

COUNTIES

CHAPTER 142

SENATE BILL NO. 2359
(Wogsland)

COUNTY OFFICERS

AN ACT to amend and reenact section 11-10-02 of the North Dakota Century Code, relating to the number and election of county officers.

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

SECTION 1. AMENDMENT. Section 11-10-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-10-02. Number and election of county officers. Each organized county, unless it has adopted one of the optional forms of county government provided by the code, shall have the following officers:

1. One county auditor.
2. One register of deeds.
3. One clerk of the district court.
4. One state's attorney.
5. One sheriff.
6. One county judge, except that the board of county commissioners of any two or more counties may enter into an agreement to provide for election of a judge or judges to serve the county courts of the counties entering the agreement.
7. One county treasurer.
8. One coroner.
9. One county superintendent of schools.
10. A board of county commissioners consisting of three or five members as provided in this title.

In counties having a population of six thousand or less, the register of deeds must be ex officio clerk of the district court, unless the board of county commissioners adopts a resolution separating the offices no less than thirty days before petitions for nomination to county offices may first be filed for the primary election. In counties having a population of twenty-five thousand or more, the county judge may appoint a clerk of county court. In counties with a population of less than twenty-five thousand, the clerk of district court must be clerk of county court. The required officers must be chosen by the qualified electors of the respective counties at the general election in each even-numbered year, except the register of deeds, county auditor, treasurer, sheriff, state's attorney, county judge, and clerk of the district court, who shall be chosen in 1966 and every four years thereafter, the members of the board of county commissioners, who shall be chosen in the manner prescribed in section 11-11-02, and the county coroner, who shall be chosen in the manner prescribed in section 11-19.1-03.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 143

HOUSE BILL NO. 1648
(Tomac)

COUNTY DIRECTOR OF TAX EQUALIZATION

AN ACT to amend and reenact subsection 2 of section 11-10.1-01 of the North Dakota Century Code, relating to the qualifications of the county director of tax equalization.

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

SECTION 1. AMENDMENT. Subsection 2 of section 11-10.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The board of county commissioners may, in its discretion, appoint a person on a probationary basis who does not hold a current certificate as provided for in subsection 1, if the board deems such person qualified to act as county director of tax equalization by virtue of education, training, and experience. Such appointment shall be for a term of not more than ~~four~~ three years. Any person receiving such probationary appointment who does not obtain an assessor's certificate within ~~four~~ three years of his appointment, shall not be eligible for reappointment.

Approved April 4, 1987
Filed April 6, 1987

CHAPTER 144

HOUSE BILL NO. 1113
(Committee on Political Subdivisions)
(At the request of the State Auditor)

COUNTY COMMISSION FINANCIAL REPORTS

AN ACT to amend and reenact section 11-11-11 of the North Dakota Century Code, relating to reports required by the board of county commissioners; and to repeal section 11-13-05 of the North Dakota Century Code, relating to monthly verification of cash by the county auditor.

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

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

11-11-11. General duties of board of county commissioners. The board of county commissioners:

1. Shall superintend the fiscal affairs of the county.
2. Shall supervise the conduct of the respective county officers.
3. May cause to be audited and verified the accounts of all officers having the custody, management, collection, or disbursement of any moneys belonging to the county or received in their official capacity.
4. On the first Monday of July annually, shall cause to be made a full and accurate statement of the assessments, receipts, and expenditures of the county for the preceding year and the taxes receivable, accounts receivable, and the indebtedness of the county at the end of the fiscal year, and it shall have the same published in at least one newspaper in the county. If there is no newspaper in the county the same shall be posted at the usual meeting place of the board. Before February first of each year, shall have the county auditor prepare general purpose financial statements in accordance with generally accepted accounting principles. Public notice that financial statements have been prepared and are available for inspection must be published in the official newspaper.

SECTION 2. REPEAL. Section 11-13-05 of the North Dakota Century Code is hereby repealed.

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 145

SENATE BILL NO. 2445
(Senator Mushik)
(Representative Ulmer)

COUNTY BLOCK GRANT TRANSACTIONS

AN ACT to amend and reenact subsection 18 of section 11-11-14 of the North Dakota Century Code, relating to the power of a board of county commissioners in administering community development block grant transactions.

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

SECTION 1. AMENDMENT. Subsection 18 of section 11-11-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- 18. To loan or ~~give~~ grant money to and secure a mortgage from individuals, associations, or corporations and to purchase ownership shares in corporations or other business associations as provided through the procedures established by the state's community development block grant program established pursuant to the Housing and Community Development Act of 1974 [Pub. L. 93-383, 88 Stat. 633, 42 U.S.C. 5301 et seq.]. This power applies to all community development block grant transactions of the board of county commissioners, including any transactions prior to ~~March 22, 1985~~ July 1, 1987. The county is not lending its funds or extending its credit to any individual, association, or organization under this subsection and no general liability on the part of the county is incurred.

Approved April 1, 1987
Filed April 2, 1987

CHAPTER 146

HOUSE BILL NO. 1317
(Representative J. DeMers)
(Senator Holmberg)

COUNTY COMMISSION PROCEEDING PUBLICATION

AN ACT to amend and reenact section 11-11-37 of the North Dakota Century Code, relating to the publication of the report of the proceedings of the board of county commissioners; and to repeal section 11-13-09 of the North Dakota Century Code, relating to the publication of the auditor's report of the proceedings of the board of county commissioners.

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

SECTION 1. AMENDMENT. Section 11-11-37 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-11-37. Proceedings of board of county commissioners to be published in official newspaper - When published. The board of county commissioners shall ~~cause to be published in supply~~ to the official newspaper of the county a full and complete report of its official proceedings at each regular and special meeting no later than ~~thirty seven~~ days after the meeting at which the report is read and approved. The publisher of the official newspaper shall ~~cause publish~~ the report of the proceedings of the board of county commissioners to be published in the issue of ~~his the~~ paper next succeeding the time of its reception, and shall ~~cause to be filed file~~ with the county auditor an affidavit of publication executed in the proper form.

SECTION 2. REPEAL. Section 11-13-09 of the North Dakota Century Code is hereby repealed.

Approved March 19, 1987
Filed March 20, 1987

CHAPTER 147

HOUSE BILL NO. 1672
(Representatives Mertens, G. Berg)
(Senator Stromme)
(Approved by the Committee on Delayed Bills)

SERVICE CONNECTION ASSESSMENTS

AN ACT to amend and reenact section 11-11-55.1 of the North Dakota Century Code, relating to county authority to provide special assessment improvements for service connections; and to declare an emergency.

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

SECTION 1. AMENDMENT. Section 11-11-55.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-11-55.1. Petition for improvements - Levy of special assessments. The board of county commissioners of any county, upon receipt of a petition of sixty percent of the landowners in a defined area, outside of the limits of any incorporated city, may install the petitioned improvements as benefit the defined area, provide for the financing of the improvements, and levy special assessments for the payment of all or part of the improvements within the defined area. In providing for the improvements, the county shall have the authority granted to municipalities in chapters 40-22, 40-23, 40-23.1, 40-24, 40-25, 40-26, and 40-27, and 40-28, and the county shall comply with the provisions of those chapters in making the improvements. Whenever action is required of city officials in those chapters, the comparable county officials shall take the action.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 148

SENATE BILL NO. 2452
(Senators D. Meyer, Maixner)
(Representatives Anderson, Whalen)

COUNTY BOND GUARANTEE PROGRAMS

AN ACT to create and enact a new section to chapter 11-11 of the North Dakota Century Code, relating to the establishment of county bond guarantee programs; and to declare an emergency.

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

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

Bond guarantee fund - Purpose - Limitations. The board of county commissioners of any county having a population of not more than two thousand may establish a bond guarantee fund as provided in this section. The bond guarantee fund may be used to guarantee the indebtedness of nonprofit corporations organized for the purpose of constructing and operating nursing homes and related health care facilities located in this state. The nursing home or related health care facilities need not be located within the boundaries of the county establishing the bond guarantee fund. The board of county commissioners shall establish the terms and conditions of any agreements entered under this section. The funds used to guarantee a project under this section must be deposited in a federally insured account in such amounts as are determined necessary to guarantee the indebtedness of the nonprofit corporation incurred for the purposes authorized under this section. Nothing in this section is to be construed as creating an indebtedness of the county or the state or as incurring any liability on the county or the state, except the liability payable solely from the assets of the bond guarantee fund.

SECTION 2. **EMERGENCY.** This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 149

SENATE BILL NO. 2115
(Senator Lashkowitz)
(Representative Moore)

HANDICAPPED PROGRAMS AND ACTIVITIES LEVY

AN ACT to create and enact a new section to chapter 11-11, a new section to chapter 40-05, a new subsection to section 57-15-06.7, a new subsection to section 57-15-10, and a new section to chapter 57-15 of the North Dakota Century Code, relating to authorization and funding of county, city, and park district programs and activities for handicapped persons.

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

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

Programs and activities for handicapped persons - Expenditure of funds.
The board of county commissioners may establish or maintain programs and activities for handicapped persons, including recreational and other leisure-time activities and informational, health, welfare, transportation, counseling, and referral services. The board may expend funds received from state, federal, or private sources for the public purposes provided for in this section. No expenditure may be made to defray any expenses of any organization or agency until the organization or agency is incorporated under the laws of this state as a nonprofit corporation and has contracted with the board in regard to the manner in which the funds will be expended and the services will be provided. An organization or agency that receives the funds must be reviewed or approved annually by the board to determine its eligibility to receive funds under this section.

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

Programs and activities for handicapped persons - Expenditure of funds.
The governing body of any city or park district may establish or maintain programs and activities for handicapped persons, including recreational and other leisure-time activities and informational, health, welfare, transportation, counseling, and referral services. The governing body may expend funds received from state, federal, or

private sources for the public purposes provided for in this section. No expenditure may be made to defray any expenses of any organization or agency until the organization or agency is incorporated under the laws of this state as a nonprofit corporation and has contracted with the governing body in regard to the manner in which the funds will be expended and the services will be provided. An organization or agency that receives the funds must be reviewed or approved annually by the governing body to determine its eligibility to receive funds under this section.

SECTION 3. A new subsection to section 57-15-06.7 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

A county levying a tax for programs and activities for handicapped persons according to section 1 of this Act may levy a tax not exceeding one-half mill.

SECTION 4. A new subsection to section 57-15-10 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Taxes levied for programs and activities for handicapped persons in accordance with section 5 of this Act may be levied in an amount not exceeding one-half mill.

SECTION 5. A new section to chapter 57-15 of the North Dakota Century Code is hereby created and enacted to read as follows:

Authorization of tax levy for programs and activities for handicapped persons - Elections to authorize or remove the levy - Handicapped person programs and activities.

1. The board of county commissioners of any county is hereby authorized to levy a tax, or if no levy is made by the board of county commissioners, the governing body of any city or park district in the county is authorized to levy a tax, in addition to all levies now authorized by law, for the purpose of establishing or maintaining programs and activities for handicapped persons, including recreational and other leisure-time activities and informational, health, welfare, transportation, counseling, and referral services. If the tax authorized by this section is levied by the board of county commissioners, any existing levy under this section by a city or park district in the county is void for subsequent taxable years. The removal of the levy is not subject to the requirements of subsection 3. This tax may not exceed the limitation in section 3 of this Act and section 4 of this Act. The proceeds of the tax must be kept in a separate fund and used exclusively for the public purposes provided for in this section. This levy is in addition to any moneys expended by the board of county commissioners pursuant to section 1 of this Act or by the governing body

of any city or park district pursuant to section 2 of this Act.

2. The levy authorized by this section may be used to fund an intergovernmental program under a joint powers agreement pursuant to chapter 54-40, but may not be used to defray any expenses of any organization or agency until the organization or agency is incorporated under the laws of this state as a nonprofit corporation and has contracted with the board of county commissioners or the governing body of the city or park district in regard to the manner in which the funds will be expended and the services will be provided. An organization or agency that receives funds under this section must be reviewed or approved annually by the board of county commissioners or the governing body of the city or park district to determine its eligibility to receive funds under this section.
3. The levy authorized by this section may be imposed or removed only by a vote of a majority of the qualified electors voting in an election in the county, city, or park district. The governing body shall put the issue before the qualified electors either on its own motion or when a petition in writing, signed by qualified electors of the county or city equal in number to at least ten percent of the total vote cast in the county or city for the office of governor of the state at the last general election is presented to that governing body.

Approved April 4, 1987
Filed April 6, 1987

CHAPTER 150

SENATE BILL NO. 2546
(Mushik)

(Approved by Committee on Delayed Bills)

CENTENNIAL COORDINATING COMMITTEES

AN ACT to create and enact a new section to chapter 11-11 and a new section to chapter 40-05 of the North Dakota Century Code, relating to the authority of counties and cities to establish centennial coordinating committees; and to declare an emergency.

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

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

Board may establish centennial coordinating committee. The board of county commissioners may establish a county centennial coordinating committee to develop and implement special countywide projects to celebrate this state's centennial of statehood in 1989. The board shall appoint the members of the committee, if established. The members of the committee shall serve for the duration of the committee's existence. The board shall fill any vacancy on the committee by appointment. The board or the committee may receive or expend funds for the development and promotion of centennial projects. The committee shall cooperate with the North Dakota centennial commission. Any committee established under this section terminates as of July 1, 1991.

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

Centennial coordinating committee. The governing body of any city may establish a local centennial coordinating committee to develop and implement special communitywide projects to celebrate this state's centennial of statehood in 1989. The governing body of the city shall appoint the members of the committee, if established. The members of the committee shall serve for the duration of the committee's existence. The elected presiding officer of the governing body of the city shall fill any vacancy by appointment. The governing body of a city or the local centennial coordinating committee may receive or expend funds for the development and

promotion of centennial projects. The local centennial coordinating committee shall cooperate with the North Dakota centennial commission. Any committee established under this section terminates as of July 1, 1991.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act.

Approved April 4, 1987
Filed April 6, 1987

CHAPTER 151

HOUSE BILL NO. 1289
(Representatives Shaw, Opedahl, D. Olsen)
(Senators W. Meyer, Naaden)

MUSEUM LOANS AND RECORDS

AN ACT to create and enact a new section to chapter 11-11 of the North Dakota Century Code, relating to objects loaned or donated to local museums which have closed.

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

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

Museum records - County historical society - Disposition of loaned or donated objects. Every nonprofit or noncounty museum in this state which is loaned or receives by donation any object for public display or safekeeping must keep a record of those objects. The record must indicate the owner or owners of the loaned objects and their addresses. A duplicate of the record must be filed with the county in which the museum is located. The board of directors or any person in charge of a museum which is closing or closed must return loaned objects to the recorded owners. All unreturned or unclaimed objects must be retained for two years to ensure that individuals have the opportunity to reclaim loaned objects. After that time, unclaimed objects may be disposed of at the discretion of the board of directors or person in charge of the museum.

Approved April 4, 1987
Filed April 6, 1987

CHAPTER 152

SENATE BILL NO. 2264
(Committee on Political Subdivisions)
(At the request of the Economic Development Commission)

**JOB DEVELOPMENT AUTHORITY COOPERATIVE
AGREEMENTS**

AN ACT to amend and reenact subsection 9 of section 11-11.1-03 of the North Dakota Century Code, relating to the powers and duties of job development authorities.

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

SECTION 1. AMENDMENT. Subsection 9 of section 11-11.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

9. To cooperate with political subdivisions in exercising any of the powers granted by this section, including enabling agreements permitted under chapter 54-40.

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 153

HOUSE BILL NO. 1653
(Representative Wentz)
(Senator Satrom)

COUNTY RECORD DESTRUCTION

AN ACT to repeal section 11-13-17 of the North Dakota Century Code, relating to the destruction of county records.

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

SECTION 1. REPEAL. Section 11-13-17 of the North Dakota Century Code is hereby repealed.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 154

HOUSE BILL NO. 1052
(Legislative Council)
(Interim Law Enforcement Committee)

PEACE OFFICER STANDARDS AND LICENSING

AN ACT to provide for peace officer standards, training, and licensing; to amend and reenact section 11-15-01.1 of the North Dakota Century Code, relating to qualifications of sheriffs; to provide a penalty; to provide for transitional provisions; and to provide an effective date.

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

SECTION 1. AMENDMENT. Section 11-15-01.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-15-01.1. Sheriff shall be qualified elector and shall receive required training - Exception. Except as otherwise specifically provided by state law, the sheriff shall be a qualified elector in the county in which the sheriff is elected or appointed. Within one year after taking office, the sheriff shall attend the sheriffs' school on civil process for one week, the complete police and sheriff's basic training course, and the police supervision course for two weeks if such schools are available within the state, unless equivalent training has already been attained. The police and sheriff's basic training course requirement does not apply to any sheriff who has at least five years' experience in the law enforcement field and unless already licensed under sections 2 through 15 of this Act, shall begin the training necessary to become so licensed. Within two years after taking office, the sheriff shall complete the procedures required to be licensed under sections 2 through 15 of this Act.

SECTION 2. Definitions. In sections 2 through 15 of this Act, unless the context or subject matter otherwise requires:

1. "Board" means the peace officer standards and training board.
2. "Division" means the criminal justice training and statistics division.

3. "Director" means the director of the division.

4. "Peace officer" means a public servant authorized by law or by government agency or branch to enforce the law and to conduct or engage in investigations of violations of the law.

SECTION 3. License required. An individual may not perform peace officer law enforcement duties in this state unless the individual is licensed under sections 2 through 15 of this Act.

SECTION 4. Persons and practices not affected. Sections 2 through 15 of this Act do not prevent or restrict the practice of peace officer duties or activities of:

1. Auxiliary personnel such as members of organized groups for purposes such as posse, search and rescue, and security at dances, if the group operates as adjunct to the police or sheriff's department, and does not have arrest powers or peace officer authority delegated to its members by the department.
2. A reserve officer such as an individual used by a municipal, county, or state law enforcement agency to provide services to that jurisdiction on a nonsalaried basis and who is granted full arrest authority.
3. A person who provides private investigative services in this state.
4. A person doing private security work or any private security agency.
5. A person performing peace officer duties in an official capacity as a federal officer.

SECTION 5. Board - Powers - Duties - Authority. The board shall administer, coordinate, and enforce sections 2 through 15 of this Act, evaluate the qualifications of applicants, and approve the examinations for licensing under sections 2 through 15 of this Act. The board shall keep records and minutes necessary to carry out its functions. The board may:

1. Issue subpoenas, examine witnesses, administer oaths, and investigate allegations of practices violating sections 2 through 15 of this Act or rules adopted by the board.
2. Examine, under oath, any applicant for licensing.
3. Examine, under oath, any licensed peace officer during a hearing to suspend, revoke, or to not renew a license of a peace officer.

4. Adopt rules that relate to professional conduct or carry out the policy of sections 2 through 15 of this Act, including rules relating to professional licensure, continuing education, and to establishment of ethical standards of practice, for persons holding a license to practice peace officer duties.

SECTION 6. Fees. The board shall prescribe by rule the fee for application for examination, for an initial license, for renewal of a license, and for late renewal of a license. The board shall administer fees received under sections 2 through 15 of this Act in accordance with section 54-44-12.

SECTION 7. Application for license. An applicant for a license as a peace officer shall file a written application provided by the board showing to the satisfaction of the board that the applicant:

1. Is of good moral character.
2. Possesses a high school diploma or general education equivalency certificate.
3. Has had a complete background investigation conducted by the parent agency or the division.
4. Has passed a medical and psychological examination approved or prescribed by the board.
5. Has successfully completed a training program recognized by the board.
6. Has passed an examination as provided in section 8 or has arranged to take such an examination and is eligible for a limited license under section 10.
7. Has complied with rules of the board.

SECTION 8. Examination for license.

1. Only a person satisfying the requirements of subsections 1 through 5 of section 7 may apply for examination. The application must be filed in the manner the board prescribes and be accompanied by fee prescribed under section 6. The fee is nonrefundable. A person who fails an examination may apply for reexamination upon payment of the prescribed fee.
2. Each applicant for licensing must be examined by written examination as established by the board.
3. Applicants for licensing must be examined at a time and place and under supervision as the board requires.

4. Applicants may obtain their examination scores and may review their papers in accordance with rules adopted by the board.

SECTION 9. Exception from training requirement - Issuance of certain licenses as of right.

1. Peace officers with experience or training outside this state before January 1, 1989, may qualify for exception from portions of the training requirement. The applicant shall apply to the board for an exception. After review the board may grant a complete or partial exception. Before the issuance of a license, the applicant must successfully complete the written examination.
2. The board shall grant a license to any person certified as a peace officer before July 1, 1989.

SECTION 10. Limited license. Pending successful completion of the written examination required by sections 2 through 15 of this Act, the board may grant a limited license to a person who has completed the education, medical, and psychological examination requirements and has been qualified to carry a sidearm. The limited license allows the person to practice peace officer duties in accordance with rules of the board. Except as otherwise provided, the limited license is valid for no longer than the earlier of the expiration of the next available training session, until the person is issued a license under section 11, or until the limited license is suspended or revoked by the board. After being employed but before taking the written examination, the person shall attend the first available basic training program recognized by the board. The limited license may be renewed one time if the person has failed the examination. On terms and conditions prescribed by the board, the limited license is limited to the jurisdiction in which the person is employed.

SECTION 11. Issuance of license. The board shall issue a license to any person who meets the requirements of sections 2 through 15 of this Act and who has paid the prescribed license fee.

SECTION 12. Renewal of license.

1. A license expires three years from the date of its issuance and must be renewed in the manner prescribed by the board and on payment of a renewal fee and on a show of proof that the individual has met the requirements established by the board for continuing education. The board may provide for the late renewal of a license on payment of a late fee, but a late renewal of a license may not be granted more than one year after expiration of the license.

2. On request, the board shall grant inactive status to a licensee who does not perform the duties of a peace officer.

SECTION 13. Adverse license action - Appeal.

1. The board may deny a license, refuse to renew a license, suspend a license, or revoke a license, or may impose probationary conditions if the person:
 - a. Has been convicted or pled guilty or nolo contendere before a court of competent jurisdiction in any state, or before any court, of an offense determined by the board to have a direct bearing upon a person's ability to serve as a peace officer, or the board determines, following a conviction or adjudication, that the person is not rehabilitated under section 12.1-33-02.1.
 - b. Has used unjustified deadly force in the performance of the duties as a peace officer as described in section 12.1-05-07.
 - c. Has made a false material statement under oath to the board.
 - d. Has made a false material statement to the board while obtaining or renewing a license or permit.
 - e. Has violated sections 2 through 15 of this Act.
2. Denial, refusal to renew, suspension, revocation, or imposition of probationary condition on a license may be ordered by the board after a hearing in a manner provided by rules adopted by the board. An application for reinstatement may be made to the board one year from the date of revocation of the license. The board may accept or reject an application for reinstatement and may hold a hearing to consider the reinstatement.
3. An appeal from the final decision of the board to refuse to issue, to not renew, to suspend, or to revoke a license may be made to the district court. Venue is the county in which the aggrieved person resides. The appeal must be made within ninety days from the service of the decision on the person.

SECTION 14. Notice and hearing on adverse license action.

The board may, on a verified complaint of any person setting forth facts which, if proven, would constitute grounds for refusal, suspension, nonrenewal, or revocation of a license, investigate the actions of any person holding or claiming to hold a license. Before taking the adverse action, the board shall, at least ten days before the date set for the hearing, give written notice to the subject of

the adverse action of any charges made and shall afford that person an opportunity to be heard in person or by counsel on the matter. The written notice may be served by personal service or by registered mail. If service cannot be made by personal service or registered mail, then service may be made by publication in the county of residence specified by the person in the person's last communication with the board. At the time and place fixed in the notice, the board shall conduct the hearing on the charges. Both the accused person and the complainant are entitled to ample opportunity to present in person or by counsel, statements, testimony, evidence, and argument pertinent to the charges or to any defense. The board may continue the hearing from time to time.

SECTION 15. Penalty. Violation of sections 2 through 15 of this Act is a class B misdemeanor.

SECTION 16. Transitional provisions - Duty of Peace Officer Standards and Training Board to adopt rules. Before July 1, 1988, the board shall adopt rules to implement sections 2 through 15 of this Act.

SECTION 17. EFFECTIVE DATE. Section 1, the introductory paragraph to section 2, subsection 1 of section 2, the introductory paragraph to section 5, subsection 4 of section 5, section 6, subsection 4 of section 8, section 10 as it relates to rulemaking authority, and subsection 2 of section 13 of this Act are effective July 1, 1987. Otherwise, this Act is effective July 1, 1989.

Approved April 14, 1987
Filed April 15, 1987

CHAPTER 155

SENATE BILL NO. 2295
(Senator Nalewaja)
(Representative Wald)

FILING FEES

AN ACT to amend and reenact section 11-18-05 and, if House Bill No. 1044 of the fiftieth legislative assembly does not become effective, section 35-08-04 of the North Dakota Century Code, relating to fees of the register of deeds and filing fees for motor fuel liens.

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

SECTION 1. AMENDMENT. Section 11-18-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-18-05. Fees of register of deeds. The register of deeds shall charge and collect the following fees:

1. For recording an instrument affecting title to real estate:
 - a. Deeds, mortgages, and all other instruments not specifically provided for in this subsection, five dollars for the first page and two dollars for each additional page.
 - (1) "Page" means one side of a single legal size sheet of paper not exceeding eight and one-half inches [21.59 centimeters] in width fourteen inches [35.56 centimeters] in length.
 - (2) The printed, written, or typed words must be considered legible by the register of deeds before the page will be accepted for recording.
 - (3) Each real estate instrument must have a legal description considered to be adequate by the register of deeds before such instrument will be accepted for recording.

- (4) A space of at least four inches by three and one-half inches [10.16 by 8.89 centimeters] square must be provided on the front side of each instrument for register of deeds' recording information. If recording information can only be placed on the reverse side of an instrument, an additional page charge ~~shall~~ must be levied.
- b. ~~Multipurpose mortgages or mineral instruments which contain additional mortgages or mineral instruments~~ Instruments satisfying, releasing, assigning, subordinating, continuing, amending, or extending more than one instrument previously recorded in the county in which recording is requested, five dollars for the first page and two dollars for each additional page plus three dollars for each such additional mortgage or mineral instrument described therein.
- c. Plats, irregular tracts, or annexations, five dollars for one lot plus ten cents for each additional lot.
- d. Oil, gas, and mineral leases, six dollars per page.
2. For filing any instrument, ~~three~~ five dollars.
3. For making certified copies of any ~~ether~~ recorded instrument, ~~the same charge as for recording that instrument~~ is five dollars for the first page and two dollars for each additional page.
4. For making a copy of any other filed instrument, one dollar.
5. For filing ~~and, indexing, making, or completing~~ any statement, ~~abstract, or certificate~~ under the Uniform Commercial Code, three dollars, and when a nonstandard statement is presented for filing, an additional fee of two dollars shall be made. For completing a Uniform Commercial Code certificate requesting copies, three dollars for the first three copies or fraction thereof, and one dollar for each additional copy the fee is the same as that provided in sections 41-09-42 and 41-09-43, as applicable.
- 6- For filing and indexing a financing statement termination, ~~three dollars.~~
- 7- For making a Uniform Commercial Code financing statement abstract, ~~three dollars for the first five entries and one dollar for each additional five entries or fraction thereof.~~

* SECTION 2. AMENDMENT. If House Bill No. 1044 does not become effective, section 35-08-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

35-08-04. Lien for furnishing motor fuel - Filing. Any person who furnishes gasoline, diesel fuel, tractor fuel, or other motor fuel to another to be used for the production of any agricultural crop ~~shall be~~ is entitled to a lien upon all crops produced by the use of ~~such that~~ fuel to secure the payment of the purchase price thereof upon compliance with the ~~provisions of~~ this section. At any time after the fuel has been furnished, but in no event later than the first day of November in the year ~~such the~~ fuel was furnished, the person selling ~~such the~~ fuel ~~shall~~ must perfect ~~his~~ the lien by filing in the office of the register of deeds of the county in which the crop is produced a verified statement showing the name and address of the person claiming the lien, the name of the person to whom the fuel has been furnished, the name of the crop or crops grown by ~~such the~~ purchaser, a description of the land upon which the crop was grown, and the amount of fuel furnished. From ~~and~~ after the date of filing the statement provided in this section, the claimant ~~shall have~~ has a lien upon the crops therein described to the amount of the purchase price of the fuel sold. ~~Such The~~ lien ~~shall have~~ has priority over all other liens except threshing liens, seed liens, farm labor liens, and crop production liens. The register of deeds shall charge a fee of ~~one dollar~~ as provided by section 11-18-05 for the filing of a verified statement perfecting the lien. ~~Such The~~ lien ~~shall~~ must be indexed and filed in the same manner as chattel mortgages are filed and may be satisfied by an instrument similar to a satisfaction of chattel mortgages.

Approved March 26, 1987
Filed March 30, 1987

* NOTE: Section 35-08-04 was also amended by section 18 of House Bill No. 1050, chapter 73.

CHAPTER 156

HOUSE BILL NO. 1420
(Sorensen)

COUNTY OR CITY PROPERTY SALES

AN ACT to create and enact a new section to chapter 11-27, a new section to chapter 40-11, and a new section to chapter 57-28 of the North Dakota Century Code, relating to sale of property by counties or cities; and to amend and reenact sections 11-27-01 and 40-11-04 of the North Dakota Century Code, relating to transfers of property by counties or cities.

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

SECTION 1. AMENDMENT. Section 11-27-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-27-01. Board of county commissioners authorized to sell property - Private and public sale. The board of county commissioners of any county may dispose of any property, either real or personal, which the county has acquired through purchase, forfeiture, or operation of law other than through tax sale proceedings, ~~in accordance with the provisions of~~ under this chapter. When the property to be disposed of is estimated by the board to be of a value of less than one thousand dollars, it may be sold at private sale upon the proper resolution of the board. In all other cases, ~~such the~~ property may be sold only at public sale or as provided under section 2 of this Act.

SECTION 2. A new section to chapter 11-27 of the North Dakota Century Code is hereby created and enacted to read as follows:

Transfer of real property by nonexclusive listing agreements. As an alternative to public sale under section 11-27-01, the board of county commissioners may by resolution describe the real property of the county which is to be sold; provide a maximum rate of fee, compensation, or commission; and provide that the county reserves the right to reject any and all offers determined to be insufficient. After adoption of the resolution, the board of county commissioners may engage licensed real estate brokers to attempt to sell the described property by way of nonexclusive listing agreements.

SECTION 3. AMENDMENT. Section 40-11-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-11-04. Ordinance required for the transfer of property. Every municipality shall enact an ordinance providing a uniform method and procedure for the conveyance, sale, lease, or disposal of personal and real property of the municipality. When the property to be disposed of is estimated by the governing body of the municipality to be of a value of less than two thousand five hundred dollars, such the property may be sold at private sale upon the proper resolution of the governing body. In all other cases, such the property may be sold only at public sale or as provided under section 4 of this Act.

SECTION 4. A new section to chapter 40-11 of the North Dakota Century Code is hereby created and enacted to read as follows:

Transfer of real property by nonexclusive listing agreements. As an alternative to the procedure established under section 40-11-04.1, the governing body of a city may by resolution describe the real property of the city which is to be sold; provide a maximum rate of fee, compensation, or commission; and provide that the city reserves the right to reject any and all offers determined to be insufficient. After adoption of the resolution, the governing body of a city may engage licensed real estate brokers to attempt to sell the described property by way of nonexclusive listing agreements.

SECTION 5. A new section to chapter 57-28 of the North Dakota Century Code is hereby created and enacted to read as follows:

Private sale between annual sales by nonexclusive listing agreements. The board of county commissioners may by resolution engage licensed real estate brokers to attempt to sell parcels of real estate not sold at the annual November sale. The resolution must authorize sale by way of nonexclusive listing agreements; describe the real property to be sold; provide a maximum rate of fee, compensation, or commission; and provide that the county reserves the right to reject any and all offers determined to be insufficient. Real estate that is subject to a special assessment lien for improvements made by a city shall first be offered for sale to the city.

Approved March 27, 1987
Filed March 30, 1987

CHAPTER 157

HOUSE BILL NO. 1066
(Legislative Council)
(Interim Transportation Committee)

HIGHWAY HEAVY IMPACT NOTICE

AN ACT to amend and reenact section 11-33-18 of the North Dakota Century Code, relating to county zoning and required notice to the state highway commissioner of construction resulting in heavy transportation system usage.

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

SECTION 1. AMENDMENT. Section 11-33-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-33-18. Board Power of board of county commissioners authorized to issue permits - Appropriate Notification of state highway commissioner - Power of board to appropriate money.

1. The board of county commissioners is empowered to may authorize and provide for the issuance of permits as a prerequisite to construction, erection, reconstruction, alteration, repair, or enlargement of any building or structure otherwise subject to the provisions of this chapter; and.
2. If a board of county commissioners provides for the issuance of permits, the board shall require the applicant to state whether the structure is reasonably anticipated to have a significant impact on the transportation system. A structure is deemed to have significant impact on the transportation system if, over a period of one year, it will have an average daily usage of at least ten motor vehicles whose gross weight exceeds sixty thousand pounds [27,215.54 kilograms]. The board shall require that, if the structure will have a significant impact on the transportation system, the state highway commissioner be notified and be given an opportunity to comment on the application. However, approval of the state highway commissioner of the proposed structure is not required.

3. The board may establish and collect reasonable fees ~~therefor for permits issued under this section~~. The fees so collected ~~shall~~ must be credited to the general fund of the county.
4. The board of county commissioners ~~is further empowered to~~ may appropriate, out of the general funds of the county, such moneys as may be necessary for the purposes of this chapter.

Approved March 12, 1987
Filed March 16, 1987