

Introduced by

1 A BILL for an Act to amend and reenact section 11-28.3-09, subsection 2 of section 28-32-10,
2 subsection 1 of section 29-15-21, subsection 5 of section 57-64-02, and subsection 1 of section
3 65-02-35 of the North Dakota Century Code, relating to technical corrections and improper,
4 inaccurate, redundant, missing, or obsolete references; and to repeal section 54-03-01.11 of the
5 North Dakota Century Code, relating to obsolete provisions.

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

7 **SECTION 1. AMENDMENT.** Section 11-28.3-09 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **11-28.3-09. Emergency medical service policy to be determined.**

10 The board of directors shall establish a general emergency medical service policy for the
11 district and shall annually estimate the probable expense for carrying out that policy. The
12 estimate shall be certified by the president and secretary to the proper county auditor or county
13 auditors, on or before June thirtieth of each year. The auditor or auditors shall levy a tax not to
14 exceed ~~five~~ten mills upon the taxable property within the district for the maintenance of the
15 ambulance service district for the fiscal year as provided by law. The tax shall be:

- 16 1. Collected as other taxes are collected in the county.
- 17 2. Turned over to the secretary-treasurer of the rural ambulance service district, who
18 shall be bonded in the amount of at least five thousand dollars.
- 19 3. Deposited by the secretary-treasurer in a state or national bank in a district account.
- 20 4. Paid out upon warrants drawn upon the district account by authority of the board of
21 directors of the district, bearing the signature of the secretary-treasurer and the
22 countersignature of the president.

23 In no case shall the amount of the tax levy exceed the amount of funds required to defray the
24 expenses of the district for a period of one year as embraced in the annual estimate of expense,

1 including the amount of principal and interest upon the indebtedness of the district for the
2 ensuing year. The district may include in its operating budget no more than ten percent of its
3 annual operating budget as a depreciation expense to be set aside in a dedicated emergency
4 medical services sinking fund deposited with the treasurer for the replacement of equipment
5 and ambulances. The ten percent emergency medical services sinking fund may be in addition
6 to the actual annual operating budget, but the total of the annual operating budget and the
7 annual ten percent emergency medical services sinking fund shall not exceed the approved mill
8 levy.

NOTE: The levy limit for ambulance service districts was increased to 10 mills by
2001 Session Laws Chapter 511. The limit in this section should have been increased at
that time but was overlooked.

9 **SECTION 2. AMENDMENT.** Subsection 2 of section 28-32-10 of the North Dakota Century
10 Code is amended and reenacted as follows:

11 2. The agency shall mail or deliver a copy of the agency's full notice and proposed rule to
12 each member of the legislative assembly whose name appeared as a sponsor or
13 cosponsor of legislation enacted during the most recent session of the legislative
14 assembly which is being implemented by the proposed rule and to each person who
15 has made a timely request to the agency for a copy of the notice and proposed rule.
16 The agency may mail or otherwise provide a copy of the agency's full notice to any
17 person who is likely to be an interested person. ~~The agency shall mail or deliver a~~
18 ~~copy of the rules to each member of the legislative assembly whose name appeared~~
19 ~~as a sponsor or cosponsor of legislation enacted during the most recent session of the~~
20 ~~legislative assembly which is being implemented by the proposed rule and to any~~
21 ~~person requesting a copy.~~ The agency may charge persons who are not members of
22 the legislative assembly fees for copies of the proposed rule as allowed under section
23 44-04-18.

NOTE: Since a 2005 amendment, duplicate language has existed for sending notices and
rules to legislative sponsors. This has caused confusion about whether separate mailing is
required for notices and rules. Combining the sentences into a single requirement should
eliminate confusion.

24 **SECTION 3. AMENDMENT.** Subsection 1 of section 29-15-21 of the North Dakota Century
25 Code is amended and reenacted as follows:

26 1. Subject to the provisions of this section, any party to a civil or criminal action or
27 proceeding pending in the district court may obtain a change of the judge before whom

1 the trial or any proceeding with respect thereto is to be heard by filing with the clerk of
2 the court in which the action or proceeding is pending the original of a written demand
3 for change of judge, executed in ~~triplicate~~ either:

4 a. By the personal signature of the party, if an individual, and by the personal
5 signature of an authorized officer or manager, if a corporation, limited liability
6 company, or association; or

7 b. By the attorney for a party with the permission of the party, in which event the
8 attorney shall file with the demand a certificate that the attorney has mailed a
9 copy of the demand to such party.

NOTE: This section was partially superseded by adoption of an amendment to
N.D.R.Ct. 3.1 effective May 1, 2012, to provide that a party need only file the original
demand for change of judge, which superseded the portion of the statute requiring filing in
triplicate of a demand for change of judge.

10 **SECTION 4. AMENDMENT.** Subsection 5 of section 57-64-02 of the North Dakota Century
11 Code is amended and reenacted as follows:

12 5. For purposes of this section, "taxable valuation" means the valuation to which the mill
13 rate is applied to determine the amount of ad valorem taxes or payments in lieu of
14 taxes, and includes taxable valuation determined for agricultural, residential, and
15 commercial property; railroad property assessed by the state board of equalization
16 under chapter 57-05; gas company property, pipeline property, and power company
17 property, ~~and railroad property~~ assessed by the state board of equalization under
18 chapter 57-06; mobile homes under chapter 57-55; land controlled by the game and
19 fish department subject to valuation under chapter 57-02.1; land owned by the board
20 of university and school lands or the state treasurer subject to valuation under chapter
21 57-02.3; national guard land subject to valuation under chapter 37-07.3; farmland or
22 ranchland owned by nonprofit organizations for conservation purposes subject to
23 valuation under section 10-06.1-10; land acquired by the state water commission for
24 the Devils Lake project subject to valuation under chapter 61-02; a workforce safety
25 and insurance building and associated real property subject to valuation under section
26 65-02-32; and carbon dioxide pipeline property subject to valuation under section
27 57-06-17.2. For purposes of this section, "taxable valuation" includes the taxable
28 valuation of the homestead credit reimbursed by the state under section 57-02-08.2
29 and the disabled veterans' credit reimbursed by the state under section 57-02-08.8.

NOTE: The provisions for assessment of railroad property are in Chapter 57-05.

1 **SECTION 5. AMENDMENT.** Subsection 1 of section 65-02-35 of the North Dakota Century
2 Code is amended and reenacted as follows:

- 3 1. The organization shall pay an injured employee's attorney for the fees and costs to
4 consult with the injured employee regarding a request for rehearing of an
5 administrative order issued by the organization under section 65-01-16 and chapter
6 28-32. The attorney's fees and costs under this section are for the purpose of an initial
7 consultation and review of the claimant's case and are separate from and independent
8 of the attorney's fees and costs provided for under section 65-02-08. To be eligible for
9 payment of attorney's fees and costs under this section, before consulting the attorney
10 the injured employee must first receive a certificate of completion from the decision
11 review office of independent review, and the attorney consultation must take place
12 after the certificate of completion is issued but before the rehearing is conducted.

NOTE: The Office of Independent Review was renamed the Decision Review Office by passage of 2009 House Bill No. 1201. This section was created by 2009 Senate Bill No. 2059, and the name change was not included.

13 **SECTION 6. REPEAL.** Section 54-03-01.11 of the North Dakota Century Code is repealed.

NOTE: Current legislative districts are described in Section 54-03-01.12, enacted effective November 25, 2011, by House Bill No. 1473. The 2011 bill should also have repealed Section 54-03-01.11, which describes legislative districts resulting from 2001 legislative redistricting.