

TITLE 11 Counties Summary of Bills Enacted by 2009 Legislative Assembly

This memorandum summarizes 2009 legislation primarily affecting North Dakota Century Code Title 11. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2359 removes the requirement that meetings of boards of county commissioners be held at the county courthouse at statutorily specified times and allows a board of county commissioners to meet at the times and places designated by the board as established by resolution or ordinance. The bill changes the membership of a board of county park commissioners from the members of the board of county commissioners and two residents of the county appointed by the board of county commissioners to a five-member to seven-member board appointed by the board of county commissioners which must include two members of the county commission and at least two residents of the county. The bill authorizes the board of county park commissioners to appoint an official other than the county auditor to serve as the secretary of the board. The bill reduces the quorum requirement of a board of county park commissioners from two-thirds to one-half of the members of the board. The bill was declared to be an emergency measure and became effective upon filing with the Secretary of State on May 1, 2009.

Senate Bill No. 2168 revises several provisions relating to the duties and responsibilities of county coroners. The bill extends the term of an appointment to the position of county coroner from two years to five years. The bill provides that a physician, an advanced practice registered nurse, a registered nurse, a physician assistant, or any other individual determined by the State Forensic Examiner to be qualified may be eligible to appointment as a coroner. The bill provides that a report of death, an autopsy report, and any working papers, notes, images, pictures, photographs, or other recordings of a coroner are confidential. The bill authorizes the State Forensic Examiner to order an autopsy, exercise all powers of a coroner, and take jurisdiction over a deceased human body. The bill requires an individual appointed to the position of State Forensic Examiner to be a physician who is board-certified or board-eligible in forensic pathology, licensed in North Dakota, and in good standing in the profession. The bill provides that an autopsy report of the State Forensic Examiner and any working papers and notes relating to an autopsy report are confidential, but a report of death is a public record. The bill authorizes the State Forensic Examiner to disclose a copy of an autopsy report under certain special circumstances.

House Bill No. 1271 establishes guidelines for the redistricting of county commissioner districts. The bill provides that a county redistricting board must first attempt to make districts contiguous following township lines and substantially equal in population and, if that is not practical, then must attempt to make districts as nearly equal in population as is practicable. The bill adds the county auditor or other county election official as an ex officio, nonvoting member on a county redistricting board.

Senate Bill No. 2243 authorizes a county to accept payments due to the county by wire transfer, electronic transfer, automated clearinghouse, or through a nationally recognized credit card or debit card. The bill also authorizes a county to add to the payment as a service charge a reasonable fee not exceeding the discount, exchange fee, or other fee incurred by the county in accepting the payment.

House Bill No. 1107 requires a home rule county to pay for an attorney and expenses necessary for the adequate defense of an indigent person prosecuted for a violation of a home rule county ordinance.

House Bill No. 1257 prohibits a home rule county from using home rule authority to impose higher or lower property tax rates for certain properties and requires all taxable property to be assessed at the same rate, unless otherwise provided by law. The bill is effective for taxable years beginning after December 31, 2008.

House Bill No. 1301 requires a party that presents an affidavit of affixation to real property of a manufactured home to the county recorder for conversion of the manufactured home to real property to also present a statement that the party has filed with the State Board of Equalization a report of the full consideration paid for the manufactured home before the affixation to the real property, a statement that the party has filed with the recorder a report of the full consideration paid for the manufactured home before the affixation, or a statement of the full consideration paid by the party for the manufactured home before the affixation.

House Bill No. 1324 removes a statutory reference to the optional long-form income tax return, which the bill eliminates.