

COUNTIES

CHAPTER 117

SENATE BILL NO. 2139
(Melland)

COUNTY REDISTRICTING

AN ACT to create and enact section 11-07-03.1 of the North Dakota Century Code, and to amend and reenact sections 11-07-03 and 11-11-02 of the North Dakota Century Code, to provide an additional method of redistricting counties and electing county commissioners.

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

SECTION 1. AMENDMENT.) Section 11-07-03 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-07-03. METHOD OF REDISTRICTING - ELECTION OF COMMISSIONERS AT LARGE IF REDISTRICTING NOT ACCOMPLISHED BY TIME CERTAIN.) In redistricting a county, the redistricting board shall make the districts 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. In the event that redistricting is required but not completed in the manner prescribed in this chapter, 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.

SECTION 2.) Section 11-07-03.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

11-07-03.1. OPTIONAL METHOD OF REDISTRICTING - BOARD OF COUNTY COMMISSIONERS MAY EXERCISE OPTION - COMBINATION OF DISTRICTS - ELECTION AT LARGE OF CANDIDATES FROM DISTRICTS.) The board of county commissioners of any county which must redistrict under the provisions of this chapter may direct the county redistricting board to redistrict under the plan authorized by this section. In redistricting a county pursuant to this section, the redistricting board shall create 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 shall 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 commissioners' districts created pursuant to this section. The official ballot shall designate the commissioner district of each candidate by having printed thereon the words "of commissioner district _____" in close proximity to the candidate's name. Where persons are seeking nomination as candidates for the office of county commissioner at a primary election, the two candidates from each of the commissioners' districts receiving the highest number of votes will be deemed nominated. If only one candidate is seeking nomination from a particular commissioner district, he will be deemed nominated. Following redistricting pursuant to this section, 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 commissioners' districts are combined, the number of commissioners elected who must reside in the combined district shall be equal to the number of districts combined. In the event that a county commissioner shall change his place of residence within the county after election from a particular district, he shall be allowed to complete the remainder of that term of office. Candidates elected as county commissioners on a staggered basis as provided in section 11-07-04 shall be elected at large, but must reside in the same districts as the commissioners whom they are to succeed in office.

SECTION 3. AMENDMENT.) Section 11-11-02 of the North Dakota Century Code is hereby amended and reenacted to read 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 he is a resident, except as otherwise provided in section 11-07-03 or 11-07-03.1.

Approved March 30, 1971

CHAPTER 118

HOUSE BILL NO. 1229
(Bunker)

FULL-TIME STATE'S ATTORNEYS
AND COUNTY OFFICIALS SALARIES

AN ACT to amend and reenact subsection 2 of section 11-10-10 and sections 11-16-02 and 11-16-05 of the North Dakota Century Code, relating to providing that the position of states attorney in a county of over 35,000 population be a full-time position, the employment of assistant states attorneys, the restrictions on the powers of states attorneys, increasing the salaries of county officials, and to create and enact a section to provide for an effective date thereof.

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

SECTION 1. AMENDMENT.) Subsection 2 of section 11-10-10 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The county auditor, county treasurer, county superintendent of schools, register of deeds, county judge, states attorney, and clerk of the district court each shall receive the following annual salary, payable monthly, for official services rendered:
 - a. Six thousand six hundred dollars in counties having a population not exceeding eight thousand.
 - b. Six thousand eight hundred dollars in counties having a population exceeding eight thousand population plus additional compensation of one hundred dollars per year for each one thousand additional population or major fraction thereof, but not to exceed the total sum of nine thousand dollars, and provided, however, that in counties where the population consists of more than twenty-five percent Indians who have not severed tribal relations, the county commissioners may adjust the salaries provided for herein within the limitations contained in this subdivision.
 - c. In counties having a population in excess of

thirty thousand the sum of nine thousand five hundred dollars, except that the states attorneys in counties having a population exceeding thirty-five thousand shall receive a salary of from fourteen thousand to twenty thousand dollars, to be determined by resolution of the board of county commissioners.

In counties having a county court of increased jurisdiction, the salaries of the judges of county courts of increased jurisdiction shall be as set out in section 27-08-08. The county superintendent of schools shall receive for any trips necessarily made within his county in the performance of school district reorganization duties the same mileage as he receives under the provisions of section 11-10-15. The board of county commissioners of any county may, by resolution, increase the salary of any full-time county official by an amount not to exceed ten percent above the salary provided in this section or section 27-08-08, if, in the judgment of such board, by reason of duties performed, the official merits the increase. Any county official performing duties on less than a full-time basis may be paid a salary set by the board of county commissioners in any amount up to ten percent less than the salary provided for that official in this section. However, no salary shall be less than it was on July 1, 1970.

SECTION 2. AMENDMENT.) Section 11-16-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-16-02. ASSISTANT - APPOINTMENT - DUTIES.) The states attorney may appoint an assistant states attorney within his county, who, when he has qualified by filing his oath of office, shall have the same powers as, and shall perform any and all duties required of, the states attorney. The states attorney shall be responsible, under his official bond, for any and all acts of such assistant.

SECTION 3. AMENDMENT.) Section 11-16-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-16-05. RESTRICTIONS ON POWERS OF STATES ATTORNEY - PENALTY FOR BREACH OF DUTY.) The states attorney shall not:

1. Present a claim, account, or other demand for allowance against the county, except for his own services, nor in any way advocate the relief asked for by the claim or demand of another.
2. Be eligible to or hold any judicial office except that of United States commissioner.
3. Receive a fee or reward from or on behalf of a

prosecutor or other individual for services in any prosecution or business to which it is his official duty to attend.

4. Be concerned as attorney or counsel for any party, other than the state or county, in any civil action depending upon, or arising out of, a state of facts upon which a pending and undetermined criminal prosecution depends.
5. Be concerned as attorney or counsel for any party, other than the state or county, in any action or proceeding whatsoever when employed by a county having a population exceeding thirty-five thousand.

A violation of any provision of this section shall constitute a misdemeanor punishable by a fine of not less than one hundred dollars and not more than five hundred dollars, and the offender may be removed from office.

SECTION 4. EFFECTIVE DATE.) The provisions of this Act with respect to states attorneys in counties having a population in excess of thirty-five thousand shall not be mandatory until January 6, 1975, except that such states attorneys affected by this Act may elect to be subject to its provisions on July 1, 1971.

Approved March 29, 1971

CHAPTER 119

HOUSE BILL NO. 1077
(Atkinson, Grant, Lang, Linderman, Strinden)
(From Legislative Council Study)

COUNTY COMMISSIONER'S
COMPENSATION

AN ACT to amend and réenact subsection 3 of section 11-10-10 and sections 23-24-05, 61-06-22, and 61-16-08 of the North Dakota Century Code, relating to salary and expenses of county commissioners and compensation of members of the governing bodies of vector control districts, irrigation districts, and water management districts.

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

SECTION 1. AMENDMENT.) Subsection 3 of section 11-10-10 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Each county commissioner may receive an annual salary or per diem as provided by resolution of the board, which salary or per diem, together with mileage and expenses as hereinafter provided shall not exceed the following limits: In counties having a population of eight thousand or less, three thousand three hundred dollars; in counties having a population of over eight thousand and less than fifteen thousand, three thousand nine hundred fifty dollars; and in counties having a population of over fifteen thousand, four thousand eight hundred dollars; and for the purpose of fixing the maximums herein provided, population figures shall be those established by the most recent federal census. The allowance for meals and lodging expenses shall be at the same rate and under the same conditions as provided for state officials and employees. The allowance for travel expenses shall be at the same rate as provided by section 11-10-15, and shall be evidenced by a subvoucher or receipt as provided by section 21-05-01. As used in this section, the words "official business" shall include statewide meetings of the North Dakota county commissioners association.

If a board shall resolve to pay an annual salary pursuant to this subsection, it shall be paid in monthly installments.

SECTION 2. AMENDMENT.) Section 23-24-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-24-05. BOARD OF COMMISSIONERS - APPOINTMENT AND NUMBER.) When an order of the council creating a vector control district has been filed in the office of the county auditor of a county in which such district or a part of such district is situated a board of commissioners of such vector control district shall be appointed as provided herein, consisting of three members. Any resident freeholder in the district shall be eligible for appointment to the board of commissioners thereof. The term of commissioners first appointed shall be determined by lot. One commissioner shall hold office for a term of two years, one shall serve for a term of three years and one shall serve for a term of five years. The term of a commissioner shall commence on the date of his appointment. In case the office of a commissioner shall become vacant, the commissioner appointed to fill the vacancy shall serve the unexpired term of the member of the board of commissioners and shall receive the same per diem as members of the board. Each member shall receive the sum of fifteen dollars per day while performing his duties as a member of the board, and an allowance for actual meals and lodging expense in an amount not to exceed twelve dollars per day for each day spent in the performance of his duties, plus mileage expense reimbursement at the rate provided in section 54-06-09. The term of office of a member shall be deemed to have commenced on the date of his appointment to the board. Appointments to the board of commissioners shall be made by the state health council with the approval of the board of county commissioners, the board of city commissioners or township supervisors of any county, city, or township whose territory is embraced or included within said district.

SECTION 3. AMENDMENT.) Section 61-06-22 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-06-22. DIRECTORS AND OFFICERS - SALARY, MILEAGE, AND EXPENSES.) Each director shall receive the sum of fifteen dollars per day while performing his duties as a member of the board, and an allowance for actual meals and lodging expense in an amount not to exceed twelve dollars per day for each day spent in the performance of his duties, plus mileage expense reimbursement at the rate provided in section 54-06-09. The salary of the secretary, assessor, and treasurer shall be determined by the board of directors.

SECTION 4. AMENDMENT.) Section 61-16-08 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-16-08. ELIGIBILITY FOR APPOINTMENT TO BOARD - TERM OF

OFFICE - REMOVAL - FILLING VACANCIES - COMPENSATION OF COMMISSIONERS.) When a water management district has been created any resident freeholder in the district shall be eligible for appointment to the board of commissioners thereof. The terms of office of commissioners appointed to the first district board shall be determined by lot and shall be as herein provided. If such district board shall consist of three commissioners, one commissioner shall hold office for a term of two years, one shall serve for a term of three years, and one shall serve for a term of five years from the first day of January next following the date of their appointment. When a district board consists of five commissioners, two commissioners shall hold office for the term of two years, one for three years, one for four years and one commissioner a term of five years from the first day of January next following the date of their appointment. When a board shall consist of seven commissioners, two commissioners shall hold office for two years, two for three years, two for four years and one for five years from the first day of January next following the date of their appointment. When the term of office of a district commissioner has expired, his successor shall hold office for five years from the first day of January next following the date of their appointment. The term of office of a commissioner shall not terminate until his successor in office is appointed and qualified. In case the office of any district commissioner shall become vacant, the commissioner appointed to fill the vacancy shall serve the unexpired term of the member of the board whose office became vacant. Each member of the board of commissioners shall receive the sum of fifteen dollars per day while performing his duties as a member of the board, and an allowance for actual meals and lodging expense in an amount not to exceed twelve dollars per day for each day spent in the performance of his duties, plus mileage expense reimbursement at the rate provided in section 54-06-09. A commissioner may be removed from the board by the board of county commissioners after it appears to the board of county commissioners by competent evidence, and after a public hearing, if so requested by the commissioner subject to removal, at which hearing such commissioner must be apprised of and allowed ample opportunity to repudiate such evidence, that such commissioner has been guilty of misconduct, malfeasance, crime in office, neglect of duty in office, habitual drunkenness, gross incompetency, or inability to perform the duties of office for reasons of health.

Approved March 29, 1971

CHAPTER 120

SENATE BILL NO. 2344
(Holand)

PHOTOGRAPHING COUNTY
RECORDS

AN ACT to provide for the filing of a photographic or photostatic copy of an instrument required to be recorded by a county official.

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

SECTION 1. USE OF PHOTOGRAPHY IN MAKING COUNTY RECORDS.)
Whenever a statute requires an order, will, or other instrument, document, or decree to be transcribed into a record book of a county official, the same may be done by affixing a photostatic or photographic copy thereof to a page of the record book. Such photostatic or photographic copy shall be certified as to correctness by the county official. The photostatic or photographic copy and the certificate shall then be affixed to the page of the record book, and the county official shall inscribe on such page the nature of the instrument affixed, the date recorded, and his signature.

Approved March 12, 1971

CHAPTER 121

HOUSE BILL NO. 1078
(Atkinson, Grant, Hoffner, Lang, Linderman, Strinden)
(From Legislative Council Study)

CENTRAL FILING OF
COUNTY DOCUMENTS

AN ACT to amend and reenact section 11-10-20 of the North Dakota Century Code, relating to the central filing of documents kept by certain county officials when directed by resolution of the board of county commissioners.

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

SECTION 1. AMENDMENT.) Section 11-10-20 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-10-20. BOARD OF COUNTY COMMISSIONERS TO PROVIDE OFFICES, COURTROOM, JAIL - WHERE PUBLIC RECORDS KEPT - AUTHORIZATION FOR CENTRAL FILING OF DOCUMENTS OF REGISTER OF DEEDS, CLERK OF DISTRICT COURT, AND COUNTY JUDGE.) The board of county commissioners shall provide a courtroom and jail, and shall provide offices in the courthouse of the county for the sheriff, county treasurer, register of deeds, auditor, clerk of the district court, state's attorney, county judge, county superintendent of schools, and any other officer who has charge of public records. If there is no courthouse in the county or if the courthouse erected has not sufficient capacity, such offices shall be furnished by the county in a suitable building at the county seat for all elected officials, and at any place within the county for appointive or administrative officials, at the lowest rent to be obtained, provided that this section shall not apply where county officials may serve more than one county as may be otherwise authorized by law. The board of county commissioners may provide by resolution for the filing in a single location of documents maintained by the register of deeds, the clerk of the district court, and the county judge. The resolution shall state in which office the filing is to be done, the persons who are to have custody of and access to the central files, and shall list the documents which are to be centrally filed.

Approved March 4, 1971

CHAPTER 122

HOUSE BILL NO. 1050
(Backes, Dornacker, Gackle, L. Larson, Weber)
(Legislative Council Study)

MOBILE HOME TAX
ADMINISTRATION

AN ACT to amend and reenact section 11-10.1-06 of the North Dakota Century Code, relating to the duties of county directors of tax equalization in obtaining agricultural statistics; to repeal sections 4-01-01, 4-01-02, 4-01-03, 4-01-06, 4-01-07, 4-01-10, 4-01-11, 4-01-12, 4-01-13, and 4-01-14 of the North Dakota Century Code, relating to the collection of agricultural statistics by assessors, the furnishing of such statistics by county auditors, and the duties of the commissioner of agriculture in his capacity as state statistician; and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 11-10.1-06 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-10.1-06. ASSUMPTION OF CERTAIN DUTIES BY COUNTY DIRECTOR OF TAX EQUALIZATION AND TOWNSHIP CLERKS.) The county director of tax equalization shall succeed to all the powers and duties of the county auditor pertaining to the administration and enforcement of the mobile homes tax prescribed in chapter 57-55, assist the county auditor in preparation of assessment lists for taxing purposes and in the correction and omission procedures as defined in chapter 57-14, assist local equalization boards and assessors by providing information and instruction in the use of all methods and procedures to obtain uniform property assessments, and spot check all property assessments.

SECTION 2. REPEAL.) Sections 4-01-01, 4-01-02, 4-01-03, 4-01-06, 4-01-07, 4-01-10, 4-01-11, 4-01-12, 4-01-13, and 4-01-14 of the North Dakota Century Code are hereby repealed.

SECTION 3. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 20, 1971

CHAPTER 123

SENATE BILL NO. 2398
(Just, Gronhovd)

COUNTY GARBAGE COLLECTION

AN ACT to create and enact subsection 15 of section 11-11-14 of the North Dakota Century Code; and to amend and reenact subsection 14 of section 11-11-14 of the North Dakota Century Code, relating to the powers and duties of boards of county commissioners regarding garbage collection and operation of sanitary landfills or other places of disposal, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Subsection 14 of section 11-11-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14. To establish a garbage and trash collection system encompassing all or any part of the territory of the county, except such territory as is included within the boundaries of any incorporated city. The words "garbage and trash collection system" shall include the operation and maintenance of one or more sanitary landfill sites, or other types of processing sites for the disposal of trash and garbage. The board may operate such system in cooperation with any one or more political subdivisions in accordance with the provisions of chapter 54-40. The board may borrow money by issuing certificates of indebtedness, repayable from fees or special assessments, or both, which may be charged to the proper parcels of land or to persons receiving the direct benefits of the garbage and trash collection system, or repayable in such other manner as may be provided by law, in order to purchase the initial equipment and land necessary for operation of the system. If the board of county commissioners resolves to establish such a system, the expenses of establishing, operating, and maintaining it may be financed by fees charged to persons receiving direct benefits or by special assessment against the parcels of land properly charged therewith, or by both such fees and assessments. The assessment may be made, published, altered, appealed from, and confirmed under the procedures set forth in chapter 11-28.1; and

SECTION 2.) Subsection 15 of section 11-11-14 of the North Dakota Century Code is hereby created and enacted to read as follows:

15. To do and perform such other duties as are or may be prescribed by law.

SECTION 3. EMERGENCY.) This Act is hereby declared to be an emergency measure, and shall be in full force and effect from and after its passage and approval.

Approved March 27, 1971

CHAPTER 124

SENATE BILL NO. 2358
(Lips, Sanstead)

BIDDER'S BOND CONTENTS

AN ACT to amend and reenact section 11-11-28 of the North Dakota Century Code, relating to bond or check to accompany bids before county commissioners.

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

SECTION 1. AMENDMENT.) Section 11-11-28 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-11-28. BID MUST BE ACCOMPANIED BY A BOND.) A bid shall be accompanied by a bidder's bond in a sum equal to five per cent of the full amount of the bid, executed by the bidder as principal and by a surety company authorized to do business in this state as a guaranty that the bidder will enter into the contract if it is awarded to him and that he will furnish the necessary bond.

Approved March 8, 1971

CHAPTER 125

HOUSE BILL NO. 1213
(Dornacker)

PUBLISHING MINUTES OF BOARD
AND COUNCIL MEETINGS

AN ACT to amend and reenact sections 11-11-37 and 40-08-12 of the North Dakota Century Code, relating to the publication of minutes.

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

SECTION 1. AMENDMENT.) Section 11-11-37 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-11-37. PROCEEDINGS OF BOARD OF COUNTY COMMISSIONERS TO BE PUBLISHED IN OFFICIAL NEWSPAPER - WHEN PUBLISHED.) The board of county commissioners shall cause to be published in the official newspaper of the county a full and complete report of its official proceedings at each regular and special meeting no later than thirty days after the meeting at which the report is read and approved. The publisher of the official newspaper shall cause the report of the proceedings of the board of county commissioners to be published in the issue of his paper next succeeding the time of its reception, and shall cause to be filed with the county auditor an affidavit of publication executed in the proper form.

SECTION 2. AMENDMENT.) Section 40-08-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-08-12. PUBLICATION OF PROCEEDINGS.) The city council shall publish a complete record of all its proceedings in its official newspaper no later than thirty days after the meeting at which the record is read and approved.

Approved March 12, 1971

CHAPTER 126

HOUSE BILL NO. 1438
(Atkinson, Wagner)

COUNTY HEALTH PLANNING

AN ACT relating to comprehensive health planning by counties and county funding for areawide comprehensive health planning organizations.

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

SECTION 1. COMPREHENSIVE HEALTH PLANNING BY COUNTIES AND COUNTY FUNDING OF AREAWIDE COMPREHENSIVE HEALTH PLANNING.) Any county may engage in comprehensive health planning and may appropriate funds to an areawide comprehensive health planning organization organized and approved under provisions of the state plan for comprehensive health planning, whether such organization be a public agency or private corporation.

Approved March 29, 1971

CHAPTER 127

SENATE BILL NO. 2241
(Freed, Unruh, Sanstead)

FEE FOR BOARDING PRISONER

AN ACT to amend and reenact subsection 21 of section 11-15-07 of the North Dakota Century Code, relating to sheriffs' fees.

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

SECTION 1. AMENDMENT.) Subsection 21 of section 11-15-07 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

21. For boarding prisoners, a sum to be determined by the county commissioners, by resolution in advance, which sum shall in no case exceed three dollars and fifty cents per day;

Approved March 11, 1971

CHAPTER 128

SENATE BILL NO. 2203
(Sanstead, Freed)

SHERIFF'S ALLOWANCE ON
SALE UNDER EXECUTION

AN ACT to amend and reenact section 11-15-09 of the North Dakota Century Code, relating to sheriff's allowances when plaintiff bids in property at sale.

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

SECTION 1. AMENDMENT.) Section 11-15-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-15-09. SHERIFF'S ALLOWANCES WHEN PLAINTIFF BIDS IN PROPERTY AT SALE.) When the person in whose favor an execution or order of sale shall have been issued in the district court shall bid in the property sold under the execution or pursuant to the judgment, the sheriff or other person making the sale shall receive the following fee, and no more:

1. When the amount for which the property is bid in does not exceed one thousand dollars, ten dollars; or
2. When the amount for which the property is bid in exceeds one thousand dollars, twenty dollars.

Approved March 19, 1971

CHAPTER 129

HOUSE BILL NO. 1254
(Metzger, Bunker)

SHERIFF'S SALARY

AN ACT to provide for the salary of the county sheriff and deputy sheriffs.

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

SECTION 1. SALARY OF COUNTY SHERIFF AND DEPUTY SHERIFFS.)

1. The salary of the county sheriff shall be regulated by the population in the respective counties according to the last preceding official federal census from and after the date when the official report of such census shall have been published by the director of the census or such other official as may be charged with the duty of making such official publication.

The county sheriff shall receive the following annual salary, payable monthly, for official services rendered:

- a. Seven thousand two hundred sixty dollars minimum salary in counties having a population not exceeding eight thousand.
- b. Seven thousand four hundred eighty dollars minimum salary in counties having a population exceeding eight thousand, plus additional compensation of one hundred dollars for each one thousand additional population or major fraction thereof, but not to exceed the total sum of nine thousand nine hundred dollars.
- c. Ten thousand four hundred fifty dollars minimum salary in counties having a population exceeding thirty thousand.
- d. The board of county commissioners of any county may, by resolution, increase the salary of the county sheriff by an amount not to exceed ten percent above the salary provided for in this section, if, in the judgment of such board, by reason of duties performed, the official merits the increase.

Approved March 12, 1971

CHAPTER 130

HOUSE BILL NO. 1155
(Bier)

SHERIFF'S MILEAGE

AN ACT to amend and reenact section 11-15-12 of the North Dakota Century Code, relating to sheriff's mileage.

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

SECTION 1. AMENDMENT.) Section 11-15-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-15-12. SHERIFF'S MILEAGE.) A sheriff or his deputy for each mile actually and necessarily traveled within this state in the performance of official duties, shall be allowed and paid only the following amounts:

1. The sum of twelve cents per mile when travel is by motor vehicle;
2. When travel is by rail or other common carrier the amount actually and necessarily expended therefor.

When such travel is outside the state in the performance of official duties, whether by motor vehicle or by rail or other common carrier, such officer shall be allowed and paid twelve cents per mile when such travel is by motor vehicle and if by rail or other common carrier his actual and necessary travel expenses.

Approved March 3, 1971

CHAPTER 131

HOUSE BILL NO. 1378
(Atkinson)

· DESTRUCTION OF
CERTAIN COURT RECORDS

AN ACT to amend and reenact section 11-17-08 of the North Dakota Century Code, relating to destruction of certain court records by clerks of court.

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

SECTION 1. AMENDMENT.) Section 11-17-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-17-08. CLERK OF COURT TO DESTROY CERTAIN RECORDS.) The clerks of the district courts and of county courts having increased jurisdiction are hereby authorized to remove from the files in their offices, and to destroy, all records in civil actions in which nothing has been filed of record for more than thirty years, or, if judgment has been entered, in which nothing has been filed of record for more than ten years if the judgment was not renewed or twenty years if the judgment was renewed, or in which the judgment has been satisfied, or in which the action has been dismissed. The clerk of any court of record may destroy shorthand notes that are on file in his office when such shorthand notes have been transcribed into any public record. The clerk of any court of record may destroy shorthand notes which have not been transcribed into public record in any action in which judgment has been entered and the time for appeal has expired, or in which the action has been dismissed, or in which the judgment has been satisfied. The clerk may also destroy exhibits in any case in which judgment has been entered and the time for appeal has expired, or in which the action has been dismissed, or in which the judgment has been satisfied.

Approved March 22, 1971

CHAPTER 132

HOUSE BILL NO. 1109
(Wagner)

PERFORMANCE OF AUTOPSY

AN ACT to amend and reenact section 11-19A-11 of the North Dakota Century Code relating to autopsies by the medical county coroner.

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

SECTION 1. AMENDMENT.) Section 11-19A-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-19A-11. CORONER MAY PERFORM AUTOPSY.) The coroner or his medical deputy, may, if he deems it necessary, take custody of the dead body for the purpose of autopsy. When the coroner does not deem an autopsy necessary, the sheriff and state's attorney may direct an autopsy be performed by the coroner or his deputy coroner, or pathologist.

Approved March 22, 1971

CHAPTER 133

SENATE BILL NO. 2338
(Coughlin, Sorlie, Goldberg, Anderson, Wilhite)

RURAL SUBDIVISION IMPROVEMENT

AN ACT to empower county commissioners to levy special assessments in rural subdivisions.

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

SECTION 1.) The county commissioners of any county in North Dakota, upon receipt of a petition bearing signatures of sixty per cent of the affected and benefited property owners in a rural, platted, zoned and recorded subdivision with restrictive covenants, and situated outside the corporate limits of any city in North Dakota, may install such improvements as road or street identification markers, road or street lights, and asphalt paving; such improvements to be billed back to the individual benefited property owners on an equal per lot basis in the form of a special assessment on the individual annual general property tax statement. Payments for special assessments levied in accordance with this section shall not exceed a period of five years and said special assessments shall constitute a lien on the affected and benefited property until paid. The special assessment provided in this section shall bear interest at the rate not to exceed seven per cent per annum from the date of the entry by the county treasurer, and the collection thereof may be made and enforced as delinquent taxes are enforced against real property.

SECTION 2.) Upon the filing of the petition by sixty per cent of the affected and benefited property owners the county commission may declare by resolution, the boundaries of the area to be affected and benefited and the said petition must bear signatures of sixty per cent of the property owners in the area so affected and benefited. The county commissioners' resolution shall specify the improvements to be made and the estimated cost thereof. Within ten days after the passing of such a resolution, notice, by mail, shall be given by the county auditor to each of the property owners affected and benefited, said notice to provide a hearing on said resolution within thirty days of the date of mailing said notice. At the conclusion of the hearing so called, the county commissioners shall affirm, modify or vacate the previous resolution.

Approved March 11, 1971