

COUNTIES

CHAPTER 109

SENATE BILL NO. 2253

(Senator Urlacher)
(Representatives Brown, Martin)

COUNTY SEAT REMOVAL PETITIONS AND ELECTIONS

AN ACT to amend and reenact sections 11-04-04 and 11-04-11 of the North Dakota Century Code, relating to petitions and elections for the removal of a county seat; and to repeal section 11-04-12 of the North Dakota Century Code, relating to removal of county seats not located on a railroad or interstate river.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-04-04 of the North Dakota Century Code is amended and reenacted as follows:

11-04-04. County seat - Removal - Petition - Election. Whenever a petition of qualified electors of the county equal in number to ~~twenty-five~~ thirty-three percent of the votes cast in the county for the office of governor at the preceding gubernatorial election ~~shall be~~ is presented to the board of county commissioners of that county asking removal of the county seat from its current location to a place designated in the petition and that an election be held to determine whether ~~or not such~~ the removal ~~shall~~ must occur, the board of county commissioners shall submit the question of removal to the qualified electors of the county at the next general election if the petition conforms to the requirements of this chapter.

SECTION 2. AMENDMENT. Section 11-04-11 of the North Dakota Century Code is amended and reenacted as follows:

11-04-11. Interval required between elections for the removal of a county seat. ~~Except as otherwise provided in section 11-04-12, an~~ An election for the removal of a county seat ~~shall~~ may not be held more often than once in four years. ~~This section shall apply even though an election held under this chapter has resulted in the failure of any place other than the then county seat to secure at least two-thirds of the votes cast on the question.~~

SECTION 3. REPEAL. Section 11-04-12 of the North Dakota Century Code is repealed.

Approved March 7, 1995
Filed March 7, 1995

CHAPTER 110**HOUSE BILL NO. 1349****(Representative Grosz)****ANIMALS RUNNING AT LARGE REGULATION**

AN ACT to create and enact a new subsection to section 11-11-14 of the North Dakota Century Code, relating to the prohibition of animals running at large.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 11-11-14 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

To regulate or prohibit the running at large of animals.

Approved April 4, 1995

Filed April 4, 1995

CHAPTER 111

SENATE BILL NO. 2472

(Senators B. Stenehjem, Lips, O'Connell)
(Representatives Carlisle, D. Henegar, Kempenich)

AUDITOR'S CERTIFICATES

AN ACT to amend and reenact sections 11-13-12 and 11-13-14 of the North Dakota Century Code, relating to auditor's certificates on real property conveyance documents; and to repeal section 11-13-13 of the North Dakota Century Code, relating to real property records required to be kept by county auditors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁵² SECTION 1. AMENDMENT. Section 11-13-12 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

11-13-12. Auditor's certificate of taxes on deeds, contracts for deed, plats, replats, and patents.

1. Whenever a deed, contract for deed, or patent is presented to the county auditor for transfer, the auditor shall ascertain from the books and records in the auditor's office and in the office of the county treasurer whether there are delinquent taxes or special assessments against the land described in the instrument or whether the land has been sold for taxes.
 - a. If there are delinquent taxes or special assessments against lands described in the instrument, the auditor shall certify the same. When the receipt of the county treasurer is produced for the delinquent and current taxes or special assessments, the auditor shall enter: "Taxes and special assessments paid and transfer entered accepted".
 - b. If the land described has been sold for taxes to a purchaser other than the county, the auditor shall enter "Taxes paid by sale of the land described within and transfer ~~entered~~ accepted".
 - c. If the instrument presented is entitled to record without regard to taxes, the auditor shall enter "Transfer ~~entered~~ accepted".
 - d. ~~Entries~~ Acceptances required under this subsection must be accompanied by the auditor's signature.
2. Whenever a deed, contract for deed, or patent is presented to the county auditor for transfer, the auditor shall ascertain from the books and

⁵² Section 11-13-12 was also amended by section 1 of Senate Bill No. 2234, chapter 112.

records in the auditor's office whether there are current taxes or current special assessments against the land described in the instrument. If there are current taxes or current special assessments against the land described in the instrument, the auditor shall place a statement on the instrument showing the amount of any current taxes or current special assessments. When the receipt of the county treasurer is produced showing payment of delinquent and current taxes and special assessments, the auditor shall enter "Taxes and special assessments paid and transfer ~~entered~~ accepted". For purposes of this subsection:

- a. "Current special assessments" means special assessments that have been certified to the county auditor for collection but are not yet delinquent.
 - b. "Current taxes" means real estate taxes, as shown on the most recent tax list prepared by the county auditor, which are not yet delinquent.
3. Whenever a plat, replat, auditor's lot, or any instrument that changes the current property description, including condominium ownership established under chapter 47-04.1, is presented to the county auditor for transfer, the auditor shall ascertain from the books and records in the auditor's office and in the office of the county treasurer whether there are current or delinquent taxes, special assessments and, after February first of each year, the tax estimate for that year against the land described in the instrument or whether the land has been sold for taxes. If there are current taxes, delinquent taxes, delinquent special assessments, installments of special assessments, or tax estimates against lands described in the instrument, the auditor shall certify the same.

SECTION 2. AMENDMENT. Section 11-13-14 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

11-13-14. Auditor's certificate on conveyances to the state of North Dakota - Recording conveyance. Whenever any sheriff's deed or other conveyance of real property acquired by the state of North Dakota doing business as the Bank of North Dakota or any state agency for which the Bank of North Dakota acts as agent is offered for ~~record~~ recording, the county auditor shall enter such transfer and the register of deeds shall record the same without regard to the payment of any taxes due thereon. ~~The provisions of sections Section 11-13-12 and 11-13-13 are is~~ not applicable thereto. In such case, the county auditor shall enter on the sheriff's deed or other conveyance, over the county auditor's official signature, the words "Transfer ~~entered~~ accepted", and the register of deeds then shall receive and record the same.

SECTION 3. REPEAL. Section 11-13-13 of the North Dakota Century Code is repealed.

Approved March 17, 1995
 Filed March 20, 1995

CHAPTER 112**SENATE BILL NO. 2234**

(Senators Krauter, Tallackson, Watne)
(Representatives Berg, K. Henegar, Kerzman)

COUNTY AUDITOR TAX STATEMENTS

AN ACT to amend and reenact subsection 2 of section 11-13-12 of the North Dakota Century Code, relating to the county auditor's statement regarding taxes and special assessments on deeds and other instruments.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁵³ **SECTION 1. AMENDMENT.** Subsection 2 of section 11-13-12 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. Whenever a deed, contract for deed, or patent is presented to the county auditor for transfer, the auditor shall ascertain from the books and records in the auditor's office whether there are current taxes or current special assessments against the land described in the instrument. If there are current taxes or current special assessments against the land described in the instrument, the auditor shall place a statement on the instrument showing the amount of any current taxes or current special assessments. When the receipt of the county treasurer is produced showing payment of delinquent and current taxes and special assessments, the auditor shall enter "Taxes and special assessments paid and transfer entered". For purposes of this subsection:
 - a. "Current special assessments" means special assessments that have been certified to the county auditor for collection but are not yet delinquent and have become due on the first day of January under section 57-20-01.
 - b. "Current taxes" means real estate taxes, as shown on the most recent tax list prepared by the county auditor, which are not yet delinquent and have become due on the first day of January under section 57-20-01.

Approved March 15, 1995
Filed March 15, 1995

⁵³ Section 11-13-12 was also amended by section 1 of Senate Bill No. 2472, chapter 111.

CHAPTER 113

HOUSE BILL NO. 1262
(Representatives Wentz, Martinson)
(Senators Freborg, Scherber, Watne)

**DISORDERLY CONDUCT RESTRAINING ORDER
NOTICE**

AN ACT to create and enact a new section to chapter 11-15 and a new section to chapter 12-60 of the North Dakota Century Code, relating to duties of sheriffs and the bureau of criminal investigation with respect to protection and restraining orders.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 11-15 of the North Dakota Century Code is created and enacted as follows:

Issuance of protection and restraining orders - Duty of sheriff. The sheriff shall notify the bureau of criminal investigation of any disorderly conduct restraining order issued against an individual in the sheriff's county pursuant to section 12.1-31.2-01 within twenty-four hours of issuance. The notice must include any information required by the bureau of criminal investigation. The law enforcement agency shall enter the order into any information system available in the state that is used to list outstanding warrants for a period of one year or until the date of expiration or termination as specified in the order. The order is enforceable in any jurisdiction in this state.

SECTION 2. A new section to chapter 12-60 of the North Dakota Century Code is created and enacted as follows:

Bureau to maintain registry of orders. The bureau shall maintain a registry of all orders of which it receives notice under section 1 of this Act and under section 14-07.1-03.

Approved March 7, 1995

Filed March 8, 1995

CHAPTER 114

SENATE BILL NO. 2482

(Senators W. Stenehjem, Krauter)
(Representatives Boucher, Kelsch, Rydell)

STATE FORENSIC EXAMINER

AN ACT to create and enact three new sections to chapter 11-19.1 and a new section to chapter 23-01 of the North Dakota Century Code, relating to the establishment of a state forensic examiner; and to amend and reenact sections 11-19-09, 11-19.1-06, 11-19.1-17, and 12-45-01 of the North Dakota Century Code, relating to the office of coroner and the state forensic examiner.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-19-09 of the North Dakota Century Code is amended and reenacted as follows:

11-19-09. Physicians State forensic examiner may be summoned as experts expert - Compensation. If, on an inquest, the coroner or the jury deems it necessary, the coroner may summon ~~one or more physicians or surgeons~~ the state forensic examiner to make a scientific examination of the body. ~~The physician or surgeon in such case shall receive reasonable compensation instead of witness fees.~~

SECTION 2. AMENDMENT. Section 11-19.1-06 of the North Dakota Century Code is amended and reenacted as follows:

11-19.1-06. Persons authorized to act where no resident physician. In such counties in which no physician is residing or available, the duties of coroner as herein provided ~~shall~~ must be performed by the sheriff, the state highway patrol, or any special agent of the bureau of criminal investigation. The sheriff, the state highway patrol, or special agent shall call upon the nearest physician coroner or deputy coroner from an adjacent county to investigate the medical cause of death of all coroner cases within said county. Where, because of distance or adverse conditions, a physician coroner is not available, the sheriff, the state highway patrol, or special agent shall have the ~~closest practicing physician~~ state forensic examiner or the forensic examiner's designee called in to investigate and certify as to the medical cause of death.

SECTION 3. AMENDMENT. Section 11-19.1-17 of the North Dakota Century Code is amended and reenacted as follows:

11-19.1-17. Application. This chapter applies to every county in this state having a population of eight thousand or more, and chapter 11-19 and section 11-10-02 are not applicable to such counties. This chapter does not apply to counties having a population of less than eight thousand and such counties are governed by chapter 11-19 and section 11-10-02, except that coroners shall be appointed in these counties according to section 11-19.1-03 ~~and~~, these counties shall pay coroner's fees to other counties under subsection 1 of section 11-19.1-16, and these counties are subject to section 4 of this Act.

SECTION 4. Three new sections to chapter 11-19.1 of the North Dakota Century Code are created and enacted as follows:

State forensic examiner - Authority. Whenever requested to do so by the local coroner, acting coroner, or the local state's attorney, the state forensic examiner shall assume jurisdiction over a dead body for purposes of investigating the cause of death. The state forensic examiner may exercise all powers and authority bestowed upon the office of coroner. The cost of performing an autopsy, investigation, or inquiry remains with the county, except for an autopsy, investigation, or inquiry resulting from the death of a patient or resident of the state hospital or any other state residential facility or an inmate of a state penal institution.

State forensic examiner - Required reports. The coroner or any person acting as coroner shall report to the state forensic examiner every death that occurs:

1. As a result of violence or casualty;
2. Suddenly when in apparent good health;
3. In a suspicious or unusual manner; or
4. Involving a patient or resident of the state hospital or any other state residential facility or an inmate of a state, county, or city penal institution.

State forensic examiner - Required consultation. The coroner or any person acting as a coroner shall actively consult with the state forensic examiner in every death involving an inmate of a state, county, or city penal institution; death involving a child under the age of one when in apparent good health; and death that the coroner or acting coroner believes may have resulted from a suicide, homicide, or as a result of child abuse or neglect.

⁵⁴ SECTION 5. AMENDMENT. Section 12-45-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12-45-01. Inquest required. If a person confined in the penitentiary or the North Dakota industrial school dies, the warden or superintendent immediately shall notify the coroner of Burleigh County or Morton County, as the case may be, or when there is a vacancy in the office, or the coroner is absent or unable to act, ~~a district judge serving the county~~ the state forensic examiner. The coroner or ~~district judge~~ the state forensic examiner so notified immediately shall take possession of the body of the deceased and remove the body from the penitentiary or North Dakota industrial school and retain the body for at least twenty-four hours, and shall hold an inquest thereon and inquire carefully into the cause of the deceased's death, in the manner provided by law in cases of persons supposed to have died by unlawful means. No officer or employee of the penitentiary or North Dakota industrial school may be placed or permitted to serve on the jury at the inquest.

SECTION 6. A new section to chapter 23-01 of the North Dakota Century Code is created and enacted as follows:

Department to employ state forensic examiner - Qualifications - Duties. The state department of health and consolidated laboratories may employ and establish

⁵⁴ Section 12-45-01 was also amended by section 25 of House Bill No. 1027, chapter 120.

the qualifications and compensation of the state forensic examiner. The state forensic examiner must be a licensed physician. The state forensic examiner shall:

1. Consult with local coroners on the performance of their duties as coroners;
2. Conduct investigations into the cause of death of and perform autopsies on any dead body whenever requested to do so by the acting local county coroner or the local state's attorney;
3. Provide training and educational materials to local county coroners, law enforcement, and any other person the state forensic examiner deems necessary; and
4. Perform other duties assigned by the state health officer.

Approved April 4, 1995

Filed April 4, 1995

CHAPTER 115**SENATE BILL NO. 2357**

(Senator Nething)

CORONER ASSISTANTS AND ACTING CORONERS

AN ACT to amend and reenact sections 11-19-19 and 11-19.1-05 of the North Dakota Century Code, relating to acting coroners and appointment of assistant coroners.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-19-19 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

11-19-19. Acting coroner. When there is no coroner or the coroner is absent or unable to act, the following persons are authorized to perform the duties of coroner in relation to dead bodies:

1. The sheriff of the county, a state highway patrol officer, or any special agent of the bureau of criminal investigation.
2. An emergency medical technician who has received previous written notification from the attending physician of the deceased person that the person was suffering from an illness known to be terminal.
3. A forensic dentist or a dentist with a background in forensics.

SECTION 2. AMENDMENT. Section 11-19.1-05 of the North Dakota Century Code is amended and reenacted as follows:

11-19.1-05. Appointment of assistant. The coroner may appoint in writing an assistant coroner or coroners who shall be licensed physicians of good standing in their profession or ~~pathologists, forensic dentists,~~ who shall assist in doing autopsies and making ~~such~~ pathological and chemical examinations, and performing ~~such~~ the other duties required and directed by the county coroner or recommended by the state's attorney.

Approved March 15, 1995

Filed March 15, 1995

CHAPTER 116**SENATE BILL NO. 2231**

(Senators Nalewaja, Grindberg, W. Stenehjelm, LaFountain)
(Representatives Kelsch, Price)

CHILD FATALITY REVIEW PANEL

AN ACT to create and enact a new subsection to section 11-19.1-01 and four new sections to chapter 50-25.1 of the North Dakota Century Code, relating to definitions and to the duty of the state child protection team to serve as a child fatality review panel; to amend and reenact subsection 2 of section 11-19.1-07, sections 11-19.1-11, 11-19.1-13, 23-02.1-27, 50-25.1-01, 50-25.1-03, 50-25.1-04.1, 50-25.1-05.4, 50-25.1-05.5, 50-25.1-09, 50-25.1-09.1, 50-25.1-10, and 50-25.1-13 of the North Dakota Century Code, relating to reporting the death of a child which may have resulted from child abuse or neglect; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 11-19.1-01 of the North Dakota Century Code is created and enacted as follows:

"Suspicious circumstances" means the existence of one or more of the following factors:

- a. Self-inflicted injury;
- b. Firearm injury;
- c. Severe, unexplained injury;
- d. Pedestrian driveway injury;
- e. An injury to a child which is not witnessed by the individual responsible for the child at the time the injury occurred;
- f. Inadequate supervision;
- g. Malnutrition or delay in seeking medical care;
- h. Confinement;
- i. Bathtub or bucket drowning;
- j. Suffocation or strangulation;
- k. Poisoning;
- l. Prior child abuse or neglect assessment concerns;
- m. Open child protection service case on the victim;

- n. Victim is in the custody of the department of human services, county social services, or the division of juvenile services;
- o. Unexplained death or death in an undetermined manner;
- p. Suspected sexual assault; or
- q. Any other suspicious factor.

SECTION 2. AMENDMENT. Subsection 2 of section 11-19.1-07 of the North Dakota Century Code is amended and reenacted as follows:

2. Any person who discovers the dead body of, or acquires the first knowledge of the death of, any ~~child under the age of three years~~ minor who has received or is eligible to receive a certificate of live birth, where the ~~child~~ minor died suddenly when in apparent good health, shall immediately notify law enforcement and the office of coroner of the known facts concerning the time, place, manner, and circumstances of the death. The coroner shall take custody of the body and immediately notify the state's attorney of the county in which the body was discovered. Within twenty-four hours of the notice of a death that occurs under suspicious circumstances, the state's attorney shall consult with a law enforcement agency and the state department of health and consolidated laboratories. The law enforcement agency shall investigate the death and notify the state's attorney of the findings. The coroner shall notify the state health officer of each such death, and shall provide the state health officer the information concerning the death as ~~he~~ the state health officer shall require. The coroner or ~~his~~ the coroner's medical deputy shall notify the parent or guardian of the a child under the age of one year of ~~his~~ the right to the performance of an autopsy, at state expense, as provided by this chapter.

SECTION 3. AMENDMENT. Section 11-19.1-11 of the North Dakota Century Code is amended and reenacted as follows:

11-19.1-11. Coroner may perform autopsy - Notice of results. The coroner or ~~his~~ the coroner's medical deputy, ~~may~~, if ~~he~~ the coroner deems it necessary, may take custody of the dead body for the purpose of autopsy. When the coroner does not deem an autopsy necessary, the sheriff and state's attorney may direct an autopsy be performed by ~~the coroner or his deputy coroner, or pathologist~~. Upon the ~~request of a parent or guardian~~ death of a child whose cause of death is suspected by the child's parent or guardian or the coroner or the coroner's medical deputy to have been the sudden infant death syndrome, the coroner or ~~his~~ the coroner's medical deputy, after consultation with the parent or guardian, shall take custody of the dead body ~~for the purpose of autopsy or, in his discretion, may and shall~~ arrange for the performance of the autopsy by a qualified pathologist, unless the county coroner, sheriff, state's attorney, and the parent or guardian all agree that an autopsy is unnecessary. The parents or guardian and the state health officer shall be promptly notified of the results of that autopsy.

SECTION 4. AMENDMENT. Section 11-19.1-13 of the North Dakota Century Code is amended and reenacted as follows:

11-19.1-13. Cause of death, ~~determination~~ - Determination. The cause of death, the manner of death, and the mode in which the death occurred, as delivered by the coroner and incorporated in the coroner's verdict, ~~shall~~ must be incorporated

in the death certificate filed with the registrar of vital statistics of this state. The term "sudden infant death syndrome" ~~shall~~ may be entered on the death certificate as the principal cause of death ~~where the term is appropriately descriptive of the circumstances surrounding the death of a~~ only if the child is under the age of one year and the death remains unexplained after a case investigation that includes a complete autopsy of the infant at the state's expense, examination of the death scene, and a review of the clinical history of the infant.

SECTION 5. AMENDMENT. Section 23-02.1-27 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23-02.1-27. Disclosure of records. The state registrar, and local registrars, may supervise and regulate physical access to vital records to protect vital records from loss, mutilation, or destruction and to prevent improper disclosure of records that are confidential. Information relating to the birth or fetal death of a child to a woman who was not married to the child's father when the child was conceived or born may be disclosed only to the child's guardian, to the person to whom the record relates if that person is at least eighteen years old, to the parent of the child, or upon order of a court of competent jurisdiction. Information in vital records indicating cause of death may not be disclosed except to a relative or personal representative of the deceased, to the attorney or the agent of a relative or personal representative of the deceased, to the child fatality review panel, or upon order of a court of competent jurisdiction.

SECTION 6. AMENDMENT. Section 50-25.1-01 of the North Dakota Century Code is amended and reenacted as follows:

50-25.1-01. Purpose. It is the purpose of this chapter to protect the health and welfare of children by encouraging the reporting of children who are known to be or suspected of being abused or neglected ~~and to encourage;~~ ~~the provision~~ providing of adequate services which adequately provide for the protection and treatment of abused and neglected children and to protect them from further harm; the identifying of the cause of children's deaths, where possible; the identifying of those circumstances that contribute to children's deaths; and the recommending of changes in policy, practices, and law to prevent children's deaths.

SECTION 7. AMENDMENT. Section 50-25.1-03 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

50-25.1-03. Persons required and permitted to report - To whom reported.

1. Any physician, nurse, dentist, optometrist, medical examiner or coroner, or any other medical or mental health professional, religious practitioner of the healing arts, schoolteacher or administrator, school counselor, addiction counselor, social worker, day care center or any other child care worker, police or law enforcement officer, or member of the clergy having knowledge of or reasonable cause to suspect that a child is abused or neglected, or has died as a result of abuse or neglect, shall report the circumstances to the department if the knowledge or suspicion is derived from information received by that person in that person's official or professional capacity. A member of the clergy, however, is not required to report such circumstances if the knowledge or suspicion is derived from information received in the capacity of spiritual adviser.

2. Any person having reasonable cause to suspect that a child is abused or neglected, or has died as a result of abuse or neglect, may report such circumstances to the department ~~or the department's designee~~.

⁵⁵ SECTION 8. AMENDMENT. Section 50-25.1-04.1 of the North Dakota Century Code is amended and reenacted as follows:

50-25.1-04.1. State child protection team - How created - Duties. The department shall name the members of the state child protection team. The members must be appointed for three-year staggered terms. The member who represents the department shall serve as ~~chairperson~~ presiding officer and is responsible for the transmittal of all team reports made pursuant to this chapter. The ~~chairperson~~ presiding officer shall set meetings for the purposes of fulfilling the duties set forth in sections 50-25.1-02, 50-25.1-04, and 50-25.1-05.1. Under procedures adopted by the team, it may meet at any time, confer with any individuals, groups, and agencies, and may issue reports or recommendations on any aspect of child abuse ~~or~~, neglect, or death resulting from abuse or neglect it deems appropriate. All reports or recommendations issued are subject to ~~the provisions of~~ section 50-25.1-11, except that the team shall make available information reflecting the disposition of reports of institutional child abuse ~~or~~, neglect, or death resulting from abuse or neglect where the identity of persons reporting, and of the children and parents of children involved, is protected.

SECTION 9. Four new sections to chapter 50-25.1 of the North Dakota Century Code are created and enacted as follows:

Child fatality review panel. The state child protection team shall serve as a child fatality review panel. The department shall appoint a peace officer licensed in the state, a mental health professional, and any other person as appropriate to assist the panel in the performance of its duties. The department, in coordination with the state department of health and consolidated laboratories, shall adopt rules for the operation of the panel. Panel members are not entitled to compensation or reimbursement of expenses for service on the panel.

Child fatality review panel - Duties. The child fatality review panel shall meet at least semiannually to review the deaths of all minors which occurred in the state during the preceding six months and to identify trends or patterns in the deaths of minors. The panel shall promote:

1. Interagency communication for the management of child death cases and for the management of future nonfatal cases.
2. Effective criminal, civil, and social intervention for families with fatalities.
3. Intervention and counseling of surviving and at-risk siblings, and offer the same.
4. Interagency use of cases to audit the total health and social service systems and to minimize misclassification of cause of death.

⁵⁵ Section 50-25.1-04.1 was also amended by section 2 of Senate Bill No. 2068, chapter 472.

5. Evaluation of the impact of specific risk factors including substance abuse, domestic violence, and prior child abuse.
6. Interagency services to high-risk families.
7. Data collection for surveillance of deaths and the study of categories of causes of death.
8. The use of media to educate the public about child abuse prevention.
9. Intercounty and interstate communications regarding child death.
10. Use of local child protection team members as local child fatality review panelists.
11. Information that apprises a parent or guardian of the parent's or guardian's rights and the procedures taken after the death of a child.

Child fatality review panel - Access to records. Upon the request of a coroner or the presiding officer of a child fatality review panel, any hospital, physician, medical professional, medical facility, mental health professional, or mental health facility shall disclose all records of that entity with respect to any child who has or is eligible to receive a certificate of live birth and who has died. The person submitting the request shall reimburse the disclosing entity for the actual costs of assembling and disclosing the information.

Child fatality review panel - Confidentiality of meetings, documentation, and reports. Notwithstanding section 44-04-19, all meetings of the panel are closed to the public. Notwithstanding section 44-04-18, all documentation and reports, except for an annual report, of the panel are confidential. The panel shall make available to the persons designated in section 50-25.1-11 the documentation and reports of the panel.

⁵⁶ **SECTION 10. AMENDMENT.** Section 50-25.1-05.4 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

50-25.1-05.4. Department of human services to adopt rules for review of investigations of probable cause findings. The department of ~~human services~~ shall adopt rules to resolve complaints and conduct appeal hearings requested by the subject of a report of suspected child abuse ~~or~~, neglect, or death resulting from abuse or neglect who is aggrieved by the conduct or result of the investigation of a probable cause finding of the suspected child abuse or neglect.

⁵⁷ **SECTION 11. AMENDMENT.** Section 50-25.1-05.5 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

⁵⁶ Section 50-25.1-05.4 was also amended by section 7 of Senate Bill No. 2068, chapter 472.

⁵⁷ Section 50-25.1-05.5 was also amended by section 8 of Senate Bill No. 2068, chapter 472.

50-25.1-05.5. Child abuse information index - Establishment. The division of children and family services or other division as determined appropriate by the department shall maintain a child abuse information index of all reports of determinations of probable cause for child abuse ~~or~~, neglect, or death resulting from abuse or neglect filed pursuant to section 50-25.1-05.2.

⁵⁸ **SECTION 12. AMENDMENT.** Section 50-25.1-09 of the North Dakota Century Code is amended and reenacted as follows:

50-25.1-09. Immunity from liability. Any person, other than the alleged violator, participating in good faith in the making of a report, assisting in an investigation, furnishing information to an investigator, or in providing protective services under this chapter, or who is a member of the child fatality review panel, is immune from any liability, civil or criminal, except for criminal liability as provided by section 50-25.1-13, that otherwise might result from reporting the alleged case of abuse ~~or~~, neglect, or death resulting from child abuse or neglect. For the purpose of any proceeding, civil or criminal, the good faith of any person required to report cases of child abuse ~~or~~, neglect, or death resulting from abuse or neglect must be presumed.

SECTION 13. AMENDMENT. Section 50-25.1-09.1 of the North Dakota Century Code is amended and reenacted as follows:

50-25.1-09.1. Employer retaliation prohibited.

1. An employer who retaliates against an employee solely because the employee in good faith reported having reasonable cause to suspect that a child was abused or neglected, or died as a result of abuse or neglect, or because the employee is a child with respect to whom a report was made, is guilty of a class B misdemeanor. It is a defense to any charge brought under this section that the presumption of good faith, described in section 50-25.1-09, has been rebutted.
2. The employer of a person required or permitted to report pursuant to section 50-25.1-03 who retaliates against the person because of a report of abuse or neglect, or a report of a death resulting from child abuse or neglect, is liable to that person in a civil action for all damages, including exemplary damages, costs of the litigation, and reasonable attorney's fees.
3. There is a rebuttable presumption that any adverse action within ninety days of a report is retaliatory. For purposes of this subsection, an "adverse action" is action taken by an employer against the person making the report or the child with respect to whom a report was made, including:
 - a. Discharge, suspension, termination, or transfer from any facility, institution, school, agency, or other place of employment;
 - b. Discharge from or termination of employment;

⁵⁸ Section 50-25.1-09 was also amended by section 10 of Senate Bill No. 2068, chapter 472.

- c. Demotion or reduction in remuneration for services; or
- d. Restriction or prohibition of access to any facility, institution, school, agency, or other place of employment, or persons affiliated with it.

SECTION 14. AMENDMENT. Section 50-25.1-10 of the North Dakota Century Code is amended and reenacted as follows:

50-25.1-10. Abrogation of privileged communications. Any privilege of communication between husband and wife or between any professional person and his patient or client, except between attorney and client, is abrogated and does not constitute grounds for preventing a report to be made or for excluding evidence in any proceeding regarding child abuse or, neglect, or death resulting from abuse or neglect resulting from a report made under this chapter.

SECTION 15. AMENDMENT. Section 50-25.1-13 of the North Dakota Century Code is amended and reenacted as follows:

50-25.1-13. Penalty for failure to report - Penalty and civil liability for false reports. Any person required by this chapter to report or to supply information concerning a case of known or suspected child abuse, neglect or abuse, or death resulting from abuse or neglect who willfully, as defined in section 12.1-02-02, fails to do so is guilty of a class B misdemeanor. Any person who willfully, as defined in section 12.1-02-02, makes a false report, or provides false information which causes a report to be made, under this chapter is guilty of a class B misdemeanor unless the false report is made to a law enforcement official, in which case the person who causes the false report to be made is guilty of a class A misdemeanor. A person who willfully makes a false report, or willfully provides false information that causes a report to be made, under this chapter is also liable in a civil action for all damages suffered by the person reported, including exemplary damages.

SECTION 16. EFFECTIVE DATE. This Act becomes effective on January 1, 1996.

Approved April 17, 1995
Filed April 18, 1995

CHAPTER 117**SENATE BILL NO. 2289**

(Senators Nething, Wanzek)
(Representatives Hanson, Kroeber)

COUNTY PARK CONCESSIONS

AN ACT to create and enact a new subsection to section 11-28-05 of the North Dakota Century Code, relating to powers of a board of county park commissioners; to amend and reenact sections 48-09-01 and 48-09-02 of the North Dakota Century Code, relating to granting of concessions by a board of county park commissioners; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 11-28-05 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

Lease lands owned or controlled by the board for residential, camping, concession, and other purposes under terms determined by the board, and to deposit and expend any income from the lease as other moneys under the control of the board.

SECTION 2. AMENDMENT. Section 48-09-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

48-09-01. Granting of concessions for cafes, restaurants, and confectioneries on public buildings and grounds. Any state official, board, or commission, any county official, board, or commission, and any municipal officer, board, or commission, having the supervision, control, and management of any state, county, or municipal building and the adjacent grounds thereof, when it is deemed to be for the public benefit and good, may grant a concession therein or thereon for any cafe, restaurant, or confectionery, by renting, leasing, and licensing any such concession to the highest bidder or best bidder, or both, at a reasonable rental per month, for a period not exceeding eight years, and may reject any and all bids therefor. Provided, the board of directors of any North Dakota fair association or board of county park commissioners may grant a concession under this chapter without letting bids.

SECTION 3. AMENDMENT. Section 48-09-02 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

48-09-02. Concession advertised in legal newspaper. ~~When~~ Except as otherwise provided in section 48-09-01, when the concession granted pursuant to section 48-09-01 is deemed worth more than five hundred dollars, the same must be let to the highest bidder or best bidder, or both, after the advertisement for bids therefor once in each week for three consecutive weeks in a legal newspaper published in the city at or near which such concession is located.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 15, 1995

Filed March 15, 1995

CHAPTER 118**SENATE BILL NO. 2261**

(Senator Lee)

(Representatives Koppelman, Maragos)

REDEMPTION EXPIRATION NOTICE MAILING

AN ACT to amend and reenact subsection 2 of section 11-33.2-12, and sections 57-27-02, 57-28-05, 57-28-06, and 57-28-18 of the North Dakota Century Code, relating to the notice requirements for subdivision approval and expiration of the period of redemption for a tax certificate.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 11-33.2-12 of the North Dakota Century Code is amended and reenacted as follows:

2. No plat shall be finally approved or disapproved by the board of county commissioners except upon receipt of recommendations by both the county planning commission and the board of township supervisors of the township in which the proposed subdivision is located. The board of county commissioners shall, by ~~registered~~ certified mail, notify the chairman of the board of township supervisors that an application for plat approval has been initiated, either before the county planning commission or before the board of county commissioners, and that the board of township supervisors is requested to make a recommendation on the application. If the board of county commissioners does not receive, by ~~registered~~ certified mail, a recommendation by the board of township supervisors within sixty days after notification, it may take final action on the application for plat approval. The recommendations by either the county planning commission or the board of township supervisors shall not be binding on the county commissioners.

SECTION 2. AMENDMENT. Section 57-27-02 of the North Dakota Century Code is amended and reenacted as follows:

57-27-02. Notice of expiration of period of redemption - Contents and service of notice.

1. After three years and before ten years from the date of the tax sale to which a tax sale certificate relates, the holder of the tax sales certificate may present it to the county auditor for service of notice of expiration of the period of redemption. The notice must be directed to the person in whose name the property described in the certificate is assessed, to all lienholders of record, and to all mortgagees or assignees of mortgages holding unsatisfied recorded mortgages. The notice must include:
 - a. The description of the property.
 - b. The amount for which the property was sold at tax sale.
 - c. The amount of delinquent property taxes, with penalties and interest, for each year.

- d. The amount of delinquent special assessments, with penalties and interest, for each year.
 - e. The total amount required to redeem the property from tax deed proceedings, not including costs yet to accrue.
 - f. The time when the redemption period will expire.
2. If the current assessment records show that a residential building is located on the property, the county auditor shall deliver the notice of expiration of the period of redemption to the sheriff who shall serve it or cause it to be served personally upon the owner, if known to be a resident of this state. If the owner is a nonresident of this state, the sheriff shall serve the notice by ~~registered~~ certified mail addressed to the owner at the owner's last known post-office address and determine whether personal service upon any person is required under subsection 4. If the current assessment records show that no residential building is located on the property, the auditor shall serve the notice by ~~registered~~ certified mail addressed to the owner at the owner's last known post-office address. If service is made by ~~registered~~ certified mail under this subsection, service must also be made by publication once in each week for three consecutive weeks in the official county newspaper. If notice is published under this section, it must contain the description and any street address of the property. However, the failure to include the street address in the notice does not affect the validity of the notice.
 3. Within ten days after a request by the county auditor, the register of deeds and the clerk of the district court shall furnish the county auditor with a certified list giving the names and addresses of all persons who appear to be interested as owners, mortgagees, lienholders, or otherwise in the property except a person whose only interest is in a mineral interest that was severed from the surface estate before the filing of any unsatisfied lien or mortgage or before January first of the year following the year for which the taxes were levied and to which the tax sale certificate issued or deemed to have been issued relates, upon whom the notice of the expiration of the period of redemption must be served.
 4. The notice must be served personally upon any person actually residing upon the property covered by a tax sale certificate and upon any tenant or other person entitled to the possession of the property as may appear from the records of the register of deeds.
 5. The county auditor shall serve the notice of the expiration of the period of redemption upon each mortgagee, lienholder, and other person with an interest in the property except a person whose only interest is in a mineral interest that was severed from the surface estate before the filing of any unsatisfied lien or mortgage or before January first of the year following the year for which the taxes were levied and to which the tax sale certificate issued or deemed to have been issued relates, and upon whom personal service is not required by this section, as shown by the records of the register of deeds or the clerk of the district court of the county. The notice must be served by ~~registered~~ certified mail.
 6. The expense of service of the notice under this section must be added to the amount required to redeem. The auditor or sheriff shall make proof of service by mail by affidavit showing the names and addresses of all

parties upon whom the notice was served with the date of mailing in each case and shall attach the registry, certification, and return receipts and file the affidavit and receipts with the original notice of the expiration of the period of redemption. Service by publication under this section must be shown of record by filing of an affidavit of publication.

SECTION 3. AMENDMENT. Section 57-28-05 of the North Dakota Century Code is amended and reenacted as follows:

57-28-05. Form of notice for service by registered certified mail. The notice of the expiration of the period of redemption which the county auditor is required to serve by ~~registered~~ certified mail must be substantially in the following form:

NOTICE OF EXPIRATION OF PERIOD OF REDEMPTION

To _____, the owner of the record title of the real estate hereinafter described, and to all mortgagees, lienholders, and other persons interested in said real estate:

I, _____, county auditor of _____ County, North Dakota, hereby give notice that the real estate hereinafter described, at the annual tax sale held in the county on the _____ of December, 19__, was offered for sale for delinquent taxes against it for the year _____ and was sold to the county, that subsequent tax sale certificates have been issued to the county for the years hereinafter set forth, that more than three years have expired since the date of each of said tax sale certificates, that no redemption has been made therefrom, and that the same still are the property of such county, and unless redemption is made from each of said tax sale certificates on or before October first, after the date of this notice, tax deeds will be issued to the county, granting to and vesting in it, the absolute title in fee to said real property, subject, however, to the lien for installments of special assessments certified or to be certified to the county auditor or which may become due subsequent to the time of service of this notice, and foreclosing all rights of redemption, and all other rights of the owner, mortgagees, lienholders, and other persons interested therein, as may appear from the records of the register of deeds and the clerk of the district court of said county. There is given herewith the description of such parcels of real estate, and set opposite each description is the amount which will be required upon the date of the expiration of the period of redemption to redeem such real estate from such original and each subsequent tax sale certificate issued to the county, exclusive of the cost of service of this notice.

Said property is described as follows, with the amount required to redeem set out opposite each description, to wit: _____

Given pursuant to authority of law this _____ day of _____, 19__.

County auditor of _____ County, North Dakota.

SECTION 4. AMENDMENT. Section 57-28-06 of the North Dakota Century Code is amended and reenacted as follows:

57-28-06. Service of notice by publication. The county auditor shall serve notice of the expiration of the period of redemption by publication as to all property sold to the county for taxes for which notice is served upon the owner by registered certified mail. The notice may include any number of parcels of property and only one heading is necessary for the entire list. The notice must contain the description and any street address of each parcel of property. However, the failure to include the street address in the notice does not affect the validity of the notice. The notice must include a statement of the cost of publication of the notice. The notice must be published once on or before August first in the official newspaper of the county.

SECTION 5. AMENDMENT. Section 57-28-18 of the North Dakota Century Code is amended and reenacted as follows:

57-28-18. Terms of private sale and redemption and distribution of proceeds. Any private sale of real property made between the annual November sales must be made upon the same terms and conditions as a sale may be made at the November sale. The sale or redemption of farmland acquired by the county by tax deed is subject to any existing lease of the property for the year of the sale or redemption. If the farmland is to be sold by private sale to any person other than the former owner or other interested person, a deed or contract for deed may not be delivered to the purchaser until thirty days after service by registered certified mail upon the former owner or other interested party of the pending sale, the date when the sale will become final, and the amount required to redeem the property. For the purposes of this section, "other interested party" means the executor, administrator, parent, spouse, or child of the former owner who has notified the county auditor in writing of that status, the address at which service may be made, and that the person should be notified of the expiration of the period of redemption in connection with any private sale of the property.

In case of the sale, contract for sale, or redemption of tax deed property during January, the property must be assessed and taxed for that year, and the purchaser or redemptioner is entitled to the rental and landlord's share of crops on the property for the year. In case of the sale, contract for sale, or redemption of tax deed land after January, the property must not be assessed and taxed for that year, and the county is entitled to the rental and landlord's share of the crops on the property for the year. The proceeds realized from a sale between annual November sales must be apportioned in the same manner as the proceeds of the annual November sale.

Approved March 10, 1995

Filed March 13, 1995