

CHAPTER 13-01.1-05 EVIDENCE

Section

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13-01.1-05-01. Rules.

Repealed effective November 1, 1994.

13-01.1-05-02. Witnesses.

Repealed effective November 1, 1994.

13-01.1-05-03. Subpoena.

Repealed effective November 1, 1994.

13-01.1-05-04. Depositions.

Repealed effective November 1, 1994.

13-01.1-05-05. Stipulations.

The parties to any proceeding or investigation before the board may, by stipulation in writing filed with the board or orally entered in the record, agree upon the facts or any portion thereof involved in the controversy, and such stipulation shall be regarded and used as evidence at the hearings.

History: Effective January 1, 1980.

General Authority: NDCC 6-01-04, 28-32-02

Law Implemented: NDCC 6-01-01, 6-01-04, 28-32-06

13-01.1-05-06. Expert witnesses.

1. **Notification required.** Parties intending to present expert testimony shall notify the board and all parties to the proceeding of that intent. The notification shall indicate the nature of the expert testimony, whether or not one or more exhibits supplementing the testimony are intended, and the name and qualifications of the expert witness.
2. **Supplemental exhibits.** Within the times specified in this section, the party on whose behalf the testimony is given shall file with the board ten copies of any exhibits supplementing the expert testimony, and shall also provide copies to all parties to the proceeding.

3. **Applicants.** Applicants under section 13-01.1-02-04 who intend to present expert testimony shall comply with subsection 1 within ten days after receipt of notification that the application has been accepted for filing and shall comply with subsection 2 at least twenty days prior to the hearing on the application.
4. **Protestants.** Protestants under section 13-01.1-02-05 who intend to present expert testimony shall comply with subsection 1 at least twenty days prior to the date of the hearing on the application and shall comply with subsection 2 at least ten days prior to the hearing on the application.
5. **Others.** All other parties intending to present expert testimony shall comply with subsection 1 at least twenty days prior to the date set for hearing and may comply with subsection 2 at the time the exhibit is introduced.

History: Effective January 1, 1980; amended effective November 1, 1994.

General Authority: NDCC 6-01-04, 28-32-02

Law Implemented: NDCC 6-01-01, 6-01-04, 28-32-06

13-01.1-05-07. Documentary evidence.

Repealed effective November 1, 1994.

13-01.1-05-08. Exhibits.

Ten copies of each exhibit will be furnished for the use of the board whenever practicable. Copies must also be available for all parties of record in a proceeding.

History: Effective January 1, 1980; amended effective November 1, 1994.

General Authority: NDCC 6-01-04, 28-32-02

Law Implemented: NDCC 6-01-01, 6-01-04, 28-32-06

13-01.1-05-09. Official notice.

The board may take notice of any fact in its orders, rules, examination reports, annual reports, or any statistical data, to which reference is made in the hearing, or any facts which are judicially noticed by the courts of this state.

History: Effective January 1, 1980; amended effective November 1, 1994.

General Authority: NDCC 6-01-04, 28-32-02

Law Implemented: NDCC 6-01-01, 6-01-04, 28-32-06

13-01.1-05-10. Former employee participation prohibited.

Except with the written permission of the commissioner, no former employee of the department, or member of the attorney general's staff assigned to the board, may appear in a representative capacity or as a witness on behalf of any party at any proceeding at any time within twelve months after termination of employment or assignment.

History: Effective January 1, 1980; amended effective November 1, 1994.

General Authority: NDCC 6-01-04, 28-32-02

Law Implemented: NDCC 6-01-01, 6-01-04, 28-32-06

13-01.1-05-11. Interrogatories and requests for admission.

Any party may serve upon any other party written interrogatories or requests for admission to be answered by the party served or, if the party served is a public or private corporation or a partnership or

association or governmental agency, by any officer or agent, who shall furnish such information or answer as is available to the party.

Each interrogatory or request for admission must be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection must be stated in lieu of an answer. The party upon whom the interrogatories or requests for admission have been served shall serve a copy of the answers, and objections if any, within fifteen days after service of the interrogatories or requests for admission.

History: Effective January 1, 1980; amended effective November 1, 1994.

General Authority: NDCC 6-01-04, 28-32-02

Law Implemented: NDCC 6-01-01, 6-01-04, 28-32-09