

COUNTIES

CHAPTER 110

HOUSE BILL NO. 1271

(Representatives Wieland, J. Kelsh, Kilichowski)
(Senators Bowman, Nodland, Triplett)

AN ACT to amend and reenact sections 11-07-01, 11-07-02, 11-07-03, and 11-11-02 of the North Dakota Century Code, relating to county commissioner redistricting; and to repeal section 11-07-03.1 of the North Dakota Century Code, relating to county commissioner redistricting.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-07-01 of the North Dakota Century Code is amended and reenacted as follows:

11-07-01. County redistricting board - Membership - Powers. The redistricting board shall be composed of the following members:

1. The chairman of the board of county commissioners, who shall act as chairman of the redistricting board.
2. The state's attorney.
3. A citizen or member of the governing body selected by the governing body of the city having the largest population, according to the most recent federal decennial census, in the county.
4. A township supervisor selected by the township supervisors at a meeting called by the county auditor, if more than one-half of the townships are organized, whose service upon the board shall be contingent upon that person's service in office as a township supervisor, or a citizen member at large appointed by the county commission if less than one-half of the townships are organized.
5. A citizen at large selected by representatives of each of the cities of the county, excluding the largest city, if there is a total of at least three incorporated cities in such county. Such representatives shall consist of one member of and selected by the governing body of each of the cities in the county, other than the largest city. The selection of the member of the redistricting board shall be made at a meeting called by the county auditor for such purpose. In the event there is not a total of three cities in the county, or that the selection is not made at the meeting called by the county auditor, such citizen at large shall be selected by the redistricting board at its first meeting. Such citizen at large shall serve until the time of the next decennial redistricting.
6. The county auditor, or such other county official responsible for conducting elections within the county, as an ex officio, nonvoting

member for the purpose of advising the redistricting board on other existing election districts and precinct boundaries.

Vacancies upon the board shall be filled in the same manner as in the case of original selection. Such board may change the boundaries of the commissioners' districts of the county in accordance with the provisions of this chapter.

SECTION 2. AMENDMENT. Section 11-07-02 of the North Dakota Century Code is amended and reenacted as follows:

11-07-02. When districts must be changed - Additional meeting - Public hearing - Notice. Each redistricting board shall, within three months after official publication of each federal decennial census, meet at the call of the chairman to organize as provided in this chapter and to consider redistricting, unless the county commissioners are currently elected at large pursuant to subsection 3 of section 11-07-03 and neither a resolution of the board of county commissioners nor a citizen petition pursuant to this section has called for such meeting. A redistricting board may additionally meet during a census interim if a resolution calling for a meeting is passed by the board of county commissioners or a petition calling for a meeting signed by ten percent of the qualified electors of the county as determined by the number of votes cast for governor in the last gubernatorial election is presented to the board of county commissioners. If any one district in the county varies more than ten percent from the average population per commissioner in such county determined by dividing the total population of the county at the last federal decennial census by the number of commissioners' districts in such county, or if county commissioners are elected at large, the redistricting board shall redistrict the county, as provided in this chapter. If redistricting of a county is required, the chairman of the redistricting board shall, within not less than thirty days after the date of the above meeting before the filing of the plan pursuant to section 11-07-03, call a meeting for the purpose of conducting a public hearing to review alternative plans for such redistricting. Notice of such meeting shall be published or caused to be published by the chairman in the official county newspaper at least ten days prior to the date of such hearing.

SECTION 3. AMENDMENT. Section 11-07-03 of the North Dakota Century Code is amended and reenacted as follows:

11-07-03. Method of redistricting - Election of commissioners at large if redistricting not accomplished by time certain. The redistricting board shall provide for the election of county commissioners as follows:

1. In redistricting a county, the redistricting board shall first attempt to make the districts contiguous following township lines where practicable, as regular and compact in form as practicable, and as substantially equal in population as possible. In no event shall every district be formed in such a manner that the population of cities located within every district exceeds the population of the district area outside the cities in every district. In no event shall any commissioner's district vary in population more than ten percent from the average population per commissioner as determined in section 11-07-02, and any variance from the average population shall be justified in the statement filed pursuant to this section.

The geographical boundaries of new districts created by the redistricting board shall be agreed upon by a majority of such board. Redistricting shall be completed by the filing, by the chairman of the redistricting board, of an accurate description of the

approved geographical boundaries and a statement of the population of the new districts, including an explanation of any variances, with the county auditor by April first of an even-numbered year to be effective for that year's elections.

2. If the redistricting board determines that redistricting pursuant to subsection 1 is impossible or would create illogical or impracticable districts, the redistricting board shall attempt to make districts of as nearly equal populations as is practicable, but such districts, when created wholly within the boundaries of a city, may coincide with the geographical boundaries of election wards. All of the candidates seeking the office of county commissioner in a county redistricted pursuant to this section must be voted upon by the qualified electors of the entire county, but one of the commissioners to be elected must reside in each of the districts created pursuant to this section. The official ballot must designate the commissioner district of each candidate by having printed thereon the words "of commissioner district" and the designation of that district in close proximity to the candidate's name. When an individual is seeking nomination as a candidate for the office of county commissioner at a primary election, the two candidates from each of the commissioner districts receiving the highest number of votes are deemed nominated. If only one candidate is seeking nomination from a particular commissioner district, that candidate will be deemed nominated. Following redistricting pursuant to this subsection, the board of county commissioners may combine two or more of the districts so created by resolution passed by a majority of the total membership of the board. In the event that two or more commissioner districts are combined, the number of commissioners elected who must reside in the combined district is equal to the number of districts combined. In the event that a county commissioner changes the place of residence within the county after election from a particular district, the commissioner must be allowed to complete the remainder of that term of office. A candidate elected as county commissioner on a staggered basis as provided in section 11-07-04 must be elected at large, but must reside in the same district the commissioner represented whom the candidate is to succeed in office.
3. In the event that redistricting is required but not completed in the manner prescribed in this chapter subsection 1 or 2, all commissioners' districts in such county shall be abolished and, notwithstanding the provisions of section 11-11-02, thereafter county commissioners for such county shall be elected at large without regard to district representation in the manner and at the time provided in this title and shall continue to be elected at large until a proper redistricting plan is filed as required by this chapter. Notwithstanding the provisions of this section, the redistricting board shall redistrict in the manner provided in section 11-07-03.1 if so directed by the board of county commissioners acting pursuant to that section.

The geographical boundaries of new districts created by the redistricting board must be agreed upon by a majority of the board. Redistricting must be completed by the filing, by the chairman of the redistricting board, of an accurate description of the redistricting method employed and the approved geographical boundaries and a statement of the population of the new districts, including an explanation of any variances, with the county auditor by January first of an even-numbered year to be effective for that year's elections.

SECTION 4. AMENDMENT. Section 11-11-02 of the North Dakota Century Code is amended and reenacted as follows:

11-11-02. Commissioner must be resident of district - Exceptions. Each county commissioner shall be chosen by the qualified electors of the district of which the commissioner is a resident, except as otherwise provided in section 11-07-03 or 11-07-03.1.

SECTION 5. REPEAL. Section 11-07-03.1 of the North Dakota Century Code is repealed.

Approved April 8, 2009

Filed April 9, 2009

CHAPTER 111

HOUSE BILL NO. 1257

(Representatives Headland, Belter, Weiler)
(Senators Nodland, Wanzek)

AN ACT to amend and reenact subsection 2 of section 11-09.1-05 and subsection 2 of section 40-05.1-06 of the North Dakota Century Code, relating to prohibiting use of home rule authority to impose higher or lower property tax rates for certain properties; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 11-09.1-05 of the North Dakota Century Code is amended and reenacted as follows:

2. Control its finances and fiscal affairs; appropriate money for its purposes, and make payments of its debts and expenses; subject to the limitations of this section levy and collect property taxes, sales and use taxes, farm machinery gross receipts taxes, alcoholic beverage gross receipts taxes, motor vehicle fuels and special fuels taxes, motor vehicle registration fees, and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; establish charges for any county or other services to the extent authorized by state law; and establish debt and mill levy limitations; provided, that all property in order to be subject to the assessment provisions of this subsection, Notwithstanding any authority granted under this chapter, all property must be assessed in a uniform manner as prescribed by the state board of equalization and the state supervisor of assessments and all taxable property must be taxed by the county at the same rate unless otherwise provided by law. A charter or ordinance or act of a governing body of a home rule county may not supersede any state law that determines what property or acts are subject to, or exempt from, ad valorem taxes. A charter or ordinance or act of the governing body of a home rule county may not supersede section 11-11-55.1 relating to the sixty percent petition requirement for improvements and of section 40-22-18 relating to the barring proceeding for improvement projects. After December 31, 2005, sales and use taxes, farm machinery gross receipts taxes, and alcoholic beverage gross receipts taxes levied under this chapter:
 - a. Must conform in all respects with regard to the taxable or exempt status of items under chapters 57-39.2, 57-39.5, 57-39.6, and 57-40.2 and may not be imposed at multiple rates with the exception of sales of electricity, piped natural or artificial gas, or other heating fuels delivered by the seller or the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes.
 - b. May not be newly imposed or changed except to be effective on the first day of a calendar quarterly period after a minimum of

ninety days' notice to the tax commissioner or, for purchases from printed catalogs, on the first day of a calendar quarter after a minimum of one hundred twenty days' notice to the seller.

- c. May not be limited to apply to less than the full value of the transaction or item as determined for state sales and use tax, except for farm machinery gross receipts tax purposes.
- d. Must be subject to collection by the tax commissioner under an agreement under section 57-01-02.1 and must be administered by the tax commissioner in accordance with the relevant provisions of chapter 57-39.2, including reporting and paying requirements, correction of errors, payment of refunds, and application of penalty and interest.

After December 31, 2005, any portion of a charter or any portion of an ordinance or act of a governing body of a home rule county passed pursuant to a charter which does not conform to the requirements of this subsection is invalid to the extent that it does not conform. The invalidity of a portion of a charter or ordinance or act of a governing body of a home rule county because it does not conform to this subsection does not affect the validity of any other portion of the charter or ordinance or act of a governing body of a home rule county or the eligibility for a refund under section 57-01-02.1. Any taxes imposed under this chapter on farm machinery, farm irrigation equipment, and farm machinery repair parts used exclusively for agricultural purposes, or on alcoholic beverages, which were in effect on December 31, 2005, become gross receipts taxes after December 31, 2005.

SECTION 2. AMENDMENT. Subsection 2 of section 40-05.1-06 of the North Dakota Century Code is amended and reenacted as follows:

2. To control its finances and fiscal affairs; to appropriate money for its purposes, and make payment of its debts and expenses; to levy and collect taxes, excises, fees, charges, and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; to contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; to establish charges for any city or other services; and to establish debt and mill levy limitations; provided that all real and personal property in order to be subject to the assessment provisions of this subsection shall. Notwithstanding any authority granted under this chapter, all property must be assessed in a uniform manner as prescribed by the state board of equalization and the state supervisor of assessments and all taxable property must be taxed by the city at the same rate unless otherwise provided by law. The authority to levy taxes under this subsection does not include authority to impose income taxes.

SECTION 3. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 2008.

Approved April 8, 2009
Filed April 9, 2009

CHAPTER 112

HOUSE BILL NO. 1107

(Representative DeKrey)

(Senator Lyson)

(At the request of the Commission on Legal Counsel for Indigents)

AN ACT to create and enact section 11-09.1-14 of the North Dakota Century Code, relating to expenses for indigent defense services in home rule counties; and to amend and reenact subsection 4 of section 12.1-32-08, section 27-20-49, and subsections 1, 2, and 3 of section 29-07-01.1 of the North Dakota Century Code, relating to the payment of and reimbursement for indigent defense attorney's fees and expenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 11-09.1-14 of the North Dakota Century Code is created and enacted as follows:

11-09.1-14. Payment of expenses for indigent defense services. The home rule county must pay for an attorney and those expenses necessary for the adequate defense of an indigent person prosecuted for violation of a home rule county ordinance.

SECTION 2. AMENDMENT. Subsection 4 of section 12.1-32-08 of the North Dakota Century Code is amended and reenacted as follows:

4. a. Under section 12.1-32-07, the court may order that the defendant reimburse indigent defense costs and expenses as a condition of probation. ~~The court Unless it finds that there is no likelihood that the defendant is or will be able to pay attorney's fees and expenses, the court, in its judgment of conviction, and in any order or amended judgment following a revocation or other postjudgment proceeding, shall notify the defendant, the defendant's probation officer, and the prosecuting attorney of the presumed amount of costs and expenses to be reimbursed, as determined by the commission on legal counsel for indigents, and of the defendant's right to a hearing on the reimbursement amount. It is a rebuttable presumption that reasonable reimbursement of costs and expenses consists of seventy-five dollars per hour for counsel services plus reasonable expenses.~~ The reimbursement amount must include an application fee imposed under section 29-07-01.1 if the fee has not been paid before disposition of the case and the court has not waived payment of the fee. If the defendant or prosecutor requests a hearing within thirty days of receiving notice under this subdivision, the court shall schedule a hearing at which the basis for the amount to be reimbursed actual amount of attorney's fees and expenses must be demonstrated shown. In determining the amount and method of reimbursement, the court shall consider the financial resources of the defendant and the nature of the burden that reimbursement of costs and expenses will impose.

- b. A defendant who is required to reimburse indigent defense costs and expenses as a condition of probation and who is not willfully in default in that reimbursement may at any time petition the court that imposed the condition to waive reimbursement of all or any portion of the costs and expenses. If the court is satisfied that reimbursement of the amount due will impose undue hardship on the defendant or the defendant's immediate family, the court may waive reimbursement of all or any portion of the amount due or modify the method of payment.
- c. If at any time the court finds that the defendant is able to reimburse costs and expenses and has willfully failed to do so, the court may continue, modify, or enlarge the conditions of probation or revoke probation as provided in subsection 6 or 7, as applicable, of section 12.1-32-07.

SECTION 3. AMENDMENT. Section 27-20-49 of the North Dakota Century Code is amended and reenacted as follows:

27-20-49. Costs and expenses for care of child.

1. The following expenses are a charge upon the funds of the county upon certification thereof by the court:
 - a. The cost of medical and other examinations and treatment of a child ordered by the court.
 - b. The cost of care and support of a child committed by the court to the legal custody of a public agency other than an institution for delinquent children or to a private agency or individual other than a parent.
 - c. The cost of any necessary transportation for medical and other examinations and treatment of a child ordered by the court unless the child is in the legal custody of a state agency.
2. The commission on legal counsel for indigents shall pay reasonable compensation for services and related expenses of counsel provided at public expense for a party and the supreme court shall pay reasonable compensation for a guardian ad litem. The attorney general shall pay the witness fees, mileage, and travel expense of witnesses incurred in the proceedings under this chapter in the amount and at the rate provided for in section 31-01-16. Expenses of the state include the cost of any necessary transportation for medical and other examinations and treatment of a child ordered by the court if the child is in the legal custody of a state agency in which case the cost must be reimbursed to the county by that state agency at the state mileage rate, excluding meals and lodging, plus twenty-nine cents per mile.
3. If, after due notice to the parents or other persons legally obligated to care for and support the child, and to a child over the age of eighteen, and after affording them an opportunity to be heard, the court finds that they are financially able to pay all or part of the costs and expenses stated in subsection 1, and expenses payable by the ~~commission on legal counsel for indigents or the~~ supreme court under subsection 2, the court may order them to pay the same and prescribe the manner of

payment. Unless otherwise ordered, payment shall be made to the clerk of the juvenile court for remittance to the person to whom compensation is due, or if the costs and expenses have been paid by the county or the state to the county treasurer of the county or to the state treasurer.

4. Unless it finds that there is no likelihood that the party is or will be able to pay attorney's fees and expenses, the court, in its order or judgment following a hearing under this chapter, shall order the parents or other persons legally obligated to care for and support the child, and the child if over the age of eighteen, to reimburse the presumed amount of indigent defense costs and expenses, as determined by the commission on legal counsel for indigents, and shall notify the party of the right to a hearing on the reimbursement amount. If the party or the state requests a hearing within thirty days of receiving notice under this subsection, the court shall schedule a hearing at which the actual amount of attorney's fees and expenses must be shown. In determining the amount of reimbursement and method of payment, the court shall consider the financial resources of the party and the nature of the burden that reimbursement of costs and expenses will impose.
5. A party who is required to reimburse indigent defense costs and expenses and who is not willfully in default in that reimbursement may at any time petition the court to waive reimbursement of all or any portion of the attorney's fees and expenses. If the court is satisfied that reimbursement of the amount due will impose undue hardship on the party or the party's immediate family, the court may waive reimbursement of all or any portion of the amount due or modify the method of payment.

SECTION 4. AMENDMENT. Subsections 1, 2, and 3 of section 29-07-01.1 of the North Dakota Century Code are amended and reenacted as follows:

1. Lawyers provided to represent indigent persons must be compensated at a reasonable rate to be determined by the commission on legal counsel for indigents. Expenses necessary for the adequate defense of an indigent person prosecuted in district court, other than for a violation of a home rule county's ordinance, when approved by the commission, must be paid by the state. Expenses necessary for the adequate defense of an indigent person prosecuted for violation of a home rule county's ordinance must be paid by the home rule county. Expenses necessary for the adequate defense of an indigent person prosecuted in municipal court, when approved by the judge, must be paid by the city in which the alleged offense took place. The city shall also pay the expenses in any matter transferred to district court pursuant to section 40-18-15.1 and in any appeal taken to district court from a judgment of conviction in municipal court pursuant to section 40-18-19. A defendant requesting representation by counsel at public expense, or for whom counsel provided at public expense without a request is considered appropriate by the court, shall submit an application for indigent defense services. For an application for indigent defense services in the district court, a nonrefundable application fee of twenty-five dollars must be paid at the time the application is submitted. The district court may extend the time for payment of the fee or may waive or reduce the fee if the court determines the defendant is financially unable to pay all or part of the fee. If the application fee is not paid before disposition of the

case, the fee amount must be added to the amount to be reimbursed under this section. Application fees collected under this subsection must be forwarded for deposit in the indigent defense administration fund established under subsection 4.

2. A defendant for whom counsel is provided at public expense, subject to this subsection, shall reimburse the state, home rule county, or city such sums as the state, home rule county, or city expends on the defendant's behalf.
 - a. At the time counsel is provided for a defendant, the court shall advise the defendant of the defendant's potential obligation to reimburse the appropriate governmental entity the amounts expended on behalf of the defendant.
 - b. Within ninety days after its judgment of conviction or after conclusion of an appeal of its initial judgment of conviction, the court shall notify the defendant and the prosecuting attorney of the Unless it finds that there is no likelihood that the defendant is or will be able to pay attorney's fees and expenses, the court, in its judgment of conviction, and in any order or amended judgment entered following a revocation or other postjudgment proceeding, shall order the defendant to reimburse the presumed amount of indigent defense costs and expenses, as determined by the commission, and shall notify the defendant is obligated to reimburse if able to do so and of the defendant's right to a hearing on the reimbursement amount. It is a rebuttable presumption that reasonable reimbursement of costs and expenses consists of seventy-five dollars per hour for counsel services plus reasonable expenses. If the defendant or prosecutor requests a hearing within thirty days of receiving notice under this subdivision, the court shall schedule a hearing at which the basis for the amount to be reimbursed actual amount of attorney's fees and expenses must be demonstrated shown. In determining the amount of reimbursement and method of payment, the court shall consider the financial resources of the defendant and the nature of the burden that reimbursement of costs and expenses will impose.
 - c. A defendant who is required to reimburse indigent defense costs and expenses and who is not willfully in default in that reimbursement may at any time petition the court to waive reimbursement of all or any portion of the ~~costs~~ attorney's fees and expenses. If the court is satisfied that reimbursement of the amount due will impose undue hardship on the defendant or the defendant's immediate family, the court may waive reimbursement of all or any portion of the amount due or modify the method of payment.

3. The attorney general, the state's attorney of the home rule county, or the prosecuting attorney of the city in which the alleged offense took place, if reimbursement has not been received, shall seek civil recovery of any amounts expended on the defendant's behalf anytime the attorney general, state's attorney, or city attorney determines the person for whom counsel was appointed may have funds to repay the state, home rule county, or city within six years of the date such amount was paid on that person's behalf. A person against whom civil recovery is sought under this subsection is entitled to all exemptions accorded to other judgment debtors. The attorney general, state's attorney, or prosecuting attorney may contract with a private sector collection agency for assistance in seeking recovery of such funds. Before referring the matter to a collection agency, the state's attorney shall notify the person who is the subject of the collection action.

Approved March 5, 2009

Filed March 5, 2009

CHAPTER 113

SENATE BILL NO. 2243

(Senator Nodland)

(Representatives Heller, Schatz)

AN ACT to authorize counties to accept certain payments by credit card, wire transfer, electronic transfer, or debit card.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Acceptance of payment by credit card or other payment method.

A county may accept payment by wire transfer, electronic transfer, automated clearinghouse, or a nationally recognized credit or debit card for any fee charged by, or compensation, tax, or assessment due to a county. A reasonable fee not exceeding the discount, exchange fee, or other fee incurred by the county may be added to the payment as a service charge for the acceptance of payment by a method authorized by this section. The county auditor or individual functioning as county auditor for a county may determine which nationally recognized cards or other payment methods will be accepted for payments made under this section and the amount of the applicable service charge. A person's liability for a payment is not discharged until the county has received payment or credit from the institution responsible for making the payment or credit.

Approved April 22, 2009

Filed April 23, 2009

CHAPTER 114

SENATE BILL NO. 2359

(Senators Cook, Nodland)
(Representatives R. Kelsch, J. Kelsh)

AN ACT to amend and reenact sections 11-11-05, 11-28-01, 11-28-02, 11-28-03, and 11-28-04 of the North Dakota Century Code, relating to the time and place of county commission meetings and the board of county park commissioners; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-11-05 of the North Dakota Century Code is amended and reenacted as follows:

11-11-05. Meetings of board - Time and place. The board of county commissioners shall meet and hold sessions regular meetings for the transaction of business at the courthouse, or at the usual place of holding court, in the first week of January, April, July, and October of each year, and may adjourn such meetings from time to time a time and place to be designated by the commission on a date certain established by resolution or ordinance of the commission. The county auditor shall have power to call special sessions meetings when the interests of the county demand it. The chairman of the board, or a majority of the members thereof, may call special sessions upon giving five days' notice of the time and object of the meeting by publishing the notice in the official newspaper of the county, or by giving personal notice, in writing, to all the members of the board meetings that must be noticed in accordance with section 44-04-20.

SECTION 2. AMENDMENT. Section 11-28-01 of the North Dakota Century Code is amended and reenacted as follows:

11-28-01. Board of county park commissioners - Appointment by county commissioners - Number. The members of the board of county commissioners and shall establish a five-member to seven-member board of county park commissioners consisting of at least two members of the county commission and at least two resident citizens of the county appointed by the board of county commissioners shall constitute the board of county park commissioners.

SECTION 3. AMENDMENT. Section 11-28-02 of the North Dakota Century Code is amended and reenacted as follows:

11-28-02. Eligibility for appointment - Term - Vacancy - Compensation. Any resident citizen of the county, including county, city, and township officers, is eligible for appointment to the board of county park commissioners. Each appointed county park commissioner shall hold office for a term of three years, or until a successor is appointed and qualified. Any vacancy in the board must be filled for the unexpired term by appointment by the board of county commissioners as soon as practicable. Each member of the county park board is entitled to receive the same compensation for services for each day actually engaged in the performance of the duties of the office as that paid a county commissioner but not to exceed a total of twenty-four days in any one year, and is entitled to reimbursement for actual necessary expenses incurred in the performance of the member's duties. The

Unless otherwise agreed upon, the board of county park commissioners shall meet at the time of the regular meetings of the board of county commissioners upon the order of the chairman, and appointed members only are entitled to compensation for attendance at the concurrent meetings.

SECTION 4. AMENDMENT. Section 11-28-03 of the North Dakota Century Code is amended and reenacted as follows:

11-28-03. County auditor, county treasurer, and state's attorney shall serve board. The county auditor or other official designated by the board shall serve as secretary of the board of county park commissioners and the county treasurer shall serve as treasurer of the board and custodian of all its funds from whatever source received. Such funds shall be placed in a separate fund and shall not be diverted to any other use or purpose. The state's attorney of the county shall act as legal adviser to the board and shall prosecute and defend any and all actions brought by or against said board. Neither the county auditor nor official designee, the county treasurer, nor the state's attorney shall receive any additional compensation for acting in their respective capacities.

SECTION 5. AMENDMENT. Section 11-28-04 of the North Dakota Century Code is amended and reenacted as follows:

11-28-04. Organization of board - Quorum - Meetings. Within twenty days after the appointment of the board of county park commissioners, and within twenty days after any change in its personnel, the board shall meet in the courthouse of the county and shall organize by selecting one of its members as chairman. Two thirds of the members of the board shall constitute a quorum at any meeting thereof. One-half or more of the members constitutes a quorum of the board. The board shall hold such meetings as may be required for the transaction of its business and activities. Meetings shall If the board decides to hold meetings at a time other than the time for regular meetings of the board of county commissioners, the board shall draft a schedule of regular meetings to be held throughout the year. The schedule must be filed with the county auditor and the meetings must be noticed in accordance with section 44-04-20. A special or emergency meeting may be called by the secretary upon the order of the chairman, or upon the written request of the majority of the board with notice provided in accordance with section 44-04-20. Such order or written request shall be entered on the minutes of the meeting so called. Notice of such meeting shall be delivered or mailed to each member at least five days prior to the date of the meeting. A meeting of the board may be called at any time by the chairman without notice and such meeting shall be legal and valid if attended by all members of the board.

SECTION 6. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 30, 2009
Filed May 1, 2009