

COUNTIES

CHAPTER 102

SENATE BILL NO. 2334
(Senators Lindgren, Kelly, Dotzenrod)
(Representatives Larson, Kretschmar)

COUNTY MANAGERSHIP ELECTION

AN ACT to amend and reenact section 11-09-02 of the North Dakota Century Code, relating to the submission of a proposed county managership form of government to a vote at the next primary or general election or a special election called by the board of county commissioners.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-09-02 of the North Dakota Century Code is amended and reenacted as follows:

11-09-02. Board of county commissioners to submit plan to electorate. Whenever a county managership form of government plan as provided by this chapter is submitted to a board of county commissioners pursuant to chapter 11-05.1, the board of county commissioners shall submit the question of adopting such plan to the qualified electors of the county at the next primary or general election in the manner hereinafter provided. The board of county commissioners may call a special election to submit the proposed plan to a vote of the qualified electors of the county before the next primary or general election, but the special election may not take place before the publication required by section 11-09-04 has been completed.

Approved March 14, 1991
Filed March 15, 1991

CHAPTER 103

SENATE BILL NO. 2333
(Senators Lindgren, Dotzenrod, Kelly)
(Representatives Larson, Kretschmar)

COUNTY HOME RULE CHARTER ELECTIONS

AN ACT to amend and reenact sections 11-09.1-03 and 11-09.1-04 of the North Dakota Century Code, relating to the submission of a proposed county home rule charter to a vote of qualified electors at a special election and the time of taking effect of an approved county home rule charter.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-09.1-03 of the North Dakota Century Code is amended and reenacted as follows:

11-09.1-03. Submission of charter to electors. At least sixty days after publication, the proposed charter must be submitted to a vote of the qualified electors of the county at the next primary or general election. If the proposed charter has been submitted to a vote of the qualified electors of the county, the board of county commissioners may call a special election to resubmit the proposed charter to a vote of the qualified electors of the county, and the special election must take place at least sixty days after the call for the special election.

SECTION 2. AMENDMENT. Section 11-09.1-04 of the North Dakota Century Code is amended and reenacted as follows:

11-09.1-04. Ratification by majority vote - Supersession of existing charter and conflicting state laws - Filing of copies of new charter. If a majority of the qualified electors voting on the charter at the election vote in favor of the home rule charter, it is ratified and becomes the organic law of the county on the first day of January or July next following the election, and extends to all its county matters. The charter and the ordinances made pursuant to the charter in county matters must be liberally construed to supersede within the territorial limits and jurisdiction of the county any conflicting state law except for any state law as it applies to cities or any power of a city to govern its own affairs, without the consent of the governing body of the city. No ordinance of a home rule county shall supersede section 49-22-16. One copy of the charter as ratified and approved must be filed with the secretary of state, one with the clerk of district court for the county, and one with the auditor of the county to remain as a part of its permanent records. Courts shall take judicial notice of the charter.

Approved April 5, 1991
Filed April 8, 1991

CHAPTER 104

SENATE BILL NO. 2484
(Senator Graba)
(Representatives Flaagan, Martin, Kretschmar)

COUNTY OFFICIALS' SALARIES

AN ACT to amend and reenact section 11-10-10 of the North Dakota Century Code, relating to the salaries of county officials; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-10-10 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

11-10-10. Salaries of county officers.

1. The salary of the county auditor, county treasurer, county superintendent of schools, register of deeds, county judge, clerk of district court, and sheriff must 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. Notwithstanding any decreases in population, the salaries paid county officers as of July 1, 1981, reduced by any discretionary salary increase authorized by the county commissioners pursuant to this section, must be at least the minimum amount payable for that office when filled on a full-time basis in the future.
2. The county treasurer, county superintendent of schools, register of deeds, county auditor, and clerk of district court each shall receive the following annual salary, payable monthly, for official services rendered:
 - a. ~~Fifteen~~ Seventeen thousand ~~one hundred~~ dollars in counties having a population of less than eight thousand.
 - b. ~~Fifteen~~ Seventeen thousand five hundred dollars in counties having a population of or exceeding eight thousand plus additional compensation of one hundred dollars per year for each one thousand additional population or major fraction thereof over eight thousand. However, 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.

The compensation for the clerk of a district court which is funded by the state pursuant to section 11-17-11 must be set by the supreme court as a part of the judicial branch personnel system.

3. Repealed by S.L. 1975, ch. 87, § 2.
4. The salaries of the judges of county courts must be as provided in section 27-07.1-04. 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 provided in this section, if, in the judgment of such board, by reason of duties performed, the official merits the increase. The salary of a county official may not be reduced during the official's term of office. Any county official performing duties on less than a full-time basis may be paid a reduced salary set by the board of county commissioners. In the event the county has for its employees, a group insurance program for hospital benefits, medical benefits, or life insurance, or a group retirement program, financed in part or entirely by the county, such benefits may be in addition to the salaries payable to county officials.
5. Each county commissioner may receive an annual salary or per diem as provided by resolution of the board, with a maximum of ~~eight ten~~ thousand ~~two hundred~~ dollars in counties with a population in excess of ten thousand and a maximum of ~~seven nine~~ thousand ~~five~~ ~~three~~ hundred dollars in counties with a population of ten thousand or less. In addition, there must be an allowance for meals and lodging expenses at the same rate and under the same conditions as provided for state officials and employees. The allowance for travel expenses must be at the same rate as provided by section 11-10-15, and must be evidenced by a subvoucher or receipt as provided by section 21-05-01. As used in this section, the words "official business" 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 must be paid in monthly installments.

6. Sheriffs shall receive the following annual salary, payable monthly, for official services rendered:
 - a. ~~Seventeen~~ ~~Nineteen~~ thousand nine hundred dollars in counties having a population with less than eight thousand.
 - b. ~~Eighteen~~ ~~Twenty~~ thousand nine hundred dollars in counties having a population exceeding eight thousand plus additional compensation of one hundred dollars per year for each one thousand additional population or major fraction thereof over eight thousand. However, 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.

7. State's attorneys in counties having a population exceeding thirty-five thousand, or in other counties where the board of county commissioners has determined by resolution that the state's attorney shall be full time and shall not be an attorney or counsel for any party except the state or county, shall receive ~~the same minimum annual salary paid to a county court judge as provided in section 27-07.1-04 as of January 1, 1985~~ forty-five thousand dollars, but the county may increase that amount up to the same salary as a county court judge. State's attorneys not considered full time shall receive an annual salary of at least forty-five percent of the minimum salary paid to a county court judge as provided in section 27-07.1-04 as of January 1, 1985 full-time state's attorney. ~~The increase in salary necessary to meet the minimum may be spread over a two-year period with a minimum of a fifty percent increase for the first year. In addition, the county may increase that amount, if, in the judgment of such board, by reason of duties performed, the state's attorney merits the increase.~~

SECTION 2. EFFECTIVE DATE. This Act becomes effective on January 1, 1992.

Approved April 3, 1991
Filed April 4, 1991

CHAPTER 105

SENATE BILL NO. 2325
(Senator Lindgren)
(Representative Larson)

COUNTY COMMISSION MEETING TIMES

AN ACT to amend and reenact section 11-11-05 of the North Dakota Century Code, relating to the time of meetings of the board of county commissioners.

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 for the transaction of business at the courthouse, or at the usual place of holding court, ~~on~~ in the first ~~Tuesday in week of~~ January, April, July, and October of each year, and may adjourn such meetings from time to time. The county auditor shall have power to call special sessions 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.

Approved March 14, 1991
Filed March 15, 1991

CHAPTER 106

SENATE BILL NO. 2117
(Committee on Political Subdivisions)
(At the request of the State Auditor)

COUNTY FINANCIAL STATEMENT DATE

AN ACT to amend and reenact section 11-11-11 of the North Dakota Century Code, relating to the due date for county auditors to prepare general purpose financial statements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-11-11 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

11-11-11. General duties of board of county commissioners. The board of county commissioners:

1. Shall superintend the fiscal affairs of the county.
2. Shall supervise the conduct of the respective county officers.
3. May cause to be audited and verified the accounts of all officers having the custody, management, collection, or disbursement of any moneys belonging to the county or received in their official capacity.
4. Before ~~February first~~ March fifteenth of each year, shall have the county auditor prepare general purpose financial statements in accordance with generally accepted accounting principles. Public notice that financial statements have been prepared and are available for inspection must be published in the official newspaper.

Approved April 2, 1991
Filed April 4, 1991

CHAPTER 107

HOUSE BILL NO. 1604
(Kretschmar)
(Approved by the Committee on Delayed Bills)

COUNTY BIDDING REQUIREMENTS

AN ACT to amend and reenact section 11-11-26 of the North Dakota Century Code, relating to bid requirements for purchases by counties.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-11-26 of the North Dakota Century Code is amended and reenacted as follows:

11-11-26. When board shall advertise for bids. When the amount to be paid during the current year for the erection of county buildings, ~~for the purchase of fuel,~~ or for election ballots and supplies exceeds ~~twenty five hundred ten thousand~~ dollars, the board of county commissioners shall cause an advertisement for bids to be published at least once each week for two successive weeks in the official newspaper of the county and in such other newspapers as it shall deem advisable. The first publication shall be made at least ~~thirty~~ fifteen days prior to the day set for the opening of the bids. For the purchase of fuel when the amount exceeds four thousand dollars, the board of county commissioners shall seek bids either by telephone solicitation from at least two suppliers, or by an advertisement for bids to be published at least once each week for two successive weeks in the official newspaper of the county and in such other newspapers as the board deems advisable.

Approved April 8, 1991
Filed April 8, 1991

CHAPTER 108

HOUSE BILL NO. 1177
(Committee on Political Subdivisions)
(At the request of the Economic Development Commission)

JOBS DEVELOPMENT AUTHORITIES

AN ACT to create and enact a new subsection to section 11-11.1-03, a new section to chapter 11-11.1, a new subsection to section 40-57.4-03, and a new section to chapter 40-57.4 of the North Dakota Century Code, relating to county and city jobs development authorities; and to amend and reenact subsection 4 of section 11-11.1-01 and subsection 29 of section 57-15-06.7 of the North Dakota Century Code, relating to the membership of the county jobs development authority.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 4 of section 11-11.1-01 of the North Dakota Century Code is amended and reenacted as follows:

4. The remaining members shall be selected from a list of candidates from the following fields:
 - a. A representative of the local job service office nearest the county seat.
 - b. A member of the local airport authority.
 - c. A member of a local institution of higher education.
 - d. A member from among the school boards of the county.
 - e. A member from a local industrial development organization.
 - f. A member of the regional planning council serving the county.
 - g. A member of the legislative assembly representing a district within the county.
 - h. Members at large from the ~~business community~~ within the county.

SECTION 2. A new subsection to section 11-11.1-03 of the 1989 Supplement to the North Dakota Century Code is created and enacted as follows:

To loan, grant, or convey any funds or other real or personal property held by the authority for any purpose necessary or convenient to carry into effect the objective of the authority established by this chapter.

SECTION 3. A new section to chapter 11-11.1 of the North Dakota Century Code is created and enacted as follows:

Dedication of tax revenues. The governing body of a county may dedicate any portion of revenues from the tax authorized under this chapter to payment of any loan entered or grant awarded for any purpose necessary or convenient to carry into effect the objective of the authority established by this chapter.

SECTION 4. A new subsection to section 40-57.4-03 of the 1989 Supplement to the North Dakota Century Code is created and enacted as follows:

To loan, grant, or convey any funds or other real or personal property held by the authority for any purpose necessary or convenient to carry into effect the objective of the authority established by this chapter.

SECTION 5. A new section to chapter 40-57.4 of the 1989 Supplement to the North Dakota Century Code is created and enacted as follows:

Dedication of tax revenues. The governing body of a city may dedicate any portion of revenues from the tax authorized under this chapter to payment of any loan entered or grant awarded for any purpose necessary or convenient to carry into effect the objective of the authority established by this chapter.

SECTION 6. AMENDMENT. Subsection 29 of section 57-15-06.7 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

29. A county levying a tax for a job development authority as provided in section 11-11.1-04 or for the support of an industrial development organization as provided in section 11-11.1-06 may levy a tax not exceeding four mills on the taxable valuation of property within the county, unless. However if any city within the county is levying a tax for support of a job development authority or for support of an industrial development organization and the total of the county and city levies exceeds four mills, in which case the county tax levy under this subsection may be applied only against the taxable valuation of property outside the limits of any city levying a tax within the city levying under subsection 28 of section 57-15-10 must be reduced so the total levy in the city does not exceed four mills.

Approved April 8, 1991
Filed April 8, 1991

CHAPTER 109

SENATE BILL NO. 2327
(Senators Stenehjem, Graba, Meyer)
(Representatives Kretschmar, Dalrymple)

PAYMENT OF PROPERTY TAX

AN ACT to provide authority for a borrower to direct the time of payment of property taxes by an escrow agent under a residential real estate loan; and to amend and reenact section 11-13-12 of the North Dakota Century Code, relating to the county auditor's statement regarding current taxes on deeds and other instruments.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-13-12 of the North Dakota Century Code is amended and reenacted as follows:

11-13-12. Auditor's certificate of taxes ~~paid~~ on deeds, contracts for deed, plats, replats, and patents.

1. Whenever a deed, contract for deed, or patent is presented to the county auditor for transfer, ~~he the auditor~~ shall ascertain from the books and records in ~~his the auditor's~~ office and in the office of the county treasurer ~~if whether~~ there are delinquent taxes or special assessments against the land described in the instrument or ~~if such whether the~~ land has been sold for taxes.
 - a. If there are delinquent taxes or ~~delinquent~~ special assessments or installments of special assessments against lands described in the instrument, ~~he the auditor~~ shall certify the same. When the receipt of the county treasurer is produced for the delinquent taxes or special assessments or installments of special assessments, the county auditor shall enter on ~~every deed, contract for deed, or patent so transferred, the instrument over his the auditor's~~ official signature: "Delinquent taxes and special assessments or installments of special assessments paid and transfer entered", ~~or if.~~
 - b. If the land described has been sold for taxes to a purchaser other than the county, ~~he the auditor~~ shall enter "Taxes paid by sale of the land described ~~within~~ and transfer entered", ~~or if.~~
 - c. If the instrument presented is entitled to record without regard to taxes, ~~he the auditor~~ shall enter "Transfer entered".
2. Whenever a deed, contract for deed, or patent is presented to the county auditor for transfer, the auditor shall ascertain from the books and records in the auditor's office whether there are current taxes or current special assessments against the land described in

the instrument. If there are current taxes or current special assessments or installments of special assessments against the land described in the instrument, the auditor shall place a statement on the instrument showing the amount of any current taxes or current special assessments or installments of special assessments. For purposes of this subsection:

a. "Current special assessments" means assessments that have been certified to the county auditor for collection but are not yet delinquent.

b. "Current taxes" means real estate taxes, as shown on the tax list prepared by the county auditor, which are not yet delinquent.

3. Whenever a plat, replat, auditor's lot, or any instrument that changes the current property description, including condominium ownership established under chapter 47-04.1, is presented to the county auditor for transfer, the auditor shall ascertain from the books and records in the auditor's office and in the office of the county treasurer ~~if~~ whether there are current or delinquent taxes, special assessments, and, after February first of each year, the tax estimate for that year against the land described in the instrument or ~~if such~~ whether the land has been sold for taxes. If there are current taxes, delinquent taxes, delinquent special assessments, installments of special assessments, or tax estimates against lands described in the instrument, the auditor shall certify the same.

SECTION 2. Definitions. In sections 2 and 3 of this Act, unless the context or subject matter otherwise requires:

1. "Escrow agent" means a person who receives escrow payments on behalf of itself or another person.

2. "Loan" means a loan under which an escrow is required by the lender to assure payment of property taxes and which is secured by a first lien real estate mortgage or equivalent security interest in a dwelling that the borrower uses as a principal place of residence, not including a mobile home.

SECTION 3. Payments from escrow - Notice - Liability of lender or escrow agent.

1. If the borrower notifies the escrow agent as provided in subsection 2, is current in loan payments, and funds in the escrow account are sufficient, the borrower may direct the escrow agent under the borrower's loan to do any of the following:

a. Pay the property taxes by December thirty-first, if the escrow agent has received a tax statement for that property by December twentieth.

b. Pay the property taxes on or before February fifteenth to qualify for the discount for early payment under section 57-20-09.

c. Pay the property taxes when due.

2. To require the escrow agent to make payments in any of the manners specified in subsection 1, the borrower shall send, by December first, written notice to the escrow agent specifying the manner in which the borrower wants the escrow agent to make payments under subsection 1. Once notified, the escrow agent shall annually make payments in that manner unless the borrower is not current in loan payments, unless funds in the escrow account are not sufficient, or unless otherwise notified in writing by the borrower by December first. If the borrower has never provided a written notice to the escrow agent, the escrow agent shall pay property taxes as provided in subdivision b of subsection 1.
3. An escrow agent who fails to comply with a directive of a borrower under subsection 1 made within the time limitations under subsection 2 is liable to the borrower for five hundred dollars plus actual damages, costs, and reasonable attorney fees.

Approved April 5, 1991
Filed April 8, 1991

CHAPTER 110

SENATE BILL NO. 2454
(Senator Goetz)
(Representative R. Anderson)

COUNTY FEES

AN ACT to amend and reenact section 11-15-07 of the North Dakota Century Code, relating to county fees charged and collected by the sheriff.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-15-07 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

11-15-07. County fees. The sheriff shall charge and collect the following fees on behalf of the county:

1. ~~For serving a capias with commitment of bail and return, twenty-five dollars.~~
- 2- For serving a summons, writ of attachment, writ of execution, subpoena, notice of motion, or other notice or order of the court, order of replevin, injunctional order, citation, and or any other mesne process and making a return thereon, in addition to the actual incurred costs of postage and long distance telephone calls a total of ten dollars for each person served at different locations.
- 3- 2. For making a copy of a summons or order of attachment, two dollars return of not-found, ten dollars.
- 4- For making a copy of an injunctional order, two dollars.
- 5- For serving a subpoena on a witness, each person, ten dollars.
- 6- 3. For taking and filing a bond in claim and delivery or any other undertaking to be furnished and approved by the sheriff, ten dollars.
- 7- 4. For making a copy of any process, bond, or paper, other than as is herein provided, two dollars per page.
- 8- 5. For levying a or executing any writ of execution and making a return thereof, twenty-five dollars.
- 9- For levying a writ of possession with the aid of the county, ten dollars.
- 10- For levying a writ of possession without the aid of the county, ten dollars.

- ~~11.~~ For serving a notice of motion or other notice or order of the court, ten dollars.
- ~~12.~~ For executing a writ of habeas corpus and making a return thereon, ten dollars.
- ~~13.~~ For serving a writ of restitution and making a return thereon, ten dollars.
- ~~14.~~ 6. For calling an inquest to appraise any goods and chattels which he that the sheriff may be required to have appraised, ten dollars, and each appraiser shall receive fifty dollars to be taxed as costs.
- ~~15.~~ 7. For advertising a sale in a newspaper by means of a sheriff's notice of sale, in addition to the publisher's any publishing fees, ten dollars.
- ~~16.~~ For advertising in writing for the sale of personal property, five dollars.
- ~~17.~~ For executing a writ or order of partition, ten dollars.
- ~~18.~~ 8. For making a deed to land sold on execution or pursuant to an order of sale, ten dollars.
- ~~19.~~ 9. For issuing a certificate of redemption when property has been redeemed from a sale under execution or upon the foreclosure of a mortgage, ten dollars.
- ~~20.~~ 10. For selling real or personal property under foreclosure of any lien or mortgage by advertisement, fifty dollars.
- ~~21.~~ 11. For boarding prisoners, a sum to be determined by the county commissioners, by resolution in advance, which sum must be per meal for meals actually served, and must be not less than two dollars for breakfast, two dollars and fifty cents for dinner, and three dollars and fifty cents for supper.

Approved April 3, 1991
Filed April 4, 1991

CHAPTER 111

HOUSE BILL NO. 1488
(Kelsch)

SHERIFF COMMISSIONS

AN ACT to amend and reenact subsection 1 of section 11-15-08 and section 11-15-09 of the North Dakota Century Code, relating to commissions collected by the sheriff.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 11-15-08 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Except as provided in section 11-15-09, the sheriff is entitled to collect commissions on behalf of the county on all moneys received and disbursed by the sheriff on an execution, order of sale, order of attachment, requisition in claim and delivery, or decree for the sale of real or personal property as follows:
 - a. On the first one thousand dollars, fifty dollars.
 - b. On all moneys in excess of one thousand dollars, one percent.

SECTION 2. AMENDMENT. Section 11-15-09 of the North Dakota Century Code is amended and reenacted as follows:

11-15-09. Allowances when plaintiff bids in property at sale. When the person in whose favor an execution or order of sale has been issued by the court ~~shall bid~~ bids in the property sold under the execution or pursuant to the judgment, the sheriff or other person making the sale shall collect on behalf of the county either of the following fees, and no more:

1. When the amount for which the property is bid on does not exceed one thousand dollars, ~~ten~~ twenty dollars.
2. When the amount for which the property is bid on exceeds one thousand dollars, ~~twenty~~ thirty dollars.

Approved April 8, 1991
Filed April 8, 1991

CHAPTER 112

SENATE BILL NO. 2434
(Senator Redlin)
(Representative Kretschmar)

STATE'S ATTORNEY REPRESENTATION OF CITY

AN ACT to amend and reenact subsection 5 of section 11-16-05 of the North Dakota Century Code, relating to restrictions on the powers of state's attorney.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 11-16-05 of the North Dakota Century Code is amended and reenacted as follows:

5. Be concerned as attorney or counsel for any party, other than the state or county, or other than a city within the county, when so authorized by resolution of the board of county commissioners, in any action or proceeding whatsoever when employed by a county having a population exceeding thirty-five thousand or by any other county whose board of commissioners has, by resolution, determined that the state's attorney shall be restricted in this manner. A board of county commissioners may adopt or rescind ~~this~~ a resolution under this subsection in any year. However, in the general election year in which the state's attorney is to be elected, such action must be taken prior to June first. Such adoption or rescission shall not be effective during the state's attorney's current term of office unless agreed upon between the board and the state's attorney.

Approved April 3, 1991
Filed April 4, 1991

CHAPTER 113

SENATE BILL NO. 2248
(Maxson, Stenehjem)

DEED CONSIDERATION STATEMENT EXCEPTION

AN ACT to amend and reenact subsection 6 of section 11-18-02.2 of the North Dakota Century Code, relating to an exception to the requirement of statements of full consideration to be included in deeds if the deed is issued after a judgment; and to provide a retroactive effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 6 of section 11-18-02.2 of the North Dakota Century Code is amended and reenacted as follows:

6. The provisions of this section ~~shall~~ do not apply to deeds transferring title to the following types of property, or to deeds relating to the following transactions:
 - a. Property owned or used by public utilities.
 - b. Property classified as personal property.
 - c. A sale where the grantor and the grantee are of the same family or corporate affiliate, if known.
 - d. A sale which resulted as a settlement of an estate.
 - e. All sales to or from a government or governmental agency.
 - f. All forced sales, mortgage foreclosures, and tax sales.
 - g. All sales to or from religious, charitable, or nonprofit organizations.
 - h. All sales where there is an indicated change of use by the new owners.
 - i. All transfer of ownership of property for which is given a quitclaim deed.
 - j. Sales of property not assessable by law.
 - k. Agricultural lands of less than eighty acres [32.37 hectares].
 - l. A transfer that is pursuant to a judgment.

SECTION 2. RETROACTIVE APPLICATION OF ACT. This Act is retroactive in application.

Approved March 14, 1991
Filed March 15, 1991

CHAPTER 114

SENATE BILL NO. 2493
(Tomac)

RECORDING FEES FOR LARGE TRACTS

AN ACT to amend and reenact subdivision b of subsection 1 of section 11-18-05 of the North Dakota Century Code, relating to recording fees charged by the register of deeds.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision b of subsection 1 of section 11-18-05 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- b. Instruments satisfying, releasing, assigning, subordinating, continuing, amending, or extending more than one instrument previously recorded in the county in which recording is requested, five dollars for the first page and two dollars for each additional page plus three dollars for each such additional instrument ~~containing a different legal description.~~ In addition, for all documents recorded under this section which list more than five separate sections of land, a fee of one dollar for each additional section listed which is to be recorded in the tract index.

Approved April 5, 1991
Filed April 8, 1991