CHAPTER 1-08
MISCELLANEOUS

1-08-01. Validating legal publications.

Any publication of any nature, required by law to be made in an official or legal newspaper and made prior to January 1, 1943, in any newspaper published in the state of North Dakota, is declared valid and of the same force and effect as though made in full compliance with the then existing statutes.

1-08-02. Authority for devises, bequests, legacies, and gifts to state institutions.

Devises, legacies, bequests, and gifts may be made lawfully to any state educational, charitable, or penal institution, and the title to any property, real, personal, or mixed which shall be devised, bequeathed, or given to any such institution, or to the state of North Dakota for the use and benefit thereof, shall vest in the state of North Dakota, to be held by it in trust for the benefit and use of the institution to which or for whose benefit such devise, legacy, bequest, or gift is made. Unless otherwise authorized by the will or other instrument providing for such devise, bequest, legacy, or gift, no part of said property, nor the income therefrom, may be diverted or used for any other purpose.

1-08-03. Validating devises, bequests, legacies, and gifts to state institutions.

All devises, bequests, legacies, and gifts made, executed, and delivered, prior to January 1, 1943, to any state educational, charitable, or penal institution, whether vested or not, and whether executed or executory, accrued or to accrue, and all provisions in any will making any such devise, bequest, legacy, or gift, are hereby declared to be legal and valid for all purposes, and subject to the provisions of this code.

1-08-04. Authorizing state and counties, cities, and other municipalities to accept devises, bequests, legacies, and gifts.

Devises, legacies, bequests, and gifts may be lawfully made to the state or any county, township, city, school district, or park district of the state of North Dakota. The title to any property that is devised, bequeathed, or given to the state, or to any such county, township, city, school district, or park district, for the use and benefit thereof, vests in the state or such county, township, city, school district, or park district, to be by it held in trust under the terms and conditions provided for in the devise, legacy, bequest, or gift. Unless otherwise authorized by the will or other instrument providing for the devise, legacy, bequest, or gift, no part of the property, nor of the income therefrom, may be diverted or used for any other purpose. The officers charged with the management of the fiscal affairs of the state may only accept and receive a devise, legacy, bequest, or gift that is consistent with the statutory responsibilities of the specific officer involved. The officers charged with the fiscal management of any county, township, city, school district, or park district may accept and receive any such devise, legacy, bequest, or gift. The officer who accepts and receives the devise, legacy, bequest, or gift shall administer the same for and on behalf of the state, or any such county, township, city, school district, or park district.

1-08-04.1. State property having historical or artistic significance - Responsibilities of state historical society and council on the arts - Review and advice on property for exhibition.

Except for the board of higher education and state institutions under the jurisdiction of the board, every state official or entity that, on behalf of the state, holds, acquires, or receives property having historical or artistic significance shall document and inventory that property on forms furnished by the state historical society. One copy of the completed form must be retained in the office of that official or entity and one copy must be filed with the state historical society. The information filed with the society must include a description of the property, the identity of the donor if acquired by gift, the date the property was acquired or received, any conditions on acceptance of the property if given by gift, and appropriate evidence of ownership. The

information must also indicate whether the property is intended for permanent or long-term exhibition on the capitol grounds or in public areas in the state capitol. With respect to property intended for permanent or long-term exhibition on the capitol grounds or in public areas in the state capitol, the state historical society shall notify the state council on the arts. The council on the arts shall advise the capitol grounds planning commission with respect to permanent or long-term exhibition of the property on the capitol grounds or in public areas in the capitol. Before transfer of ownership or other disposal of property documented and inventoried under this section, that property must be offered to the state historical society for inclusion in its historical collections.

1-08-05. Validating proceedings of a corporation by two-thirds vote.

Proceedings had or authorized prior to July 1, 1941, by a two-thirds vote shall be in all things deemed legal and binding upon all stockholders or members of a corporation unless, within ninety days after this code takes effect, nonassenting stockholders or members by action to enjoin or by other appropriate judicial process shall question the legality of any sale made or act done pursuant to such authorization.

1-08-06. Validation of certain sales.

Any sale of real property made and consummated more than three years prior to March 7, 1931, by any board of county commissioners in any county in this state, under the provisions of section 11-11-14, hereby is validated and confirmed. No action hereafter may be commenced to vacate or set aside the same.

1-08-07. Validation of flood irrigation proceedings.

All proceedings had or taken by the board of county commissioners of any county of this state to appoint a board of flood irrigation in such county, and all proceedings had or taken by the board of flood irrigation appointed to establish and construct flood irrigation projects in the county, and all indebtedness incurred by either or both of said boards to establish, construct, and complete any such flood irrigation project, and all proceedings had or taken prior to February 15, 1937, to assess benefits or levy assessments and taxes for the cost thereof, including notices of hearings in connection with the creation of any flood irrigation district or for any assessment of damages and benefits resulting from flood irrigation projects, and all bonds, warrants, orders, or other evidences of indebtedness, and all obligations incurred to establish and construct any such flood irrigation projects, hereby are declared to be valid and legal. All bonds, warrants, or other evidences of indebtedness issued to fund said indebtedness or any part thereof, or to finance the cost of any such flood irrigation project the construction of which was started prior to such date, hereby are declared to be valid and legal obligations, notwithstanding any defects in giving notice of hearings, or any other irregularities in any proceedings.

1-08-08. Validation of land titles acquired by corporations before March 7, 1935.

The title and ownership of any real estate acquired in any manner by any domestic or foreign corporation after July 29, 1932, and before March 7, 1935, is declared to be valid for all purposes, subject, however, to chapter 10-06.1.

1-08-09. Service of civil process within boundary of an open polling location.

During any primary, general, or special election held in this state, or in any district, county, city, or precinct, civil process may not be served on any person entitled to vote at the election within one hundred feet [30.48 meters] from the outermost entrance leading into the building or facility in which a polling place is located and open for voting.

1-08-10. Acceptance by North Dakota of cession of property by Minnesota.

Whereas, due to flood control work upon the Red River of the North, an avulsion has occurred leaving two parcels of land described as:

Those portions of government lot two in the northeast quarter, section twenty-nine, township one hundred forty north, range forty-eight west and the northeast quarter, section seven, township one hundred thirty-nine north, range forty-eight west of the fifth principal meridian, county of Clay, state of Minnesota, bounded by the thread of the Red River of the North as it existed prior to January 1, 1959, and the new thread of the Red River of the North as established by the United States army corps of engineers under Project CIVENG-21-018-59-22, containing respectively nine and seventy-eight hundredths and twelve and seventy-six hundredths acres [3.95 and 5.16 hectares] more or less,

detached from the state of Minnesota and attached to the state of North Dakota. The state of North Dakota, upon passage by the legislature of the state of Minnesota of the necessary enabling legislation, does hereby accept jurisdiction over the above-described property, which property shall thereafter be a part of the state of North Dakota and title thereof shall be vested in the city of Fargo, North Dakota.

Nothing contained in the provisions of this section shall be construed in such manner as to prejudice the title, right, or claim of any person to any of the lands herein involved. The recorder of Cass County, North Dakota, shall accept and record, without charge therefor, patents, deeds, or other evidences of ownership or interest in any lands recorded in Clay County, Minnesota, which were previously a part of the state of Minnesota but are now within the boundaries of the state of North Dakota. Recordings made under the provisions of this section have retroactive effect to the date of their original recording in the state of Minnesota.

The act of the legislature of the state of Minnesota referred to in this section, together with this section, shall constitute the agreement between the states of Minnesota and North Dakota. The Congress of the United States, upon passage of such acts by the respective legislatures of the states of Minnesota and North Dakota, is petitioned, pursuant to article 1, section 10, clause 3 of the Constitution of the United States, to give its consent to this agreement and to amend the enabling acts of such states accordingly. The secretary of state of North Dakota shall transmit duly certified copies of this act to the presiding officers of the senate and house of representatives of the United States and to the several senators and representatives of the states of Minnesota and North Dakota in the Congress of the United States, who are petitioned to take such action as they deem proper to procure the consent of the Congress of the United States to this agreement between the states of Minnesota and North Dakota. This agreement shall become effective when it has been ratified and approved by the legislatures of the states of Minnesota and North Dakota and approved by the Congress of the United States.

1-08-11. Acceptance by North Dakota of cession of property by Minnesota.

Whereas, due to the construction of a dam on the Red River of the North for industrial and municipal water supply purposes, an avulsion has occurred leaving a parcel of land described as:

That portion of government lot one, section eighteen, township one hundred fifty-nine north, range fifty west of the fifth principal meridian, county of Kittson, state of Minnesota, bounded by the thread of the Red River of the North as it existed prior to April, 1964, and the thread of the new channel and spillway constructed to the east of the old channel said parcel contains two and eighty-three hundredths acres [1.14 hectares] of land more or less,

detached from the state of Minnesota and attached to the state of North Dakota. The state of North Dakota, upon passage by the legislature of the state of Minnesota of the necessary enabling legislation, does hereby accept jurisdiction over the above-described property, which property shall thereafter be a part of the state of North Dakota and title thereto shall be vested in the city of Drayton, North Dakota.

Nothing contained in the provisions of this section shall be construed in such manner as to prejudice the title, right, or claim of any person to any of the lands herein involved. The recorder of Pembina County, North Dakota, shall accept and record, without charge therefor, patents, deeds, or other evidences of ownership or interest in any lands recorded in Kittson County, Minnesota, which were previously a part of the state of Minnesota but are now within the boundaries of the state of North Dakota. Recordings made under the provisions of this section have retroactive effect to the date of their original recording in the state of Minnesota.

The act of the legislature of the state of Minnesota referred to in this section, together with this section, shall constitute the agreement between the states of Minnesota and North Dakota. The Congress of the United States, upon passage of such acts by the respective legislatures of the states of Minnesota and North Dakota, is petitioned, pursuant to article 1, section 10, clause 3 of the Constitution of the United States, to give its consent to this agreement and to amend the enabling acts of such states accordingly. The secretary of state of North Dakota shall transmit duly certified copies of this act to the presiding officers of the senate and house of representatives of the United States and to the several senators and representatives of the states of Minnesota and North Dakota in the Congress of the United States, who are petitioned to take such action as they deem proper to procure the consent of the Congress of the United States to this agreement between the states of Minnesota and North Dakota. This agreement shall become effective when it has been ratified and approved by the legislatures of the states of Minnesota and North Dakota and approved by the Congress of the United States.

1-08-12. Alternative methods of signing, subscribing, or verifying documents filed by electronic means.

A state agency, as defined in section 44-08-04.2, charged by law with the duty of receiving signed, subscribed, or verified documents may accept such documents filed by electronic means, including telecommunications. The secretary of state may adopt rules in the manner provided in chapter 28-32 to govern methods for signing, subscribing, or verifying documents filed by electronic means, except documents filed with the tax commissioner. A signature on a document filed by electronic means which is accepted by the state agency and complies with the rules of the secretary of state has the same validity and consequence as the actual signature and written declaration for a paper document.