

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine**

HOUSE BILL NO. 1362  
(Representatives Maragos, Koppelman, Rose)  
(Senators Kelsh, Lee)

AN ACT to amend and reenact sections 11-10-10, 11-10-10.1, and subsection 2 of section 11-16-05 of the North Dakota Century Code, relating to the salaries of elected county officers and restrictions on the powers of full-time state's attorneys; 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 North Dakota Century Code is amended and reenacted as follows:

**11-10-10. Salaries of elected county officers.**

1. The salary of ~~the~~ an elected county auditor, county treasurer, county superintendent of schools, register of deeds, 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 the~~ the census has 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~~ An elected county treasurer, county superintendent of schools, register of deeds, county auditor, and clerk of district court ~~each shall receive~~ are entitled to the following minimum annual salary, payable monthly, for official services rendered:
  - a. ~~Seventeen~~ Nineteen thousand dollars in counties having a population of less than eight thousand.
  - b. ~~Seventeen~~ Nineteen 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~~ in this subsection 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 county superintendent of schools is entitled to receive for any trips necessarily made within the county in the performance of school district reorganization duties the same mileage received under 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~~ If 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~~ the benefits may be in addition to the salaries payable to county officials.

- ~~5.~~ 4. Each county commissioner may receive an annual salary or per diem as provided by resolution of the board, ~~with a maximum of ten thousand dollars in counties with a population in excess of ten thousand and a maximum of nine thousand 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.~~ 5. ~~Sheriffs shall receive~~ An elected sheriff is entitled to the following minimum annual salary, payable monthly, for official services rendered:
- a. ~~Nineteen~~ Twenty-one thousand nine hundred dollars in counties having a population with less than eight thousand.
  - b. ~~Twenty~~ Twenty-two 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~~ in this subsection within the limitations contained in this subdivision.
- ~~7.~~ 6. ~~State's attorneys~~ An elected state's attorney 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~~ must be full time and ~~shall~~ may not be an attorney or counsel for any party except the state or county, ~~shall~~ is entitled to receive ~~forty-five~~ a minimum salary of forty-seven 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~~ are entitled to an annual salary of at least forty-five percent of the minimum salary paid to a full-time state's attorney.

**SECTION 2. AMENDMENT.** Section 11-10-10.1 of the North Dakota Century Code is amended and reenacted as follows:

**11-10-10.1. Legislative intent in regard to county salaries.** It is the intent of the legislative assembly that the several boards of county commissioners shall exercise the responsibility of setting the salaries of county officials within the limits imposed by section 11-10-10. A board of county commissioners, in making a decision in regard to a county official's salary, should take into account the financial status of the county, the responsibilities of the position, and any ~~other~~ other factors ~~which~~ that the board ~~may deem~~ deems relevant in arriving at ~~such~~ the decision.

**SECTION 3. AMENDMENT.** Subsection 2 of section 11-16-05 of the North Dakota Century Code is amended and reenacted as follows:

- 2. Be eligible to or hold any state or federal judicial office except that of United States commissioner.

**SECTION 4. EFFECTIVE DATE.** Sections 1 and 2 of this Act become effective on January 1, 2000.

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Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1362.

House Vote:      Yeas    90      Nays    6      Absent    2

Senate Vote:    Yeas    36      Nays    13      Absent    0

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1999.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1999.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1999,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State