

# COUNTIES

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## CHAPTER 99

H. B. No. 743

(Bauer, Erickson(4), Metzger)

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### COUNTY COMMISSIONER SALARIES AND EXPENSES

#### AN ACT

To amend and reenact subsection 3 of section 11-10-10 of the 1965 Supplement to the North Dakota Century Code, relating to the salaries and expenses of county commissioners.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Amendment.)** Subsection 3 of section 11-10-10 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Each county commissioner may, by resolution of the board, be allowed the sum of fifteen dollars per day while performing his duties in attending meetings of the board of county commissioners of which he is a member or when engaged in other official duties, whether outside or within the county, and an allowance for actual meals and lodging expenses in an amount not to exceed twelve dollars, but shall not be entitled to any allowance wherein he resides other than the attendance at meetings of the board of county commissioners of which he is a member as herein provided. Claims for lodging as herein provided, but not for meals shall be covered by a sub-voucher or receipt as provided by section 21-05-01 of the Code as amended. If a meeting of a board of county commissioners is of more than one day's duration, a county commissioner may charge for and collect mileage or other transportation expense for travel actually made in going to his home and returning therefrom for each overnight period that the meeting may remain in session, but shall not be entitled to charge and collect for an evening meal on the date of going to his home or a morning meal on the date of his return. For the purpose of collecting per diem, living expenses, and transportation expenses incident to the attendance of any county commissioner at any statewide meeting of the North Dakota county commissioners association, such attendance at said meeting shall be considered the performance of an

official duty within the meaning of this section. Each county commissioner while performing official duties shall be allowed his mileage and transportation expenses not in excess of the amounts provided in section 11-10-15, and when such transportation is furnished by rail or other common carrier including regularly scheduled airlines, such claims shall comply in all respects with section 21-05-01 of the code as amended. No county commissioner residing within the corporate limits of the county seat may charge for and collect for mileage or other sums in lieu thereof, or for meals and lodging, for attending any meeting of the board of county commissioners of which he is a member or for attending any statewide meeting of the North Dakota county commissioners association held in the county seat where he resides. Total compensation and expenses, including per diem, board and lodging, and transportation expense, received by any member of a board of county commissioners shall be charged to and paid from the general fund of the county only and shall not exceed for each fiscal year the following amounts: In counties having a population of eight thousand or less, three thousand two hundred dollars; in counties having a population of over eight thousand and less than fifteen thousand, three thousand seven hundred and fifty dollars; and in counties having a population of over fifteen thousand, four thousand five hundred dollars, and for the purpose of fixing the maximums herein provided, population figures shall be those established by the most recent federal census.

Approved March 14, 1967.

## CHAPTER 100

H. B. No. 797

(Connolly, McDonald(21), Dahlen, Belter, Lillehaugen)

## LOCATION OF COUNTY OFFICES

## AN ACT

To amend and reenact section 11-10-20 of the North Dakota Century Code, relating to location of county offices.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.)** Section 11-10-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**11-10-20. Board of County Commissioners to Provide Offices, Courtroom, Jail—Where Public Records Kept.)** The board of county commissioners shall provide a courtroom and jail, and shall provide offices in the courthouse of the county for the sheriff, county treasurer, register of deeds, auditor, clerk of the district court, state's attorney, county judge, county superintendent of schools, and any other officer who has charge of public records. If there is no courthouse in the county or if the courthouse erected has not sufficient capacity, such offices shall be furnished by the county in a suitable building at the county seat for all elected officials, and at any place within the county for appointive or administrative officials, at the lowest rent to be obtained. Provided further that this section shall not apply where county officials may serve more than one county as may be otherwise authorized by law.

Approved March 14, 1967.

## CHAPTER 101

H. B. No. 761  
(Hensrud, Kelsch, Boyum)

## SHERIFF UNIFORM ALLOWANCE

## AN ACT

To create and enact a section of the North Dakota Century Code, relating to a uniform allowance for sheriffs and full-time deputy sheriffs, excluding office deputies.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1.) Uniform Allowance for Sheriffs and Full-Time Deputy Sheriffs, Excluding Office Deputies.)** An allowance for the purchase and maintenance of uniforms for sheriffs and full-time deputy sheriffs, excluding office deputies, shall be allowed by the board of county commissioners in each county in an amount not to exceed two hundred dollars per man the first year and one hundred dollars per man each succeeding year for the sheriffs and full-time deputy sheriffs, excluding office deputies.

**§ 2. Standard Uniform Established.)** The attorney general with the advice of interested parties and associations shall prescribe a standard uniform for sheriffs and full-time deputy sheriffs.

**§ 3. Uniform Surrendered When Term of Office Ends.)** The uniforms and parts thereof purchased by the board of county commissioners shall be returned to the sheriff's office upon termination of employment of each sheriff and full-time deputy.

Approved March 14, 1967.

## CHAPTER 102

H. B. No. 898  
(Giffey)

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STATISTICAL INFORMATION COMPILED BY  
COUNTY OFFICIALS

## AN ACT

To amend and reenact section 11-13-02.1 of the North Dakota Century Code, relating to preparation of statistical material by county officials.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.**) Section 11-13-02.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**11-13-02.1. Duties of County Official in Rendering Services to Private Individuals, Firms, or Corporations—Fees To Be Charged—Disposition of Fees—Records To Be Kept.)** It shall not be the duty of any county official to compile statistical information for, or furnish copies of records to, private individuals, firms, or corporations, other than that required of him by section 11-13-15. At his own discretion he may compile statistical information for, or furnish copies of records to, private individuals, firms, or corporations upon payment of a suitable charge which shall be commensurate with costs to the county of providing such services. Such fee shall be a minimum of twenty-five cents and shall not exceed the sum of one dollar per hour for time consumed in compiling such statistical information or preparing such copies of records, to be remitted each month to the county treasurer for credit to the county general fund. The county official shall keep a complete record of fees collected under this section.

Approved March 6, 1967.

## CHAPTER 103

H. B. No. 792  
(Erickson(4), Wilkie)

## SALE OF PROPERTY BY COUNTY COMMISSIONERS

## AN ACT

To amend and reenact section 11-27-01 of the North Dakota Century Code, relating to the sale of property by boards of county commissioners.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 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 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 property may be sold only at public sale.

Approved March 14, 1967.

## CHAPTER 104

H. B. No. 625

(Freeman, Backes, Peterson(5), Fossum, Haugland, Solberg(9),)  
(Ferguson, Lee, Williamson)

## COUNTY SPECIAL SERVICE DISTRICTS

## AN ACT

To empower boards of county park commissioners to establish special service districts for the purpose of providing police protection and garbage removal services, and declaring an emergency.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Board of County Park Commissioners May Establish Service Districts.)** For the purpose of providing police protection and garbage removal services and defraying the cost thereof, any board of county park commissioners may create police protection and garbage removal service districts, and may extend any such district when necessary. The appropriate police protection or garbage removal district shall be created by resolution. The district shall be designated by a name appropriate to the type of service provided for which it was created, and by a number distinguishing it from other service districts. A police protection or garbage removal district may be composed in part or entirely of or include real property which is not otherwise under the jurisdiction of the board of county park commissioners, but which is contiguous to real property under the jurisdiction of the park commissioners and directly benefited by the proposed police protection and garbage removal. The county park commissioners may provide garbage collection services in such district as designated in the resolution, and may designate police officers who shall have police powers for the enforcement of the laws of this state within such district, such police authority to be executed concurrently with other law enforcement officers having jurisdiction over such area.

**§ 2. Plans and Specifications Required—Approval.)** Following the creation of a service district as provided in section 1 of this Act, the board of county park commissioners shall prepare plans and specifications for such project, including an estimate of the probable cost. The plans, specifications, and estimates provided for shall be approved by a resolution of the board of county park commissioners. The plans, specifications, and estimates shall be the property of the county and shall be filed in the office of the county auditor and shall remain on file in his office subject to inspection by interested persons.

**§ 3. Hearing—Notice.)** The board of county park commissioners shall cause the resolution adopting the plans, specifications, and estimates for the police protection or garbage removal district to be published once each week for two consecutive weeks in the official county newspaper, together with a notice of the time and place where the board of county park commissioners will meet to hear objections made by any interested party, his agent, or attorney. The date set for such hearing shall be not less than fifteen days after the first publication of the notice.

**§ 4. Protest Against Establishing Service District—Hearing to Determine Sufficiency—When Protest a Bar to Proceeding.)** If, within thirty days after the hearing provided for in section 3 of this Act, written protests signed by the owners of more than half of the area of the property included within the service district are filed in the offices of the county auditor, the protests shall be a bar against proceeding further with the project described in the specifications. The board of county park commissioners, at its next meeting after the expiration of the time for filing such protests, shall consider and determine the sufficiency of any protests filed. If no protests are filed or the protests are found to be insufficient or invalid, the board of county park commissioners may initiate and carry on the project.

**§ 5. Assessment of Expenses.)** The expenses of maintaining the service provided by the service district shall be assessed against the parcels of land properly chargeable therewith, in amounts to be determined by and in accordance with the provisions of section 40-23-05 of the North Dakota Century Code. For the purpose of assessing the expenses of a service district, the board of county park commissioners shall serve as the special assessment commission.

**§ 6. Assessment List To Be Prepared—Contents—Certificate Attached to Assessment List.)** The board of county park commissioners, serving as the special assessment commission, shall make or cause to be made a complete list of the annual benefits and assessments setting forth each lot or tract of land assessed, the amount each lot or tract is annually benefited by the service, and the amount annually assessed against each. There shall be attached to the list of assessments a certificate signed by a majority of the members of the county park commission certifying that the same is a true and correct assessment of the property therein described to the best of their judgment, and stating the several items of expense included in the assessment.



**§ 7. Publication of Assessment List and Notice of Hearing of Objections to List.)** The county park commission shall cause the assessment list, which list shall not include the amount each lot or tract is benefited by the improvement, to be published once each week for two consecutive weeks in the official newspaper of the county, together with a notice of the time when and the place where the commission will meet to hear objections made to any assessment by any interested party, his agent, or attorney; provided that in lieu of publication of an assessment list, if it includes more than five thousand lots or tracts, the commission may cause it to be filed and made available for public inspection at all times after the first publication of the notice, during reasonable business hours, at such place as shall be designated in the published notice. The date set for such hearing shall be not less than fifteen days after the first publication of the notice.

**§ 8. Alteration of Assessments at Hearing — Limitations.)** At the hearing, the county park commission may make such alterations in the assessments as in its opinion may be just or necessary to correct any error in the assessment list. The commission may increase or diminish any assessment as may be just and necessary to make the aggregate of all assessments equal to the total amount required to pay the entire cost of the service for which such assessments are made. No assessment shall exceed the benefits as determined by the commission to the parcel of land assessed.

**§ 9. Confirmation of Assessment List After Hearing—Filing List.)** The county park commission, after the hearing, shall confirm the list and attach thereto its further certificate certifying that the list is correct as confirmed by it. The commission thereafter shall file the assessment list in the office of the county auditor.

**§ 10. Publication of Notice of Confirmation of Assessment List and Meeting for Action Upon Assessments.)** The county auditor shall publish at least once in the official newspaper of the county a notice stating that the assessment list has been confirmed by the county park commission and filed in his office and is open to public inspection. The notice also shall state the time when and the place where the board of county commissioners will act upon such assessment list. The assessment list shall be acted upon by the board of county commissioners at a regular or special meeting occurring more than fifteen days after the publication of such notice.

**§ 11. Aggrieved Person May File Notice of Appeal.)** Prior to the meeting at which the board of county commissioners will act upon the assessment, any aggrieved person may appeal

from the action of the county park commission by filing with the county auditor a written notice of the appeal, stating therein the grounds upon which the appeal is based.

**§ 12. Board of County Commissioners to Hear and Determine Appeals and Objections to Assessments—Altering Assessments—Limitations.)** At the regular meeting of the board of county commissioners at which the assessment list is to be acted upon, any person aggrieved by the determination of the county park commission in regard to any assessment who has appealed therefrom as provided in section 11 of this Act may appear before the board of county commissioners and present his reasons why the action of the commission should not be confirmed. The board of county commissioners shall hear and determine the appeals and objections and may increase or diminish any of such assessments as it may deem just, except that the aggregate amount of all the assessments returned by the county park commission shall not be changed and no assessments as adjusted shall exceed the benefits to the parcel of land on which it is assessed as determined by the assessment commission.

**§ 13. Confirmation of Assessment List by Governing Body—Certifying List—Filing.)** The board of county commissioners shall confirm the assessment list, and the county auditor shall attach to the list his certificate that the same is correct as confirmed by the governing body, and thereupon shall file the list in his office.

**§ 14. Use of Collections of Assessments.)** All collections of special assessments levied pursuant to this Act shall be credited as received to the special fund maintained by the county for the payment of any obligations for which the assessments were levied.

**§ 15. Board of County Park Commissioners May Contract—Contents.)** Any board of county park commissioners may contract with one or more political subdivisions for the participation in or the performance of police protection and garbage removal services in accordance with section 54-40-08 of the North Dakota Century Code. Any such contract shall set forth fully the purpose, powers, rights, obligations, and the responsibilities, financial and otherwise, of the contracting parties.

**§ 16. Service Assessment Funds and the Disbursements Thereof.)** The provisions of chapter 40-24 of the North Dakota Century Code shall be followed in the collection and disbursement of the funds to be collected to cover the cost of operating a service district; provided, however, that nothing in chapter 40-24 shall limit the length of time for which assessments for

police protection and garbage removal services may be levied. Such assessments may be levied so long as the service is rendered.

**§ 17. Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 14, 1967.

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## CHAPTER 105

S. B. No. 158

(Litten, Longmire, Larson(32) )

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### REGIONAL PLANNING AND ZONING COMMISSIONS

#### AN ACT

Providing for regional planning and zoning commissions for areas adjacent to cities, and repealing chapter 11-34 of the North Dakota Century Code, relating to county zoning adjacent to cities.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Regional Commissions—Appointment—Powers.)** The governing boards of counties, municipal corporations, and organized townships may cooperate to form, organize, and administer a regional planning and zoning commission for the region defined as may be agreed upon by the governing bodies of such political subdivisions. The regional commission membership shall consist of five members; namely, one from the board of county commissioners, two from the rural region affected, and two from the municipality, the members from each to be appointed by the respective governing boards. The proportion of cost of regional planning, zoning, studies, and surveys to be borne respectively by each of the said political subdivisions in the region, shall be such as may be agreed upon by their governing boards. The regional commissions, when requested by the governing board of a political subdivision in its region, may exercise any of the powers which are specified and granted to counties, municipal corporations, or organized townships in matters of planning and zoning. Upon organization of such commission, publication and hearing procedures shall be conducted pursuant to section 11-33-08 and 11-33-09 of the North Dakota Century Code. Appeal from a decision of the commission may be taken to the district court.

**§ 2. Zoning of Territory Adjacent to Cities.)** Until the organization of either a regional planning and zoning commission as provided herein or township or county zoning commission pursuant to sections 58-03-11 through 58-03-15 and chapter 11-13, respectively, of the North Dakota Century Code, any municipal corporation which shall determine to use zoning regulations shall have exclusive jurisdiction and power to zone over all land over which it has authority to control subdivisions and platting of land as provided in section 40-48-18 of the North Dakota Century Code.

**§ 3. Repeal.)** Chapter 11-34 of the North Dakota Century Code is hereby repealed.

Approved March 15, 1967.