

COUNTIES

CHAPTER 86

HOUSE BILL NO. 1426
(Rundle)

COUNTY MANAGER PETITIONS

AN ACT to create a new section to chapter 11-09 of the North Dakota Century Code, relating to the formation of a county manager form of county government.

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

SECTION 1.) A new section to chapter 11-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

PETITION - QUESTION SUBMITTED TO ELECTORS.) Upon a petition filed with the county auditor at least ninety days in advance of any countywide election signed by not less than twenty-five percent of the qualified electors of the county as determined by the total number of votes cast for the office of governor at the last general election, asking that an election be held on the question of the adoption of one of the forms of county managership and specifying which of the forms is to be submitted, the board of county commissioners shall submit the question at the next regular primary or general election.

Approved March 19, 1975

CHAPTER 87

HOUSE BILL NO. 1413
(Gackle)

SALARIES OF COUNTY OFFICERS

AN ACT to amend and reenact subsections 1, 2, and 4 of section 11-10-10 of the North Dakota Century Code, and to repeal subsection 3 of section 11-10-10 and sections 11-10-10.2 and 11-15-03.1 of the North Dakota Century Code, relating to the salaries of county officers, the clerk of district court, and county sheriffs.

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

SECTION 1. AMENDMENT.) Subsections 1, 2, and 4 of section 11-10-10 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read 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, state's attorney, clerk of district court, and 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;

*2. The county treasurer, register of deeds, county judge, county auditor, clerk of district court, sheriff, and state's attorney each shall receive the following annual salary, payable monthly, for official services rendered:

- a. In counties having a population not exceeding four thousand, the sum of seven thousand six hundred dollars.
- b. Eight thousand six hundred dollars in counties having a population exceeding four thousand but with less than eight thousand.
- c. Eight thousand nine hundred dollars in counties having a population exceeding eight thousand plus additional compensation of one hundred dollars per year for each

*NOTE: Subsection 2 of section 11-10-10 was also amended by section 1 of Senate Bill No. 2470, chapter 88.

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.

- d. State's attorneys in counties having a population exceeding thirty-five thousand shall receive a salary of from sixteen thousand one hundred to twenty-four thousand dollars, to be determined by resolution of the board of county commissioners.

4. The county superintendent of schools shall receive the following annual salary, payable monthly, for official services rendered:

- a. In counties having a population not exceeding four thousand, the sum of seven thousand two hundred dollars.
- b. Seven thousand three hundred dollars in counties having a population exceeding four thousand but with less than eight thousand.
- c. Seven thousand six 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.
- d. In counties having a population in excess of thirty thousand, the sum of ten thousand four hundred dollars.

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 twenty 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 reduced salary set by the board of county commissioners. In the event the county has a group insurance program for its employees for hospital benefits, medical benefits, or life

insurance financed in part or entirely by the county, such benefits may be in addition to the salaries payable to county officials.

SECTION 2. REPEAL.) Subsection 3 of section 11-10-10 and sections 11-10-10.2 and 11-15-03.1 of the 1973 Supplement to the North Dakota Century Code are hereby repealed.

Approved April 8, 1975

CHAPTER 88

SENATE BILL NO. 2470
(Schuster)

COUNTY OFFICIALS' SALARIES

AN ACT to amend and reenact subsection 2 of section 11-10-10 of the North Dakota Century Code, relating to the annual salary of the county treasurer, register of deeds, county judge, and state's attorney.

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 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

*2. The county treasurer, register of deeds, county judge, and state's attorney each shall receive the following annual salary, payable monthly, for official services rendered:

- a. In counties having a population not exceeding four thousand, the sum of seven thousand dollars.
- b. Seven thousand four hundred dollars in counties having a population exceeding four thousand but with less than eight thousand.
- c. Seven thousand seven hundred dollars in counties having a population exceeding eight thousand but with less than thirty 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 eight hundred dollars. 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.
- d. In counties having a population in excess of thirty thousand, the sum of ten thousand four hundred dollars. However, state's attorneys in counties having a population exceeding thirty-five thousand shall receive a salary of from sixteen thousand to twenty-four thousand dollars, to be determined by resolution of the board of county commissioners.

Approved March 22, 1975

*NOTE: Subsection 2 of section 11-10-10 was also amended by section 1 of House Bill No. 1413, chapter 87.

CHAPTER 89

SENATE BILL NO. 2271
(Reiten, Sands)

COMPENSATION FOR COUNTY COMMISSIONERS

AN ACT to amend and reenact subsection 5 of section 11-10-10 of the North Dakota Century Code, relating to the expenses of county commissioners.

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

SECTION 1. AMENDMENT.) Subsection 5 of section 11-10-10 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. Each county commissioner may receive an annual salary or per diem as provided by resolution of the board, which salary or per diem 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. In addition, there shall 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 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.

Approved April 8, 1975

CHAPTER 90

HOUSE BILL NO. 1452
(E. Metzger)

MILEAGE COMPENSATION

AN ACT to amend and reenact sections 11-10-15, 11-15-12, 15-22-05, 23-03-06, 58-06-02, 58-07-01, 58-08-01, and 58-09-02 of the North Dakota Century Code, relating to the mileage rate for county officials, sheriff's mileage, mileage rate for the county superintendent of schools, mileage rate of county board of health members, and mileage rate for township supervisors, clerks, treasurers, and assessors; and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 11-10-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-10-15. MILEAGE OF OFFICIALS.) Unless otherwise provided by the laws of this state, every county official, whether elective or appointive, and every deputy of a county official, entitled by law to travel or mileage expense, shall be allowed or paid only the following amounts for each mile actually and necessarily traveled in the performance of official duties:

1. Fifteen cents per mile when such travel is by motor vehicle; and
2. When such travel is by rail or other common carrier, the amount actually and necessarily expended therefor.

SECTION 2. AMENDMENT.) Section 11-15-12 of the 1973 Supplement to 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 fifteen cents per mile when travel is by motor vehicle; and

*NOTE: Section 11-15-12 was also amended by section 1 of Senate Bill No. 2182, chapter 99.

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 fifteen cents per mile when such travel is by motor vehicle, and if by rail or other common carrier, his actual and necessary travel expenses.

SECTION 3. AMENDMENT.) Section 15-22-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-22-05. MILEAGE AND TRAVEL EXPENSE - AMOUNT - HOW PAID.) A county superintendent of schools, and his duly appointed deputy, shall receive fifteen cents per mile for travel by motor vehicle for trips necessarily made within his county in the performance of his duty. For any other travel authorized by law, he shall receive for each mile actually and necessarily traveled in the performance of his duties, the following amounts: when travel is by motor vehicle, the sum of fifteen cents per mile; when travel is by rail or other common carrier, the amount actually and necessarily expended therefor. Before any allowance for mileage or travel expenses may be paid by the county, the county superintendent or deputy, as the case may be, shall file with the county auditor an itemized statement verified by his affidavit showing the mileage traveled, the manner of travel, the day or days upon which the traveling was done, and the purpose or purposes and destinations of such travel. The statement and affidavit shall be submitted to the board of county commissioners, and the claim shall be approved by the board before it shall be allowed or paid.

SECTION 4. AMENDMENT.) Section 23-03-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-03-06. MILEAGE OF MEMBERS OF THE COUNTY BOARD OF HEALTH.) The members of the county board of health shall receive fifteen cents per mile for every mile actually and necessarily traveled in the performance of their duties.

SECTION 5. AMENDMENT.) Section 58-06-02 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-06-02. COMPENSATION OF SUPERVISORS.) A township supervisor shall receive as compensation for his services ten dollars a day for each day necessarily devoted to the work of his office and fifteen cents per mile for each mile necessarily traveled in the performance of his duties, but his compensation shall not exceed one hundred fifty dollars in any one year.

SECTION 6. AMENDMENT.) Section 58-07-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-07-01. COMPENSATION AND FEES OF CLERK.) The township clerk shall receive as compensation for his services ten dollars a day for each day necessarily devoted to the work of his office. He shall receive as reimbursement for expenses fifteen cents per mile for each mile actually and necessarily traveled in the performance of his duties. He shall be paid fees and not per diem for the following services:

1. For serving notices of election upon township officers, twenty-five cents each;
2. For filing any papers required to be filed in his office, ten cents each;
3. For posting notices required by law, twenty-five cents each;
4. For recording any order, instrument, or writing authorized by law, ten cents for each one hundred words; and
5. For copying any record or instrument on file in his office and certifying the same, ten cents for each one hundred words to be paid by the person applying for the same.

In those townships in which the offices of township clerk and treasurer have been merged, the person elected to fill the new office shall receive compensation as township treasurer only.

SECTION 7. AMENDMENT.) Section 58-08-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-08-01. COMPENSATION.) Each township treasurer shall receive for his services ten dollars a day for each day necessarily devoted to the work of his office and fifteen cents for each mile necessarily traveled in the performance of his duties. He shall not receive more than one hundred fifty dollars in any one year nor shall he be allowed a percentage on the balance turned over by him to his successor in office.

SECTION 8. AMENDMENT.) Section 58-09-02 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-09-02. COMPENSATION OF ASSESSOR.) The township assessor shall receive as compensation for his services a sum determined by the board of township supervisors for the time actually and necessarily employed in making and completing the assessment of the township and fifteen cents per mile for each mile necessarily traveled in the performance of his duties. The compensation shall be paid out of the township treasury upon an itemized statement setting forth the actual time spent in the work of assessor, approved by the board of township supervisors.

SECTION 9. 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, 1975

CHAPTER 91

SENATE BILL NO. 2081
(Redlin)

ASSOCIATION OF COUNTY GOVERNMENTS

AN ACT to create and enact section 11-10-24 of the North Dakota Century Code, providing authorization for the establishment of an association of county governments; and to create and enact a new subsection to section 11-11-14 of the North Dakota Century Code, relating to the powers of boards of county commissioners.

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

SECTION 1.) Section 11-10-24 of the North Dakota Century Code is hereby created and enacted to read as follows:

11-10-24. AUTHORIZATION TO ORGANIZE ASSOCIATIONS OF COUNTY GOVERNMENTS.)

1. Counties, organized under the Constitution of the state of North Dakota or organized under any form of county government authorized by the statutes of North Dakota, are hereby authorized upon motion of the board of county commissioners to organize and participate in an association of counties.
2. The organization or organizations authorized hereunder shall be organized pursuant to chapters 10-24 through 10-28.

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

To expend county funds equivalent to the proceeds of one-twentieth of one mill of the net taxable valuation of the county or any lesser amount for the purpose of participating in an organization of county governments pursuant to section 11-10-24. This subsection shall not be construed as authorizing a mill levy, and the limitations embodied in section 57-15-06 shall apply to expenditures under this subsection, which expenditures shall be from the county general fund.

Approved April 8, 1975

CHAPTER 92

SENATE BILL NO. 2390
(Pyle)

COUNTY SOLID WASTE SYSTEMS

AN ACT to create and enact a new subdivision to subsection 1 of section 21-03-06 of the North Dakota Century Code, relating to counties issuing bonds to provide funds for solid waste disposal facilities; and to amend and reenact subsection 14 of section 11-11-14 of the North Dakota Century Code, relating to establishing a county garbage and trash collection system.

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

SECTION 1.) A new subdivision to subsection 1 of section 21-03-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

To provide funds for the construction of solid waste disposal facilities, for the acquisition of real estate for that purpose, for facilities and equipment for the collection of solid wastes, and for facilities and equipment to dispose of waste products.

SECTION 2. AMENDMENT.) Subsection 14 of section 11-11-14 of the 1973 Supplement to 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. 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 com-

missioners 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;

Approved March 22, 1975

CHAPTER 93

HOUSE BILL NO. 1507
(Larson)

BIDDER'S BOND REQUIREMENTS

AN ACT to amend and reenact section 11-11-28 of the North Dakota Century Code, relating to bidder's bond requirements.

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

SECTION 1. AMENDMENT.) Section 11-11-28 of the 1973 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 - WHEN CERTIFIED CHECK ALLOWED.) A bid shall be accompanied by a bidder's bond in a sum equal to five percent 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. When the bid is ten thousand dollars or less, the bidder may in lieu of such bond accompany the bid with a certified check equal to five percent of the full amount of the bid made payable to the board with authority and direction to the board that if the bidder is successful in obtaining the award and fails to enter into the contract, the board may endorse, deposit, and receive the face amount of the certified check as liquidated damages.

Approved March 18, 1975

CHAPTER 94

SENATE BILL NO. 2387
(Freed)

APPEALS FROM COUNTY COMMISSION DECISIONS

AN ACT to repeal section 11-11-40 of the North Dakota Century Code, relating to an appeal from a decision by the board of county commissioners.

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

SECTION 1. REPEAL.) Section 11-11-40 of the North Dakota Century Code is hereby repealed.

Approved March 14, 1975

CHAPTER 95

HOUSE BILL NO. 1409
(Jacobson, Lundene)

LEVY FOR HISTORICAL WORKS

AN ACT to amend and reenact subsection 2 of section 11-11-53 of the North Dakota Century Code, relating to county mill levies for historical works.

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

SECTION 1. AMENDMENT.) Subsection 2 of section 11-11-53 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The board of county commissioners is hereby authorized to levy a tax, in addition to all levies now authorized by law, of not exceeding one-quarter of one mill upon all taxable property in the county, for the promotion of historical works within the borders of such county and in general defray the expense of carrying on historical work in the county including, but not limited to, the maintenance of any historical room or building, and furthering the work of the historical society of such county. Such levy shall be in addition to any moneys appropriated from the general fund of the county for historical work as provided in subsection 1 of this section. The board of county commissioners may, by resolution, submit the question of an additional tax levy, to the qualified electors of the county at the next countywide general, primary, or special election. If sixty percent of the qualified electors voting thereon shall approve, a tax shall be levied not to exceed three-quarters of one mill, which tax may be expended as provided in this section.

Approved March 25, 1975

CHAPTER 96

HOUSE BILL NO. 1091
(Powers, Gackle, Matheny, Laughlin)

SENIOR CITIZEN PROGRAMS

AN ACT to create and enact a new section to chapter 11-11 and a new section to chapter 40-05 of the North Dakota Century Code, relating to the authority of counties and cities to establish or maintain programs and activities for senior citizens; to create and enact a new section of the North Dakota Century Code, authorizing a political subdivision to expend federal revenue-sharing moneys for any purpose for which general or special fund moneys may be expended; and to amend and reenact section 57-15-56 of the North Dakota Century Code, relating to the authorization of a mill levy for programs and activities for senior citizens; and declaring an emergency.

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

SECTION 1.) A new section to chapter 11-11 of the North Dakota Century Code is hereby created and enacted to read as follows:

PROGRAMS AND ACTIVITIES FOR SENIOR CITIZENS - EXPENDITURE OF FUNDS.) The board of county commissioners is authorized to establish or maintain programs and activities for senior citizens, including the expansion of existing senior citizen centers which will provide recreational and other leisure-time activities, informational, health, welfare, counseling, and referral services for senior citizens, and assist such persons in providing volunteer community or civic services. The board is authorized to expend funds received from state, federal, or private sources for the public purposes provided for in this section. No expenditure authorized by this section shall be made to defray any expenses or any organization or agency until such organization or agency is incorporated under the laws of this state as a nonprofit corporation and has contracted with the board in regard to the manner in which such funds will be expended and the services to be provided. An organization or agency and its program which receives such funds shall be reviewed or approved annually by the board to determine its eligibility to receive funds under the provisions of this section.

SECTION 2.) A new section to chapter 40-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

PROGRAMS AND ACTIVITIES FOR SENIOR CITIZENS - EXPENDITURE OF FUNDS.) The governing body of any city is authorized to establish or maintain programs and activities for senior citizens, including the expansion of existing senior citizen centers which will provide recreational and other leisure-time activities, informational, health, welfare, counseling, and referral services for senior citizens, and assist such persons in providing volunteer community or civic services. The governing body is authorized to expend funds received from state, federal, or private sources for the public purposes provided for in this section. No expenditure authorized by this section shall be made to defray any expenses of any organization or agency until such organization or agency is incorporated under the laws of this state as a nonprofit corporation and has contracted with the governing body in regard to the manner in which such funds will be expended and the services to be provided. An organization or agency and its program which receives such funds shall be reviewed or approved annually by the governing body to determine its eligibility to receive funds under the provisions of this section.

SECTION 3. AMENDMENT.) Section 57-15-56 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-15-56. AUTHORIZATION OF MILL LEVY FOR PROGRAMS AND ACTIVITIES FOR SENIOR CITIZENS - ELECTIONS TO AUTHORIZE OR REMOVE THE LEVY.)

1. The board of county commissioners of any county is hereby authorized to levy a tax, or in the event no levy is made by the board of county commissioners, the governing body of any city is authorized to levy a tax, in addition to all levies now authorized by law, for the purpose of establishing or maintaining programs and activities for senior citizens including the expansion of existing senior citizen centers which will provide recreational and other leisure-time activities, informational, health, welfare, counseling, and referral services for senior citizens, and assisting such persons in providing volunteer community or civic services. Such tax shall not exceed the amount produced by the levy of one mill on a dollar of the net taxable valuation of the county or the city. The proceeds of such tax shall be kept in a separate fund and shall be used exclusively for the public purposes provided for in this section. Such levy shall be in addition to any moneys expended by the board of county commissioners pursuant to section 1 of this Act or by the governing body of any city pursuant to section 2 of this Act.
2. The levy authorized by this section shall not be used to defray any expenses of any organization or agency until such organization or agency is incorporated under the laws of this state as a nonprofit corporation and

has contracted with the board of county commissioners or the governing body of the city in regard to the manner in which such funds will be expended and the services to be provided. An organization or agency and its program which receives funds under the provisions of this section shall be reviewed or approved annually by the board of county commissioners or the governing body of the city to determine its eligibility to receive funds under the provisions of this section.

3. The levy authorized by this section shall be imposed or removed only by a vote of at least sixty percent of the electorate of the county or city directing the governing body to do so. The governing body shall put the issue before the people either on its own motion or when a petition in writing, signed by qualified electors of the county or city equal in number to at least ten percent of the total vote cast in the county or city for the office of governor of the state at the last general election is presented to said governing body.

SECTION 4. EXPENDITURE OF FEDERAL REVENUE-SHARING MONEYS.)

A political subdivision may expend federal revenue-sharing moneys for any purpose for which general or special fund moneys of the political subdivision may be expended, regardless of whether a tax levy by a vote of the political subdivision electorate has been made or is required for such purpose. For the purposes of this Act, "political subdivision" means any county, city, township, or other unit of local government.

SECTION 5. 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 April 10, 1975

CHAPTER 97

HOUSE BILL NO. 1110
(Freborg)

DISTRIBUTION OF FUNDS BY
COUNTY TREASURER

AN ACT to amend and reenact sections 11-14-10, 11-14-16, and 40-40-13 of the North Dakota Century Code, relating to the collection and distribution of funds by the county treasurer.

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

SECTION 1. AMENDMENT.) Section 11-14-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-14-10. DAILY REPORT TO AUDITOR - DISTRIBUTION OF FUNDS.) The county treasurer shall prepare a daily statement of all receipts and disbursements and shall transmit a copy of the same to the county auditor together with all warrants and other vouchers paid and duplicate copies of all receipts. He shall make a distribution on or before the tenth working day of each calendar month to the several county funds and taxing subdivisions of all taxes received and of all other funds that are required by law to be distributed.

SECTION 2. AMENDMENT.) Section 11-14-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-14-16. WHEN TREASURER SHALL PAY OVER THE FUNDS COLLECTED.) The county treasurer shall pay over to the treasurer of the state, and to any municipal corporation or organized township, or to any body politic, on the order of the county auditor, all moneys received by him arising from taxes levied and collected, belonging to the state, or to such municipal corporation or organized township or school district on or before the tenth working day of each calendar month. If any treasurer willfully and negligently shall fail to settle with the state treasurer at the times and in the manner prescribed by law, he shall forfeit to the use of the state the sum of five hundred dollars, such sum to be recovered from him or his sureties on suit brought by the state treasurer in the name of the state. If the state treasurer fails to bring such suit, then any citizen of the state may bring the same.

SECTION 3. AMENDMENT.) Section 40-40-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-40-13. COUNTY TREASURER TO COLLECT MUNICIPAL TAXES.) The

county treasurer shall collect all municipal taxes, together with the interest and penalties thereon, if any, in the same manner as the general taxes are collected, and shall pay over to the treasurer of the municipality, on or before the tenth working day of each calendar month, all taxes so collected during the preceding month, with interest and penalties collected thereon, and forthwith shall notify the auditor of the municipality of the amount so paid over. The county treasurer shall take duplicate receipts for amounts so paid to the treasurer of the municipality and shall send one of such receipts to the auditor of the municipality.

Approved March 17, 1975

CHAPTER 98

SENATE BILL NO. 2083
(Redlin, Reiten)

**SHERIFFS' FEES FOR
BOARDING PRISONERS**

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 1973 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 be per meal for meals actually served, and not to exceed one dollar and fifty cents for breakfast, two dollars for dinner, and three dollars for supper; and

Approved February 28, 1975

CHAPTER 99

SENATE BILL NO. 2182
(Hoffner, Ringsak)

SHERIFF'S MILEAGE

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

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

SECTION 1. AMENDMENT.) Section 11-15-12 of the 1973 Supplement to 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 fifteen cents minimum 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 not less than fifteen cents per mile when such travel is by motor vehicle, including travel on extradition, and if by rail or other common carrier his actual and necessary travel expenses.

SECTION 2. 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 April 8, 1975

*NOTE: Section 11-15-12 was also amended by section 2 of House Bill No. 1452, chapter 90.

CHAPTER 100

SENATE BILL NO. 2082
(Redlin, Reiten)

UNIFORMS FOR SHERIFFS AND DEPUTIES

AN ACT to amend and reenact section 11-15-29 of the North Dakota Century Code, relating to sheriffs' and deputies' uniforms.

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

SECTION 1. AMENDMENT.) Section 11-15-29 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-15-29. UNIFORM ALLOWANCE FOR SHERIFFS AND FULL-TIME DEPUTY SHERIFFS.) An allowance for the purchase and maintenance of uniforms for sheriffs and full-time deputy sheriffs shall be allowed by the board of county commissioners in each county in an amount not to exceed three hundred dollars per person the first year and one hundred fifty dollars per person each succeeding year.

Approved February 28, 1975

CHAPTER 101

HOUSE BILL NO. 1081
(Atkinson)

NOTICE OF INTENT TO FILE LIEN

AN ACT to amend and reenact sections 11-17-04 and 35-27-12 of the North Dakota Century Code, relating to fees to be charged by the clerk of the district court and to the duty of the clerk to file the notice of intent to file a mechanic's lien notice.

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

SECTION 1. AMENDMENT.) Section 11-17-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-17-04. FEES TO BE CHARGED BY THE CLERK OF THE DISTRICT COURT.) The clerk of the district court shall charge and collect the following fees:

1. For the filing of an action, including an action transferred from another county, and for all things in connection therewith which are not hereinafter provided for, fifteen dollars;
2. For issuing a regular or special execution in an action, two dollars;
3. For filing a regular or special execution on return, one dollar;
4. For filing and indexing a mechanic's lien, two dollars;
5. For filing and indexing any paper authorized to be filed in his office but not connected with a civil action or proceeding, one dollar;
6. For making a certified abstract or exemplified copy of a judgment or a certified or exemplified copy of judgment, order, or other paper filed or recorded in his office, for the first four pages, one dollar, and for each additional page, fifty cents;
7. For approving the bond of a notary public, one dollar;

8. For entering and indexing the commission of a notary public, one dollar;
9. For taking an acknowledgment or administering an oath, one dollar;
10. For recording and indexing any paper not filed in an action or proceeding, for the first four pages, one dollar, and for each additional page, fifty cents;
11. For a certificate of official capacity of a notary public or other officer, one dollar;
12. For certifying an abstract of real property as to judgments and liens, for each person named in the abstract as to whom search is made, one dollar;
13. For issuing a commission to take depositions, two dollars;
14. For certifying the record on appeal to the supreme court or to the district court of any other county and transmitting the same, ten dollars;
15. For all services on remittitur from supreme court, five dollars;
16. For taking depositions, for each page, one dollar;
17. For making a certified transcript of any judgment, two dollars;
18. For filing and docketing a transcript of a judgment from a justice's court or from any other county, two dollars;
19. For filing and entering an affidavit and other papers for the renewal of a judgment, two dollars;
20. For registering and filing a certificate of partnership, ten dollars;
21. For all services in adoption proceedings, five dollars;
22. For all services in proceedings for deposit in court, five dollars;
23. For filing and indexing the notice of intent to file a mechanic's lien pursuant to section 35-12-27, two dollars;
24. For issuing an identification card, three dollars;
25. For filing a hospital lien, two dollars;

26. For filing a satisfaction of judgment, one dollar; and

27. For preparing a subpoena, one dollar.

SECTION 2. AMENDMENT.) Section 35-27-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

35-27-12. CLERK OF COURT TO RECORD NOTICE.) The clerk of district court shall file and record the notice of intention to file a lien in a book entitled "book of mechanic's lien notice". The "book of mechanic's lien notice" shall be indexed according to tracts.

Approved March 25, 1975

CHAPTER 102

HOUSE BILL NO. 1338
(Mushik, Royse)

RECORDING FEES FOR SEVERED MINERALS

AN ACT to create a new section to chapter 11-18 of the North Dakota Century Code, to provide a fee for recording instruments with the register of deeds based upon the number of sections described in an instrument which describes land in which the mineral acres have been severed from the surface estate.

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

SECTION 1.) A new section to chapter 11-18 of the North Dakota Century Code is hereby created and enacted to read as follows:

ADDITIONAL RECORDING FEES - SEVERED MINERAL INTERESTS.)

If any of the instruments described in subdivisions 1 through 9, inclusive, of subsection A of section 11-18-05 shall describe an interest in minerals which has been severed from the surface estate, the register of deeds shall collect a fee of fifty cents for registering the first section of land, or portion thereof, described within such an instrument upon which an interest in minerals has been severed from the surface, and a fee of twenty-five cents for each additional section of land, or portion thereof. Nothing contained in this section shall be construed to repeal or supersede subsection A of section 11-18-05, and the fees required by this section shall be in addition to the fees required by subsection A of section 11-18-05.

Approved April 8, 1975

CHAPTER 103

HOUSE BILL NO. 1158

(Committee on Political Subdivisions)

(At the request of the Public Service Commission)

BURIED TRANSMISSION FACILITIES AREA LIMITS

AN ACT to amend and reenact section 11-18-16 of the 1973 Supplement to the North Dakota Century Code, relating to area limits of buried transmission facilities.

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

SECTION 1. AMENDMENT.) Section 11-18-16 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-18-16. BURIED TRANSMISSION FACILITIES - FILING NOTICE THEREOF.) Any person, firm, association, or corporation, including all political subdivisions, owning or having control of any pipes, wires, cables, or other facilities for the transmission of gas, oil, electricity, water, communications, or other products or services, which are buried beneath the surface of the ground, including areas within the limits of any political subdivision shall give written notice thereof to the office of the register of deeds in the county where the facilities are located. This notice shall state the name, address, and telephone number of the owner or person having control of the facilities, and shall contain a description of the location of these facilities by section number, township number, township name if there is one, range number, and city name. Railroads and the North Dakota state highway department are not required to file this notice for their facilities buried on their rights of way. The notice provided for in this section shall not be required to appear in any abstract of title prepared by a registered abstractor.

Approved March 12, 1975

CHAPTER 104

SENATE BILL NO. 2365
(Nething, Melland)

COUNTY PARK LEVY

AN ACT to amend and reenact section 11-28-06 of the North Dakota Century Code, relating to the tax levy for county parks and recreation areas.

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

SECTION 1. AMENDMENT.) Section 11-28-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-28-06. TAX LEVY BY BOARD OF COUNTY COMMISSIONERS.) At the time of levying taxes for other county purposes, the board of county commissioners shall consider the certificate and budget statement of the board of county park commissioners and shall levy each year upon all taxable property in the county a tax sufficient in amount to pay the actual necessary expenses and activities program of the board of county park commissioners, including construction, improvement, repair, operation, and maintenance of the park and recreational areas and their facilities under the jurisdiction, supervision, control, and management of the board of county park commissioners, not exceeding one mill on each dollar of the taxable valuation of the county, which tax may be levied in excess of the mill limit fixed by law for taxes for general purposes. No levy in excess of one mill shall be made without approval of the eligible voters in the county at a special or general election. The county auditor shall credit the proceeds of such tax to the separate fund of the board of county park commissioners. This levy shall not apply to cities that already have a park levy unless the governing body of such city by resolution consents to such levy.

Approved March 14, 1975

CHAPTER 105

SENATE BILL NO. 2452
(Reiten)

RECREATION SERVICE DISTRICTS

AN ACT to provide for the establishment of recreation service districts for the purpose of providing police protection, water and sewer, garbage removal services, public road construction and maintenance, in addition to that provided by the local governing body or other agency, and the improvement and control of the environmental quality of the recreation service district, to provide for elections and for a board of recreation service commissioners, and to provide for the levying of special assessments.

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

SECTION 1. ESTABLISHMENT OF RECREATION SERVICE DISTRICTS - PETITION - PURPOSE.) The board of county commissioners of any county in this state, at any meeting of such board, by majority vote of all of the members may, upon the petition of ten percent of the persons who qualify pursuant to section 3 of this Act as voters of an area to be included within a proposed recreation service district shall call for an election of all of the qualified voters of such district to determine the question of the establishment of a recreation service district for the purpose of providing police protection, sewer and water, garbage removal services, and public road construction and maintenance, in addition to that provided by the local governing body or agency to summer homes, cottages, and other residences and establishments as may exist within such area, and provide for the improvement and control of the environmental quality of the recreation service district. Said recreation service district shall be limited in size and location to an area which is contiguous to or within one-quarter mile of the recreational waters of the area or to the areas of land which are dedicated to public use for recreational purposes. In addition, said district shall consist of not less than five hundred privately owned seasonal homes or cottages and other residences and establishments. If a petition is presented to the board of county commissioners calling for such election, such petition shall be accompanied by such information as the board of county commissioners shall require, including the boundaries of the proposed recreation district, the approximate number of qualified voters as defined in section 3 of this Act, and a sufficient deposit of money to cover all costs of such election. Within sixty days after the calling of such an election, the board of county commissioners shall provide an

election on the question of whether or not a recreation service district should be established and shall establish procedures for voting and other necessary matters not inconsistent with the provisions of this Act. The county commissioners shall give at least thirty days' notice of the election by certified mail to all qualified voters as defined in section 3 of this Act. If a majority of the votes cast approve of the establishment of a recreation service district, such district shall then be organized.

SECTION 2. MEETINGS OF RECREATION SERVICE DISTRICTS - ELECTION OF BOARD.) The first meeting of the recreation service district shall be held within thirty days after the district is organized at a time and place designated by the board of county commissioners. At such meeting, the qualified voters, as defined in section 3 of this Act, shall elect not less than five qualified voters of the district to serve as members of the board of recreation service district commissioners. Each member elected and qualified shall serve until the first annual meeting of the district. The voters of the district shall assemble and hold an annual meeting during the month of June of each year, at a time and place within the county designated by the board of recreation service district commissioners. Such board shall publish notice of the annual meeting not less than fifteen days prior to such meeting in the official county newspaper of the county in which the district is located. In addition to the annual meeting, the board of recreation service district commissioners may call a special meeting of the voters of the district at such time and place as they may select, provided that they publish notice in the official county newspaper in the same manner as is required for the annual meeting. Not less than five qualified voters of the district shall be elected to serve on the board of recreation service district commissioners at the annual meeting. Each member so elected shall serve a term of three years, until his successor is elected and qualified. The term of each director shall be established so that the term of approximately one-third of the directors shall terminate each year. The members of such board shall serve without compensation.

SECTION 3. QUALIFICATIONS OF VOTERS AND COMMISSIONERS.) In order that there may be a fair representation of property owners and residents of the recreation service district, a person eighteen years of age and older may qualify as a voter for purposes of this Act by presenting adequate proof or by signing a proper affidavit that he qualifies by either one of the following methods:

1. That he is a resident of the county for all other purposes of voting and maintains his permanent residence within the recreation service district.
2. That he owns real property within the recreation service district. Where there is more than one owner of such real property, each shall be entitled to one vote.

It is the intent of this section that all persons who shall be affected by the provisions of this Act shall be allowed to have a voice or vote.

SECTION 4. POWERS OF RECREATION SERVICE DISTRICTS - LEVYING OF SPECIAL ASSESSMENTS.) Each recreation service district established under the provisions of this Act shall have the authority to provide police protection, sewer and water, garbage removal services, and public road construction and maintenance, in addition to that provided by the local governing body or other agency to summer homes, cottages, and other residences and establishments as may exist within its boundaries, and to provide for the improvement and control of the environmental quality of the recreation service district, and to levy special assessments as may be necessary to provide such services. All projects and services to be provided by a recreation service district shall first be approved by a majority of the qualified voters of the district affected by such special assessment and present and voting at an annual or special meeting called as provided in this Act. The levying of special assessments for sewer and water, garbage removal services, public road construction and maintenance, and improvement of environmental quality shall be levied against those parcels of property benefited in the manner provided by law for the levying of special assessments for municipalities and the costs of police protection may be levied in such manner. Any recreation service district may contract with other political subdivisions for joint or cooperative action as provided in chapter 54-40. The board of recreation service district commissioners shall be responsible for the administration and accounting of such obligations and accounts as shall be undertaken in accordance with the provisions of this Act. The board of recreation service district commissioners shall serve as the special assessment commission and shall make or cause to be made a complete list of the annual benefits and assessments on each parcel of property within the district. The board shall also hear appeals from aggrieved property owners concerning assessments made, and shall have the authority to increase or decrease any assessment as may be just and necessary. No special assessment shall exceed the benefits as determined by the board to the parcel of property assessed. The board shall have the authority to cooperate with the state or federal government or any agency or department thereof in furnishing assurances and meeting local cooperation requirements, within the scope of the power of said board, in connection with any project involving the construction, improvement, operation, maintenance, conservation, or use of the area, including waters, within the recreation service district.

SECTION 5. DISSOLUTION OF RECREATION SERVICE DISTRICTS.) Any recreation service district shall be dissolved upon a vote of a majority of the qualified voters in the district, provided that such district has no outstanding indebtedness. Any funds remaining upon the dissolution of a recreation service district shall be deposited in the general fund of the county in which such recreation service district is located.

Approved April 9, 1975