

HOUSE BILL NO. 1362

Introduced by

Representatives Maragos, Koppelman, Rose

Senators Kelsh, Lee

1 A BILL for an Act to amend and reenact sections 11-10-10 and 11-10-10.1 of the North Dakota
2 Century Code, relating to the salaries of county officers; and to provide an effective date.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 11-10-10 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **11-10-10. Salaries of county officers.**

- 7 1. The salary of the county auditor, county treasurer, county superintendent of
8 schools, register of deeds, clerk of district court, and sheriff must be regulated by
9 the population in the respective counties according to the last preceding official
10 federal census from and after the date when the official report of ~~such~~ the census
11 has been published ~~by the director of the census or such other official as may be~~
12 ~~charged with the duty of making such official publication.~~ Notwithstanding any
13 decreases in population, the salaries paid county officers as of July 1, 1981,
14 reduced by any discretionary salary increase authorized by the county
15 commissioners pursuant to this section, must be at least the minimum amount
16 payable for that office when filled on a full-time basis in the future.
- 17 2. The county treasurer, county superintendent of schools, register of deeds, county
18 auditor, and clerk of district court ~~each shall receive~~ are entitled to the following
19 annual salary, payable monthly, for official services rendered:
- 20 a. ~~Seventeen~~ Nineteen thousand dollars in counties having a population of less
21 than eight thousand.
- 22 b. ~~Seventeen~~ Nineteen thousand five hundred dollars in counties having a
23 population of or exceeding eight thousand plus additional compensation of
24 one hundred dollars per year for each one thousand additional population or

1 major fraction thereof over eight thousand. However, in counties where the
2 population consists of more than twenty-five percent Indians who have not
3 severed tribal relations, the county commissioners may adjust the salaries
4 provided for ~~herein~~ in this subsection within the limitations contained in this
5 subdivision.

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

9 ~~3. Repealed by S.L. 1975, ch. 87, § 2.~~

10 ~~4.~~ The county superintendent of schools is entitled to receive for any trips necessarily
11 made within the county in the performance of school district reorganization duties
12 the same mileage received under section 11-10-15. The board of county
13 commissioners of any county may, by resolution, increase the salary of any
14 full-time county official provided in this section, if, in the judgment of such board, by
15 reason of duties performed, the official merits the increase. The salary of a county
16 official may not be reduced during the official's term of office. Any county official
17 performing duties on less than a full-time basis may be paid a reduced salary set
18 by the board of county commissioners. ~~In the event~~ If the county has for its
19 employees, a group insurance program for hospital benefits, medical benefits, or
20 life insurance, or a group retirement program, financed in part or entirely by the
21 county, ~~such~~ the benefits may be in addition to the salaries payable to county
22 officials.

23 ~~5.~~ 4. Each county commissioner may receive an annual salary or per diem as provided
24 by resolution of the board, with a maximum of ~~ten~~ twelve thousand dollars in
25 counties with a population in excess of ten thousand and a maximum of ~~nine~~
26 eleven thousand three hundred dollars in counties with a population of ten
27 thousand or less. In addition, there must be an allowance for meals and lodging
28 expenses at the same rate and under the same conditions as provided for state
29 officials and employees. The allowance for travel expenses must be at the same
30 rate as provided by section 11-10-15, and must be evidenced by a subvoucher or
31 receipt as provided by section 21-05-01. As used in this section, the words "official

1 business" include statewide meetings of the North Dakota county commissioners
2 association.

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

5 ~~6-~~ 5. Sheriffs ~~shall receive~~ are entitled to the following annual salary, payable monthly,
6 for official services rendered:

7 a. ~~Nineteen~~ Twenty-one thousand nine hundred dollars in counties having a
8 population with less than eight thousand.

9 b. ~~Twenty~~ Twenty-two thousand nine hundred dollars in counties having a
10 population exceeding eight thousand plus additional compensation of one
11 hundred dollars per year for each one thousand additional population or major
12 fraction thereof over eight thousand. However, in counties where the
13 population consists of more than twenty-five percent Indians who have not
14 severed tribal relations, the county commissioners may adjust the salaries
15 provided for ~~herein~~ in this subsection within the limitations contained in this
16 subdivision.

17 ~~7-~~ 6. State's attorneys in counties having a population exceeding thirty-five thousand, or
18 in other counties where the board of county commissioners has determined by
19 resolution that the state's attorney ~~shall~~ must be full time and ~~shall~~ may not be an
20 attorney or counsel for any party except the state or county, ~~shall~~ are entitled to
21 receive ~~forty-five~~ forty-seven thousand dollars, but the county may increase that
22 amount up to the same salary as a ~~county~~ district court judge. State's attorneys
23 not considered full time ~~shall receive~~ are entitled to an annual salary of at least
24 forty-five percent of the minimum salary paid to a full-time state's attorney.

25 7. Beginning on January 1, 2002, and on January first of each following
26 even-numbered year, the salary limitations in this section must be increased by the
27 same percentage as the total percentage increase, if any, that is appropriated by
28 the legislative assembly and approved by the governor for all full-time classified
29 state employees. That percentage increase, if any, must be rounded to the nearest
30 tenth of a percent.

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

3 **11-10-10.1. Legislative intent in regard to county salaries.** It is the intent of the
4 legislative assembly that the several boards of county commissioners shall exercise the
5 responsibility of setting the salaries of county officials within the limits imposed by section
6 11-10-10. A board of county commissioners, in making a decision in regard to a county
7 official's salary, should take into account the financial status of the county, the responsibilities of
8 the position, and any other factors which ~~that~~ the board ~~may deem~~ deems relevant in arriving at
9 ~~such~~ the decision.

10 **SECTION 3. EFFECTIVE DATE.** This Act becomes effective on January 1, 2000.