13.0140.02000

Sixty-third
Legislative Assembly
of North Dakota

SECOND DRAFT:
Prepared by the Legislative Council staff for the
Judiciary Committee
August 2012

Introduced by

A BILL for an Act to amend and reenact section 11-28.3-09, subsection 2 of section 28-32-10, subsection 1 of section 29-15-21, and subsection 5 of section 57-64-02 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references; and to repeal section 54-03-01.11 of the North Dakota Century Code, relating to obsolete provisions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-28.3-09 of the North Dakota Century Code is amended and reenacted as follows:

11-28.3-09. Emergency medical service policy to be determined.

The board of directors shall establish a general emergency medical service policy for the district and shall annually estimate the probable expense for carrying out that policy. The estimate shall be certified by the president and secretary to the proper county auditor or county auditors, on or before June thirtieth of each year. The auditor or auditors shall levy a tax not to exceed ~~five~~ten mills upon the taxable property within the district for the maintenance of the ambulance service district for the fiscal year as provided by law. The tax shall be:

1. Collected as other taxes are collected in the county.
2. Turned over to the secretary-treasurer of the rural ambulance service district, who shall be bonded in the amount of at least five thousand dollars.
3. Deposited by the secretary-treasurer in a state or national bank in a district account.
4. Paid out upon warrants drawn upon the district account by authority of the board of directors of the district, bearing the signature of the secretary-treasurer and the countersignature of the president.

In no case shall the amount of the tax levy exceed the amount of funds required to defray the expenses of the district for a period of one year as embraced in the annual estimate of expense,

including the amount of principal and interest upon the indebtedness of the district for the ensuing year. The district may include in its operating budget no more than ten percent of its annual operating budget as a depreciation expense to be set aside in a dedicated emergency medical services sinking fund deposited with the treasurer for the replacement of equipment and ambulances. The ten percent emergency medical services sinking fund may be in addition to the actual annual operating budget, but the total of the annual operating budget and the annual ten percent emergency medical services sinking fund shall not exceed the approved mill levy.

NOTE: The levy limit for ambulance service districts was increased to 10 mills by 2001 Session Laws Chapter 511. The limit in this section should have been increased at that time but was overlooked.

SECTION 2. AMENDMENT. Subsection 2 of section 28-32-10 of the North Dakota Century Code is amended and reenacted as follows:

2. The agency shall mail or deliver a copy of the agency's full notice <u>and proposed rule</u> to each member of the legislative assembly whose name appeared as a sponsor or cosponsor of legislation enacted during the most recent session of the legislative assembly which is being implemented by the proposed rule and to each person who has made a timely request to the agency for a copy of the notice <u>and proposed rule</u>. The agency may mail or otherwise provide a copy of the agency's full notice to any person who is likely to be an interested person. ~~The agency shall mail or deliver a copy of the rules to each member of the legislative assembly whose name appeared as a sponsor or cosponsor of legislation enacted during the most recent session of the legislative assembly which is being implemented by the proposed rule and to any person requesting a copy.~~ The agency may charge persons who are not members of the legislative assembly fees for copies of the proposed rule as allowed under section 44-04-18.

NOTE: Since a 2005 amendment, duplicate language has existed for sending notices and rules to legislative sponsors. This has caused confusion about whether separate mailing is required for notices and rules. Combining the sentences into a single requirement should eliminate confusion.

SECTION 3. AMENDMENT. Subsection 1 of section 29-15-21 of the North Dakota Century Code is amended and reenacted as follows:

1. Subject to the provisions of this section, any party to a civil or criminal action or proceeding pending in the district court may obtain a change of the judge before whom

the trial or any proceeding with respect thereto is to be heard by filing with the clerk of the court in which the action or proceeding is pending the original of a written demand for change of judge, executed ~~in triplicate~~ either:

a. By the personal signature of the party, if an individual, and by the personal signature of an authorized officer or manager, if a corporation, limited liability company, or association; or

b. By the attorney for a party with the permission of the party, in which event the attorney shall file with the demand a certificate that the attorney has mailed a copy of the demand to such party.

NOTE: This section was partially superseded by adoption of an amendment to N.D.R.Ct. 3.1 effective May 1, 2012, to provide that a party need only file the original demand for change of judge, which superseded the portion of the statute requiring filing in triplicate of a demand for change of judge.

SECTION 4. AMENDMENT. Subsection 5 of section 57-64-02 of the North Dakota Century Code is amended and reenacted as follows:

5. For purposes of this section, "taxable valuation" means the valuation to which the mill rate is applied to determine the amount of ad valorem taxes or payments in lieu of taxes, and includes taxable valuation determined for agricultural, residential, and commercial property; railroad property assessed by the state board of equalization under chapter 57-05; gas company property, pipeline property, and power company property~~, and railroad property~~ assessed by the state board of equalization under chapter 57-06; mobile homes under chapter 57-55; land controlled by the game and fish department subject to valuation under chapter 57-02.1; land owned by the board of university and school lands or the state treasurer subject to valuation under chapter 57-02.3; national guard land subject to valuation under chapter 37-07.3; farmland or ranchland owned by nonprofit organizations for conservation purposes subject to valuation under section 10-06.1-10; land acquired by the state water commission for the Devils Lake project subject to valuation under chapter 61-02; a workforce safety and insurance building and associated real property subject to valuation under section 65-02-32; and carbon dioxide pipeline property subject to valuation under section 57-06-17.2. For purposes of this section, "taxable valuation" includes the taxable valuation of the homestead credit reimbursed by the state under section 57-02-08.2 and the disabled veterans' credit reimbursed by the state under section 57-02-08.8.

NOTE: The provisions for assessment of railroad property are in Chapter 57-05.

1 **SECTION 5. REPEAL**. Section 54-03-01.11 of the North Dakota Century Code is repealed.

NOTE: Current legislative districts are described in Section 54-03-01.12, enacted effective November 25, 2011, by House Bill No. 1473. The 2011 bill should also have repealed Section 54-03-01.11, which describes legislative districts resulting from 2001 legislative redistricting.