 4 of section 6-08-16 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 4. A notice of dishonor may be mailed by the holder, or its agent or representative, of the check upon dishonor. Proof of mailing may be made by return receipt or by an affidavit of mailing signed by the individual making the mailing. The notice must be in substantially the following form:

Notice of Dishonored Check

Date \_\_\_\_\_  
 Name of Issuer \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City and State \_\_\_\_\_  
 You are according to law notified that a check dated \_\_\_\_\_, 19\_\_\_\_,  
 drawn on the \_\_\_\_\_ Bank of \_\_\_\_\_ in the  
 amount of \_\_\_\_\_ has been returned unpaid with the notation the payment  
 has been refused because of nonsufficient funds. Within ten days from the  
 receipt of this notice, you must pay or tender to \_\_\_\_\_  
 (Holder or Agent or Representative)  
 sufficient moneys to pay such instrument in full and any collection fees or costs  
 not in excess of twenty dollars.

The notice of dishonor also may contain a recital of the penal provisions of this section and the possibility of a civil action to recover any collection fees or costs or civil penalty authorized by this section.

**SECTION 3. AMENDMENT.** Subsection 7 of section 6-08-16.2 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 7. A notice of dishonor may be mailed by the holder, or its agent or representative, of the instrument upon dishonor. Proof of mailing may be made by return receipt or by an affidavit of mailing signed by the individual making the mailing. The notice must be in substantially the following form:

Notice of Dishonored Instrument

Date \_\_\_\_\_  
 Name of Issuer \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City and State \_\_\_\_\_  
 You are according to law notified that an instrument dated \_\_\_\_\_, 19\_\_\_\_,  
 drawn on the \_\_\_\_\_ Bank of \_\_\_\_\_ in the amount of  
 \_\_\_\_\_ has been returned unpaid with the notation the payment has  
 been refused because (of nonsufficient funds) (the drawer does not have an  
 account). Within ten days from the receipt of this notice, you must pay or tender  
 to \_\_\_\_\_  
 (Holder)  
 sufficient moneys to pay such instrument in full and any collection fees or costs  
 not in excess of twenty dollars.

The notice may also contain a recital of the penal provisions of this section and the possibility of a civil action to recover any collection fees or costs authorized by this section.

**SECTION 4. AMENDMENT.** Section 11-19-05 of the North Dakota Century Code is amended and reenacted as follows:

**11-19-05. Form of warrant to summon coroner's jury.** The warrant to summon a coroner's jury shall must be in substantially the following form:



(Seal)

\_\_\_\_\_  
Clerk of District Court

CERTIFICATE OF MARRIAGE

I ~~hereby~~ certify that the persons named in the foregoing license, \_\_\_\_\_ and \_\_\_\_\_, whose names after marriage are \_\_\_\_\_ and \_\_\_\_\_, respectively, were ~~by me~~ joined in marriage ~~by me~~ at \_\_\_\_\_, county of \_\_\_\_\_, State of North Dakota, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

In the presence of

\_\_\_\_\_) \_\_\_\_\_  
\_\_\_\_\_) \_\_\_\_\_

Witnesses

Every marriage license must contain the full name of each party before the marriage. Every certificate of marriage must contain the full name of each party before and after the marriage and be signed by two witnesses to the marriage in addition to the signature of the person who solemnized the marriage.

**SECTION 7. AMENDMENT.** Subsection 3 of section 16.1-01-09 of the North Dakota Century Code is amended and reenacted as follows:

- 3. Each copy of any petition provided for in this section, before being filed, must have attached ~~thereto~~ an affidavit executed by the circulator in substantially the following form:

State of North Dakota )  
 ) ss.  
County of \_\_\_\_\_ )  
(county where signed)  
I, \_\_\_\_\_, being ~~duly~~ sworn, ~~depose and~~ say that I am a  
(circulator)  
qualified elector; that I reside at \_\_\_\_\_;  
(address)

that each signature contained on the attached petition was executed in my presence; and that to the best of my knowledge and belief each person whose signature appears on the attached petition is a qualified elector; and that each signature contained on the attached petition is the genuine signature of the person whose name it purports to be.

\_\_\_\_\_  
(signature of circulator)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_,  
at \_\_\_\_\_, North Dakota.  
(city)

(Notary Seal) \_\_\_\_\_  
(signature of notary)  
Notary Public, ~~North Dakota~~  
My commission expires \_\_\_\_\_

**SECTION 8. AMENDMENT.** Section 16.1-11-10 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11-10. Applicant's name placed upon ballot - Affidavit to accompany petition.** Upon receipt by the secretary of state of the petition or certificate of endorsement provided for in section 16.1-11-06 accompanied by the following affidavit, the secretary of state shall place the applicant's name upon the primary election ballot in the columns of the applicant's party as hereinafter provided. The affidavit must be substantially as follows:

State of North Dakota )  
 ) ss.  
County of \_\_\_\_\_ )

I, \_\_\_\_\_, being ~~duly~~ sworn, ~~depose and~~ say that I reside in the county of \_\_\_\_\_ and state of North Dakota; that I am a candidate for nomination to the office of \_\_\_\_\_ to be chosen at the primary election to be held on \_\_\_\_\_, 19\_\_\_\_, and I ~~do hereby~~ request that my name be printed upon the primary election ballot as provided by law, as a candidate of the \_\_\_\_\_ party for said office.

\_\_\_\_\_  
Candidate's signature

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public, ~~North Dakota~~  
My Commission Expires \_\_\_\_\_

NOTARY SEAL

**SECTION 9. AMENDMENT.** Section 16.1-11.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11.1-02. Application for mail ballots.** The county auditor shall mail an application form for a mail ballot to each person listed in the pollbooks of the county from the last regular statewide election on one date no sooner than the forty-fifth day before the election and no later than the thirtieth day before the election. The county auditor, for two consecutive weeks after the date on which the mail ballot applications are mailed, shall publish in the official newspaper of the county an application form for a mail ballot and a notice that additional mail ballot applications may be obtained from the election official. The application form for a mail ballot must be in substantially the following form:

I, \_\_\_\_\_, am or will be a ~~duly~~ qualified elector and to my best  
(please print name)

knowledge and belief am or will be entitled to vote at the primary election. I ~~hereby~~ apply for an official mail ballot to be voted by me at that election. I understand that it is a criminal offense to knowingly vote when not qualified to do so.

I have or will have resided at the below address for at least thirty days before the election. My phone number is \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Mailing Address)

\_\_\_\_\_, North Dakota \_\_\_\_\_  
(City) (Zip Code)

**SECTION 10. AMENDMENT.** Section 16.1-12-02.1 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-12-02.1. Applicant's name placed upon ballot - Affidavit to accompany petition.** Upon receipt by the secretary of state of the certificate of nomination provided for in section 16.1-12-02 accompanied by the following affidavit, the secretary of state shall place the applicant's name upon the general election ballot. The affidavit must be substantially as follows:

State of North Dakota )  
 ) ss.  
County of \_\_\_\_\_ )

I, \_\_\_\_\_, being ~~duly~~ sworn, ~~depose and~~ say that I reside at \_\_\_\_\_, in the city of \_\_\_\_\_, state of North Dakota; that I am a candidate for nomination

to the office of \_\_\_\_\_ to be chosen at the general election to be held on \_\_\_\_\_, 19\_\_\_\_, and I ~~do hereby~~ request that my name be printed upon the general election ballot as provided by law.

Date \_\_\_\_\_

\_\_\_\_\_  
Candidate's signature

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

NOTARY SEAL

\_\_\_\_\_  
Notary Public ~~North Dakota~~

My Commission Expires \_\_\_\_\_

**SECTION 11. AMENDMENT.** Section 16.1-13-05 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-13-05. Notice of election - Contents - Publication with sample ballot.** Notice of all general elections must be published by the county auditor in the official county newspaper at the same time as, and as a part of, the publication of the sample ballot preceding the election. The notice must be substantially as follows:

Notice is hereby given that on Tuesday, the \_\_\_\_\_ day of November \_\_\_\_\_, 19\_\_\_\_, at the polling places in the various precincts in the county of \_\_\_\_\_, an election will be held for the election of state, district, and county officers, which election will be opened at \_\_\_\_\_ a.m. and will continue open until \_\_\_\_\_ p.m. of that day with the following exceptions:

\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_

County Auditor

The county auditor shall publish a copy of the sample ballot of the general election once each week for two consecutive weeks ~~prior to~~ before the election in the official county newspaper. If no newspaper is published in the county, the publication must be in a newspaper published in an adjoining county in the state. The form of the sample ballot as ordered and arranged by the county auditor must conform in all respects to the form prescribed by the secretary of state for the sample general election ballot. The county auditor shall publish the sample ballot in all forms appropriate for the method or methods of voting in the county. Absentee voter ballots may not be considered in determining which form of voting is used. Candidates from each legislative district which falls within the boundaries of the county must be listed in a separate box or category within the sample ballot by legislative district number to enable the voters in each legislative district to ascertain the legislative candidates in their specific district. Sample ballots used for publication purposes must be arranged using the rotation of the ballot in the precinct in the county which cast the highest total vote for governor at the last general election at which the office of governor was filled. The notice must include a statement in substantially the following format:

The arrangement of candidate names appearing on ballots in your precinct may vary from the published sample ballots, depending upon the precinct and legislative district in which you reside.

**SECTION 12. AMENDMENT.** Section 16.1-14-20 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-14-20. Application for presidential ballot by new residents.** A person desiring to qualify to vote for presidential electors is not required to register but, not less than ten days in advance of the election, shall make an application in the form of an affidavit executed in duplicate in the presence of the county auditor substantially as follows:

State of North Dakota )  
 ) ss.  
County of \_\_\_\_\_ )

I, \_\_\_\_\_, do solemnly swear that:

1. I am a citizen of the United States.
2. Before becoming a resident of this state, I resided at \_\_\_\_\_ street, in the (town) (township) (city) of \_\_\_\_\_, county of \_\_\_\_\_ in the state of \_\_\_\_\_.
3. On the day of the next presidential election, I shall be at least eighteen years of age. I have been a resident of this state since ~~the~~ \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, now residing at \_\_\_\_\_ street, in the (town) (township) (city) of \_\_\_\_\_, county of \_\_\_\_\_ in the state of North Dakota.
4. I have resided in \_\_\_\_\_ precinct for less than thirty days. I believe I am entitled under the laws of this state to vote at the presidential election to be held on ~~the~~ \_\_\_\_\_ day of November \_\_\_\_\_, 19\_\_\_\_.
5. I ~~hereby make application~~ apply for a presidential election ballot. I have not voted and will not vote otherwise than by this ballot at that election.

Signed \_\_\_\_\_  
(Applicant)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signed \_\_\_\_\_  
(Title and name of officer  
authorized to administer oaths)

**SECTION 13. AMENDMENT.** Section 16.1-15-45 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-15-45. Form of certificate of election for state officers - Signatures.** A certificate of election must be prepared by the secretary of state for each person elected to a state or a district office. The certificate, in substance, must be in the following form:

At an election held on ~~the~~ \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_ was elected to the office of \_\_\_\_\_ of this state for the term of \_\_\_\_\_ years from ~~the~~ \_\_\_\_\_ day of \_\_\_\_\_ in the year, \_\_\_\_\_, (or, if to fill a vacancy, for the residue of the term ending on ~~the~~ \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_), and until a successor is duly elected and qualified.

Given at Bismarck this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

The certificate must be signed by the governor and the secretary of state, and must have the great seal of the state affixed ~~thereto~~, and must be attested by at least one of the other members of the state canvassing board.

**SECTION 14. AMENDMENT.** Section 21-01-06 of the North Dakota Century Code is amended and reenacted as follows:

**21-01-06. Registration of warrants - Rate of interest.** Whenever the law authorizes the officers of any taxing district to issue warrants in excess of the amount of cash available in any fund upon which warrants are drawn for payment, the treasurer of ~~such that~~ taxing district, when any ~~such~~ warrant is presented to ~~him~~ the treasurer for payment, if not paid for want of funds, shall endorse the same "Presented for payment ~~this~~ \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and not paid for want of funds", and thereupon shall enter ~~such the~~ warrant in ~~his~~ the treasurer's warrant register in the order of presentation for registration. The governing body of ~~any such a~~ taxing district authorizing the issuance of warrants in excess of cash on hand shall determine the rate of interest which ~~such the~~ warrants must

bear, but in the case of counties and cities ~~such~~ the rate may not exceed eight percent per annum from the date of registration until the expiration of the time specified for presentment for payment.

**SECTION 15. AMENDMENT.** Section 27-06-07 of the North Dakota Century Code is amended and reenacted as follows:

**27-06-07. Certification of transcript.** Each transcript prepared by a district court reporter must be certified by the reporter in the following form:

CERTIFICATE OF COURT REPORTER

STATE OF NORTH DAKOTA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, a duly appointed official court reporter,

~~DO HEREBY~~ CERTIFY that I recorded in shorthand the foregoing proceedings had and made of record at the time and place indicated.

I ~~DO HEREBY~~ FURTHER CERTIFY that the foregoing and attached \_\_\_\_\_ typewritten pages contain an accurate transcript of my shorthand notes then and there taken.

Dated at \_\_\_\_\_, North Dakota, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Official Court Reporter

If the person preparing the transcript has ceased to hold office as court reporter, the certificate must be made under oath.

**SECTION 16. AMENDMENT.** Section 29-05-31 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**29-05-31. Uniform traffic complaint and summons.** There is hereby established a uniform complaint and summons that may be used in cases involving violations of statutes or ordinances relating to the operation or use of motor vehicles. Whenever the complaint and summons established by this section is used, the provisions of rule 5 of the North Dakota Rules of Criminal Procedure relating to arrests without warrants do not apply, and magistrates or state's attorneys are not required to make another complaint of the offense charged in the uniform complaint and summons. The uniform complaint and summons must be in substantially the following form:

State of North Dakota ) In \_\_\_\_\_ Court,  
 ) ss.  
County of \_\_\_\_\_ ) Before Hon. \_\_\_\_\_;  
The undersigned, being duly sworn, ~~upon oath deposes and~~ says that, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

\_\_\_\_\_  
First Name Middle Name Last Name Street City State  
did unlawfully operate a motor vehicle upon a public highway, namely  
\_\_\_\_\_, \_\_\_\_\_ N E S W of \_\_\_\_\_ and did then and there commit  
Location City  
the following offense: \_\_\_\_\_  
MPH in \_\_\_\_\_  
MPH Zone \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All in violation of ~~Sec. \_\_\_\_\_ of the N.D. Century Code as amended~~ Sec. \_\_\_\_\_  
and against the peace and dignity of the state of N.D.

Officer \_\_\_\_\_ LET A WARRANT ISSUE HEREIN Sworn to and subscribed before me this \_\_\_\_\_ day of on \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
Judge State's Attorney

DESCRIPTION OF DEFENDANT AND VEHICLE  
Mo. \_\_\_\_\_ Day \_\_\_\_\_ Yr. \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Wt. \_\_\_\_\_ Ht. \_\_\_\_\_  
Birth date

Hair \_\_\_\_\_ Dr. Lic: State \_\_\_\_\_ No. \_\_\_\_\_ Motor Vehicle:  
PSC

Make \_\_\_\_\_ Reg. No. \_\_\_\_\_ State \_\_\_\_\_ Year \_\_\_\_\_ ICC No. \_\_\_\_\_  
CLAIMED CONDITIONS OF THE VIOLATION

SLIPPERY SURFACE  
\_\_\_\_\_ Rain \_\_\_\_\_ Snow \_\_\_\_\_ Ice

DARKNESS  
\_\_\_\_\_ Night \_\_\_\_\_ Fog \_\_\_\_\_ Snow

OTHER TRAFFIC PRESENT  
\_\_\_\_\_ Cross \_\_\_\_\_ Oncoming \_\_\_\_\_ Pedestrian \_\_\_\_\_ Same direction

IN ACCIDENT  
\_\_\_\_\_ Ped. \_\_\_\_\_ Vehicle \_\_\_\_\_ Intersection  
\_\_\_\_\_ Right angle \_\_\_\_\_ Head on \_\_\_\_\_ Rear end  
\_\_\_\_\_ Ran off road \_\_\_\_\_ Other

Area: \_\_\_\_\_ School \_\_\_\_\_ Rural \_\_\_\_\_ Business  
\_\_\_\_\_ Industrial \_\_\_\_\_ Residential  
Highway: \_\_\_\_\_ 2 Lane \_\_\_\_\_ 4 Lane \_\_\_\_\_ 4 Lane Divided  
Type

\_\_\_\_\_ Gravel \_\_\_\_\_ Dirt  
OFFENSE CONTRIBUTED MATERIALLY TO ACCIDENT  
\_\_\_\_\_ Yes \_\_\_\_\_ No

THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED DEFENDANT  
(CITY ORDINANCE OR STATE CRIMINAL TRAFFIC VIOLATION)

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

Appearance  
Before: Municipal Judge-District Ct. \_\_\_\_\_ A.M./P.M.

Location Month Day Year Time Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
Officer \_\_\_\_\_

PROMISE TO APPEAR

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
Defendant \_\_\_\_\_

(STATE NONCRIMINAL TRAFFIC VIOLATION)

You are hereby notified of your right to request, within fourteen days of the date of this citation, a hearing concerning the alleged traffic violation. If you do not request a hearing, the bond is deemed forfeited and the violation admitted. If you are requesting a hearing, date and sign the following portion of this citation AND INCLUDE THE BOND NOTED ON THIS CITATION for the alleged violation. Failure to do so may result in the suspension of your operator's license. You will be notified of the hearing date by the court for the county in which this citation was issued.

REQUEST FOR HEARING

I hereby submit the designated bond and request a hearing on the alleged traffic violation and promise to appear at the time and date specified in the summons issued by the court for the county in which the citation was issued.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19, \_\_\_\_  
Defendant \_\_\_\_\_

**SECTION 17. AMENDMENT.** Section 32-09.1-07 of the North Dakota Century Code is amended and reenacted as follows:

**32-09.1-07. Form of summons and notice.** The garnishee summons must state that the garnishee ~~must~~ shall serve upon the plaintiff or the plaintiff's attorney within twenty days after service of the garnishee summons a written disclosure, under oath, of indebtedness to the defendant and answers to all written interrogatories that are served with the garnishee summons. The plaintiff may not require disclosure of indebtedness or property of the defendant in the garnishee's possession or under the garnishee's control to the extent that the indebtedness or property exceeds one hundred ten percent of the amount of the judgment which remains unpaid. The garnishee summons must include the full name of the defendant and place of residence and the amount of the judgment which remains unpaid. The garnishee summons must also state that the garnishee ~~must~~ shall retain property or money in the garnishee's possession pursuant to this chapter until the plaintiff causes a writ of execution to be served upon the garnishee or until the defendant authorizes release to the plaintiff and must state that after the expiration of the period of time specified in section 32-09.1-20, the garnishee ~~must~~ shall release all retained property and money to the defendant and is discharged and relieved of all liability on the garnishee summons. The garnishee summons must state that no employer may discharge any employee because the employee's earnings are subject to garnishment. The garnishee summons must state that any assignment of wages made by the defendant or indebtedness to the garnishee incurred within ten days before the receipt of notice of the first garnishment on the underlying debt is void. The garnishee summons must state the date of the entry of judgment against the defendant. The garnishee summons must state that the defendant ~~must~~ shall provide to the garnishee within ten days after receipt of the garnishee summons a verified list of the dependent family members who reside with the defendant and their social security numbers, if any, to have the maximum amount subject to garnishment reduced under subsection 2 of section 32-09.1-03. The garnishee summons must state that failure of the defendant to provide a verified list to the garnishee within ten days after receipt of the garnishee summons is conclusive with respect to whether the defendant claims no family members.

The garnishee summons and notice to defendant must be substantially in the following form:

State of North Dakota	)	In _____ Court
	) ss.	
County of _____	)	_____
_____		
	Plaintiff	
against		Garnishee Summons and
_____		Notice to Defendant
	Defendant	
and		
_____		
	Garnishee	

The State of North Dakota to the above-named Garnishee:

You ~~must~~ shall serve upon the plaintiff or the plaintiff's attorney, within twenty days after service of this summons upon you, a written disclosure, under oath, setting forth the amount of any debt you may owe to the defendant, \_\_\_\_\_ (give full name and residence of defendant) and a description of any property, money, or effects owned by the defendant which are in your possession. Your disclosure need not exceed \$\_\_\_\_\_. (Enter 110 percent of the plaintiff's judgment which remains unpaid.) The date of entry of the



\_\_\_\_\_  
Garnishee

I am the \_\_\_\_\_ of the garnishee and duly authorized to disclose for the garnishee.

On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the time of service of garnishee summons on the garnishee, there was due and owing the defendant from the garnishee the following:

1. Earnings. For the purposes of garnishment, "earnings" means compensation payable for personal service whether called wages, salary, commission, bonus, or otherwise, and includes periodic payments under a pension or retirement program. "Earnings" does not include social security benefits or veterans' disability pension benefits, except when the benefits are subject to garnishment to enforce any order for the support of a dependent child. "Earnings" includes military retirement pay. "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld. If the garnishee summons was served upon you at a time when earnings from a prior completed pay period were owing but not paid, complete the following disclosure for earnings from both the past pay period and the current pay period.

a. Enter on the line below the amount of disposable earnings earned or to be earned by the defendant within the defendant's pay periods which may be subject to garnishment.

\_\_\_\_\_

b. Enter on the line below forty times the hourly federal minimum wage times the number of workweeks within the defendant's pay periods which may be subject to garnishment. When pay periods consist of other than a whole number of workweeks, each day of a pay period in excess of the number of completed workweeks must be counted as a fraction of a workweek equal to the number of workdays divided by the number of workdays in the normal workweek.

\_\_\_\_\_

c. Enter on the line below the difference obtained (never less than zero) when line b is subtracted from line a.

\_\_\_\_\_

d. Enter on the line below 25 percent of line a.

\_\_\_\_\_

e. Enter on the line below the lesser of line c and line d.

\_\_\_\_\_

f. Enter on the line below the number of dependent family members living with the defendant (if properly claimed within ten days after receipt of the garnishee summons).

\_\_\_\_\_

g. Enter on the line below an amount equal to the number of dependents (line f) times twenty dollars times the number of workweeks used to compute line b.

\_\_\_\_\_

h. Enter on the line below the difference (never less than zero) when line g is subtracted from line e.

2. Money. Enter on the line below any amounts due and owing defendant, except earnings, from the garnishee.

\_\_\_\_\_

3. Property. Describe on the line below any personal property, instruments, or papers belonging to the defendant and in the possession of the garnishee.

\_\_\_\_\_

4. Setoff. Enter on the line below the amount of any setoff, defense, lien, or claim which the garnishee claims against the amount set forth on lines 1(h), 2, and 3. Allege the facts by which the setoff, defense, lien, or claim is claimed. (Any indebtedness to a garnishee-employer incurred by the judgment debtor within ten days before the receipt of the first garnishment on a debt is void and should be disregarded.)

\_\_\_\_\_

\_\_\_\_\_

5. Adverse Interest. Enter on the line below any amounts claimed by other persons by reason of ownership or interest in the defendant's property. State each person's name and address and the nature of that person's claim, if known. (Any assignment of wages made by the defendant within ten days before the receipt of the first garnishment on a debt is void and should be disregarded.)

\_\_\_\_\_

6. Enter on the line below the total of lines 4 and 5.

\_\_\_\_\_

7. Enter on the line below the difference obtained (never less than zero) when line 6 is subtracted from the sum of lines 1(h), 2, and 3.

\_\_\_\_\_

8. Enter on the line below 110 percent of the amount of the judgment creditor's judgment which remains unpaid.

\_\_\_\_\_

9. Enter on the line below the lesser of line 7 and line 8. As garnishee, you are hereby instructed to retain this amount only if it is \$10.00 or more.

\_\_\_\_\_

Signature \_\_\_\_\_

Authorized Representative  
of Garnishee

\_\_\_\_\_ Title

Subscribed and sworn to before me this \_\_\_\_\_ day of on \_\_\_\_\_,  
19\_\_\_\_.

\_\_\_\_\_  
Notary Public

**SECTION 19. AMENDMENT.** Section 35-22-07 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**35-22-07. Notice of sale - Form.** The notice of sale must be in substantially the following form:

Notice is ~~hereby~~ given that that certain mortgage, executed and delivered by \_\_\_\_\_, mortgagor, to \_\_\_\_\_, mortgagee, dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and filed for record in the office of the register of deeds of the county of \_\_\_\_\_ and state of North Dakota on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and recorded in book \_\_\_\_\_ of \_\_\_\_\_ at page \_\_\_\_\_ (and assigned by said mortgagee to \_\_\_\_\_), will be foreclosed by a sale of the premises in such mortgage and hereinafter described at the front door of the courthouse in the county of \_\_\_\_\_ and state of North Dakota at the hour of \_\_\_\_\_ o'clock \_\_\_\_m., on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to satisfy the amount due upon such mortgage on the day of sale. The premises described in such mortgage and which will be sold to satisfy the same are described as follows: (here insert description and street address, if any).

There will be due on such mortgage at the date of sale the sum of \_\_\_\_\_ dollars.

The failure to include the street address in the notice does not affect the validity of the notice.

**SECTION 20. AMENDMENT.** Section 37-07-03 of the North Dakota Century Code is amended and reenacted as follows:

**37-07-03. Enlisted men to sign contract of enlistment and subscribe to oath.** ~~Men~~ Individuals enlisting in the national guard of this state shall sign an enlistment contract and subscribe the following oath of enlistment:

I ~~do hereby~~ acknowledge to have voluntarily enlisted ~~this \_\_\_\_\_ day of on~~ \_\_\_\_\_, 19\_\_\_\_, as a soldier in the national guard of the United States and of the state of North Dakota, for the period of three years (or one year \_\_\_\_\_,) under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the state of North Dakota, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the president of the United States and of the governor of the state of North Dakota, and of the officers appointed over me according to law, the rules of war, and the uniform code of military justice.

**SECTION 21. AMENDMENT.** Section 37-08-02 of the North Dakota Century Code is amended and reenacted as follows:

**37-08-02. Enlistments in national guard reserve - Contract - Oath.** ~~Men~~ Individuals duly qualified for enlistment in the active national guard may enlist in the national guard reserve for a period of one year or three years under ~~such~~ the regulations ~~as prescribed by~~ the secretary of defense ~~shall prescribe~~. Upon enlisting in ~~such~~ the reserve, each ~~man~~ individual shall subscribe the following enlistment contract and take the oath therein specified:

I ~~do hereby~~ acknowledge to have voluntarily enlisted ~~this \_\_\_\_\_ day of on~~ \_\_\_\_\_, 19\_\_\_\_, as a soldier in the national guard of the United States and of the state of North Dakota, to serve in the reserve thereof, or in the active national guard of the United States and said state if transferred thereto, for a period of one year (or three years), unless sooner discharged by proper authority, and I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the state of North Dakota, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the president of the United States and the governor of the state of North Dakota, and of the officers appointed over me according to law, the rules of war, and the uniform code of military justice.

**SECTION 22. AMENDMENT.** Subsection 1 of section 43-25-11 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- Whenever accusations under section 43-25-10 are filed, the board shall set a day for hearing and the secretary-treasurer of the board shall transmit to the accused a copy of all charges filed relating to the accusations, and shall notify in writing the accused that on the day fixed for the hearing, which may not be less than ten days from the date of notice, the accused may appear or show cause why the accused's license to practice massage in this state should not be revoked, suspended, or annulled. For the purpose of this type of hearing, the board may require by subpoena the attendance of witnesses, to administer oaths and hear testimony and receive evidence, either oral or documentary, for and against the accused, and the accused has the right at the hearing to cross-examine the witnesses, to produce defense witnesses, and to appear personally or by counsel. The notice provided for in this section must be substantially in the following form:

To \_\_\_\_\_ charges have been filed with the secretary-treasurer of the North Dakota Board of Massage against you as a practicing \_\_\_\_\_ in the state of North Dakota. A  
(Massage Therapist)  
copy of the charges is attached. The board has fixed the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ at \_\_\_\_\_ in \_\_\_\_\_ for a hearing on ~~such the~~ charges, at which time and place you are to appear before the board, and show cause, if you can, why your license to practice massage in the state of North Dakota should not be revoked, suspended, or annulled. At the same time and place the board will hear testimony and receive evidence, either oral or documentary, or both, for and against you relating to the charges.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Secretary-treasurer of the  
North Dakota Board of Massage

**SECTION 23. AMENDMENT.** Section 47-16-36 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**47-16-36. Duty of lessee to have terminated or forfeited lease released - Publication notice - Satisfaction of lease to be recorded - Notice to real property owner - Remedies.** When any oil, gas, or other mineral lease ~~heretofore or hereafter~~ given on real property situated in any county of North Dakota and recorded therein ~~shall terminate~~ terminates or ~~become is~~ is forfeited it ~~shall be~~ is the duty of the lessee, ~~his the lessee's~~ the lessee's successors or assigns, within fifteen days after the date of the termination or forfeiture of any ~~such~~ the lease, to have ~~such the~~ the lease surrendered in writing, ~~such the~~ the surrender to be signed by the party making the same, acknowledged, and placed on record in the county where the leased real property is situated without cost to the owner thereof. If the ~~said~~ lessee, ~~his the lessee's~~ the lessee's successors or assigns, ~~shall fail or neglect~~ fails or neglects to execute and record ~~such the~~ the surrender within the time provided for, then the owner of ~~said the~~ the real property may serve upon ~~said the~~ the lessee, ~~his the lessee's~~ the lessee's successors or assigns of record, in person or by registered or certified mail, at ~~his the lessee's~~ the lessee's last known address, or if the post-office address is not shown of record then by publication once a week for three consecutive weeks in a newspaper of general circulation in the county where the real property is situated, a notice in writing in substantially the following form:

To \_\_\_\_\_: I, the undersigned, owner of the following described land situated in \_\_\_\_\_ County, North Dakota, ~~to wit:~~ (description of land) upon which a lease dated \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, was given to \_\_\_\_\_ ~~do hereby~~ notify you that ~~such the~~ the lease has terminated or become forfeited by breach of the terms thereof, that I ~~hereby~~ elect to declare and do declare the ~~said~~ lease forfeited and void and that, unless you do, within twenty days from this date, notify the register of deeds of ~~said the~~ the county as provided by law that ~~said the~~ the lease has not been forfeited, I will file with the ~~said~~ register of deeds a satisfaction of lease as provided by law, and I ~~hereby~~ demand that you execute or have executed a proper surrender of ~~said the~~ the lease and that you put the same of record in the office of the register of deeds of ~~said the~~ the county within twenty days from this date.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_



STATE OF NORTH DAKOTA )  
 ) ss.  
County of )

I, \_\_\_\_\_, auditor of \_\_\_\_\_ ~~county~~ County, state of North Dakota, hereby certify that the following is a correct list of the taxes levied on the real and personal property in the \_\_\_\_\_ (here name the taxing district or municipality) for the year \_\_\_\_\_.

Witness my hand and official seal this \_\_\_\_\_ day of on \_\_\_\_\_, 19\_\_\_\_.

(SEAL)

\_\_\_\_\_  
County Auditor-

**SECTION 26. AMENDMENT.** Section 57-24-20 of the North Dakota Century Code is amended and reenacted as follows:

**57-24-20. Form of certificate of sale.** The county auditor shall execute to the purchaser a certificate of sale which must be substantially in the following form:

COUNTY CERTIFICATE OF SALE FOR TAXES

I, \_\_\_\_\_, auditor for the county of \_\_\_\_\_, in the state of North Dakota, ~~hereby do~~ certify that the following described real estate in ~~said the~~ county and state, ~~to wit:~~ \_\_\_\_\_ (describing the same), was, on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_, sold by me in the manner provided by law for the delinquent taxes of the year 19\_\_\_\_ thereon, amounting to \_\_\_\_\_ dollars, including interest and penalty and costs allowed by law, to \_\_\_\_\_ of \_\_\_\_\_, for the sum of \_\_\_\_\_ dollars, he being the bidder who agreed to accept the lowest rate of interest thereon from the date of sale on the total amount of ~~such the~~ taxes, penalties, and costs as paid by him, and that ~~said the~~ rate of interest which ~~said the~~ purchaser so agreed to accept was \_\_\_\_\_ percent per annum.

And I further certify that unless redemption is made of ~~said the~~ real estate in the manner provided by law the ~~said~~ \_\_\_\_\_ or his assignee, will be entitled to a deed therefor ~~on~~ and after the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, on the surrender of this certificate.

In witness whereof I have hereunto set my hand and seal this \_\_\_\_\_ day of on \_\_\_\_\_, 19\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Auditor

**SECTION 27. AMENDMENT.** Section 57-24-24 of the North Dakota Century Code is amended and reenacted as follows:

**57-24-24. Form of subsequent tax sale certificate.** The county auditor shall execute to the payer of subsequent taxes a subsequent tax sale certificate which must be substantially in the following form:

SUBSEQUENT TAX SALE CERTIFICATE

\_\_\_\_\_ County, North Dakota

I, \_\_\_\_\_, county auditor of \_\_\_\_\_ County in the state of North Dakota, ~~hereby do~~ certify that at the annual tax sale of real estate held on the \_\_\_\_\_ day of December \_\_\_\_\_, 19\_\_\_\_, the following described real estate ~~to wit:~~ \_\_\_\_\_ was sold for the taxes of the year \_\_\_\_\_ to \_\_\_\_\_ of \_\_\_\_\_ for the aggregate sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_), and there was issued to ~~such the~~ purchaser tax sale certificate No. \_\_\_\_\_ and that thereafter, the owner of ~~said the~~ tax sale certificate paid subsequent taxes upon said real estate for the year \_\_\_\_\_ which payment was made on \_\_\_\_\_ and it is ~~hereby~~ certified that there is due ~~him the owner~~ on account of subsequent taxes for said year, the sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_), together with interest at nine percent (9%) per annum from \_\_\_\_\_, and that unless redemption ~~shall be~~ is made from this subsequent tax sale certificate within three (3)

years from December \_\_\_\_\_, 19\_\_\_\_, ~~he~~ the owner will be entitled after due notice given, to a tax deed conveying to ~~him~~ the owner the ~~said~~ real estate.

Given under my hand and the seal of the county auditor of \_\_\_\_\_ County, North Dakota, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
County Auditor of \_\_\_\_\_ County

**SECTION 28. AMENDMENT.** Section 57-25-05 of the North Dakota Century Code is amended and reenacted as follows:

**57-25-05. Procedure on payment of tax or redemption of portion of tract.** Upon payment by the petitioner of the amount as finally apportioned, a tax receipt or certificate of redemption, or both, as the case may be, must be issued to ~~such~~ the petitioner by the county auditor. If there are outstanding tax certificates, the proper amount of the proceeds of ~~such~~ the redemption must be paid to the holders of ~~such~~ the certificates. The original certificate or certificates must be deposited with, and canceled by, the county auditor, and ~~he~~ the auditor shall issue in lieu thereof a tax sale certificate, which must be entitled "substitute tax sale certificate", and which must be in substantially the following form:

SUBSTITUTE TAX SALE CERTIFICATE

I, \_\_\_\_\_, auditor of the county of \_\_\_\_\_ in the state of North Dakota, ~~do hereby~~ certify that the following described real estate situated in ~~said~~ the county and state ~~to-wit:~~ \_\_\_\_\_, together with other real estate, on ~~the~~ \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, was sold by me in the manner provided by law for the delinquent taxes thereon for the year \_\_\_\_\_ to \_\_\_\_\_, he being the bidder who agreed to accept the lowest rate of interest thereon from the date of sale upon the amount of taxes, penalties, and interest paid by him, that the rate of interest which ~~said~~ the purchaser agreed to accept was \_\_\_\_\_ percent per annum, that thereafter redemption was made from said tax sale of a portion of the real estate then sold to ~~said~~ the purchaser, that redemption of the above described real estate was not made, and I further certify that unless redemption of ~~such~~ the real estate is made in the manner provided by law the said \_\_\_\_\_ or his assigns will be entitled to a deed of the property above described ~~on and after the~~ \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, on the surrender of this certificate, and I further certify that there remains due and unpaid upon this certificate the sum of \$ \_\_\_\_\_ together with interest thereon at \_\_\_\_\_ percent per annum from \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

In witness whereof I have hereunto set my hand and the seal of the county auditor of ~~said~~ the county this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
County Auditor of \_\_\_\_\_ County

Such substitute certificate has the same force and effect as the original certificate as to property covered thereby. The county treasurer and county auditor shall make the proper entries in the tax records of their offices showing the payment of the taxes and the cancellation of the original certificate and the issuance of the substitute tax certificate.

**SECTION 29. AMENDMENT.** Section 57-27-06 of the North Dakota Century Code is amended and reenacted as follows:

**57-27-06. Form of tax deed.** A tax deed must be substantially in the following form:

TAX DEED

Whereas \_\_\_\_\_, did on ~~the~~ \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, produce to the undersigned \_\_\_\_\_, county auditor of the county of \_\_\_\_\_, in the state of North Dakota, a certificate of tax sale, No. \_\_\_\_\_, bearing the date of ~~the~~ \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, signed by \_\_\_\_\_, who on that date was the county auditor of ~~said~~ the county, from which it appears that \_\_\_\_\_ did on ~~the~~ \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_, 19\_\_\_, purchase at public auction at the regular tax sale of that year the tract, parcel, or lot of land in this indenture described, and which was struck off and sold to \_\_\_\_\_ for the sum of \_\_\_\_\_ dollars, that being the total amount of taxes, penalties, and costs charged against ~~said the~~ land, including any personal taxes specified in the lists and advertisement, constituting a lien thereon for the year, or years, 19\_\_\_, ~~to wit:~~ \_\_\_\_\_ (describe lands) \_\_\_\_\_, and that ~~the said~~ \_\_\_\_\_ did at the time and place of ~~said~~ public auction, as a part of his bid, agree to accept the lowest rate of interest on the amount of ~~such the~~ taxes, penalties, and costs so paid by him, ~~to wit:~~ the rate of \_\_\_\_\_ percent per annum, and it appearing that ~~the said~~ \_\_\_\_\_ is the legal owner of the ~~said~~ certificate of tax sale, and the time allowed by law for redeeming the land herein described having expired, and proof of legal notice of the expiration of the period of redemption having been filed in the office of the county auditor prior to the maturity of ~~such the~~ certificate as provided by law, and ~~said the~~ land not having been redeemed from ~~such the~~ sale pursuant to law, and ~~the said~~ \_\_\_\_\_ having demanded a deed for the tract of land mentioned in ~~said the~~ certificate, and it appearing that ~~said the~~ lands were legally liable for taxation, and had been assessed and properly charged on the tax book or duplicate for the year or years 19\_\_\_, and that ~~said the~~ lands had been advertised legally for taxes and were sold on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, to the ~~said~~ \_\_\_\_\_.

Now, therefore, this indenture, made this \_\_\_\_\_ day of on \_\_\_\_\_, 19\_\_\_, between the state of North Dakota by \_\_\_\_\_ as county auditor of the ~~said~~ county, party of the first part, and ~~the said~~ \_\_\_\_\_, party of the second part:

WITNESSETH, That the ~~said~~ party of the first part, for and in consideration of the premises and the amount so bid and paid at ~~such the~~ tax sale, has granted, bargained and sold, and by these presents does grant, bargain, sell, and convey unto the ~~said~~ party of the second part, ~~his the party's~~ heirs and assigns, forever, the tract or parcel of land mentioned in ~~said the~~ certificate and described as follows ~~to wit:~~ \_\_\_\_\_ in \_\_\_\_\_ County, state of North Dakota.

TO HAVE AND TO HOLD ~~said the~~ mentioned lands, with the appurtenances thereto belonging, to the ~~said~~ party of the second part, ~~his the party's~~ heirs and assigns, forever, in as full and ample manner as the ~~said~~ county auditor of the ~~said~~ county of \_\_\_\_\_ is empowered by law to sell the same.

IN TESTIMONY WHEREOF, ~~the said~~ \_\_\_\_\_, as county auditor of the ~~said~~ county of \_\_\_\_\_, North Dakota, hereunto has set his hand and the seal of the ~~said~~ county, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_.

(SEAL) \_\_\_\_\_  
County Auditor of \_\_\_\_\_  
County, North Dakota-

**SECTION 30. AMENDMENT.** Section 57-27-07 of the North Dakota Century Code is amended and reenacted as follows:

**57-27-07. Assignment of certificate for land bid in by county.** At any time after any property has been bid in for the county, unredeemed, and not subject to a tax deed to the county, the county auditor may assign all of the rights of the county in the property to any person, other than the county auditor, county treasurer, or their deputy or clerk. The assignee shall pay the amount that was bid for the property, interest from the date of the tax sale at the rate of six percent per annum, and the amount of any later delinquent taxes. The county auditor shall execute an assignment for each certificate which may be in substantially the following form:

I, \_\_\_\_\_, auditor of the county of \_\_\_\_\_, state of North Dakota, ~~hereby do~~ certify that at the sale of real estate for the delinquent taxes thereon for the county of \_\_\_\_\_ and state aforesaid, which sale was held at the \_\_\_\_\_ in ~~said the~~ county of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_, for the taxes of the year \_\_\_\_\_, the following described piece or parcel of land situated in ~~said the~~ county of \_\_\_\_\_, state of North Dakota, ~~to wit:~~ (insert description) was offered for sale to the best bidder, and no one bidding upon ~~such the~~ offer, the same then was bid in for the county for the sum of \_\_\_\_\_ and the same still remaining unredeemed, and \_\_\_\_\_, on this day, having

paid into the treasury of ~~said~~ the county, the amount for which the same was bid in with interest thereon, and all subsequent delinquent taxes, amounting in all to \_\_\_\_\_ dollars, therefore, in consideration thereof, and pursuant to law, I ~~hereby do~~ assign and convey all the ~~right~~ rights, title, and interest of ~~said~~ the county to ~~said~~ the piece or parcel of land acquired therein at ~~said~~ the sale to ~~the said~~ \_\_\_\_\_, his heirs and assigns, subject to redemption as provided by law.

And I further certify that unless redemption of ~~said~~ the real estate is made in the manner provided by law, ~~the said~~ \_\_\_\_\_ or his assigns, will be entitled to a deed therefor on and after the expiration of the time for redemption, as provided by law, and upon the surrender of this certificate.

In witness whereof I ~~hereunto~~ have set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

County Auditor of \_\_\_\_\_  
County, North Dakota-

**SECTION 31. AMENDMENT.** Section 57-27-08 of the North Dakota Century Code is amended and reenacted as follows:

**57-27-08. Provision of deed in case grantee is assignee of county.** In case the land has been bid in for the county, and the certificate has been assigned to another holder, the language of ~~such~~ the deed inappropriate to ~~such~~ the sale must be stricken out, and the following inserted in lieu thereof:

Offered for sale to the bidder who agreed to accept the lowest rate of interest on the amount of ~~such~~ the taxes, penalties, and costs charged against the land, the following described tract or parcel of real property, ~~to wit:~~ \_\_\_\_\_ (describe property) \_\_\_\_\_ which property was returned delinquent for the nonpayment of taxes for the year 19\_\_, amounting to \_\_\_\_\_ dollars, including penalty and costs charged against ~~said~~ the land, including personal property taxes specified in the list and in the advertisement, constituting the lien thereon, and no one bidding upon ~~such~~ the offer an amount equal to that for which ~~said~~ the piece or parcel of land was subject to be sold, the same was bid in for the county. And it appearing by ~~said~~ the certificate that the right, title, and interest of the county in ~~said~~ the tract or parcel of land acquired at ~~said~~ the sale, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, was assigned to \_\_\_\_\_, for the sum of \_\_\_\_\_ dollars, that being the amount due thereon at that time.

**SECTION 32. AMENDMENT.** Section 57-27-09 of the North Dakota Century Code is amended and reenacted as follows:

**57-27-09. Provision of deed in case of assignment by original purchaser.** In case the certificate of tax sale is assigned by the purchaser, then a statement must be inserted in ~~such~~ the tax deed briefly describing the assignment of ~~such~~ the certificate, in substantially the following form:

Which ~~said~~ the certificate of tax sale issued to ~~said~~ \_\_\_\_\_, purchaser at ~~said~~ the tax sale, and the ~~right~~ rights, title, and interest of the ~~said~~ purchaser in ~~said~~ the tract or parcel of land acquired ~~thereby~~ at ~~said~~ the sale, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, was assigned to \_\_\_\_\_.

**SECTION 33. AMENDMENT.** Section 57-28-05 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**57-28-05. Form of notice for service by certified mail.** The notice of the expiration of the period of redemption which the county auditor is required to serve by certified mail must be substantially in the following form:

NOTICE OF EXPIRATION OF PERIOD OF REDEMPTION

To \_\_\_\_\_, the owner of the record title of the real estate hereinafter described, and to all mortgagees, lienholders, and other persons interested in ~~said~~ the real estate:

I, \_\_\_\_\_, county auditor of \_\_\_\_\_ County, North Dakota, ~~hereby~~ give notice that the real estate hereinafter described, at the annual tax sale held in the county on ~~the~~ \_\_\_\_\_ of December \_\_\_\_\_, 19\_\_\_\_, was offered for sale for delinquent taxes against it for the year \_\_\_\_\_ and was sold to the county, that subsequent tax sale certificates have been issued to the county for the years hereinafter set forth, that more than three years have expired since the date of each of ~~said the~~ tax sale certificates, that no redemption has been made therefrom, and that the same still are the property of ~~such the~~ county, and unless redemption is made from each of ~~said the~~ tax sale certificates on or before October first, after the date of this notice, tax deeds will be issued to the county, granting to and vesting in it, the absolute title in fee to ~~said the~~ real property, subject, however, to the lien for installments of special assessments certified or to be certified to the county auditor or which may become due subsequent to the time of service of this notice, and foreclosing all rights of redemption, and all other rights of the owner, mortgagees, lienholders, and other persons interested therein, as may appear from the records of the register of deeds and the clerk of the district court of ~~said the~~ county. There is given herewith the description of ~~such the~~ parcels of real estate, and set opposite each description is the amount which will be required upon the date of the expiration of the period of redemption to redeem ~~such the~~ real estate from ~~such the~~ original and each subsequent tax sale certificate issued to the county, exclusive of the cost of service of this notice.

~~Said The~~ property is described as follows, with the amount required to redeem set out opposite each description, ~~to wit:~~ \_\_\_\_\_

\_\_\_\_\_

Given pursuant to authority of law this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

County auditor of \_\_\_\_\_ County, North Dakota.

**SECTION 34. AMENDMENT.** Section 57-28-07 of the North Dakota Century Code is amended and reenacted as follows:

**57-28-07. Form of notice for publication.** The notice of the expiration of the period of redemption to be served by publication must be substantially in the following form:

I, \_\_\_\_\_, county auditor, of \_\_\_\_\_ County, North Dakota, ~~hereby do~~ give notice that the real estate hereinafter described was sold to the county at the annual tax sale on December \_\_\_\_\_, 19\_\_\_\_, for delinquent taxes, that subsequent tax sale certificates have been issued to the county, that more than three years have expired since the date of each of ~~said the~~ tax sale certificates, that no redemption has been made therefrom, that the same still are the property of this county, and that unless redemption ~~shall be~~ is made from ~~such the~~ tax sale, on or before October first after the date of this notice, the same will become the absolute property in fee of this county, subject, however, to the lien for installments of special assessments certified or to be certified to the county auditor or which may become due subsequent to the time of service of this notice, and the former owner thereof, mortgagees, lienholders, and other persons interested therein will be forever foreclosed and barred from asserting any further rights to ~~such the~~ real estate whatsoever. The following is a list of the real estate sold at ~~such the~~ tax sale on which the period of redemption will expire on October first. Opposite each description of ~~such the~~ real estate appears any street address of the property, the name of the owner of the record title thereof, and the amount which must be paid to redeem from ~~such the~~ tax sale before the period of redemption expires. ~~Said The~~ sum includes the amount for which ~~said the~~ land was sold, together with subsequent delinquent taxes for \_\_\_\_\_ and prior years, and interest, penalties, and cost of service. (List descriptions, names of owners, and amount necessary to redeem.)

Given pursuant to authority of law this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

The failure to include the street address in the notice does not affect the validity of the notice.

**SECTION 35. AMENDMENT.** Section 57-28-16 of the North Dakota Century Code is amended and reenacted as follows:

**57-28-16. Form of deed to purchaser.** The deed which the county shall execute and deliver to the purchaser must be substantially in the following form:

COUNTY DEED

This indenture made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, between the county of \_\_\_\_\_, North Dakota, party of the first part, and \_\_\_\_\_, party of the second part, witnesseth:

WHEREAS, the real property hereinafter described was acquired by the county through tax deed proceedings for the nonpayment of taxes levied and extended against ~~said~~ the property for the years of ~~19~~ to ~~19~~ inclusive, with interest and penalties, amounting to the sum of \_\_\_\_\_ dollars; and

WHEREAS, ~~said~~ the real property was offered for sale, and sold, pursuant to authority of law, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, and at ~~said~~ the sale, ~~said~~ the second party became the purchaser of the whole thereof, for the sum of \_\_\_\_\_ dollars, which has been paid in full;

NOW, THEREFORE, the ~~said~~ county as party of the first part, in consideration of the premises, and pursuant to authority of law, hereby does grant, bargain, sell, and convey to the second party, ~~his~~ the second party's heirs and assigns, that certain real property situated in ~~said~~ the county of \_\_\_\_\_, North Dakota, described as follows, ~~to-wit~~:

To have and to hold the above described real property with all of the appurtenances thereunto belonging to the ~~said~~ party of the second part, \_\_\_\_\_ heirs and assigns forever.

IN WITNESS WHEREOF \_\_\_\_\_ and \_\_\_\_\_, as chairman of the board of county commissioners and county auditor, respectively, of said county, hereby do set their hands the day and year first above written and do cause the seal of said county to be affixed thereto.

\_\_\_\_\_ County,  
North Dakota-

\_\_\_\_\_  
Chairman, board of county commissioners-

\_\_\_\_\_  
County auditor-

STATE OF NORTH DAKOTA

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, personally appeared before me, a notary public within the aforesaid county and state, \_\_\_\_\_ and \_\_\_\_\_, to me personally known to be the chairman of the board of county commissioners and the auditor, respectively, of said county, and acknowledged to me that they executed the foregoing deed for and on behalf of said county.

My commission expires \_\_\_\_\_. Notary Public, for \_\_\_\_\_ County, North Dakota.

**SECTION 36. AMENDMENT.** Section 58-16-03 of the North Dakota Century Code is amended and reenacted as follows:

**58-16-03. Assessment and levy upon property - Form.** The board of township supervisors shall assess and levy upon each lot or parcel of land along which the sidewalk has been built by the township a sum sufficient to cover the cost of the construction thereof, and shall assess and levy

against each lot or parcel of land benefited by the installation of streetlights by the township. The assessment must be in substantially the following form:

The board of supervisors of the township of \_\_\_\_\_ ~~does hereby assess~~ assesses upon and ~~levy~~ levies against the several parcels of land hereinafter described the respective sums of money set against each lot or parcel. This assessment is made to defray the cost of a \_\_\_\_\_ sidewalk or streetlights along the \_\_\_\_\_ side of \_\_\_\_\_ to \_\_\_\_\_ in accordance with the resolution of the board of township supervisors passed the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and duly published in \_\_\_\_\_ on the \_\_\_\_\_ days of \_\_\_\_\_, 19\_\_\_\_. The amount assessed against and levied upon each lot or parcel being the amount that it cost to construct or reconstruct ~~such the~~ sidewalk along and fronting upon the same lot or parcel of land. When streetlights are installed the cost of ~~such the~~ installation ~~shall~~ must be assessed and levied against all lots or parcels of land that benefit from the streetlights.

Name of Owner, if known	Description of land		Amount	
	Lot	Block	Dollars	Cents

Done at a meeting of the board of supervisors of the township of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Chairman

Attest:  
\_\_\_\_\_  
Township Clerk-

**SECTION 37. AMENDMENT.** Section 60-02-13 of the North Dakota Century Code is amended and reenacted as follows:

**60-02-13. Purchase by warehouseman - Form of receipt.** There may be printed on each warehouse receipt issued by a warehouseman a receipt executed by the owner for use in case the grain represented thereby is purchased by ~~such the~~ warehouseman. The warehouseman shall record ~~such the~~ purchase, as to the amount paid per bushel, on the stub record or copy of its warehouse receipt books. ~~Such The~~ receipt ~~shall~~ must be in substantially the following form:

Received from \_\_\_\_\_, \_\_\_\_\_ dollars and \_\_\_\_\_ cents net, in full payment for the grain represented by this warehouse receipt. Gross price per bushel \_\_\_\_\_, storage per bushel \_\_\_\_\_, net price per bushel \_\_\_\_\_. I ~~hereby~~ certify that I am the owner of the grain for which this receipt was issued, and that there are no liens, chattel mortgages, or other claims against the grain represented by this receipt.

Dated \_\_\_\_\_ 19\_\_\_\_. Signed \_\_\_\_\_ Owner.

Nothing in this section contained ~~shall~~ may be construed to affect in any manner the conditions of the storage contract specified in sections 60-02-17 and 60-02-18.

**SECTION 38. AMENDMENT.** Section 61-05-15 of the North Dakota Century Code is amended and reenacted as follows:

**61-05-15. Form of notice of election.** The notice of election provided for section 61-05-14 ~~shall~~ must be substantially in the following form:

NOTICE OF ELECTION

Notice is ~~hereby~~ given that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, an election will be held for the purpose of submitting to the electors within the territory established and described by the order of the state engineer as \_\_\_\_\_ irrigation district, the question as to

whether ~~or not~~ the order of the state engineer establishing ~~such the~~ irrigation district ~~shall be~~ is approved. Notice is ~~hereby~~ given that the lands of ~~such the~~ district are fully described in the order of the state engineer establishing the district and filed in the state engineer's office ~~at the state capitol~~ in Bismarck, North Dakota, and in the office of the county auditor of \_\_\_\_\_ County, North Dakota. The ballot ~~will~~ must be in the following form:

FOR IRRIGATION DISTRICT

Yes   
No

Notice is further given that a board consisting of \_\_\_\_\_ directors will be elected, one from each district division, who will serve as provided by law after the establishment of the district is approved. Polls will be open from one p.m. to seven p.m. Notice is further given that any elector desiring to be a candidate for the office of district director and have the elector's name appear on the ballot must file the elector's request in writing with the state engineer not less than twenty days before the ~~said~~ election.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signed \_\_\_\_\_  
State Engineer-

**SECTION 39. AMENDMENT.** Section 61-06-10 of the North Dakota Century Code is amended and reenacted as follows:

**61-06-10. Notice of election after district is organized - Contents - Form.** Within thirty-five days of, but at least twenty-five days prior to, any regular or special election held in an irrigation district, the secretary of the board of directors shall ~~cause~~ publish a notice of the election ~~to be published~~ in the newspaper or newspapers of general circulation where the district is located and in the official newspaper of each county in which the district is located. The notice ~~shall~~ must specify the matters to be voted upon, the location of the polling place or places, and the time of their opening and closing. ~~Such~~ The notice ~~shall~~ must be in substantially the following form:

~~NOTICE hereby~~ Notice is given that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, an election will be held at \_\_\_\_\_ (here designate the polling place) for the purpose of electing \_\_\_\_\_ members of the board of directors and for the purpose of voting upon ~~such the~~ questions ~~as shall be~~ submitted by the directors of the district. Polls will be opened at one p.m. and will be closed at five p.m. of that day. Notice is further given that any elector desiring to have the elector's name appear on the ballot must file a request in writing with the secretary of the district not less than twenty days before the election.

**SECTION 40. AMENDMENT.** Section 61-24-03 of the North Dakota Century Code is amended and reenacted as follows:

**61-24-03. Election of directors of the Garrison diversion conservancy district.** A director of the Garrison diversion conservancy district ~~shall~~ must be nominated and elected in each county in the district. Any person who is a resident and qualified elector of the county who aspires to the office of director of the Garrison diversion conservancy district shall, not more than seventy days or less than sixty days and before four p.m. of the sixtieth day ~~prior to~~ before any primary election preceding a general election at which a director of the district is to be elected, present to the county auditor a petition giving that person's name, post-office address, the title of the office "Director of the Garrison Diversion Conservancy District", and containing the signatures of not less than fifty nor more than three hundred qualified electors of the county to which each signer has added the signer's residence with street number, if any, and the date of signing.

The petition must be accompanied by an affidavit substantially as follows:

STATE OF NORTH DAKOTA,  
County of \_\_\_\_\_

I, \_\_\_\_\_, being ~~duly~~ sworn, ~~depose and~~ say that I reside in the county of \_\_\_\_\_ and State of North Dakota; that I am a qualified elector therein; that I am a





\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1044.

House Vote:      Yeas    91      Nays    0      Absent    7

Senate Vote:    Yeas    47      Nays    0      Absent    2

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1999.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1999.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1999,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State