

**HOUSE BILL NO. 1275**

Introduced by

Representatives DeKrey, Delmore, Koppelman

Senators W. Stenehjem, Traynor

1 A BILL for an Act to create and enact chapter 27-05.2 of the North Dakota Century Code,  
2 relating to state funding of clerk of district court services; to amend and reenact sections  
3 6-02-05, 11-08-06, 11-08-11, 11-08-14, 11-09.1-04, 11-10-02, 11-10-06, 11-10-10, 11-10-11,  
4 11-19-03, 11-19-16, 11-19-17, 11-19.1-08, 11-20-02, 11-22-01, 11-22-02, 11-22-05, 11-26-01,  
5 11-26-03, 11-26-04, 14-03-09, 14-03-10, 14-03-11, 14-03-17, 14-03-19, 14-03-20, 14-03-21,  
6 14-03-22, and 14-03-24, subsection 3 of section 14-15-09, subsection 4 of section  
7 20.1-13.1-08, subsections 4 and 5 of section 20.1-13.1-10, subsection 4 of section 20.1-15-08,  
8 subsections 6 and 7 of section 20.1-15-11, sections 23-02.1-06, 23-21.1-02.1, 23-21.1-02.2,  
9 and 26.1-02-19, subsection 1 of section 26.1-06.1-12, subsection 1 of section 26.1-06.1-17,  
10 subsection 1 of section 26.1-06.1-24, subsection 3 of section 26.1-06.1-49, subsection 3 of  
11 section 26.1-06.1-50, sections 27-01-01.1, 27-08.1-03, 28-20.1-05, 30.1-11-01, 32-37-05,  
12 35-18-04, 35-21-05, 37-01-34, and 37-01-35, subsection 4 of section 39-06.2-10.6,  
13 subsection 4 of section 39-20-05, subsections 6 and 7 of section 39-20-07, subsections 4 and 5  
14 of section 39-24.1-08, subsection 1 of section 40-01.1-04, section 40-05.1-05, subsection 1 of  
15 section 40-33.1-14, subsection 1 of section 40-61-16, sections 43-01-19, 43-23-16, 43-25-09,  
16 43-49-09, 44-11-01, 46-04-05, 47-18-08, and 51-05.1-06, subsection 4 of section 54-40.4-05,  
17 and sections 57-22-16 and 57-22-32 of the North Dakota Century Code, relating to filing fees,  
18 filing requirements, and various functions performed by clerks of district court; to repeal  
19 sections 11-17-01, 11-17-02, 11-17-03, 11-17-04, 11-17-05, 11-17-06, 11-17-07, 11-17-08,  
20 11-17-09, 11-17-10, and 11-17-11 of the North Dakota Century Code, relating to duties,  
21 responsibilities, and funding of clerks of district court; and to provide an effective date.

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

23 **SECTION 1. AMENDMENT.** Section 6-02-05 of the North Dakota Century Code is  
24 amended and reenacted as follows:

1           **6-02-05. (Effective January 1, 2001) Acknowledgment of organization certificate -**  
2 **Application for certificate of authority - Notice of hearing.** The organization certificate must  
3 be acknowledged before ~~the clerk of some court of record~~ or a notary public, and, together with  
4 the acknowledgment thereof, must be authenticated by the seal of ~~such court or~~ the notary.  
5 The same thereupon must be transmitted to the state banking board with a request for  
6 permission to present the same to the secretary of state, with application ~~to him~~ for the  
7 issuance of a certificate of authority. Upon receiving such organization certificate, the board  
8 shall cause notice of the application therefor to be published in the official newspaper of the  
9 county within which such association is proposed to be established. Such notice must contain  
10 a statement of a time when and place where the board will hear such application and must  
11 specify that any person objecting thereto may appear and show cause why such application  
12 should not be approved. Upon the consolidation of banks, acquisition pursuant to section  
13 6-07-04.2, or the conversion of a national bank to a state bank, notice of such hearing need not  
14 be given.

15           **SECTION 2. AMENDMENT.** Section 11-08-06 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17           **11-08-06. (Effective January 1, 2001) Officers in county adopting consolidated**  
18 **office form of government.** In addition to the board of county commissioners provided for by  
19 this title, the officers in a county which has adopted the county consolidated office form of  
20 government are as follows:

- 21           1. One county auditor who shall be ex officio register of deeds and, unless the clerk  
22           of district court serving the county is an employee of the state judicial system, ex  
23           officio clerk of the district court.
- 24           2. One state's attorney.
- 25           3. One sheriff.
- 26           4. One county treasurer, unless the office with its attendant powers and duties is  
27           combined with and conferred upon the county auditor by the board of county  
28           commissioners but no added compensation may be paid the county auditor in said  
29           capacity.
- 30           5. Repealed by S.L. 1989, ch. 137, § 10, effective January 1, 1993.
- 31           6. One coroner.

1           **SECTION 3. AMENDMENT.** Section 11-08-11 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **11-08-11. (Effective January 1, 2001) Powers and duties of county auditor.** The  
4 county auditor, in addition to the duties and powers conferred by law on that officer, shall  
5 perform the duties and functions and exercise the powers conferred on the register of deeds  
6 and, subject to subsection 1 of section 11-08-06 the clerk of the district court. The auditor shall  
7 be the chief administrative officer of the county. The board of county commissioners may  
8 delegate to the county auditor such duties of an administrative or executive nature as are not  
9 specifically conferred by law upon other officers. Such delegated duties shall be exercised by  
10 the county auditor under the supervision of the board of county commissioners.

11           **SECTION 4. AMENDMENT.** Section 11-08-14 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13           **11-08-14. (Effective January 1, 2001) Deputies and employees - Appointment -**  
14 **Compensation - Terms.** Subject to the approval of the board of county commissioners, the  
15 county auditor may appoint a deputy auditor, a deputy register of deeds, and, subject to  
16 subsection 1 of section 11-08-06, a deputy clerk of the district court. The compensation of any  
17 such deputy appointed pursuant to this section shall be fixed by the board of county  
18 commissioners. The same person may be appointed to serve as deputy in two or more offices.  
19 Subject to the approval of the board of county commissioners, the county auditor may employ  
20 such clerks, stenographers, and other county employees as may be required to perform the  
21 duties of the several offices under the auditor's direction. The compensation of the employees  
22 shall be fixed by the board of county commissioners. Any deputy or employee shall serve at  
23 the pleasure of the county auditor and may be appointed or employed to serve on a part-time  
24 basis.

25           **SECTION 5. AMENDMENT.** Section 11-09.1-04 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27           **11-09.1-04. (Effective January 1, 2001) Ratification by majority vote -**  
28 **Supersession of existing charter and conflicting state laws - Filing of copies of new**  
29 **charter.** If a majority of the qualified electors voting on the charter at the election vote in favor  
30 of the home rule charter, it is ratified and becomes the organic law of the county on the first day  
31 of January or July next following the election, and extends to all its county matters. The charter

1 and the ordinances made pursuant to the charter in county matters must be liberally construed  
2 to supersede within the territorial limits and jurisdiction of the county any conflicting state law  
3 except for any state law as it applies to cities or any power of a city to govern its own affairs,  
4 without the consent of the governing body of the city. The charter may not authorize the  
5 enactment of ordinances to diminish the authority of a board of supervisors of a township or to  
6 change the structure of township government in any organized civil township, without the  
7 consent of the board of supervisors of the township. No ordinance of a home rule county shall  
8 supersede section 49-22-16. One copy of the charter as ratified and approved must be filed  
9 with the secretary of state; one with the ~~clerk~~ register of district court deeds for the county,  
10 unless the board of county commissioners designates a different official; and one with the  
11 auditor of the county to remain as a part of its permanent records. Courts shall take judicial  
12 notice of the charter.

13 **SECTION 6. AMENDMENT.** Section 11-10-02 of the 1997 Supplement to the North  
14 Dakota Century Code is amended and reenacted as follows:

15 **SECTION 7. AMENDMENT.** Section 11-10-02 of the North Dakota Century Code as  
16 amended in section 6 of this Act, as approved by the fifty-sixth legislative assembly, is amended  
17 and reenacted as follows:

18 **11-10-02. (Effective January 1, 2003) Number and election of county officers.**

19 Each organized county, unless it has adopted one of the optional forms of county government  
20 provided by the code or has combined or separated the functions of county offices or  
21 redesignated offices as elective or appointive pursuant to chapter 11-10.2 or 11-10.3, must  
22 have the following officers:

- 23 1. One county auditor.
- 24 2. One register of deeds.
- 25 3. ~~One clerk of the district court, except as otherwise provided by this section.~~
- 26 4. One state's attorney.
- 27 ~~5.~~ 4. One sheriff.
- 28 ~~6.~~ 5. One county treasurer.
- 29 ~~7.~~ 6. One coroner.
- 30 ~~8.~~ 7. A board of county commissioners consisting of three or five members as provided  
31 in this title.

1 In counties having a population of six thousand or less, the register of deeds also serves as ex  
2 officio clerk of the district court, ~~unless the board of county commissioners adopts a resolution~~  
3 ~~separating the offices no less than thirty days before petitions for nomination to county offices~~  
4 ~~may first be filed for the primary election. In a county having a population of more than six~~  
5 ~~thousand, the offices of clerk of district court and register of deeds may be combined into an~~  
6 ~~office of register of deeds if the board of county commissioners, following consultation with the~~  
7 ~~supreme court, adopts a resolution combining the offices no less than thirty days before~~  
8 ~~petitions for nominations to county offices may first be filed for the primary election. The~~  
9 required officers must be chosen by the qualified electors of the respective counties at the  
10 general election in each even-numbered year, except the register of deeds, county auditor,  
11 treasurer, sheriff, and state's attorney, ~~and clerk of the district court~~, who must be chosen in  
12 1966 and every four years thereafter, the members of the board of county commissioners, who  
13 must be chosen in the manner prescribed in section 11-11-02, and the county coroner, who  
14 must be chosen in the manner prescribed in section 11-19.1-03.

15 **SECTION 8. AMENDMENT.** Section 11-10-06 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **11-10-06. Bonds of county officers.** Before entering upon the duties of their  
18 respective offices, the following county officers must be bonded for the faithful discharge of their  
19 respective duties in the same manner as other civil officers are bonded and in the following  
20 amounts:

- 21 1. The county auditor, clerk of the district court, register of deeds, and sheriff, fifteen  
22 thousand dollars, except in counties having a population of less than ten thousand,  
23 where the amount must be ten thousand dollars.
- 24 2. A county commissioner, two thousand dollars.
- 25 3. The county coroner, five hundred dollars.
- 26 4. The state's attorney, three thousand dollars.
- 27 5. The county surveyor, an amount, not to exceed two thousand dollars, as may be  
28 determined by the board of county commissioners.
- 29 6. The public administrator, not less than ten thousand dollars.
- 30 7. The county treasurer, an amount fixed by the board of county commissioners of not  
31 less than seventy-five thousand dollars, except in counties having a population of

1 less than ten thousand, an amount of not less than forty thousand dollars. When  
2 the total amount of taxes to be collected by the county treasurer in any one year is  
3 less than the minimum amount of bond specified in this subsection, the bond may  
4 be in a sum equal to the amount of taxes to be collected.

5 8. Repealed by S.L. 1989, ch. 137, § 10, effective January 1, 1993.

6 When the amount of any bond required under this section is dependent upon the population of  
7 a county, the population must be determined as provided in section 11-10-10. ~~The bond for the~~  
8 ~~clerk of a district court which is state funded pursuant to section 11-17-11 must be set by the~~  
9 ~~supreme court.~~

10 **SECTION 9. AMENDMENT.** Section 11-10-06 of the North Dakota Century Code as  
11 amended in section 8 of this Act, as approved by the fifty-sixth legislative assembly, is amended  
12 and reenacted as follows:

13 **11-10-06. (Effective January 1, 2003) Bonds of county officers.** Before entering  
14 upon the duties of their respective offices, the following county officers must be bonded for the  
15 faithful discharge of their respective duties in the same manner as other civil officers are  
16 bonded and in the following amounts:

- 17 1. The county auditor, ~~clerk of the district court~~, register of deeds, and sheriff, fifteen  
18 thousand dollars, except in counties having a population of less than ten thousand,  
19 where the amount must be ten thousand dollars.
- 20 2. A county commissioner, two thousand dollars.
- 21 3. The county coroner, five hundred dollars.
- 22 4. The state's attorney, three thousand dollars.
- 23 5. The county surveyor, an amount, not to exceed two thousand dollars, as may be  
24 determined by the board of county commissioners.
- 25 6. The public administrator, not less than ten thousand dollars.
- 26 7. The county treasurer, an amount fixed by the board of county commissioners of not  
27 less than seventy-five thousand dollars, except in counties having a population of  
28 less than ten thousand, an amount of not less than forty thousand dollars. When  
29 the total amount of taxes to be collected by the county treasurer in any one year is  
30 less than the minimum amount of bond specified in this subsection, the bond may  
31 be in a sum equal to the amount of taxes to be collected.

- 1           8. Repealed by S.L. 1989, ch. 137, § 10, effective January 1, 1993.
- 2   When the amount of any bond required under this section is dependent upon the population of
- 3   a county, the population must be determined as provided in section 11-10-10.

4           **SECTION 10. 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 census has
- 11          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 the following annual salary,
- 19          payable monthly, for official services rendered:
- 20           a. Seventeen thousand dollars in counties having a population of less than eight
- 21           thousand.
- 22           b. Seventeen thousand five hundred dollars in counties having a population of or
- 23           exceeding eight thousand plus additional compensation of one hundred
- 24           dollars per year for each one thousand additional population or major fraction
- 25           thereof over eight thousand. However, in counties where the population
- 26           consists of more than twenty-five percent Indians who have not severed tribal
- 27           relations, the county commissioners may adjust the salaries provided for
- 28           herein within the limitations contained in this subdivision.
- 29          ~~The compensation for the clerk of a district court which is funded by the state~~
- 30          ~~pursuant to section 11-17-11 must be set by the supreme court as a part of the~~
- 31          ~~judicial branch personnel system.~~

- 1           3. Repealed by S.L. 1975, ch. 87, § 2.
- 2           4. The county superintendent of schools is entitled to receive for any trips necessarily  
3           made within the county in the performance of school district reorganization duties  
4           the same mileage received under section 11-10-15. The board of county  
5           commissioners of any county may, by resolution, increase the salary of any  
6           full-time county official provided in this section, if, in the judgment of such board, by  
7           reason of duties performed, the official merits the increase. The salary of a county  
8           official may not be reduced during the official's term of office. Any county official  
9           performing duties on less than a full-time basis may be paid a reduced salary set  
10          by the board of county commissioners. In the event the county has for its  
11          employees, a group insurance program for hospital benefits, medical benefits, or  
12          life insurance, or a group retirement program, financed in part or entirely by the  
13          county, such benefits may be in addition to the salaries payable to county officials.
- 14          5. Each county commissioner may receive an annual salary or per diem as provided  
15          by resolution of the board, with a maximum of ten thousand dollars in counties with  
16          a population in excess of ten thousand and a maximum of nine thousand three  
17          hundred dollars in counties with a population of ten thousand or less. In addition,  
18          there must be an allowance for meals and lodging expenses at the same rate and  
19          under the same conditions as provided for state officials and employees. The  
20          allowance for travel expenses must be at the same rate as provided by section  
21          11-10-15, and must be evidenced by a subvoucher or receipt as provided by  
22          section 21-05-01. As used in this section, the words "official business" include  
23          statewide meetings of the North Dakota county commissioners association.
- 24                 If a board shall resolve to pay an annual salary pursuant to this subsection, it  
25          must be paid in monthly installments.
- 26          6. Sheriffs shall receive the following annual salary, payable monthly, for official  
27          services rendered:
- 28                 a. Nineteen thousand nine hundred dollars in counties having a population with  
29                 less than eight thousand.
- 30                 b. Twenty thousand nine hundred dollars in counties having a population  
31                 exceeding eight thousand plus additional compensation of one hundred

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

6           7.   State's attorneys in counties having a population exceeding thirty-five thousand, or  
7           in other counties where the board of county commissioners has determined by  
8           resolution that the state's attorney shall be full time and shall not be an attorney or  
9           counsel for any party except the state or county, shall receive forty-five thousand  
10           dollars, but the county may increase that amount up to the same salary as a county  
11           court judge. State's attorneys not considered full time shall receive an annual  
12           salary of at least forty-five percent of the minimum salary paid to a full-time state's  
13           attorney.

14           **SECTION 11. AMENDMENT.** Section 11-10-10 of the North Dakota Century Code as  
15           amended in section 10 of this Act, as approved by the fifty-sixth legislative assembly, is  
16           amended and reenacted as follows:

17           **11-10-10. (Effective January 1, 2003) Salaries of county officers.**

- 18           1.   The salary of the county auditor, county treasurer, county superintendent of  
19           schools, register of deeds, ~~clerk of district court~~, and sheriff must be regulated by  
20           the population in the respective counties according to the last preceding official  
21           federal census from and after the date when the official report of such census has  
22           been published by the director of the census or such other official as may be  
23           charged with the duty of making such official publication. Notwithstanding any  
24           decreases in population, the salaries paid county officers as of July 1, 1981,  
25           reduced by any discretionary salary increase authorized by the county  
26           commissioners pursuant to this section, must be at least the minimum amount  
27           payable for that office when filled on a full-time basis in the future.
- 28           2.   The county treasurer, county superintendent of schools, register of deeds, county  
29           auditor, ~~and clerk of district court~~ each shall receive the following annual salary,  
30           payable monthly, for official services rendered:

- 1           a.   Seventeen thousand dollars in counties having a population of less than eight  
2           thousand.
- 3           b.   Seventeen thousand five hundred dollars in counties having a population of or  
4           exceeding eight thousand plus additional compensation of one hundred  
5           dollars per year for each one thousand additional population or major fraction  
6           thereof over eight thousand. However, in counties where the population  
7           consists of more than twenty-five percent Indians who have not severed tribal  
8           relations, the county commissioners may adjust the salaries provided for  
9           herein within the limitations contained in this subdivision.
- 10          3.   Repealed by S.L. 1975, ch. 87, § 2.
- 11          4.   The county superintendent of schools is entitled to receive for any trips necessarily  
12          made within the county in the performance of school district reorganization duties  
13          the same mileage received under section 11-10-15. The board of county  
14          commissioners of any county may, by resolution, increase the salary of any  
15          full-time county official provided in this section, if, in the judgment of such board, by  
16          reason of duties performed, the official merits the increase. The salary of a county  
17          official may not be reduced during the official's term of office. Any county official  
18          performing duties on less than a full-time basis may be paid a reduced salary set  
19          by the board of county commissioners. In the event the county has for its  
20          employees, a group insurance program for hospital benefits, medical benefits, or  
21          life insurance, or a group retirement program, financed in part or entirely by the  
22          county, such benefits may be in addition to the salaries payable to county officials.
- 23          5.   Each county commissioner may receive an annual salary or per diem as provided  
24          by resolution of the board, with a maximum of ten thousand dollars in counties with  
25          a population in excess of ten thousand and a maximum of nine thousand three  
26          hundred dollars in counties with a population of ten thousand or less. In addition,  
27          there must be an allowance for meals and lodging expenses at the same rate and  
28          under the same conditions as provided for state officials and employees. The  
29          allowance for travel expenses must be at the same rate as provided by section  
30          11-10-15, and must be evidenced by a subvoucher or receipt as provided by

1 section 21-05-01. As used in this section, the words "official business" include  
2 statewide meetings of the North Dakota county commissioners association.

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

5 6. Sheriffs shall receive the following annual salary, payable monthly, for official  
6 services rendered:

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

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

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

24 **SECTION 12. AMENDMENT.** Section 11-10-11 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **11-10-11. Appointment and salary of deputies and clerks.** The salaries of deputies,  
27 clerks, and assistants for the county auditor, county treasurer, sheriff, register of deeds, clerk of  
28 the district court, and state's attorney must be fixed by a resolution of the board of county  
29 commissioners. Each of the named officers may appoint such deputies, clerks, and assistants,  
30 in accordance with the budget, except none of the officers mentioned in this section may  
31 appoint as deputy any other officer mentioned in this section. ~~The number and compensation~~

1 ~~of deputies, clerks, and assistants for a clerk of district court which is funded by the state~~  
2 ~~pursuant to section 11-17-11 must be set by the supreme court.~~

3       **SECTION 13. AMENDMENT.** Section 11-10-11 of the North Dakota Century Code as  
4 amended in section 12 of this Act, as approved by the fifty-sixth legislative assembly, is  
5 amended and reenacted as follows:

6       **11-10-11. (Effective January 1, 2003) Appointment and salary of deputies and**  
7 **clerks.** The salaries of deputies, clerks, and assistants for the county auditor, county treasurer,  
8 sheriff, register of deeds, ex officio clerk of the district court, and state's attorney must be fixed  
9 by a resolution of the board of county commissioners. Each of the named officers may appoint  
10 such deputies, clerks, and assistants, in accordance with the budget, except none of the  
11 officers mentioned in this section may appoint as deputy any other officer mentioned in this  
12 section.

13       **SECTION 14. AMENDMENT.** Section 11-19-03 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15       **11-19-03. (Effective January 1, 2001) If inquest not held - Certificate filed.** If the  
16 coroner does not deem it necessary to hold an inquest in a case brought to the coroner's  
17 attention, the coroner shall file a certificate setting forth all the facts in relation to the case with  
18 ~~the clerk~~ register of the district court deeds of the county within which the dead body is found a  
19 ~~certificate setting forth all the facts in relation to the case, unless the board of county~~  
20 commissioners designates a different official.

21       **SECTION 15. AMENDMENT.** Section 11-19-16 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23       **11-19-16. (Effective January 1, 2001) Testimony at coroner's inquest to be**  
24 **reduced to writing - Records, where filed.** The testimony of all witnesses examined before  
25 the coroner's jury shall be reduced to writing by the coroner or under the coroner's direction,  
26 and shall be subscribed by the witnesses, respectively. The coroner shall file the testimony,  
27 together with a record of all proceedings had before the coroner, in the office of the ~~clerk~~  
28 register of the district court deeds of the county within which the inquest was held, unless the  
29 board of county commissioners designates a different official.

30       **SECTION 16. AMENDMENT.** Section 11-19-17 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1           **11-19-17. (Effective January 1, 2001) Clerk of district court to file Filing of coroner**  
2 **proceedings of coroner.** The clerk register of the district court deeds, unless the board of  
3 county commissioners designates a different official, shall file, index, and enter in a book kept  
4 for that purpose, the proceedings of the coroner ~~in the same manner as proceedings in civil~~  
5 ~~actions are entered.~~

6           **SECTION 17. AMENDMENT.** Section 11-19.1-08 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **11-19.1-08. (Effective January 1, 2001) Records of coroner's office.** It is the duty of  
9 the coroner to keep a full and complete record and to fill in the cause of death upon the death  
10 certificate in all cases coming under the coroner's jurisdiction. All records must be kept in the  
11 office of the coroner, if the coroner maintains an office as coroner, and if the coroner maintains  
12 no separate office, then in the office of the clerk register of the district court deeds of the  
13 county, unless the board of county commissioners designates a different official, and must be  
14 properly indexed, stating the name, if known, of every deceased person, the place where the  
15 body was found, date of death, cause of death, and all other available information required by  
16 this chapter. The report of the coroner and the detailed findings of the autopsy, if one was  
17 performed, must be attached to the report of every case. The coroner shall promptly deliver or  
18 cause to be delivered to the state's attorney of the county in which a death occurred copies of  
19 all necessary records relating to every death in which the coroner or state's attorney determines  
20 further investigation advisable. The sheriff of the county, the police of the city, or the state  
21 highway patrolmen on duty in that county in which the death occurred may be requested to  
22 furnish more information or make further investigation by the coroner or the coroner's deputy.  
23 The state's attorney may obtain from the office of the coroner copies of records and other  
24 information necessary for further investigation. All records of the coroner shall become and  
25 remain the property of the county and are public records.

26           **SECTION 18. AMENDMENT.** Section 11-20-02 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28           **11-20-02. (Effective January 1, 2001) Deputies - Appointment - Removal.** The  
29 county surveyor may appoint one or more deputies and may revoke any such appointment at  
30 pleasure. An appointment or revocation shall be in writing, signed by the surveyor, and filed  
31 with the clerk register of the district court deeds, unless the board of county commissioners

1 designates a different official. Each deputy shall take the constitutional oath of office and may  
2 perform any duties imposed by law upon the county surveyor. The surveyor and the surveyor's  
3 sureties shall be responsible for the faithful performance of the duties of the surveyor's office by  
4 any deputy.

5 **SECTION 19. AMENDMENT.** Section 11-22-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **11-22-01. (Effective January 1, 2001) Sheriff, clerk of court, public administrator**  
8 **may deposit funds entrusted to them with county treasurer.** Any and all funds, other than  
9 fees and taxes, received by any sheriff, clerk of the district court who is not an employee of the  
10 state judicial system, or public administrator by virtue of the office may be paid over and  
11 delivered to the treasurer of the county. Upon the delivery of the money to the treasurer, the  
12 officer depositing the same shall be absolved from all liability for the safekeeping of the funds.

13 **SECTION 20. AMENDMENT.** Section 11-22-01 of the North Dakota Century Code as  
14 amended in section 19 of this Act, as approved by the fifty-sixth legislative assembly, is  
15 amended and reenacted as follows:

16 **11-22-01. (Effective January 1, ~~2001~~ 2003) Sheriff, clerk of court, public**  
17 **administrator may deposit funds entrusted to them with county treasurer.** Any and all  
18 funds, other than fees and taxes, received by any sheriff, ex officio clerk of the district court  
19 ~~who is not an employee of the state judicial system~~, or public administrator by virtue of the  
20 office may be paid over and delivered to the treasurer of the county. Upon the delivery of the  
21 money to the treasurer, the officer depositing the same shall be absolved from all liability for the  
22 safekeeping of the funds.

23 **SECTION 21. AMENDMENT.** Section 11-22-02 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **11-22-02. (Effective January 1, 2001) Treasurer's receipt - Special funds provided**  
26 **for deposits.** The county treasurer shall deliver a receipt to the ~~sheriff, clerk of the district~~  
27 ~~court, or public administrator~~ officer making a deposit under the provisions of this chapter and  
28 shall deliver a copy of each such receipt to the county auditor immediately. The treasurer shall  
29 place the sum deposited in a special fund provided for that purpose or in a separate special  
30 fund maintained for each county officer making such deposits. The treasurer shall be vested

1 with the same rights, duties, and liabilities with respect to deposits made under this chapter as  
2 with respect to public funds in the treasurer's hands as county treasurer.

3 **SECTION 22. AMENDMENT.** Section 11-22-05 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **11-22-05. (Effective January 1, 2001) Neglect of duty - Liability.** If ~~the sheriff, clerk~~  
6 ~~of the district court, or public administrator~~ an officer identified in section 11-22-01 fails to  
7 deposit with the county treasurer money which the officer receives by virtue of the office or  
8 makes or delivers, or causes to be made or delivered, any order for the withdrawal of the  
9 deposit except to the person, firm, corporation, or limited liability company entitled to receive the  
10 same, that officer shall be liable upon that officer's bond to any person suffering loss thereby.

11 **SECTION 23. AMENDMENT.** Section 11-26-01 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **11-26-01. (Effective January 1, 2001) Debt adjustment board - Members -**  
14 **Appointment - Oath.** The judges of the district courts of the several judicial districts of the  
15 state shall appoint, by joint action of the judges within each judicial district, a debt adjustment  
16 board for each county within the district. The board shall consist of not less than three nor more  
17 than seven members who shall serve at the pleasure of the district judges of the district within  
18 which the county is located, and who, before entering upon the duties of their office, shall take  
19 and file with the ~~clerk~~ register of the district court deeds, unless the board of county  
20 commissioners designates a different official, the oath of office prescribed for civil officers.

21 **SECTION 24. AMENDMENT.** Section 11-26-03 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **11-26-03. (Effective January 1, 2001) ~~Clerk of court to act as secretary~~ Secretary**  
24 **of board.** The ~~clerk~~ register of the district court, personally or by a deputy designated by the  
25 clerk deeds, unless the board of county commissioners designates a different official, shall act  
26 as secretary of the debt adjustment board. The expenses incurred by the ~~clerk~~ register of  
27 deeds, or designated official, in sending out notices and performing other acts prescribed by  
28 this chapter shall be defrayed out of funds available for payment of expenses in official  
29 business ~~carried on as clerk of the district court~~.

30 **SECTION 25. AMENDMENT.** Section 11-26-04 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1           **11-26-04. (Effective January 1, 2001) Meetings of board, when held - Fees.**

2 Whenever a debtor or creditor calls for assistance upon the debt adjustment board of the  
3 county within which the debtor resides and pays to the ~~clerk~~ register of the district court deeds,  
4 unless the board of county commissioners designates a different official, a filing fee as  
5 ~~prescribed in subdivision d of subsection 1 of section 11-17-04~~ of ten dollars, such clerk the  
6 register of deeds, or designated official, shall call a meeting of the debtor and the debtor's  
7 creditors with the board at the earliest possible date. The ~~clerk~~ register of deeds, or designated  
8 official, shall notify the members of the board and the debtor and creditors of the time and place  
9 of such meeting. If a debtor requesting a meeting makes and files an affidavit stating that the  
10 debtor is financially unable to pay the fee provided for in this section, the payment thereof shall  
11 be waived.

12           **SECTION 26. AMENDMENT.** Section 14-03-09 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14           **14-03-09. (Effective January 1, 2001) Who may solemnize marriages.** Marriages  
15 may be solemnized by all judges of courts of record; ~~municipal judges, clerks, registers of~~  
16 ~~district court, deeds,~~ unless the board of county commissioners designates a different official;  
17 ordained ministers of the gospel; priests, and; clergy licensed by recognized denominations  
18 pursuant to chapter 10-33; ~~and by any person authorized by the rituals and practices of any~~  
19 religious persuasion.

20           **SECTION 27. AMENDMENT.** Section 14-03-10 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22           **14-03-10. (Effective January 1, 2001) Marriage may not be solemnized without**  
23 **license.** A person may not solemnize any marriage until the parties to the marriage produce a  
24 license regularly issued not more than sixty days before the date of the marriage by:

- 25           1. A ~~clerk~~ register of district court deeds serving the county in which either of the  
26           contracting parties resides or is temporarily domiciled, unless the board of county  
27           commissioners designates a different official;
- 28           2. A ~~clerk~~ register of district court deeds serving the county in which a parent of either  
29           of the parties resides or is temporarily domiciled, unless the board of county  
30           commissioners designates a different official; or

1           3.    A ~~clerk register of district court deeds~~ serving the county in which the marriage is  
2                   to be solemnized, unless the board of county commissioners designates a different  
3                   official.

4   For the purpose of obtaining a marriage license, a member of the armed forces of the United  
5   States stationed within the state of North Dakota is deemed to reside in the county in which that  
6   person is stationed.

7           **SECTION 28. AMENDMENT.** Section 14-03-11 of the North Dakota Century Code is  
8   amended and reenacted as follows:

9           **14-03-11. (Effective January 1, 2001) Who issues marriage license to ~~clerk of~~**  
10 **~~district court official.~~** When a ~~clerk of district court~~ an official authorized to issue a marriage  
11 license desires to have a license for the ~~clerk's official's~~ own marriage issued in the county of  
12 the ~~clerk's official's~~ residence, the ~~clerk official~~ may request another ~~clerk of district court~~  
13 authorized official to act in the ~~clerk's official's~~ stead upon the application for the license. The  
14 other ~~clerk of district court official~~ has the power and authority to issue the license in the county  
15 of the residence of the ~~clerk official~~ seeking the license. The request must be in writing and  
16 must be filed, with the application and other related papers, and must be recorded in the  
17 marriage record. Upon the return of the license, the ~~clerk of district court official~~ serving the  
18 county in which it was issued may record it and note the record thereon notwithstanding the  
19 ~~clerk official~~ is one of the contracting parties named in the license.

20           **SECTION 29. AMENDMENT.** Section 14-03-17 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22           **14-03-17. (Effective January 1, 2001) Application for license.**

23           1.    When application is made to a ~~clerk register of district court deeds~~, unless the  
24                   board of county commissioners designates a different official, for a marriage  
25                   license, the ~~clerk register of deeds, or designated official,~~ shall inquire of the  
26                   applicant ~~upon oath~~ concerning the legality of the contemplated marriage. The  
27                   ~~clerk register of deeds, or designated official,~~ may examine other witnesses ~~upon~~  
28                   ~~oath.~~ The facts concerning the legality of the marriage may be submitted to the  
29                   ~~clerk register of deeds, or designated official,~~ by affidavit. The ~~clerk register of~~  
30                   deeds, or designated official, also shall require each applicant to submit the

- 1 following facts upon blanks provided by the county, together with documentary  
2 evidence of age:
- 3 a. An affidavit by each of the applicants showing that each is over the age of  
4 eighteen years. In addition, each applicant shall exhibit to the ~~clerk~~ register of  
5 deeds, or designated official, a birth certificate or other satisfactory evidence  
6 of age. If either applicant is under the age of eighteen years, the ~~clerk~~  
7 register of deeds, or designated official, shall require the written consent  
8 ~~under oath~~ of:
- 9 (1) Either parent of the minor applicant, if the parents are living together;  
10 (2) The parent having the legal custody of the minor applicant, if the  
11 parents are not living together;  
12 (3) The surviving parent, if one of the parents of the minor applicant is  
13 deceased; or  
14 (4) The guardian, or person under whose care and government the minor  
15 applicant is, if both parents of the minor applicant are deceased, or if a  
16 person other than a parent has legal and actual custody of the minor  
17 applicant.
- 18 b. An affidavit showing whether either or both of the parties have been divorced.  
19 If a decree of divorce has been granted to either or both of the parties, a  
20 certified copy of the decree must be filed with the application. A license shall  
21 not be issued if it contravenes any provisions of the divorce decree.
- 22 2. All affidavits must be subscribed and sworn to before a person authorized to  
23 administer oaths. The ~~clerk~~ register of deeds, or designated official, shall retain on  
24 file ~~in the clerk's office~~ all papers and records pertaining to all marriage licenses.  
25 Anyone knowingly swearing falsely to the statements contained in any affidavit  
26 mentioned in this section is subject to the penalty provided in section 14-03-28.
- 27 3. Each application for a marriage license must also contain a statement regarding  
28 surname options which is consistent with section 14-03-20.1.
- 29 4. Each application for a marriage license must contain the social security number of  
30 each applicant.



1 on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

2 In the presence of

3 \_\_\_\_\_ ) \_\_\_\_\_

4 \_\_\_\_\_ ) \_\_\_\_\_

5 Witnesses

6 Every marriage license must contain the full name of each party before the marriage. Every  
7 certificate of marriage must contain the full name of each party before and after the marriage  
8 and be signed by two witnesses to the marriage in addition to the signature of the person who  
9 solemnized the marriage.

10 **SECTION 32. AMENDMENT.** Section 14-03-21 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **14-03-21. License (Effective January 1, 2001) Return of license and certificate**  
13 **returned to clerk of district court - Duplicate delivered to persons married - Records kept**  
14 **- Penalty.** When a person authorized by law solemnizes a marriage, that person shall fill out  
15 and sign the certificate following the license in duplicate, giving the person's official title, or if a  
16 minister of the gospel or priest, the ecclesiastical body with which the minister or priest is  
17 connected. The original copy of the certificate and license must be returned to the ~~clerk of~~  
18 ~~district court~~ official who issued the license within five days after the date of the solemnization  
19 of the marriage and the duplicate copy must be immediately delivered to the persons married.  
20 The ~~clerk~~ official shall file the original copy ~~in the clerk's office~~ and retain it as ~~part of the clerk's~~  
21 ~~records~~ an official record. Any person who willfully neglects to make such return within the time  
22 required is subject to the penalty provided in section 14-03-28.

23 **SECTION 33. AMENDMENT.** Section 14-03-22 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **14-03-22. (Effective January 1, 2001) Marriage license fee - Supplemental fee -**  
26 **Fee for marriage ceremony - Duties of officers.** For the issuance and filing of a marriage  
27 license, the ~~clerk~~ register of district court deeds, unless the board of county commissioners  
28 designates a different official, shall collect the sum of six dollars from the party applying for the  
29 license. The ~~clerk~~ register of deeds, or designated official, shall also collect from the applicant  
30 a supplemental fee of twenty-nine dollars for aid to victims of domestic violence through the  
31 domestic violence prevention fund in accordance with chapter 14-07.1. For performing a

1 marriage ceremony during regular courthouse hours, the ~~clerk~~ register of deeds, or designated  
2 official, shall collect a fee of thirty dollars which is to be retained by the county. If the marriage  
3 ceremony is performed ~~by the clerk~~ at a time other than during regular courthouse hours, the  
4 ~~clerk~~ register of deeds, or designated official, may collect and retain a fee in an amount to be  
5 determined by the ~~clerk~~ register of deeds, or designated official. Except as provided in this  
6 section, all collected fees must be deposited monthly with the county treasurer. The county  
7 treasurer shall forward the amount represented by supplemental fees to the state treasurer by  
8 the fifteenth of each month for crediting to the domestic violence prevention fund. The ~~clerk~~  
9 register of deeds, or designated official, shall prepare a copy of the license and certificate and  
10 transmit them to the registrar of vital statistics who shall record them in a book of records kept  
11 in the registrar's office for that purpose. The registrar shall index the records and upon request  
12 shall issue certified copies of the recorded license and certificate for a one dollar fee. The  
13 registrar shall keep an accurate account of these fees and shall turn them over to the state  
14 treasurer by the fifteenth of each month for crediting to the general fund.

15 **SECTION 34. AMENDMENT.** Section 14-03-24 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **14-03-24. (Effective January 1, 2001) Certified record is evidence.** The books of  
18 record of marriage licenses issued and certificates returned which are kept by a ~~clerk~~ register of  
19 ~~district court~~ deeds, unless the board of county commissioners designates a different official,  
20 serving any county, or certified copies of such entries ~~certified by the clerk under the clerk's~~  
21 ~~seal~~, and certified copies of the records of the registrar of vital statistics, must be received as  
22 evidence in all courts, and are prima facie evidence in all courts and places of the facts stated  
23 therein.

24 **SECTION 35. AMENDMENT.** Subsection 3 of section 14-15-09 of the North Dakota  
25 Century Code is amended and reenacted as follows:

26 3. Any person filing a petition shall pay to the clerk of court a filing fee as prescribed  
27 in subsection 1 of section ~~44-17-04~~ 27-05.2-03.

28 **SECTION 36. AMENDMENT.** Subsection 4 of section 20.1-13.1-08 of the 1997  
29 Supplement to the North Dakota Century Code is amended and reenacted as follows:

30 4. At a hearing under this section, the regularly kept records of the director may be  
31 introduced. Those records establish prima facie their contents without further

1 foundation. For purposes of this chapter, the following are deemed regularly kept  
2 records of the director: any copy of a certified copy of an analytical report of a  
3 blood, urine, or saliva sample received by the director from the state toxicologist or  
4 a game warden or a law enforcement officer, a certified copy of the checklist and  
5 test records received by the director from a certified breath test operator, and any  
6 copy of a certified copy of a certificate of the state toxicologist relating to approved  
7 methods, devices, operators, materials, and checklists used for testing for alcohol,  
8 other drug, or a combination thereof concentration received by the director from the  
9 state toxicologist, ~~or the clerk register of district court deeds, are regularly kept~~  
10 ~~records of the director~~ unless the board of county commissioners has designated a  
11 different official to maintain the certificate.

12 **SECTION 37. AMENDMENT.** Subsections 4 and 5 of section 20.1-13.1-10 of the 1997  
13 Supplement to the North Dakota Century Code are amended and reenacted as follows:

- 14 4. The state toxicologist may appoint, train, certify, and supervise field inspectors of  
15 breath testing equipment and its operation, and the inspectors shall report the  
16 findings of any inspection to the state toxicologist for appropriate action. Upon  
17 approval of the methods or devices, or both, required to perform the tests and the  
18 persons qualified to administer them, the state toxicologist shall prepare and file  
19 written record of the approval with the director and the ~~clerk register of the district~~  
20 ~~court deeds~~ in each county, unless the board of county commissioners designates  
21 a different official, and shall include in the record:
- 22 a. An annual register of the specific testing devices currently approved, including  
23 serial number, location, and the date and results of last inspection.
  - 24 b. An annual register of currently qualified and certified operators of the devices,  
25 stating the date of certification and its expiration.
  - 26 c. The operational checklist and forms prescribing the methods currently  
27 approved by the state toxicologist in using the devices during the  
28 administration of the tests.

29 The material filed under this section may be supplemented when the state  
30 toxicologist determines it to be necessary, and any supplemental material has the  
31 same force and effect as the material that it supplements.

1           5. Copies of the records referred to in subsections 3 and 4, certified by the ~~clerk~~  
2           register of the district court deeds, or designated official, must be admitted as  
3           prima facie evidence of the matters stated in the records.

4           **SECTION 38. AMENDMENT.** Subsection 4 of section 20.1-15-08 of the 1997  
5 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6           4. At a hearing under this section, the regularly kept records of the director may be  
7           introduced. Those records establish prima facie their contents without further  
8           foundation. For purposes of this chapter, the following are deemed regularly kept  
9           records of the director: any copy of a certified copy of an analytical report of a  
10          blood, urine, or saliva sample received by the director from the state toxicologist or  
11          a game warden or a law enforcement officer, a certified copy of the checklist and  
12          test records received by the director from a certified breath test operator, and any  
13          copy of a certified copy of a certificate of the state toxicologist relating to approved  
14          methods, devices, operators, materials, and checklists used for testing for alcohol,  
15          other drug, or a combination thereof concentration received by the director from the  
16          state toxicologist, ~~or the clerk register of district court deeds, are regularly kept~~  
17          ~~records of the director~~ unless the board of county commissioners has designated a  
18          different official to maintain the certificate.

19          **SECTION 39. AMENDMENT.** Subsections 6 and 7 of section 20.1-15-11 of the 1997  
20 Supplement to the North Dakota Century Code are amended and reenacted as follows:

21          6. The state toxicologist may appoint, train, certify, and supervise field inspectors of  
22          breath testing equipment and its operation, and the inspectors shall report the  
23          findings of any inspection to the state toxicologist for appropriate action. Upon  
24          approval of the methods or devices, or both, required to perform the tests and the  
25          persons qualified to administer them, the state toxicologist shall prepare and file  
26          written record of the approval with the director and the ~~clerk register of the district~~  
27          ~~court deeds~~ in each county, unless the board of county commissioners designates  
28          a different official, and shall include in the record:  
29          a. An annual register of the specific testing devices currently approved, including  
30          serial number, location, and the date and results of last inspection.

- 1           b. An annual register of currently qualified and certified operators of the devices,  
2           stating the date of certification and its expiration.
- 3           c. The operational checklist and forms prescribing the methods currently  
4           approved by the state toxicologist in using the devices during the  
5           administration of the tests.

6           The material filed under this section may be supplemented when the state  
7           toxicologist determines it to be necessary, and any supplemental material has the  
8           same force and effect as the material that it supplements.

- 9           7. Copies of the records referred to in subsections 5 and 6, certified by the ~~clerk~~  
10           register of the district court deeds, or designated official, must be admitted as  
11           prima facie evidence of the matters stated in the records.

12           **SECTION 40. AMENDMENT.** Section 23-02.1-06 of the North Dakota Century Code is  
13           amended and reenacted as follows:

14           **23-02.1-06. (Effective January 1, 2001) Registration districts.** Each county of this  
15           state constitutes a registration district for purposes of this chapter, and the ~~clerk~~ register of  
16           ~~each district court in this state~~ deeds, unless the board of county commissioners designates a  
17           different official, is hereby designated as a local registrar. The local registrar may appoint one  
18           or more deputy local registrars for each registration district.

19           **SECTION 41. AMENDMENT.** Section 23-21.1-02.1 of the 1997 Supplement to the  
20           North Dakota Century Code is amended and reenacted as follows:

21           **23-21.1-02.1. (Effective January 1, 2001) License to operate a perpetual care**  
22           **cemetery - Fee.** No organization may operate as a perpetual care cemetery unless licensed  
23           on forms provided by the state department of health and consolidated laboratories by the ~~clerk~~  
24           register of court deeds of the county within which the cemetery is located ~~on forms provided by~~  
25           ~~the state department of health~~, unless the board of county commissioners designates a  
26           different official. The license must be renewed by or before July first of each year. Prior to  
27           issuance or renewal of a license, the ~~county clerk~~ register of court deeds, or designated official,  
28           shall determine if the applicant is in full compliance with the provisions of this chapter. When  
29           applying for a license renewal, the applicant shall report to the ~~county clerk~~ register of court  
30           deeds, or designated official, the number of spaces sold, the gross amount of receipts from the  
31           sale of spaces, and the amount of money transferred to the perpetual care trust fund during the

1 organization's previous fiscal year. The license fee must be five dollars per year, except that  
2 any perpetual care cemetery which has sold less than ten spaces during the previous fiscal  
3 year may not be required to pay a license fee.

4 **SECTION 42. AMENDMENT.** Section 23-21.1-02.2 of the North Dakota Century Code  
5 is amended and reenacted as follows:

6 **23-21.1-02.2. ~~When county clerk of court shall revoke or refuse to renew~~ (Effective**  
7 **January 1, 2001) Revocation or nonrenewal of license to operate a perpetual care**  
8 **cemetery.** The ~~county clerk~~ register of court deeds, or designated official, shall revoke or  
9 refuse to renew a license to operate a perpetual care cemetery if such organization fails to  
10 comply with the provisions of this chapter. When the ~~county clerk~~ register of court deeds, or  
11 designated official, revokes or refuses to renew a license to operate a perpetual care cemetery,  
12 ~~he shall publish a notice of such the action must be published~~ in the official county newspaper  
13 of the county wherein the cemetery is located. When an organization's license to operate a  
14 perpetual care cemetery is not current or has been revoked, the organization shall cease to  
15 make sales or transfers of burial spaces.

16 **SECTION 43. AMENDMENT.** Section 26.1-02-19 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **26.1-02-19. (Effective January 1, 2001) Fees.** Any person filing a foreign decree shall  
19 pay a filing fee as prescribed in subdivision d of subsection 1 of section ~~44-17-04~~ 27-05.2-03 to  
20 the clerk of court. Fees for docketing, transcriptions, or other enforcement proceedings are as  
21 provided for decrees of the district court.

22 **SECTION 44. AMENDMENT.** Subsection 1 of section 26.1-06.1-12 of the North  
23 Dakota Century Code is amended and reenacted as follows:

24 1. An order to rehabilitate the business of a domestic insurer, or an alien insurer  
25 domiciled in this state, shall appoint the commissioner and successor  
26 commissioners in office the rehabilitator, and shall direct the rehabilitator forthwith  
27 to take possession of the assets of the insurer, and to administer them under the  
28 general supervision of the court. The filing or recording of the order with the ~~clerk~~  
29 of the district court or register of deeds, unless the board of county commissioners  
30 designates a different official, of the county in which the principal business of the  
31 company is conducted, or the county in which its principal office or place of

1 business is located, imparts the same notice as a deed, bill of sale, or other  
2 evidence of title duly filed or recorded with that register of deeds, or designated  
3 official. The order to rehabilitate the insurer shall by operation of law vest title to all  
4 assets of the insurer in the rehabilitator.

5 **SECTION 45. AMENDMENT.** Subsection 1 of section 26.1-06.1-17 of the North  
6 Dakota Century Code is amended and reenacted as follows:

7 1. An order to liquidate the business of a domestic insurer must appoint the  
8 commissioner and successor commissioners in office as liquidator and must direct  
9 the liquidator forthwith to take possession of the assets of the insurer and to  
10 administer them under the general supervision of the court. The liquidator must be  
11 vested by operation of law with the title to all of the property, contracts, and rights  
12 of action, and all of the books and records of the insurer, wherever located, as of  
13 the entry of the final order of liquidation. The filing or recording of the order with  
14 the ~~clerk of the district court and the~~ register of deeds, unless the board of county  
15 commissioners designates a different official, of the county in which its principal  
16 office or place of business is located or, in the case of real estate, with the register  
17 of deeds of the county where the property is located, imparts the same notice as a  
18 deed, bill of sale, or other evidence of title duly filed or recorded with that register of  
19 deeds, or designated official.

20 **SECTION 46. AMENDMENT.** Subsection 1 of section 26.1-06.1-24 of the North  
21 Dakota Century Code is amended and reenacted as follows:

22 1. As soon as practicable after the liquidation order, but not later than one hundred  
23 twenty days thereafter, unless extended by order of the court, the liquidator shall  
24 prepare in duplicate a list of the insurer's assets. The list must be amended or  
25 supplemented from time to time as the liquidator may determine. One copy must  
26 be filed in the office of the ~~clerk~~ register of the district court deeds, unless the  
27 board of county commissioners designates a different official, and one copy must  
28 be retained for the liquidator's files. All amendments and supplements must be  
29 similarly filed.

30 **SECTION 47. AMENDMENT.** Subsection 3 of section 26.1-06.1-49 of the North  
31 Dakota Century Code is amended and reenacted as follows:

1           3. The court may issue the order in whatever terms it deems appropriate. The filing  
2           or recording of the order with the ~~clerk of the district court or the~~ register of deeds,  
3           unless the board of county commissioners designates a different official, of the  
4           county in which the principal business of the company is located, imparts the same  
5           notice as a deed, bill of sale, or other evidence of title duly filed or recorded with  
6           that register of deeds, or designated official.

7           **SECTION 48. AMENDMENT.** Subsection 3 of section 26.1-06.1-50 of the North  
8           Dakota Century Code is amended and reenacted as follows:

9           3. If it appears to the court that the best interests of creditors, policyholders, and the  
10          public require, the court may issue an order to liquidate in whatever terms it deems  
11          appropriate. The filing or recording of the order with the ~~clerk of the district court or~~  
12          the register of deeds, unless the board of county commissioners designates a  
13          different official, of the county in which the principal business of the company is  
14          located or the county in which its principal office or place of business is located,  
15          imparts the same notice as a deed, bill of sale, or other evidence of title duly filed  
16          or recorded with that register of deeds, or designated official.

17          **SECTION 49. AMENDMENT.** Section 27-01-01.1 of the 1997 Supplement to the North  
18          Dakota Century Code is amended and reenacted as follows:

19          **27-01-01.1. Budgeting and financing of the supreme court and district courts.**

20          The state court administrator shall submit a comprehensive budget for the supreme court and  
21          the district courts to the legislative assembly. An informational copy of the budget must be  
22          delivered to the director of the budget pursuant to section 54-44.1-13. The budget for the  
23          district courts must include all salary and expenses for the district courts, including the juvenile  
24          courts, and their employees ~~except the clerks of district courts and their deputies and~~  
25          ~~employees, whose salaries and expenses must be paid by the counties unless the county has~~  
26          ~~properly exercised its option pursuant to section 11-17-11.~~ Each county shall provide the  
27          district court in that county with adequate chamber, court, and law library quarters, and lights  
28          and fuel and appropriate facilities for clerk of court services that are state funded pursuant to  
29          section ~~44-17-11~~ 27-05.2-02. Any equipment, furnishings, and law libraries in the control and  
30          custody of the district court on January 1, 1980, and any such property acquired from that date  
31          until July 1, 1981, must continue to be in district court's custody and control until the state court

1 administrator determines such items are no longer needed by the court. ~~Any equipment and~~  
2 ~~furnishings in the control and custody of a clerk of district court on the date of the exercise of~~  
3 ~~the county option pursuant to section 11-17-11, and any such property acquired from that date~~  
4 ~~until the beginning of the next state biennium, must continue in the district court's custody and~~  
5 ~~control until the state court administrator determines such items are no longer needed by the~~  
6 ~~judicial system. Upon that determination custody and control of the property must revert back~~  
7 ~~to the county.~~

8 **SECTION 50.** Chapter 27-05.2 of the North Dakota Century Code is created and  
9 enacted as follows:

10 **27-05.2-01. Statement if intent.** It is the intent of the legislative assembly that  
11 adequate and proper judicial services, including clerk of district court services, be provided in  
12 each county in this state. It is also the intent of the legislative assembly that funding for clerk of  
13 district court services be provided by the state judicial system within the limits of legislative  
14 appropriations and in cooperation with the several boards of county commissioners of the  
15 various counties in this state.

16 **27-05.2-02. State funding of clerk of district court services - Agreements to**  
17 **provide services - Transition schedule.**

18 1. Except as provided in subsection 2, the supreme court, within the limits of  
19 legislative appropriations and pursuant to subsection 7, shall provide clerk of  
20 district court services in each county in the state. The supreme court may provide  
21 such services through clerks of district court, deputies, and assistants who are  
22 employees of the judicial system or through service agreements under  
23 subsection 6. The supreme court shall develop standards and procedures to  
24 ensure that adequate clerk of district court services are provided. "Clerk of district  
25 court services" means those duties and services, as provided by statute or rule of  
26 the supreme court, that directly serve the judicial system and the provision of  
27 effective and efficient judicial services to the public. Beginning January 1, 2003,  
28 the individual designated by a board of county commissioners to provide clerk of  
29 district court services under subsection 2 or 6 serves as ex officio clerk of district  
30 court. The salary and bond for the ex officio clerk of district court must be fixed by  
31 a resolution adopted by the board of county commissioners.

- 1           2. A county may elect to provide clerk of district court services at the county's own  
2           expense. The board of county commissioners shall forward to the supreme court a  
3           resolution indicating its election to provide services under this subsection. Such  
4           services must be provided in a manner consistent with standards and procedures  
5           established by the supreme court. If the county is unable to provide adequate clerk  
6           of district court services, the supreme court shall provide for those services in any  
7           manner it considers appropriate. If a county has entered into an agreement under  
8           subsection 6, the county may not provide clerk of district court services under this  
9           subsection until after the agreement has expired.
- 10          3. In a county in which the supreme court determines that at least two full-time  
11          employees are necessary to provide adequate clerk of district court services, the  
12          elected clerk of district court and clerk of court staff designated by the supreme  
13          court shall become employees of the state judicial system if the board of county  
14          commissioners consents to the transition after consultation with the elected clerk.  
15          This subsection applies upon receipt by the supreme court of a resolution adopted  
16          by the board of county commissioners indicating its consent. Any equipment,  
17          including technology related equipment, and furnishings in the control and custody  
18          of the clerk of district court on the date the clerk becomes a state employee must  
19          remain in the control and custody of the clerk until the state court administrator  
20          determines the items are no longer needed. The clerk, upon becoming a state  
21          employee, shall receive a salary in an amount not less than the salary received as  
22          a county employee and shall remain an employee of the state judicial system until  
23          the clerk retires, resigns, or the term for which the clerk was initially elected  
24          expires, whichever occurs earlier. Thereafter, the clerk of district court must be  
25          appointed in the manner provided by supreme court rule. The bond for the clerk of  
26          district court must be set by the supreme court. If the board of county  
27          commissioners does not consent to the clerk and designated staff becoming  
28          employees of the state judicial system, the county must provide clerk of district  
29          court services at its own expense in accordance with subsection 2.
- 30          4. In a county in which the supreme court determines that one or more, but less than  
31          two, full-time employees are necessary to provide clerk of district court services,

- 1           the elected clerk of district court and clerk of court staff designated by the supreme  
2           court shall become employees of the state judicial system in the manner described  
3           in subsection 3. If the board of county commissioners does not consent to the  
4           clerk and designated staff becoming employees of the state judicial system, the  
5           county may provide clerk of district court services at its own expenses under  
6           subsection 2 or the supreme court may provide funding for clerk of district court  
7           services in accordance with an agreement under subsection 6.
- 8           5. In a county in which the supreme court determines that less than one full-time  
9           employee is necessary to provide clerk of district court services, the supreme court  
10           may provide funding for such services in accordance with an agreement under  
11           subsection 6.
- 12           6. The supreme court may enter into an agreement with one or more boards of  
13           county commissioners to provide funding for the provision of clerk of district court  
14           services in a manner consistent with standards and procedures established by the  
15           supreme court. Funding for personnel under the agreement must be equal to the  
16           amount, based on county employee compensation levels, necessary for the  
17           number of full-time employees needed to provide clerk of district court services.  
18           Funding must be available under the agreement to defray the cost of technology  
19           related equipment considered necessary by the supreme court for the delivery of  
20           adequate clerk of district court services. After entering into an agreement under  
21           this subsection, a county may, under chapter 11-10.2 or 11-10.3, provide for the  
22           delivery of clerk of district court services in a manner consistent with the  
23           agreement. If a county fails to fulfill the terms of an agreement or is unable to  
24           provide clerk of district court services consistent with standards and procedures  
25           established by the supreme court, the supreme court shall provide for those  
26           services in any manner it considers appropriate.
- 27           7. a. State funding for the provision of clerk of district court services may be  
28           provided beginning January 1, 2001. Before April 1, 2000, each board of  
29           county commissioners shall notify the supreme court of its election to provide  
30           clerk of district court services under subsection 2, of its consent to the elected  
31           clerk of court and designated staff becoming state employees under

1           subsection 3 or 4, or of its election to enter into an agreement under  
2           subsection 6. If a board of county commissioners elects to enter into an  
3           agreement under subsection 6, the agreement must be executed before  
4           July 1, 2000. If an agreement is not executed before that date, the county  
5           must provide clerk of district court services at its own expense under  
6           subsection 2.

7           b. Before April 1, 2002, and thereafter before April 1 of each succeeding  
8           even-numbered year, each board of county commissioners that has executed  
9           an agreement under subsection 6 or whose county is providing clerk of district  
10           court services under subsection 2 must notify the supreme court of its election  
11           to continue the existing arrangement or initiate a different option. If a board of  
12           county commissioners elects to enter into an agreement under subsection 6,  
13           the agreement must be executed before July 1 of the year the election is  
14           made. If an agreement is not executed before that date, the county must  
15           provide clerk of district court services at its own expense under subsection 2.

16           **27-05.2-03. (Effective January 1, 2001) Fees to be charged by the clerk of the**  
17           **district court.**

18           1. A clerk of the district court shall charge and collect the following fees in civil cases:

19           a. For filing a case for decision that is not a small claims action, eighty dollars.

20           (1) Fifteen dollars of this fee must be paid by the clerk of court to the state  
21           treasurer for deposit in the civil legal services fund. Any fees collected  
22           under this paragraph which exceed four hundred thousand dollars in  
23           any biennium must be paid by the clerk of court to the state treasurer  
24           for deposit in the state general fund.

25           (2) For the filing of a petition for dissolution of marriage, annulment, or  
26           separation from bed and board, fifty dollars of this fee must be paid by  
27           the clerk of court to the state treasurer for deposit in the displaced  
28           homemaker account created by section 14-06.1-14 and fifteen dollars  
29           of this fee must be paid by the clerk of court to the state treasurer for  
30           deposit in the state general fund.

- 1                   (3) For all other filings, sixty-five dollars of this fee must be paid by the  
2                                   clerk of court to the state treasurer for deposit in the state general fund.
- 3                   b. For filing an answer to a case that is not a small claims action, fifty dollars.  
4                                   The clerk shall deposit this fee with the state treasurer for deposit in the  
5                                   general fund in the state treasury.
- 6                   c. For filing a small claims action in district court, ten dollars.
- 7                   d. For filing any matter authorized to be filed in the office of the clerk of court  
8                                   other than under subdivision a, b, or c, ten dollars.
- 9                   e. For preparing, certifying, issuing, or transmitting any document, ten dollars; or  
10                                  a lesser fee as may be set by the state court administrator.
- 11                  f. For filing a motion or an answer to a motion to modify an order for alimony,  
12                                  property division, child support, or child custody, thirty dollars. The clerk shall  
13                                  deposit this fee with the state treasurer for deposit in the general fund of the  
14                                  state treasury.
- 15                  2. Section 27-01-07 applies to fees charged under this section. The clerk of court  
16                                  may not charge or collect any fee, prescribed by this or any other section, from the  
17                                  state or an agency thereof or from a political subdivision or agency thereof.

18                  **27-05.2-04. (Effective January 1, 2001) Clerk to keep record of fees - Monthly**  
19 **report to county auditor or state treasurer.** The clerk of the district court shall keep a public  
20 record of all money received as fees for services rendered as clerk. Within three days after the  
21 close of each calendar month, and also at the close of the clerk's term of office for a clerk who  
22 has not become a state employee under subsection 3 or 4 of section 27-05.2-02, the clerk shall  
23 file with the county auditor a statement under oath showing the amount of fees received as  
24 clerk since the date of the clerk's last report and within three days thereafter the clerk shall  
25 deposit with the county treasurer the total sum of such fees which must be used for facilities,  
26 except fees that the clerk is directed to deposit with the state treasurer or is authorized  
27 expressly to retain. Within three days after the close of each calendar month, a clerk who has  
28 become a state employee under subsection 3 or 4 of section 27-05.2-02 shall file with the state  
29 treasurer a statement under oath showing the amount of fees received by the clerk since the  
30 date of the clerk's last report. Within three days thereafter, the clerk shall deposit with the state  
31 treasurer the total sum of fees required to be deposited in the general fund or in a designated

1 special fund. The clerk shall forward to the county treasurer any fees received under section  
2 27-05.2-03 which are not required to be deposited in the state general fund or a designated  
3 special fund. Those fees must be used for facilities. The clerk may establish a special account  
4 in the Bank of North Dakota or in a banking institution designated as a depository of public  
5 funds under chapter 21-04 for purposes of depositing any money not required to be deposited  
6 in the state general fund, a designated special fund, or the county treasury and which is  
7 received as bail or restitution, or otherwise received pursuant to an order of the court. The clerk  
8 shall make payments from the special account for purposes of refunding bail, forwarding  
9 restitution amounts to the entitled recipient, or otherwise making payments as directed by an  
10 order of the court. If money deposited as bail is forfeited, the clerk shall submit the appropriate  
11 sum to the state treasurer for deposit in the state general fund. If the clerk is unable to make  
12 payments from the special account because the address of the recipient is unknown or the  
13 recipient cannot otherwise be located, the clerk shall dispose of the deposited money in  
14 accordance with chapter 47-30.1

15 **27-05.2-05. (Effective January 1, 2001) Decree or judgment of divorce, annulment,**  
16 **or paternity filed with registrar of vital statistics.** The clerk of the district court in which any  
17 decree or judgment of divorce, annulment of marriage, or paternity has been entered shall  
18 within fifteen days of the filing thereof notify the state register of vital statistics of the entry of the  
19 decree or judgment of divorce, annulment of marriage, or paternity and shall furnish such  
20 information relating thereto as the state registrar may require upon such forms as may be  
21 furnished by the state registrar.

22 **27-05.2-06. Records maintenance and disposal.** A clerk of district court shall  
23 maintain and dispose of court records in accordance with rules, policies, and procedures  
24 adopted by the supreme court.

25 **27-05.2-07. (Effective January 1, 2001) Penalty for neglect of duty.** If an elected  
26 clerk of the district court who has not become a state employee under subsection 3 or 4 of  
27 section 27-05.2-02 violates the clerk's oath of office or neglects or refuses to perform any of the  
28 duties of office and any person is injured or aggrieved by such violation or neglect, such person  
29 may institute legal proceedings upon the bond of the clerk and recover double the amount of  
30 damages actually sustained. For each such violation or neglect by the clerk, the county  
31 treasurer shall collect a forfeiture of not less than fifty dollars.

1           **SECTION 51. AMENDMENT.** Section 27-05.2-04 of the North Dakota Century Code  
2 as created in section 50 of this Act, as approved by the fifty-sixth legislative assembly, is  
3 amended and reenacted as follows:

4           **27-05.2-04. (Effective January 1, 2004 2003) Clerk to keep record of fees -**  
5 **Monthly report to county auditor or state treasurer.** The A clerk of the district court  
6 providing clerk services in accordance with subsection 2 or 6 of section 27-05.2-02 shall keep a  
7 public record of all money received as fees for services rendered as clerk. Within three days  
8 after the close of each calendar month, ~~and also at the close of the clerk's term of office for a~~  
9 ~~clerk who has not become a state employee under subsection 3 or 4 of section 27-05.2-02,~~ the  
10 clerk shall file with the county auditor a statement under oath showing the amount of fees  
11 received as clerk since the date of the clerk's last report and within three days thereafter the  
12 clerk shall deposit with the county treasurer the total sum of such fees which must be used for  
13 facilities, except fees that the clerk is directed to deposit with the state treasurer or is authorized  
14 expressly to retain. Within three days after the close of each calendar month, a clerk who has  
15 become a state employee under subsection 3 or 4 of section 27-05.2-02 shall file with the state  
16 treasurer a statement under oath showing the amount of fees received by the clerk since the  
17 date of the clerk's last report. Within three days thereafter, the clerk shall deposit with the state  
18 treasurer the total sum of fees required to be deposited in the general fund or in a designated  
19 special fund. The clerk shall forward to the county treasurer any fees received under section  
20 27-05.2-03 which are not required to be deposited in the state general fund or a designated  
21 special fund. Those fees must be used for facilities. The clerk may establish a special account  
22 in the Bank of North Dakota or in a banking institution designated as a depository of public  
23 funds under chapter 21-04 for purposes of depositing any money not required to be deposited  
24 in the state general fund, a designated special fund, or the county treasury and which is  
25 received as bail or restitution, or otherwise received pursuant to an order of the court. The clerk  
26 shall make payments from the special account for purposes of refunding bail, forwarding  
27 restitution amounts to the entitled recipient, or otherwise making payments as directed by an  
28 order of the court. If money deposited as bail is forfeited, the clerk shall submit the appropriate  
29 sum to the state treasurer for deposit in the state general fund. If the clerk is unable to make  
30 payments from the special account because the address of the recipient is unknown or the

1 recipient cannot otherwise be located, the clerk shall dispose of the deposited money in  
2 accordance with chapter 47-30.1

3 **SECTION 52. AMENDMENT.** Section 27-05.2-07 of the North Dakota Century Code  
4 as created in section 50 of this Act, as approved by the fifty-sixth legislative assembly, is  
5 amended and reenacted as follows:

6 **27-05.2-07. (Effective January 1, 2004 ~~2003~~) Penalty for neglect of duty.** If an  
7 ~~elected ex officio~~ clerk of the district court ~~who has not become a state employee under~~  
8 ~~subsection 3 or 4 of section 27-05.2-02~~ violates the clerk's oath of office or neglects or refuses  
9 to perform any of the duties of office and any person is injured or aggrieved by such violation or  
10 neglect, such person may institute legal proceedings upon the bond of the clerk and recover  
11 double the amount of damages actually sustained. For each such violation or neglect by the  
12 clerk, the county treasurer shall collect a forfeiture of not less than fifty dollars.

13 **SECTION 53. AMENDMENT.** Section 27-08.1-03 of the 1997 Supplement to the North  
14 Dakota Century Code is amended and reenacted as follows:

15 **27-08.1-03. (Effective January 1, 2001) Informal hearing - Answer and**  
16 **counterclaim - Filing and service fees - Examination of debtor.** No formal pleadings other  
17 than the claim affidavit and order for appearance shall be required, and the hearing and  
18 disposition of actions shall be informal. No court reporter shall be required to be present to take  
19 the testimony unless arranged for and paid for by one of the parties to the action. The  
20 defendant may file an answer, and file a claim affidavit setting forth any new matter constituting  
21 a counterclaim, not to exceed five thousand dollars, which must be served upon the plaintiff by  
22 a person of legal age not a party to or interested in the action, or mailed to him by certified mail,  
23 not later than forty-eight hours before the hearing set for the appearance of the defendant. The  
24 compulsory counterclaim rule does not apply to counterclaims in excess of five thousand  
25 dollars. At the hearing, the plaintiff and the defendant may appear without counsel. The court  
26 will conduct the proceedings and may make its own inquiry before, during, or after the hearing.  
27 After the court has found that money is owing by any party to the proceeding, the court may, in  
28 the presence of the prevailing party, inquire of the debtor as to plans for payment of the debt.  
29 The court may examine the debtor concerning the property owned by the debtor, at the hearing,  
30 as would be made under chapter 28-25. The examination may be made without first having  
31 issued an execution against the property of the debtor and without further notice as otherwise

1 provided in chapter 28-25. A trial by jury shall not be allowed in small claims court. A fee as  
2 prescribed in subdivision c of subsection 1 of section ~~44-17-04~~ 27-05.2-03 must be charged for  
3 filing the claim affidavit.

4 **SECTION 54. AMENDMENT.** Section 28-20.1-05 of the 1997 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **28-20.1-05. (Effective January 1, 2001) Fees.** Any person filing a foreign judgment  
7 shall pay to the clerk of court a filing fee as prescribed in subdivision d of subsection 1 of  
8 section ~~44-17-04~~ 27-05.2-03. Fees for docketing, transcription, or other enforcement  
9 proceedings must be as provided for judgments of the district court of any county of this state.

10 **SECTION 55. AMENDMENT.** Section 30.1-11-01 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **30.1-11-01. (Effective January 1, 2001) (2-515) Deposit of will with court in**  
13 **testator's lifetime.** A will may be deposited by the testator or the testator's agent with ~~any~~  
14 ~~court~~ a register of deeds for safekeeping, ~~under rules of the court.~~ The will must be sealed and  
15 kept confidential. During the testator's lifetime, a deposited will must be delivered only to the  
16 testator or to a person authorized in a writing signed by the testator to receive the will. A  
17 conservator may be allowed to examine a deposited will of a protected testator under  
18 procedures designed to maintain the confidential character of the document to the extent  
19 possible, and to ensure that it will be resealed and kept on deposit after the examination. Upon  
20 being informed of the testator's death, the ~~court~~ register of deeds shall notify any person  
21 designated to receive the will and deliver it to that person on request; or the ~~court~~ register of  
22 deeds may deliver the will to the appropriate court.

23 **SECTION 56. AMENDMENT.** Section 32-37-05 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **32-37-05. (Effective January 1, 2001) Fees paid by petitioner - Filing copy of**  
26 **judgment.** The petitioner, upon the filing of the petition, must pay to the clerk of the district  
27 court a filing fee as prescribed in subsection 1 of section ~~44-17-04~~ 27-05.2-03. The cost of the  
28 publication of the notice required by this chapter shall be paid by the petitioner. In the event  
29 that said judgment shall establish the date and place of birth of the petitioner, the clerk of the  
30 court shall certify a copy of such judgment and file the same with the division of vital statistics,  
31 state department of health, Bismarck, North Dakota.

1           **SECTION 57. AMENDMENT.** Section 35-18-04 of the 1997 Supplement to the North  
2 Dakota Century Code is amended and reenacted as follows:

3           **35-18-04. (Effective January 1, 2001) Clerk of court - Filing - Record - Fee.** The  
4 clerk of the district court with whom the lien statement and proof of service are filed shall  
5 endorse on those filings the date and hour of filing and shall keep a record of all lien statements  
6 filed in the county, and of any orders, or responses relating to any orders, by the district court.  
7 The clerk shall establish and maintain a system for indexing, filing, or recording which is  
8 sufficient to enable users of the records to obtain adequate information. The clerk shall collect  
9 a fee as prescribed in subdivision d of subsection 1 of section ~~44-17-04~~ 27-05.2-03 for filing  
10 and indexing each lien.

11           **SECTION 58. AMENDMENT.** Section 35-21-05 of the 1997 Supplement to the North  
12 Dakota Century Code is amended and reenacted as follows:

13           **35-21-05. (Effective January 1, 2001) Fee - Recordation - Certified copies as**  
14 **evidence.** If the presiding officer is the clerk of the district court, the clerk may charge a fee as  
15 prescribed in subdivision d of subsection 1 of section ~~44-17-04~~ 27-05.2-03 to be paid in  
16 advance by the applicant. If the officer is the clerk of the district court, the clerk shall record the  
17 notice, affidavit, and undertaking in a recording system provided for that purpose. If the officer  
18 is the register of deeds, the officer shall record the same in the book of miscellaneous records.  
19 The register of deeds may charge a fee as provided by section 11-18-05. Certified copies of  
20 the documents are prima facie evidence, in the courts of this state, of the matters therein  
21 contained.

22           **SECTION 59. AMENDMENT.** Section 37-01-34 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24           **37-01-34. (Effective January 1, 2001) Recordation of discharge papers.** ~~It is~~  
25 ~~hereby provided that those~~ Those discharged from the national guard, the army, the marine  
26 corps, and other branches of the armed forces of the United States may record, without  
27 payment of any fee, their discharges from such armed forces, a certificate issued in lieu thereof,  
28 duly authenticated and certified copies thereof, or duly certified records of their service and  
29 discharge from such armed forces in the office of the ~~clerk~~ register of the district court deeds of  
30 the county in which they reside, ~~without payment of any fee whatsoever, and such recordings~~  
31 ~~have the same force and effect as the recording of other instruments; provided, however, that~~

1 ~~any, unless the board of county commissioners designates a different official.~~ Any discharge  
2 document recorded by the ~~clerk~~ register of district court deeds, or designated official, may be  
3 made available only to the following persons: the veteran, the parents, ~~his~~ the veteran's next of  
4 kin, the veteran's legal representative, a county veterans' service officer, a veterans'  
5 organization service officer, the department of veterans' affairs, or a designee of the veteran.

6 **SECTION 60. AMENDMENT.** Section 37-01-35 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **37-01-35. (Effective January 1, 2001) Legalizing previous recordings.** Where  
9 ~~clerks a register of court~~ have deeds, or designated official, has recorded discharge papers  
10 without charging the recording fees provided by law, ~~said the~~ recording is ~~hereby~~ declared  
11 legalized. In no such case may ~~clerks the register of court deeds, or designated official,~~ be  
12 held responsible ~~to his respective county~~ in cases where filing fees have not been collected.

13 **SECTION 61. AMENDMENT.** Subsection 4 of section 39-06.2-10.6 of the North  
14 Dakota Century Code is amended and reenacted as follows:

15 4. At a hearing under this section, the regularly kept records of the director may be  
16 introduced. Those records establish prima facie their contents without further  
17 foundation. For purposes of this chapter, the following are deemed regularly kept  
18 records of the director: any copy of a certified copy of an analytical report of a  
19 blood or urine sample received by the director from the office of the state  
20 toxicologist or a law enforcement officer, a certified copy of the checklist and test  
21 records received by the director from a certified breath test operator, and any copy  
22 of a certified copy of a certificate of the office of the state toxicologist relating to  
23 approved methods, devices, operators, materials, and checklists used for testing  
24 for alcohol concentration received by the director from the office of the state  
25 toxicologist, ~~or the clerk register of district court,~~ are regularly kept records of the  
26 ~~director~~ deeds, unless the board of county commissioners has designated a  
27 different official to maintain the certificate.

28 **SECTION 62. AMENDMENT.** Subsection 4 of section 39-20-05 of the North Dakota  
29 Century Code is amended and reenacted as follows:

30 4. At a hearing under this section, the regularly kept records of the director may be  
31 introduced. Those records establish prima facie their contents without further

1 foundation. For purposes of this chapter, the following are deemed regularly kept  
2 records of the director: any copy of a certified copy of an analytical report of a  
3 blood, urine, or saliva sample received by the director from the state toxicologist or  
4 a law enforcement officer, a certified copy of the checklist and test records  
5 received by the director from a certified breath test operator, and any copy of a  
6 certified copy of a certificate of the state toxicologist relating to approved methods,  
7 devices, operators, materials, and checklists used for testing for alcohol  
8 concentration received by the director from the state toxicologist, or the ~~clerk~~  
9 register of district court, are regularly kept records of the director ~~deeds~~, unless the  
10 board of county commissioners has designated a different official to maintain the  
11 certificate.

12 **SECTION 63. AMENDMENT.** Subsections 6 and 7 of section 39-20-07 of the North  
13 Dakota Century Code are amended and reenacted as follows:

- 14 6. The state toxicologist may appoint, train, certify, and supervise field inspectors of  
15 breath testing equipment and its operation, and the inspectors shall report the  
16 findings of any inspection to the state toxicologist for appropriate action. Upon  
17 approval of the methods or devices, or both, required to perform the tests and the  
18 persons qualified to administer them, the state toxicologist shall prepare and file  
19 written record of the approval with the director and the ~~clerk~~ register of the district  
20 ~~court~~ deeds in each county, unless the board of county commissioners designates  
21 a different official, and shall include in the record:
- 22 a. An annual register of the specific testing devices currently approved, including  
23 serial number, location, and the date and results of last inspection.
  - 24 b. An annual register of currently qualified and certified operators of the devices,  
25 stating the date of certification and its expiration.
  - 26 c. The operational checklist and forms prescribing the methods currently  
27 approved by the state toxicologist in using the devices during the  
28 administration of the tests.

29 The material filed under this section may be supplemented when the state  
30 toxicologist determines it to be necessary, and any supplemental material has the  
31 same force and effect as the material that it supplements.

1           7. Copies of the records referred to in subsections 5 and 6, certified by the ~~clerk~~  
2           register of the district court deeds, or designated official, must be admitted as  
3           prima facie evidence of the matters stated in the records.

4           **SECTION 64. AMENDMENT.** Subsections 4 and 5 of section 39-24.1-08 of the North  
5           Dakota Century Code are amended and reenacted as follows:

6           4. The state toxicologist may appoint, train, certify, and supervise field inspectors of  
7           breath testing equipment and its operation, and the inspectors shall report the  
8           findings of any inspection to the state toxicologist for appropriate action. Upon  
9           approval of the methods or devices, or both, required to perform the tests and the  
10          persons qualified to administer them, the state toxicologist shall prepare and file  
11          written record of the approval with the director and the ~~clerk~~ register of the district  
12          ~~court deeds~~ in each county, unless the board of county commissioners designates  
13          a different official, and shall include in the record:

- 14           a. An annual register of the specific testing devices currently approved, including  
15           serial number, location, and the date and results of last inspection.  
16           b. An annual register of currently qualified and certified operators of the devices,  
17           stating the date of certification and its expiration.  
18           c. The operational checklist and forms prescribing the methods currently  
19           approved by the state toxicologist in using the devices during the  
20           administration of the tests.

21          The material filed under this subsection may be supplemented when the state  
22          toxicologist determines it to be necessary, and any supplemental material has the  
23          same force and effect as the material that it supplements.

24          5. Copies of the records referred to in subsections 3 and 4, certified by the ~~clerk~~  
25          register of the district court deeds, or designated official, must be admitted as  
26          prima facie evidence of the matters stated in the records.

27          **SECTION 65. AMENDMENT.** Subsection 1 of section 40-01.1-04 of the 1997  
28          Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 29          1. With respect to a county:  
30           a. Execution of a joint powers agreement between the county and one or more  
31           other political subdivisions or the state for the cooperative or joint

- 1 administration of any service or function pursuant to chapter 54-40.3 or as  
2 otherwise specifically provided by law, or an agreement between the county  
3 and a tribal government pursuant to chapter 54-40.2.
- 4 b. Exercise of the county's general authority to contract pursuant to section  
5 11-10-01 and any other law, including service agreements with public or  
6 private parties under the terms and conditions of the agreements.
- 7 c. Combination or separation of any elective or appointive county office and  
8 corresponding functions, or redesignation of any county office as elective or  
9 appointive, pursuant to chapter 11-10.2.
- 10 d. Change in the number of county commissioners pursuant to chapter 11-12.
- 11 e. Establishment of a county home rule charter commission for initiating the  
12 adoption of a home rule charter or the amendment or repeal of a home rule  
13 charter pursuant to chapter 11-09.1, or the adoption, amendment, or repeal of  
14 ordinances for implementing a home rule charter. The recommendation may  
15 include a specific nonbinding proposal or draft for a home rule charter or  
16 amendment to a home rule charter.
- 17 f. Adoption of the consolidated office form of county government pursuant to  
18 chapter 11-08.
- 19 g. Adoption of the county manager form of county government pursuant to  
20 chapter 11-09.
- 21 h. Use of other statutory tools relating to social and economic development, land  
22 use, transportation and roads, health, law enforcement, administrative and  
23 fiscal services, recording and registration services, educational services,  
24 environmental quality, water, sewer, solid waste, flood relief, parks and open  
25 spaces, hospitals, public buildings, or other county functions or services,  
26 including creation of cooperative county job development authorities pursuant  
27 to section 11-11.1-03, multicounty health units pursuant to sections  
28 23-14-01.1 through 23-14-01.6, regional planning and zoning commissions  
29 pursuant to section 11-35-01, boards of joint county park districts pursuant to  
30 chapter 11-28 or a combination of boards of park commissioners with a city

- 1                   pursuant to chapter 40-49.1, or multicounty social service districts pursuant to  
2                   chapter 50-01.1.
- 3                   i.   Participation in a community or leadership development, assessment,  
4                   education, planning, or training program offered by any public or private  
5                   agency, institution, or organization.
- 6                   j.   ~~Exercise of county options with respect to register of deed services and clerk~~  
7                   ~~of district court services pursuant to sections 11-10-02 and 11-17-11.~~
- 8                   k.   Sharing of elective or appointive county officers with other counties, cities, or  
9                   other political subdivisions pursuant to chapter 11-10.3.
- 10                  l.   k.   Initiation of the multicounty home rule charter process or the amendment or  
11                  repeal of a multicounty home rule charter pursuant to section 11-09.1-04.1, or  
12                  the adoption, amendment, or repeal of ordinances to implement the charter.  
13                  The recommendation may include a specific nonbinding proposal or draft for a  
14                  multicounty home rule charter.
- 15                  m.   l.   Initiation of the county-city home rule process or the amendment or repeal of  
16                  a county-city home rule charter pursuant to chapter 54-40.4, or the adoption,  
17                  amendment, or repeal of ordinances to implement the charter. The  
18                  recommendation may include a specific nonbinding proposal or draft for a  
19                  county-city home rule charter.
- 20                  n.   m.   Transfer of a power or function of another political subdivision to the county  
21                  pursuant to chapter 54-40.5.
- 22                  o.   n.   Creation of a county consolidation committee pursuant to chapter 11-05.1.
- 23                  p.   o.   That any other action be taken that is permitted by law.
- 24                  q.   p.   That no action be taken.

25                  **SECTION 66. AMENDMENT.** Section 40-05.1-05 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27                  **40-05.1-05. (Effective January 1, 2001) Ratification by majority vote -**  
28 **Supersession of existing charter and state laws in conflict therewith - Filing of copies of**  
29 **new charter.** If a majority of the qualified voters voting on the charter at the election shall vote  
30 in favor of the home rule charter it shall be deemed to be ratified and shall become the organic  
31 law of such city, and extend to all its local and city matters. Such charter and the ordinances

1 made pursuant thereto in such matters shall supersede within the territorial limits and other  
2 jurisdiction of the city any law of the state in conflict therewith, and shall be liberally construed  
3 for such purposes. One copy of the charter so ratified and approved shall be filed with the  
4 secretary of state; one with the ~~elk~~ register of district court deeds for the county in which the  
5 city is located, unless the board of county commissioners designates a different official; and  
6 one with the auditor of the city to remain as a part of its permanent records. Thereupon the  
7 courts shall take judicial notice of the new charter.

8 **SECTION 67. AMENDMENT.** Subsection 1 of section 40-33.1-14 of the North Dakota  
9 Century Code is amended and reenacted as follows:

10 1. In the event that an authority shall default in the payment of principal of or interest  
11 on any issue of the notes after the same shall become due, whether at maturity or  
12 upon call for redemption, and such default shall continue for a period of thirty days,  
13 or in the event that an authority shall fail or refuse to comply with the provisions of  
14 this chapter, or shall default in any agreement made with the holders of any issue  
15 of the notes, the holders of twenty-five percent in aggregate principal amount of the  
16 notes of such issue then outstanding, by instrument or instruments filed in the  
17 office of the ~~elk~~ register of the district court deeds of the county in which the  
18 authority is located, unless the board of county commissioners designates a  
19 different official, and proved or acknowledged in the same manner as a deed to be  
20 recorded, may appoint a trustee to represent the holders of such notes for the  
21 purposes herein provided.

22 **SECTION 68. AMENDMENT.** Subsection 1 of section 40-61-16 of the North Dakota  
23 Century Code is amended and reenacted as follows:

24 1. In the event that an authority shall default in the payment of principal of or interest  
25 on any issue of the bonds after the same shall become due, whether at maturity or  
26 upon call for redemption, and such default shall continue for a period of thirty days,  
27 or in the event that an authority shall fail or refuse to comply with the provisions of  
28 this chapter, or shall default in any agreement made with the holders of any issue  
29 of the bonds, the holders of twenty-five percent in aggregate principal amount of  
30 the bonds of such issue then outstanding, by instrument or instruments filed in the  
31 office of the ~~elk~~ register of the district court deeds of the county in which the

1 authority is located, unless the board of county commissioners designates a  
2 different official, and proved or acknowledged in the same manner as a deed to be  
3 recorded, may appoint a trustee to represent the holders of such bonds for the  
4 purposes herein provided.

5 **SECTION 69. AMENDMENT.** Section 43-01-19 of the 1997 Supplement to the North  
6 Dakota Century Code is amended and reenacted as follows:

7 **43-01-19. (Effective January 1, 2001) County officers may certify abstracts.** The  
8 provisions of this chapter do not prevent the register of deeds, county treasurer, or clerk of court  
9 from certifying to abstracts of title to lands from the records of their respective offices. Each  
10 such officer, however, is liable on his official bond for the faithful performance of all acts  
11 performed by him as such abstracter. If the officer certifying the abstract is the clerk of court,  
12 the clerk shall charge and collect a fee as prescribed in subdivision e of subsection 1 of section  
13 ~~44-17-04~~ 27-05.2-03.

14 **SECTION 70. AMENDMENT.** Section 43-23-16 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **43-23-16. (Effective January 1, 2001) Licensee list.** The secretary-treasurer shall  
17 publish, at least annually, a list of the names and addresses of all licensees licensed by the  
18 board under the provisions of this chapter, together with such other information relative to the  
19 enforcement of the provisions of this chapter as the board may deem of interest to the public.  
20 One of such lists must be mailed to the ~~clerk register of courts deeds~~ clerk register of courts deeds in each county ~~of the~~  
21 ~~state~~, unless the board of county commissioners designates a different official, and must be  
22 held ~~by said clerk of court~~ as a public record. Such lists must also be mailed by the  
23 secretary-treasurer to any person in this state upon request, and to all licensed brokers without  
24 charge.

25 **SECTION 71. AMENDMENT.** Section 43-25-09 of the 1997 Supplement to the North  
26 Dakota Century Code is amended and reenacted as follows:

27 **43-25-09. (Effective January 1, 2001) License - Display - Renewal - Renewal fee.**  
28 Each license must be conspicuously displayed at the place of practice and must be recorded  
29 within thirty days after issuance in the office of the ~~clerk register of the district court deeds~~ clerk register of courts deeds in  
30 any county where the licensed massage therapist practices ~~within thirty days after issuance~~,  
31 unless the board of county commissioners designates a different official. On or before January

1 first of each year, each licensed massage therapist shall pay to the secretary-treasurer of the  
2 board a renewal fee of one hundred dollars or a lesser amount established by the board.  
3 Attendance at postgraduate work of at least eighteen continuing education units a year as  
4 prescribed by the board is a further requirement for renewal of the license. If the board  
5 reasonably believes a massage therapist is in a physical condition jeopardizing the health of  
6 those who seek relief from the massage therapist, the board may require the applicant to have  
7 a physical examination by a competent medical examiner. If the applicant has had or has any  
8 communicable disease sufficient to disqualify the applicant to practice massage in the state, the  
9 board shall deny a license until the applicant furnishes due proof of being physically and  
10 mentally competent and sound. A holder of an expired license may within one year from the  
11 date of its expiration have the license renewed upon payment of the required renewal fee and  
12 production of a new certificate of physical examination. All licenseholders must be designated  
13 as licensed massage therapists and may not use any title or abbreviation without the  
14 designation "massage therapist".

15 **SECTION 72. AMENDMENT.** Section 43-49-09 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **43-49-09. (Effective January 1, 2001) License - Display - Renewal - Renewal fee.**

18 Each license must be conspicuously displayed at the place of practice. A license must be  
19 recorded within thirty days after issuance in the office of the ~~clerk~~ register of the ~~district court~~  
20 deeds, unless the board of county commissioners designates a different official, in any county  
21 where the reflexologist practices ~~within thirty days after issuance~~.

22 A license must be renewed before June first of each year. The secretary-treasurer of  
23 the board shall mail notice of renewal to each licensed reflexologist's address as shown in the  
24 records of the board at least thirty days before the expiration of the license. The notice must  
25 include any requests for information necessary for renewal. The licensed reflexologist may  
26 renew a license by sending a renewal fee of twenty-five dollars, or an amount set by the board,  
27 to the secretary-treasurer of the board, and submitting proof that the reflexologist has attended  
28 a seminar on reflexology at least once during the preceding three years. A license that is not  
29 renewed by June thirtieth lapses.

30 **SECTION 73. AMENDMENT.** Section 44-11-01 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1           **44-11-01. (Effective January 1, 2001) What officers removable by governor -**

2           **Grounds.** The governor may remove from office any county commissioner, clerk of the district  
3 court who is not an employee of the state judicial system, sheriff, coroner, county auditor,  
4 register of deeds, state's attorney, county treasurer, superintendent of schools, county  
5 commissioner, surveyor, public administrator, city auditor, city commissioner, mayor, chief of  
6 police, deputy sheriff, or other police officer, township officer, rural fire protection district board  
7 member, school board member, or any custodian of public moneys, except the state treasurer,  
8 whenever it appears to the governor by competent evidence and after a hearing as provided in  
9 this chapter, that the officer has been guilty of misconduct, malfeasance, crime in office, neglect  
10 of duty in office, or of habitual drunkenness or gross incompetency.

11           **SECTION 74. AMENDMENT.** Section 44-11-01 of the North Dakota Century Code as  
12 amended in section 73 of this Act, as approved by the fifty-sixth legislative assembly, is  
13 amended and reenacted as follows:

14           **44-11-01. (Effective January 1, 2001 2003) What officers removable by governor -**

15           **Grounds.** The governor may remove from office any county commissioner, ~~clerk of the district~~  
16 ~~court who is not an employee of the state judicial system~~, sheriff, coroner, county auditor,  
17 register of deeds, state's attorney, county treasurer, superintendent of schools, county  
18 commissioner, surveyor, public administrator, city auditor, city commissioner, mayor, chief of  
19 police, deputy sheriff, or other police officer, township officer, rural fire protection district board  
20 member, school board member, or any custodian of public moneys, except the state treasurer,  
21 whenever it appears to the governor by competent evidence and after a hearing as provided in  
22 this chapter, that the officer has been guilty of misconduct, malfeasance, crime in office, neglect  
23 of duty in office, or of habitual drunkenness or gross incompetency.

24           **SECTION 75. AMENDMENT.** Section 46-04-05 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26           **46-04-05. (Effective January 1, 2003) Distribution of session laws, compilations,**  
27 **and codifications to county officers.** The board of county commissioners of each county,  
28 immediately after the publication of any session laws, codes, or compilations, shall cause a  
29 copy thereof to be furnished to the following county officers:

- 30           1. Auditor.  
31           2. State's attorney.

1           3.   ~~Clerk~~ Ex officio clerk of court, ~~unless the clerk of court is an employee of the state~~  
2                   judicial system.

3           4.   Sheriff.

4 If any of the offices legally have been combined in the county, only one copy of the session  
5 laws, codes, or compilations need be furnished for the offices so combined. Provided,  
6 however, that such codifications and copies of the session laws remain the permanent property  
7 of the county.

8           **SECTION 76. AMENDMENT.** Section 47-18-08 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10           **47-18-08. (Effective January 1, 2001) Petition for appraisal - When filed.** A petition  
11 for the appointment of appraisers of a homestead must be filed with the ~~clerk~~ register of the  
12 ~~district court~~ deeds, unless the board of county commissioners designates a different official,  
13 and a copy thereof, with notice of the time and place of hearing, served on the claimant at least  
14 ten days before the hearing.

15           **SECTION 77. AMENDMENT.** Section 51-05.1-06 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17           **51-05.1-06. (Effective January 1, 2001) License list.** The public service commission  
18 shall compile annually, by April first, a list of the names and addresses of those licensed under  
19 this chapter. The list must be mailed to the ~~clerk~~ register of the district court ~~deeds, unless the~~  
20 board of county commissioners designates a different official, in each county and must be held  
21 ~~by the clerk of court~~ as a public record. The commission shall mail the list to any person  
22 requesting it.

23           **SECTION 78. AMENDMENT.** Subsection 4 of section 54-40.4-05 of the 1997  
24 Supplement to the North Dakota Century Code is amended and reenacted as follows:

25           4.   One copy of the charter as ratified must be filed with the secretary of state, one  
26                   with the ~~clerk~~ register of district court ~~deeds, unless the board of county~~  
27                   commissioners designates a different official, for any affected county or city, and  
28                   one with the officer of unified county-city government responsible for maintaining  
29                   permanent records. Courts shall take judicial notice of the charter.

30           **SECTION 79. AMENDMENT.** Section 57-22-16 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1           **57-22-16. (Effective January 1, 2001) Procedure when personal property is about**  
2 **to be sold or removed without payment of tax.** If a township, city, or county officer learns or  
3 believes that there is danger that personal property which has been assessed and upon which  
4 any personal property taxes are due or will be due, will be sold, or removed from the county,  
5 without payment of the taxes and without leaving sufficient property to pay the whole of such  
6 taxes, he shall report such fact to the sheriff, who forthwith shall collect the taxes, or distrain  
7 and sell sufficient property to pay the same, if they are not paid on demand, or require an  
8 undertaking from the owner in favor of the county treasurer, conditioned that all taxes levied  
9 upon such property will be paid when due. Such undertaking must be approved by the ~~clerk~~  
10 register of the district court deeds, unless the board of county commissioners designates a  
11 different official. If the taxes involved have not been levied, they must be ascertained by the  
12 county auditor by applying the aggregate mill levy of the previous year for the taxing district in  
13 which the property is assessed to the current taxable valuation, and if, after the tax for the  
14 current year is levied, there is any excess, it must be refunded to the taxpayer on order of the  
15 board of county commissioners. In case a bond has been given, and the taxes are not paid  
16 when due, the county treasurer shall bring an action for the taxes and costs in the district court  
17 of the county, and the state's attorney shall represent the treasurer in such action on the bond.

18           **SECTION 80. AMENDMENT.** Section 57-22-32 of the 1997 Supplement to the North  
19 Dakota Century Code is amended and reenacted as follows:

20           **57-22-32. (Effective January 1, 2001) Collection from tax debtor who moves to**  
21 **another county - Duty of county auditor.** Upon the removal of a delinquent tax debtor from  
22 the county, collection must be made from the debtor in the manner following:

23           1. In case of the removal of any delinquent tax debtor from the county in which the  
24 debtor's personal property was taxed to any other county in this state, it is the duty  
25 of the assessor immediately to make a proper effort to ascertain the place of the  
26 debtor's destination and to report the same to the county auditor. Thereupon, the  
27 county auditor shall make out and forward to the ~~clerk~~ register of the district court  
28 deeds of the county to which the tax debtor has removed, unless the board of  
29 county commissioners designates a different official of that county, a statement of  
30 the amount of such delinquent taxes, including penalties and costs that may have  
31 attached, specifying the value of property on which said taxes were levied.

1           2.    On receipt of any such statement, the ~~clerk~~ register of the district court deeds, or  
2                    designated official, receiving the same shall issue a warrant to the sheriff of the  
3                    county, and such sheriff shall proceed immediately to collect the same in the  
4                    manner in which the sheriff collects delinquent taxes in the county. The sheriff  
5                    shall collect from the tax debtor an additional sum ~~as prescribed in subdivision e of~~  
6                    ~~subsection 1 of section 11-17-04 for each warrant~~ of ten dollars. Such sum must  
7                    be paid to ~~such clerk~~ the register of deeds, or designated official, as the fee for  
8                    issuing said warrant, and all taxes thus collected must be remitted by the sheriff to  
9                    the treasurer of the county to which the taxes belong, together with the original  
10                   statement of account, and if any taxes remain unpaid a statement must be made of  
11                   the reason therefor, and proper entries must be made on the tax lists of the county  
12                   where the tax was levied.

13           **SECTION 81. REPEAL.** Sections 11-17-02, 11-17-03, 11-07-08, 11-17-09, 11-17-10,  
14 and 11-17-11 of the North Dakota Century Code are repealed.

15           **SECTION 82. REPEAL.** Sections 11-17-01, 11-17-05, and 11-17-06 of the North  
16 Dakota Century Code and sections 11-17-04 and 11-17-07 of the 1997 Supplement to the  
17 North Dakota Century Code are repealed.

18           **SECTION 83. EFFECTIVE DATE.** Sections 35, 36, 37, 38, 39, 44, 45, 46, 47, 48, 61,  
19 62, 63, 64, 67, 68, 78, and 82 of this Act become effective January 1, 2001.